



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

51 Construction Industry Licensing Board; the Electrical  
 52 Contractors' Licensing Board; the Board of  
 53 Professional Geologists; the Drug Wholesale  
 54 Distributor Advisory Council; the Motor Vehicle Repair  
 55 Advisory Council; and the Agricultural Economic  
 56 Development Project Review Committee, respectively;  
 57 amending ss. 120.54, 212.08, 215.5586, 215.55871,  
 58 309.01, 310.0015, 310.002, 310.051, 310.061, 310.071,  
 59 310.073, 310.075, 310.081, 310.101, 310.102, 310.111,  
 60 310.121, 310.131, 310.142, 310.151, 310.183, 310.185,  
 61 326.002, 326.006, 376.303, 381.0065, 403.868,  
 62 403.9329, 440.02, 448.26, 455.203, 455.271, 468.382,  
 63 468.385, 468.3851, 468.3852, 468.3855, 468.386,  
 64 468.387, 468.388, 468.389, 468.392, 468.393, 468.395,  
 65 468.396, 468.397, 468.398, 468.404, 468.407, 468.431,  
 66 468.433, 468.4336, 468.435, 468.436, 468.520, 468.522,  
 67 468.524, 468.5245, 468.525, 468.526, 468.527,  
 68 468.5275, 468.529, 468.530, 468.531, 468.532, 468.603,  
 69 468.606, 468.607, 468.613, 468.619, 468.621, 468.627,  
 70 468.629, 468.631, 468.8312, 468.8315, 468.8412,  
 71 468.8415, 468.8417, 468.8419, 469.004, 469.012,  
 72 469.013, 471.011, 471.017, 471.019, 471.045, 472.003,  
 73 472.005, 472.006, 472.011, 472.0202, 472.0203,  
 74 473.302, 473.3035, 473.304, 473.305, 473.306, 473.309,  
 75 473.3101, 473.311, 473.3125, 473.313, 473.314,

76 | 473.315, 473.316, 473.319, 473.3205, 473.321, 473.322,  
 77 | 473.323, 474.202, 474.2065, 474.207, 474.211,  
 78 | 474.2125, 474.213, 474.214, 474.215, 474.216,  
 79 | 474.2165, 474.217, 474.221, 475.451, 476.034, 476.074,  
 80 | 476.114, 476.134, 476.144, 476.154, 476.155, 476.192,  
 81 | 476.204, 476.214, 476.234, 477.013, 477.0135, 477.016,  
 82 | 477.018, 477.019, 477.0201, 477.0212, 477.022,  
 83 | 477.025, 477.026, 477.0263, 477.028, 477.029, 481.203,  
 84 | 481.207, 481.209, 481.211, 481.215, 481.217, 481.219,  
 85 | 481.221, 481.222, 481.223, 481.225, 481.2251, 481.303,  
 86 | 481.306, 481.307, 481.309, 481.310, 481.311, 481.313,  
 87 | 481.315, 481.317, 481.323, 481.325, 489.103, 489.105,  
 88 | 489.108, 489.109, 489.111, 489.113, 489.1131,  
 89 | 489.1136, 489.114, 489.115, 489.116, 489.117, 489.118,  
 90 | 489.119, 489.1195, 489.121, 489.126, 489.127, 489.129,  
 91 | 489.131, 489.132, 489.133, 489.1401, 489.1402,  
 92 | 489.141, 489.142, 489.1425, 489.143, 489.1455,  
 93 | 489.146, 489.505, 489.509, 489.510, 489.511, 489.513,  
 94 | 489.514, 489.515, 489.516, 489.5161, 489.517, 489.518,  
 95 | 489.5185, 489.519, 489.520, 489.521, 489.522, 489.523,  
 96 | 489.525, 489.533, 489.5335, 489.537, 489.552, 492.102,  
 97 | 492.104, 492.105, 492.1051, 492.106, 492.107, 492.108,  
 98 | 492.109, 492.1101, 492.111, 492.113, 493.6101,  
 99 | 493.6105, 493.6106, 493.6111, 493.6113, 493.6116,  
 100 | 493.6118, 493.6120, 493.6123, 493.6201, 493.6202,

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

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

148 revising requirements relating to prescriptions by  
149 veterinarians practicing telehealth; providing  
150 licensing authority to the department rather than

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

176 permanent business address in a specified location;  
177 requiring that certain records be kept at the  
178 permanent business address; requiring a mobile  
179 barbershop licenseholder to file with the department a  
180 written monthly itinerary that provides certain  
181 information; requiring that a licenseholder comply  
182 with certain laws and ordinances; amending s. 476.188,  
183 F.S.; providing that a barbershop must be licensed  
184 with the department, rather than registered;  
185 authorizing the practice of barbering to be performed  
186 in a location other than a licensed barbershop under  
187 certain circumstances; amending s. 481.213, F.S.;  
188 revising who the department shall certify as qualified  
189 for a license by endorsement in the practice of  
190 architecture; amending s. 481.321, F.S.; revising  
191 provisions relating to seals and display of  
192 certificate number of registered landscape architects;  
193 amending s. 499.012, F.S.; revising permit application  
194 requirements for sale, transfer, assignment, or lease;  
195 removing permit application requirements for a  
196 prescription drug wholesale distributor to include a  
197 designated representative; amending s. 499.0121, F.S.;  
198 removing a designated representative as a responsible  
199 person who must be listed by a wholesale distributor;  
200 amending s. 499.041, F.S.; removing a requirement that

201 the department assess each person applying for  
202 certification as a designated representative a fee,  
203 plus the cost of processing a criminal history record  
204 check; creating s. 624.341, F.S.; providing  
205 legislative findings; requiring the Department of Law  
206 Enforcement to accept and process certain  
207 fingerprints; specifying procedures for submitting and  
208 processing fingerprints; providing fees for  
209 fingerprinting; authorizing the department to exchange  
210 certain records with the Office of Insurance  
211 Regulation for certain purposes; specifying that  
212 fingerprints must be submitted in accordance with  
213 certain rules; authorizing fingerprints to be  
214 submitted through a third-party vendor authorized by  
215 the department; requiring the department to conduct  
216 certain background checks; requiring certain  
217 background checks to be conducted through the Federal  
218 Bureau of Investigation; requiring that fingerprints  
219 be submitted and entered into a specified system;  
220 specifying who bears the costs of fingerprint  
221 processing; requiring the office to review certain  
222 background checks results and to make certain  
223 determinations; requiring that certain criminal  
224 history records be used by the office for certain  
225 purposes; amending s. 468.609, F.S.; revising the

226 standards for certification as a building code  
227 inspector or plans examiner; amending s. 471.007,  
228 F.S.; providing for abolishment of the Board of  
229 Professional Engineers; amending s. 471.015, F.S.;  
230 revising who the department must certify as qualified  
231 for a license by endorsement for the practice of  
232 engineering; amending s. 473.308, F.S.; revising the  
233 education and work experience requirements for a  
234 certified public accountant license; directing the  
235 department to prescribe specified coursework for  
236 licensure; revising requirements for licensure by  
237 endorsement; removing provisions relating to licensure  
238 of applicants with work experience in foreign  
239 countries; providing applicability; creating s.  
240 473.3085, F.S.; requiring an international applicant  
241 who seeks licensure as a certified public accountant  
242 in this state to meet specified criteria prescribed by  
243 the department; requiring such applicants to apply to  
244 the department; requiring such applicants to create  
245 and maintain an online account with the department;  
246 providing that the applicant's e-mail address serves  
247 as the primary means of communication from the  
248 department; requiring an applicant to submit any  
249 change in certain information within a specified  
250 timeframe through the department's online system;

251 requiring the department to certify an applicant who  
252 meets certain requirements; requiring the department  
253 to adopt rules; amending s. 473.312, F.S.; conforming  
254 provisions to changes made by the act; amending s.  
255 473.3141, F.S.; revising requirements for certified  
256 public accountants licensed in another state or a  
257 territory of the United States to practice in this  
258 state without obtaining a license; amending s.  
259 474.2021, F.S.; revising requirements relating to  
260 prescriptions by veterinarians practicing telehealth;  
261 providing licensing authority to the department rather  
262 than licensing boards; amending s. 475.17, F.S.;  
263 removing postlicensure education requirements for  
264 brokers, broker associates, and sales associates;  
265 amending ss. 475.175 and 475.180, F.S.; conforming  
266 provisions to changes made by the act; amending s.  
267 475.182, F.S.; removing continuing education  
268 requirements for licensure renewal as a broker, a  
269 broker associate, and a sales associate; amending s.  
270 475.183, F.S.; removing continuing education  
271 requirements for licensure renewal due to inactive  
272 status; amending ss. 475.25, 475.611, 475.612,  
273 475.614, 475.6145, 475.6147, 475.615, 475.617,  
274 475.6171, 475.618, 475.619, 475.621, 475.6222,  
275 475.6235, 475.624, 475.6245, 475.625, 475.626,

276 475.627, 475.628, 475.629, 475.630, and 475.631, F.S.;

277 revising provisions pertaining to the board to

278 transfer powers, duties, and responsibilities of the

279 board to the department; amending s. 475.613, F.S.;

280 granting certain authority to the department, rather

281 than the Florida Real Estate Appraisal Board; amending

282 s. 476.184, F.S.; requiring the department to adopt

283 rules; requiring a mobile barbershop to comply with

284 all licensure and operating requirements that apply to

285 a barbershop at a fixed location; providing an

286 exception; requiring a mobile barbershop to have a

287 permanent business address in a specified location;

288 requiring that certain records be kept at the

289 permanent business address; requiring a mobile

290 barbershop licenseholder to file with the department a

291 written monthly itinerary that provides certain

292 information; requiring that a licenseholder comply

293 with certain laws and ordinances; amending s. 476.188,

294 F.S.; providing that a barbershop must be licensed

295 with the department, rather than registered;

296 authorizing the practice of barbering to be performed

297 in a location other than a licensed barbershop under

298 certain circumstances; amending s. 481.213, F.S.;

299 revising who the department shall certify as qualified

300 for a license by endorsement in the practice of

301 architecture; amending s. 481.321, F.S.; revising  
302 provisions relating to seals and display of  
303 certificate number of registered landscape architects;  
304 amending s. 499.012, F.S.; revising permit application  
305 requirements for sale, transfer, assignment, or lease;  
306 removing permit application requirements for a  
307 prescription drug wholesale distributor to include a  
308 designated representative; amending s. 499.0121, F.S.;  
309 removing a designated representative as a responsible  
310 person who must be listed by a wholesale distributor;  
311 amending s. 499.041, F.S.; removing a requirement that  
312 the department assess each person applying for  
313 certification as a designated representative a fee,  
314 plus the cost of processing a criminal history record  
315 check; creating s. 624.341, F.S.; providing  
316 legislative findings; requiring the Department of Law  
317 Enforcement to accept and process certain  
318 fingerprints; specifying procedures for submitting and  
319 processing fingerprints; providing fees for  
320 fingerprinting; authorizing the department to exchange  
321 certain records with the Office of Insurance  
322 Regulation for certain purposes; specifying that  
323 fingerprints must be submitted in accordance with  
324 certain rules; authorizing fingerprints to be  
325 submitted through a third-party vendor authorized by

326 the department; requiring the department to conduct  
327 certain background checks; requiring certain  
328 background checks to be conducted through the Federal  
329 Bureau of Investigation; requiring that fingerprints  
330 be submitted and entered into a specified system;  
331 specifying who bears the costs of fingerprint  
332 processing; requiring the office to review certain  
333 background check results and to make certain  
334 determinations; requiring that certain criminal  
335 history records be used by the office for certain  
336 purposes; providing effective dates.

337  
338 Be It Enacted by the Legislature of the State of Florida:

339  
340 **Section 1. Section 20.165, Florida Statutes, is amended to**  
341 **read:**

342 20.165 Department of Business and Professional  
343 Regulation.—There is created a Department of Business and  
344 Professional Regulation.

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

350 (2) The following divisions of the Department of Business

351 and Professional Regulation are established:

352 (a) Division of Administration.

353 (b) Division of Alcoholic Beverages and Tobacco.

354 (c) Division of Certified Public Accounting.

355 1. The director of the division shall be appointed by the  
 356 secretary of the department, ~~subject to approval by a majority~~  
 357 ~~of the Board of Accountancy.~~

358 2. Effective at the termination of any lease in effect on  
 359 December 31, 2025, the offices of the division shall be located  
 360 in Tallahassee Gainesville. Such a lease may not be extended or  
 361 renewed.

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

363 (e) Division of Florida Condominiums, Timeshares, and  
 364 Mobile Homes.

365 (f) Division of Hotels and Restaurants.

366 (g) Division of Professions.

367 (h) Division of Real Estate.

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

371 2. Effective at the termination of any lease in effect on  
 372 December 31, 2025, the offices of the division shall be located  
 373 in Tallahassee Orlando. Such a lease may not be extended or  
 374 renewed.

375 (i) Division of Regulation.

376 (j) Division of Technology.

377 (k) Division of Service Operations.

378 (3) The secretary shall appoint a director for each  
 379 division established within this section. Each division director  
 380 shall directly administer the division and shall be responsible  
 381 to the secretary. The secretary may appoint deputy and assistant  
 382 secretaries as necessary to aid the secretary in fulfilling the  
 383 secretary's statutory obligations.

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

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

388 (b)2. ~~Florida Board of~~ Auctioneers licensing program,  
 389 created under part VI of chapter 468.

390 (c)3. Barbers' licensing program ~~Board~~, created under  
 391 chapter 476.

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

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

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

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

400 (h)8. ~~Board of~~ Employee Leasing Companies licensing

401 program, created under part XI of chapter 468.

402 ~~(i) 9. Board of Landscape Architecture~~ licensing program,

403 created under part II of chapter 481.

404 ~~(j) 10. Board of Pilot Commissioners~~ licensing program,

405 created under chapter 310.

406 ~~(k) 11. Board of Professional Engineers~~, created under

407 chapter 471.

408 ~~(l) 12. Board of Professional Geologists~~ licensing program,

409 created under chapter 492.

410 ~~(m) 13. Board of Veterinary Medicine~~ licensing program,

411 created under chapter 474.

412 ~~(n) 14. Home inspection services~~ licensing program, created

413 under part XV of chapter 468.

414 ~~(o) 15. Mold-related services~~ licensing program, created

415 under part XVI of chapter 468.

416 ~~(p) Talent agency~~ licensing program, created under part

417 VII of chapter 468.

418 ~~(q) The Florida Building Commission~~, created under chapter

419 553.

420 ~~(r) The Community Association Managers~~ licensing program,

421 created under part VIII of chapter 468.

422 ~~(s) Yacht and ship brokers~~ licensing program, created

423 under chapter 326.

424 ~~(b) The following board and commission are established~~

425 ~~within the Division of Real Estate:~~

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

428 ~~2. Florida Real Estate Commission, created under part I of~~  
429 ~~chapter 475.~~

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

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

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

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

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

446

447 ~~A member whose term has expired shall continue to serve on the~~  
448 ~~board until such time as a replacement is appointed. A vacancy~~  
449 ~~on the board shall be filled for the unexpired portion of the~~  
450 ~~term in the same manner as the original appointment. No member~~

451 ~~may serve for more than the remaining portion of a previous~~  
 452 ~~member's unexpired term, plus two consecutive 4-year terms of~~  
 453 ~~the member's own appointment thereafter.~~

454 ~~(6) Each board with five or more members shall have at~~  
 455 ~~least two consumer members who are not, and have never been,~~  
 456 ~~members or practitioners of the profession regulated by such~~  
 457 ~~board or of any closely related profession. Each board with~~  
 458 ~~fewer than five members shall have at least one consumer member~~  
 459 ~~who is not, and has never been, a member or practitioner of the~~  
 460 ~~profession regulated by such board or of any closely related~~  
 461 ~~profession.~~

462 ~~(7) No board, with the exception of joint~~  
 463 ~~coordinatorships, shall be transferred from its present location~~  
 464 ~~unless authorized by the Legislature in the General~~  
 465 ~~Appropriations Act.~~

466 ~~(5)(8)~~ Notwithstanding any other provision of law, the  
 467 department shall ~~is authorized to~~ establish uniform application  
 468 forms and certificates of licensure for use by the divisions  
 469 within the department. However, Nothing in this subsection does  
 470 not authorize ~~authorizes~~ the department to vary any substantive  
 471 requirements, duties, or eligibilities for licensure or  
 472 certification as provided by law.

473 ~~(6)(9)~~(a) All employees authorized by the Division of  
 474 Alcoholic Beverages and Tobacco shall have access to, and shall  
 475 have the right to inspect, premises licensed by the division, to

476 collect taxes and remit them to the officers entitled to them,  
477 and to examine the books and records of all licensees. The  
478 authorized employees shall require of each licensee strict  
479 compliance with the laws of this state relating to the  
480 transaction of such business.

481 (b) Each employee serving as a law enforcement officer for  
482 the division must meet the qualifications for employment or  
483 appointment as a law enforcement officer set forth under s.  
484 943.13 and must be certified as a law enforcement officer by the  
485 Department of Law Enforcement under chapter 943. Upon  
486 certification, each law enforcement officer is subject to and  
487 has the same authority as provided for law enforcement officers  
488 generally in chapter 901 and has statewide jurisdiction. Each  
489 officer also has arrest authority as provided for state law  
490 enforcement officers in s. 901.15. Each officer possesses the  
491 full law enforcement powers granted to other peace officers of  
492 this state, including the authority to make arrests, carry  
493 firearms, serve court process, and seize contraband and the  
494 proceeds of illegal activities.

495 1. The primary responsibility of each officer appointed  
496 under this section is to investigate, enforce, and prosecute,  
497 throughout this ~~the~~ state, violations and violators of parts I  
498 and II of chapter 210, part VII of chapter 559, and chapters  
499 561-569, and the rules adopted thereunder, as well as other  
500 state laws that the division, all state law enforcement

501 officers, or beverage enforcement agents are specifically  
 502 authorized to enforce.

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

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

518 **Section 2.** Sections 310.011, 310.032, 310.042, 455.2124,  
 519 455.2228, 468.384, 468.399, 468.4315, 468.4337, 468.4338,  
 520 468.521, 468.522, 468.523, 468.605, 468.8316, 468.8416,  
 521 471.0195, 472.007, 472.008, 472.009, 472.017, 472.018, 472.019,  
 522 473.303, 474.204, 474.205, 474.206, 475.02, 475.03, 475.04,  
 523 475.045, 475.05, 475.10, 476.054, 476.064, 477.015, 481.205,  
 524 481.2055, 481.305, 482.243, 489.107, 489.507, 492.103,  
 525 499.01211, 559.9221, and 570.81, Florida Statutes, are repealed.

526           **Section 3. Paragraph (c) of subsection (3) of section**  
 527 **120.54, Florida Statutes, is amended to read:**

528           120.54 Rulemaking.—

529           (3) ADOPTION PROCEDURES.—

530           (c) Hearings.—

531           1. If the intended action concerns any rule other than one  
 532 relating exclusively to procedure or practice, the agency shall,  
 533 on the request of any affected person received within 21 days  
 534 after the date of publication of the notice of intended agency  
 535 action, give affected persons an opportunity to present evidence  
 536 and argument on all issues under consideration. The agency may  
 537 schedule a public hearing on the rule and, if requested by any  
 538 affected person, shall schedule a public hearing on the rule.  
 539 When a public hearing is held, the agency must ensure that staff  
 540 are available to explain the agency's proposal and to respond to  
 541 questions or comments regarding the rule. If the agency head is  
 542 a board, licensing program, or commission ~~or other collegial~~  
 543 ~~body~~ created under s. 20.165(4) or s. 20.43(3)(g), and one or  
 544 more requested public hearings is scheduled, the board,  
 545 licensing program, or commission ~~or other collegial body~~ shall  
 546 conduct at least one of the public hearings itself and may not  
 547 delegate this responsibility without the consent of those  
 548 persons requesting the public hearing. Any material pertinent to  
 549 the issues under consideration submitted to the agency within 21  
 550 days after the date of publication of the notice or submitted to

551 the agency between the date of publication of the notice and the  
552 end of the final public hearing shall be considered by the  
553 agency and made a part of the record of the rulemaking  
554 proceeding.

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

567 **Section 4. Paragraph (ttt) of subsection (7) of section**  
568 **212.08, Florida Statutes, is amended to read:**

569 212.08 Sales, rental, use, consumption, distribution, and  
570 storage tax; specified exemptions.—The sale at retail, the  
571 rental, the use, the consumption, the distribution, and the  
572 storage to be used or consumed in this state of the following  
573 are hereby specifically exempt from the tax imposed by this  
574 chapter.

575 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any

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

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

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

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

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

599 (I) Employs three or fewer full-time or part-time  
600 employees, including those performing services pursuant to an

601 employee leasing arrangement as defined in s. 468.520 ~~s.~~  
602 ~~468.520(4)~~, in total; and

603 (II) During the previous calendar year, performed private  
604 investigation services otherwise taxable under this chapter in  
605 which the charges for the services performed were less than  
606 \$150,000 for all its businesses related through common  
607 ownership.

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

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

615 **Section 5. Paragraph (f) of subsection (1) of section**  
616 **215.5586, Florida Statutes, is amended to read:**

617 215.5586 My Safe Florida Home Program.—There is  
618 established within the Department of Financial Services the My  
619 Safe Florida Home Program. The department shall provide fiscal  
620 accountability, contract management, and strategic leadership  
621 for the program, consistent with this section. This section does  
622 not create an entitlement for property owners or obligate the  
623 state in any way to fund the inspection or retrofitting of  
624 residential property in this state. Implementation of this  
625 program is subject to annual legislative appropriations. It is

626 the intent of the Legislature that, subject to the availability  
627 of funds, the My Safe Florida Home Program provide licensed  
628 inspectors to perform hurricane mitigation inspections of  
629 eligible homes and grants to fund hurricane mitigation projects  
630 on those homes. The department shall implement the program in  
631 such a manner that the total amount of funding requested by  
632 accepted applications, whether for inspections, grants, or other  
633 services or assistance, does not exceed the total amount of  
634 available funds. If, after applications are processed and  
635 approved, funds remain available, the department may accept  
636 applications up to the available amount. The program shall  
637 develop and implement a comprehensive and coordinated approach  
638 for hurricane damage mitigation pursuant to the requirements  
639 provided in this section.

640 (1) HURRICANE MITIGATION INSPECTIONS.—

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

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

- 647 a. A building inspector under s. 468.607;  
648 b. A general, building, or residential contractor under s.  
649 489.111;  
650 c. A professional engineer under s. 471.015;

651 d. A professional architect under s. 481.213; or  
 652 e. A home inspector under s. 468.8314 and who have  
 653 completed at least 3 hours of hurricane mitigation training  
 654 approved by the department ~~Construction Industry Licensing~~  
 655 ~~Board~~, which training must include hurricane mitigation  
 656 techniques, compliance with the uniform mitigation verification  
 657 form, and completion of a proficiency exam.

658 2. Use hurricane mitigation inspectors who also have  
 659 undergone drug testing and a background screening. The  
 660 department may conduct criminal record checks of inspectors used  
 661 by wind certification entities. Inspectors must submit a set of  
 662 fingerprints to the department for state and national criminal  
 663 history checks and must pay the fingerprint processing fee set  
 664 forth in s. 624.501. The fingerprints must be sent by the  
 665 department to the Department of Law Enforcement and forwarded to  
 666 the Federal Bureau of Investigation for processing. The results  
 667 must be returned to the department for screening. The  
 668 fingerprints must be taken by a law enforcement agency,  
 669 designated examination center, or other department-approved  
 670 entity.

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

673 **Section 6. Paragraph (b) of subsection (3) of section**  
 674 **215.55871, Florida Statutes, is amended to read:**

675 215.55871 My Safe Florida Condominium Pilot Program.—There

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

689 (3) HURRICANE MITIGATION INSPECTORS.—

690 (b) The department shall contract with wind certification  
691 entities to provide hurricane mitigation inspections. To qualify  
692 for selection by the department as a wind certification entity  
693 to provide hurricane mitigation inspections, the entity must, at  
694 a minimum, meet all of the following requirements:

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

697 a. A building inspector under s. 468.607;

698 b. A general, building, or residential contractor under s.  
699 489.111;

700 c. A professional engineer under s. 471.015;

701 d. A professional architect under s. 481.213; or  
702 e. A home inspector under s. 468.8314 who has completed at  
703 least 3 hours of hurricane mitigation training approved by the  
704 department ~~Construction Industry Licensing Board~~, which must  
705 include hurricane mitigation techniques, compliance with the  
706 uniform mitigation verification form, and completion of a  
707 proficiency exam.

708 2. Use hurricane mitigation inspectors who have undergone  
709 drug testing and a background screening. The department may  
710 conduct criminal record checks of inspectors used by wind  
711 certification entities. Inspectors must submit a full set of  
712 fingerprints to the department or to a vendor, an entity, or an  
713 agency authorized under s. 943.053(13). The department, vendor,  
714 entity, or agency shall forward the fingerprints to the  
715 Department of Law Enforcement for state processing, and the  
716 Department of Law Enforcement shall forward the fingerprints to  
717 the Federal Bureau of Investigation for national processing.  
718 Fees for state and federal fingerprint processing shall be borne  
719 by the inspector. The state cost for fingerprint processing  
720 shall be as provided in s. 943.053(3)(e). The results must be  
721 returned to the department for screening. The fingerprints must  
722 be taken by a law enforcement agency, designated examination  
723 center, or other department-approved entity.

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

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

728           309.01 Deposit of material in tidewater regulated.—

729           (1) It is not lawful for any person to discharge or cause  
730 to be discharged or deposit or cause to be deposited, in the  
731 tide or salt waters of any bay, port, harbor, or river of this  
732 state, any ballast or material of any kind other than clear  
733 stone or rock, free from gravel or pebbles, which said clear  
734 stone or rock shall be deposited or discharged only in the  
735 construction of enclosures in connection with wharves, piers,  
736 quays, jetties, or in the construction of permanent bulkheads  
737 connecting the solid and permanent portion of wharves. It is  
738 lawful to construct three characters of bulkheads for retention  
739 of material in solid wharves. First, clear stone or rock  
740 enclosures, or bulkheads, may be built upon all sides to a  
741 height not less than 2 1/2 feet above high watermark; and after  
742 the enclosures have been made so solid, tight, and permanent as  
743 to prevent any sand, mud, gravel, or other material that may be  
744 discharged or deposited in them from drifting or escaping  
745 through such enclosures, any kind of ballast may be discharged  
746 or deposited within the enclosures. The enclosures may be  
747 constructed of wood, stone, and rock combined, the stone and  
748 rocks to be placed on the outside of the wood to a height not  
749 less at any point than 2 1/2 feet above high watermark. Second,  
750 a bulkhead may be built by a permanent wharf consisting of

751 thoroughly creosoted piles not less than 12 inches in diameter  
752 at the butt end, to be driven close together and to be capped  
753 with timber not less than 10 or 14 inches drift, bolted to each  
754 pile, and one or more longitudinal stringers to be placed on the  
755 outside of the bulkhead and securely anchored by means of iron  
756 rods to piles driven within the bulkheads, clear rock to be on  
757 the inside of the bulkhead, to a height of not less than 2 1/2  
758 feet above high water; and after this is done, ballast or other  
759 material may be deposited within the permanent enclosure so  
760 constructed. Third, a bulkhead may be constructed to consist of  
761 creosoted piles, as described herein, driven not exceeding 4  
762 feet apart from center to center, inside of which two or more  
763 longitudinal stringers may be placed and securely bolted to the  
764 piles. Inside of these longitudinal pieces, two thicknesses of  
765 creosoted sheet piling are to be driven, each course of the  
766 sheet piling to make a joint with the other so as to form an  
767 impenetrable wharf; and within this permanent bulkhead so  
768 constructed, any ballast or other material may be deposited. ~~No~~  
769 Such an enclosure, pier, quay, or jetty may not begin ~~shall be~~  
770 ~~begun~~ until the point at which ~~whereat~~ it is to be built shall  
771 have been connected by a substantial wharf with a shore or with  
772 a permanent wharf; except that the owners of wharves may at any  
773 time, with the consent of ~~the Board of Pilot Commissioners of~~  
774 ~~the Division of Professions of~~ the Department of Business and  
775 Professional Regulation, build wharves of clear stone or rock,

776 or creosoted walls as hereinafter provided, on each side of  
777 their wharves from the shore to a point at which the water is  
778 not more than 15 feet deep, and when such walls have attained a  
779 height of 2 1/2 feet above high watermark and have been securely  
780 closed at the deepwater end by stone or creosoted walls of the  
781 same height, any kind of ballast may be deposited in them.  
782 Nothing contained in this section shall interfere with any  
783 rights or privileges now enjoyed by riparian owners. While this  
784 section empowers those who desire to construct the several  
785 characters of wharves, piers, quays, jetties, and bulkheads  
786 provided for and described herein, nothing in this section shall  
787 be so construed as to require any person not desiring to  
788 construct a permanent wharf by filling up with ballast, stone,  
789 or other material to construct under the specifications  
790 contained herein; and nothing in this chapter shall be so  
791 construed as to prevent any person from constructing any wharf  
792 or placing any pilings, logs, or lumber in any waters where the  
793 person would have heretofore had the right so to do.

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

796 310.0015 Piloting regulation; general provisions.—

797 (3) The rate-setting process, the issuance of licenses  
798 only in numbers deemed necessary or prudent by the department  
799 ~~board~~, and other aspects of the economic regulation of piloting  
800 established in this chapter are intended to protect the public

801 from the adverse effects of unrestricted competition which would  
802 result from an unlimited number of licensed pilots being allowed  
803 to market their services on the basis of lower prices rather  
804 than safety concerns. This system of regulation benefits and  
805 protects the public interest by maximizing safety, avoiding  
806 uneconomic duplication of capital expenses and facilities, and  
807 enhancing state regulatory oversight. The system seeks to  
808 provide pilots with reasonable revenues, taking into  
809 consideration the normal uncertainties of vessel traffic and  
810 port usage, sufficient to maintain reliable, stable piloting  
811 operations. Pilots have certain restrictions and obligations  
812 under this system, including, but not limited to, the following:

813 (a) Pilots may not refuse to provide piloting services to  
814 any person or entity that may lawfully request such services,  
815 except for justifiable concerns relating to safety, or, in the  
816 case of a vessel planning a departure, for nonpayment of  
817 pilotage.

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

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

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

833 (e) In any instance of a payment or transfer of funds, a  
834 request for the payment or transfer of funds, or a contractual  
835 obligation assumed in respect to the payment or transfer of  
836 funds from a licensee payor to a pilot or group of pilots, or to  
837 any legal entity or fund administered or controlled by or under  
838 common control with such pilot or group of pilots, the pilot or  
839 group of pilots shall provide to the licensee payor, at the time  
840 the payment or transfer or request for the payment or transfer  
841 is made or the obligation is assumed in respect to the payment  
842 or transfer, a detailed accounting of the specific assets,  
843 tangible or intangible, in which an interest is being directly  
844 or indirectly purchased or for which the licensee payor is being  
845 granted an interest in return for such payment or transfer of  
846 funds or such contractual obligation. This paragraph does not  
847 apply to either payments or transfers of funds if their  
848 aggregate amounts are less than \$1,000. As used in this  
849 paragraph, "licensee payor" means any current or prospective  
850 state pilot or deputy pilot.

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

853           310.002 Definitions.—As used in this chapter, except where  
 854 the context clearly indicates otherwise:

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

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

858           310.051 Personnel; employment.—

859           (1) The department may appoint or employ such personnel as  
 860 may be necessary to assist the department ~~and the board~~ in doing  
 861 and performing any and all of the powers, duties, and  
 862 obligations set forth in this chapter. Such personnel need not  
 863 be licensed state pilots or members of the department ~~board~~.  
 864 Such personnel shall be authorized to do and perform such duties  
 865 and work as may be assigned by the department. Except as  
 866 otherwise provided in this chapter, the department shall provide  
 867 all legal services necessary in carrying out the provisions of  
 868 this chapter.

869           (2) The department shall hire a person knowledgeable and  
 870 experienced in matters related to piloting. Such person shall  
 871 act for the department on matters of examination and  
 872 investigation and, when he or she deems it necessary, in the  
 873 selection of legal counsel qualified in admiralty law. ~~On an~~  
 874 ~~annual basis, the board shall recommend to the department a~~  
 875 ~~person knowledgeable and experienced in matters related to~~

876 ~~piloting to fill this post, and the department may accept or~~  
877 ~~reject the recommendation. If the department rejects the board's~~  
878 ~~recommendation, the board shall continue to submit~~  
879 ~~recommendations until one is accepted by the department. Unless~~  
880 ~~there is affirmative action by both the board and the~~  
881 ~~department, at the end of each year, the position shall be~~  
882 ~~declared vacant and the board shall submit a new recommendation~~  
883 ~~for a person to fill such position.~~

884 **Section 11. Section 310.061, Florida Statutes, is amended**  
885 **to read:**

886 310.061 State pilots; number; cross licensing.—The  
887 department ~~board~~ shall determine the number of pilots based on  
888 the supply and demand for piloting services and the public  
889 interest in maintaining efficient and safe piloting services.  
890 Based on the economic conditions of the port, the department  
891 ~~board~~ may adopt rules authorizing cross licensing between ports,  
892 if this will best serve the public interest.

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

896 310.071 Deputy pilot certification.—

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

900 (b) Have successfully completed 12 years of formal

901 education, as evidenced by a high school diploma or by  
902 equivalent evidence thereof that is satisfactory to the  
903 department ~~board~~.

904 (c) Be in good physical and mental health, as evidenced by  
905 documentary proof of having satisfactorily passed a complete  
906 physical examination administered by a licensed physician within  
907 the preceding 6 months. The department ~~board~~ shall adopt rules  
908 to establish requirements for passing the physical examination,  
909 which rules shall establish minimum standards for the physical  
910 or mental capabilities necessary to carry out the professional  
911 duties of a certificated deputy pilot. Such standards shall  
912 include zero tolerance for any controlled substance regulated  
913 under chapter 893 unless that individual is under the care of a  
914 physician, an advanced practice registered nurse, or a physician  
915 assistant and that controlled substance was prescribed by that  
916 physician, advanced practice registered nurse, or physician  
917 assistant. To maintain eligibility as a certificated deputy  
918 pilot, each certificated deputy pilot must annually provide  
919 documentary proof of having satisfactorily passed a complete  
920 physical examination administered by a licensed physician. The  
921 physician must know the minimum standards and certify that the  
922 certificateholder satisfactorily meets the standards. The  
923 standards for certificateholders shall include a drug test.

924 (d) Have had maritime experience satisfactory to the  
925 department before ~~board prior to~~ taking the examination required

926 under s. 310.081(2), as evidenced by documentation of the  
927 following service while holding a United States Coast Guard  
928 license:

929 1. At least 2 years of service at sea during the 5-year  
930 period immediately preceding the examination, 1 year of which  
931 must have been in at least the capacity of an unlimited second  
932 mate;

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

940 3. At least 2 years of service during the 5-year period  
941 immediately preceding the examination as an active first-class  
942 unlimited pilot serving on a Great Lakes unlimited master's  
943 license;

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

950 5. At least 3 years of experience as a deck watch officer

951 during the 10-year period immediately preceding the examination,  
952 1 year of which in the 5-year period immediately preceding the  
953 exam must have been as the commanding officer, executive  
954 officer, or operations officer of a United States Navy vessel or  
955 a United States Coast Guard vessel of at least 1,600 gross tons,  
956 and must currently hold a United States Coast Guard license of  
957 at least an unlimited second mate.

958 (2) The department ~~board~~ may adopt rules authorizing  
959 equivalent combinations of service from two or more of the areas  
960 specified in subparagraphs (1)(d)1., 2., 3., 4., and 5. However,  
961 the department ~~board~~ may waive the maritime experience  
962 requirements prescribed in paragraph (1)(d) when necessary to  
963 fill an opening, provided an applicant meeting such requirements  
964 has not applied for the opening and the opening has been  
965 advertised more than once.

966 (3) The initial certificate issued to a deputy pilot shall  
967 be valid for a period of 12 months, and at the end of this  
968 period, the certificate shall automatically expire and may ~~shall~~  
969 not be renewed. During this period, the department ~~board~~ shall  
970 thoroughly evaluate the deputy pilot's performance for  
971 suitability to continue training and ~~shall make appropriate~~  
972 ~~recommendations to the department~~. Upon the finding ~~receipt~~ of a  
973 favorable evaluation ~~recommendation by the board~~, the department  
974 shall issue a certificate to the deputy pilot, which shall be  
975 valid for a period of 2 years. The certificate may be renewed

976 only two times, except in the case of a fully licensed pilot who  
977 is cross-licensed as a deputy pilot in another port, and  
978 provided the deputy pilot meets the requirements specified for  
979 pilots in paragraph (1)(c).

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

982 310.073 State pilot licensing.—In addition to meeting  
983 other requirements specified in this chapter, each applicant for  
984 license as a state pilot must:

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

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

991 (3) Be in good physical and mental health, as evidenced by  
992 documentary proof of having satisfactorily passed a complete  
993 physical examination administered by a licensed physician within  
994 the preceding 6 months. The department ~~board~~ shall adopt rules  
995 to establish requirements for passing the physical examination,  
996 which rules shall establish minimum standards for the physical  
997 or mental capabilities necessary to carry out the professional  
998 duties of a licensed state pilot. Such standards shall include  
999 zero tolerance for any controlled substance regulated under  
1000 chapter 893 unless that individual is under the care of a

1001 physician, an advanced practice registered nurse, or a physician  
 1002 assistant and that controlled substance was prescribed by that  
 1003 physician, advanced practice registered nurse, or physician  
 1004 assistant. To maintain eligibility as a licensed state pilot,  
 1005 each licensed state pilot must annually provide documentary  
 1006 proof of having satisfactorily passed a complete physical  
 1007 examination administered by a licensed physician. The physician  
 1008 must know the minimum standards and certify that the licensee  
 1009 satisfactorily meets the standards. The standards for licensees  
 1010 shall include a drug test.

1011 (4) Have had at least 2 years of service as a deputy pilot  
 1012 in the port in which license as a licensed state pilot is  
 1013 desired, which service must have been attained during the period  
 1014 immediately preceding the examination required under s.  
 1015 310.081(1). Further, at the time of application, each applicant  
 1016 must have a valid United States Coast Guard first-class  
 1017 unlimited pilot's license covering all of the waters of the port  
 1018 in which license as a state pilot is desired and must have  
 1019 successfully completed the department-approved ~~board-approved~~  
 1020 deputy pilot training program in the port in which license as a  
 1021 state pilot is desired.

1022 **Section 14. Section 310.075, Florida Statutes, is amended**  
 1023 **to read:**

1024 310.075 Deputy pilot training program.—The licensed state  
 1025 pilots in each port shall submit to the department ~~board~~ for its

1026 approval a deputy pilot training program of not less than 2  
 1027 years' duration, applicable to all deputy pilots appointed to  
 1028 serve at such port. The following requirements constitute the  
 1029 parameters within which deputy pilot training programs are to be  
 1030 established and carried out by the licensed state pilots at all  
 1031 ports in this state:

1032 (1) Upon receiving his or her appointment, a deputy pilot  
 1033 must report to the licensed state pilots at the port he or she  
 1034 is appointed to serve and must serve a period of not less than  
 1035 90 days as an observer trainee. During such period:

1036 (a) The observer trainee must accompany licensed state  
 1037 pilots, becoming thoroughly familiar with all of the waters, the  
 1038 channels, the harbor, and the port under varied conditions.

1039 (b) The observer trainee must obtain a valid United States  
 1040 Coast Guard first-class unlimited pilot's license covering all  
 1041 of the waters of the port before the department ~~board~~ may  
 1042 authorize him or her to pilot vessels within the limits and  
 1043 specifications established by the licensed state pilots of the  
 1044 port.

1045 (2) Upon completion of the observer-trainee period, the  
 1046 deputy pilot must submit to the department ~~board~~ a deputy pilot  
 1047 vessel handling form for each vessel upon which he or she has  
 1048 accompanied a licensed state pilot. Each such form must be  
 1049 signed by the pilot in charge who accompanied the deputy pilot  
 1050 and must accurately recite:

1051 (a) The vessel's registry, length, gross tonnage, and  
 1052 draft;

1053 (b) The name of the berth from which or to which the  
 1054 vessel was piloted;

1055 (c) The weather and sea conditions encountered;

1056 (d) The time of day;

1057 (e) Any marine incidents required to be reported under s.  
 1058 310.111; and

1059 (f) The comments of the pilot in charge, including  
 1060 whether, under his or her supervision, the pilot in charge  
 1061 turned the navigation of the vessel over to the deputy pilot.

1062 (3) Each request to increase the limits and specifications  
 1063 under which a deputy pilot is authorized to pilot must be  
 1064 submitted to the department board and must be accompanied by a  
 1065 deputy pilot vessel handling form as provided in subsection (2)  
 1066 for each vessel the deputy pilot has piloted since his or her  
 1067 limits and specifications were last increased by the department  
 1068 ~~board~~.

1069 (4) For successful completion of the deputy pilot training  
 1070 program, a deputy pilot must have gradually been increased in  
 1071 his or her authorized limits and specifications until the deputy  
 1072 pilot has been authorized by the department board to pilot  
 1073 vessels with a maximum draft of not more than 3 feet less than  
 1074 the normal maximum draft allowable in the port in which the  
 1075 deputy pilot is authorized to pilot, as proposed by the licensed

1076 state pilots in that port and approved by the department ~~board~~.

1077 **Section 15. Section 310.081, Florida Statutes, is amended**  
1078 **to read:**

1079 310.081 Department to examine and license state pilots and  
1080 certificate deputy pilots; vacancies.—

1081 (1) The department shall examine persons who file  
1082 application as state pilot in all matters pertaining to the  
1083 management of vessels and in regard to their knowledge of the  
1084 channels, waters, harbors, and port where they wish to serve,  
1085 and, if upon examination to determine proficiency the department  
1086 finds them qualified to pilot all classes of vessels liable to  
1087 enter that port and thoroughly familiar with the waters, the  
1088 channels, the harbor, and the port, the department shall appoint  
1089 and license as state pilots such number of pilots as in the  
1090 discretion of the department ~~board~~ are required to act in the  
1091 ports of the state. However, the number of pilots appointed and  
1092 licensed by the department may ~~shall~~ not exceed the number  
1093 provided for in s. 310.061.

1094 (2) The department shall similarly examine persons who  
1095 file applications for certificate as deputy pilot, and, if upon  
1096 examination to determine proficiency the department finds them  
1097 qualified, the department must certify as qualified all  
1098 applicants who pass the examination, provided that not more than  
1099 five persons who passed the examination are certified for each  
1100 declared opening. If more than five applicants per opening pass

1101 the examination, the persons having the highest scores must be  
1102 certified as qualified up to the number of openings times five.  
1103 The department shall appoint and certificate such number of  
1104 deputy pilots from those applicants deemed qualified as in the  
1105 discretion of the department ~~board~~ are required in the  
1106 respective ports of the state. A deputy pilot shall be  
1107 authorized by the department to pilot vessels within the limits  
1108 and specifications established by the licensed state pilots at  
1109 the port where the deputy is appointed to serve.

1110 (3) Pilots shall hold their licenses or certificates  
1111 pursuant to the requirements of this chapter so long as they:

1112 (a) Possess the qualifications set out in this chapter.

1113 (b) Are in good physical and mental health as evidenced by  
1114 documentary proof of having satisfactorily passed a physical  
1115 examination administered by a licensed physician or physician  
1116 assistant within each calendar year. The department ~~board~~ shall  
1117 adopt rules to establish requirements for passing the physical  
1118 examination, which rules shall establish minimum standards for  
1119 the physical or mental capabilities necessary to carry out the  
1120 professional duties of a licensed state pilot or a certificated  
1121 deputy pilot. Such standards shall include zero tolerance for  
1122 any controlled substance regulated under chapter 893 unless that  
1123 individual is under the care of a physician, an advanced  
1124 practice registered nurse, or a physician assistant and that  
1125 controlled substance was prescribed by that physician, advanced

1126 practice registered nurse, or physician assistant. To maintain  
 1127 eligibility as a certificated deputy pilot or licensed state  
 1128 pilot, each certificated deputy pilot or licensed state pilot  
 1129 must annually provide documentary proof of having satisfactorily  
 1130 passed a complete physical examination administered by a  
 1131 licensed physician. The physician must know the minimum  
 1132 standards and certify that the certificateholder or licensee  
 1133 satisfactorily meets the standards. The standards for  
 1134 certificateholders and for licensees shall include a drug test.

1135 (c) Are subject to a substance abuse program that has been  
 1136 approved by the department ~~board~~, which includes provisions for  
 1137 drug testing.

1138 ~~(d) Attend a board-approved seminar for continuing~~  
 1139 ~~education which includes radar certification.~~

1140 (d)(e) Remain in active service in the ports for which  
 1141 they are appointed.

1142  
 1143 Upon resignation or in the case of disability permanently  
 1144 affecting a pilot's ability to serve, the state license or  
 1145 certificate issued under this chapter shall be revoked by the  
 1146 department.

1147 **Section 16. Paragraphs (d), (g), and (h) of subsection (1)**  
 1148 **and subsections (2), (3), and (4) of section 310.101, Florida**  
 1149 **Statutes, are amended to read:**

1150 310.101 Grounds for disciplinary action by the department

1151 ~~board.~~—

1152 (1) Any act of misconduct, inattention to duty,  
1153 negligence, or incompetence; any willful violation of any law or  
1154 rule, including the rules of the road, applicable to a licensed  
1155 state pilot or certificated deputy pilot; or any failure to  
1156 exercise that care which a reasonable and prudent licensed state  
1157 pilot or certificated deputy pilot would exercise under the same  
1158 or similar circumstances may result in disciplinary action.

1159 Examples of acts by a licensed state pilot or certificated  
1160 deputy pilot which constitute grounds for disciplinary action  
1161 include, but are not limited to:

1162 (d) Navigating in channels where the depth of water under  
1163 the keel is less than the prescribed bottom clearance as  
1164 recommended by the licensed state pilots of that port and  
1165 approved by the department ~~board~~.

1166 (g) Making or filing, or inducing another person to make  
1167 or file, a report which the pilot knows to be false or  
1168 intentionally or negligently failing to file, or willfully  
1169 impeding or obstructing the filing of, a report or record  
1170 required by state law or by rule of the ~~board or the~~ department.  
1171 Such reports or records include only those which are signed by  
1172 the pilot in his or her capacity as a licensed state pilot or  
1173 certificated deputy pilot.

1174 (h) Being unable to perform the duties of a pilot with  
1175 reasonable skill and safety by reason of illness or use of

1176 alcohol, drugs, narcotics, chemicals, or any other type of  
1177 material or as a result of any mental or physical condition such  
1178 as, but not limited to, poor eyesight or hearing, heart disease,  
1179 or diabetes. In enforcing this paragraph, the department shall  
1180 have authority, upon recommendation of the probable cause panel  
1181 of the department ~~board~~, to compel a licensed state pilot or  
1182 certificated deputy pilot to submit to a mental or physical  
1183 examination by physicians designated by the department. The  
1184 failure of a pilot to submit to such an examination when so  
1185 directed constitutes an admission of the allegations against the  
1186 pilot, unless the failure is due to circumstances beyond his or  
1187 her control, consequent upon which an emergency suspension order  
1188 may be entered by the department suspending the pilot's license  
1189 until he or she complies with the order for a compulsory mental  
1190 or physical examination. A licensed state pilot or certificated  
1191 deputy pilot affected under this paragraph must be afforded, at  
1192 reasonable intervals, an opportunity to demonstrate that he or  
1193 she can resume the competent practice of piloting with  
1194 reasonable skill and safety.

1195 (2) When the department ~~board~~ finds any person has  
1196 committed any act set forth in subsection (1), it may enter an  
1197 order imposing one or more of the following penalties:

1198 (a) Refusing to certify to the department an application  
1199 for license or certification.

1200 (b) Revoking or suspending the license or certificate.

1201 (c) Restricting the practice of the violator.

1202 (d) Imposing an administrative fine not to exceed \$5,000  
 1203 for each count or separate offense.

1204 (e) Issuing a reprimand.

1205 (f) Placing the licensed state pilot or certificated  
 1206 deputy pilot on probation for such period of time and subject to  
 1207 such conditions as the department board may specify, including,  
 1208 but not limited to, requiring the pilot to submit to treatment,  
 1209 submit to additional or remedial training, submit to  
 1210 reexamination, or undergo a complete physical examination.

1211 (3) The department board shall not reinstate the license  
 1212 or certificate of a state pilot or deputy pilot or cause a  
 1213 license or certificate to be issued to a person whom it has  
 1214 determined to be unqualified until the department board is  
 1215 satisfied that such person has complied with all the terms and  
 1216 conditions set forth in the final order and that such person is  
 1217 capable of safely engaging in the practice of piloting.

1218 (4) In any foreign vessel or foreign trading vessel  
 1219 movement that an individual holding a state pilot license or  
 1220 deputy pilot certificate is engaged in directing, whether  
 1221 movement of the vessel in or out of the port or movement in  
 1222 close proximity to a dock or any other movement undertaken in  
 1223 furtherance of his or her piloting duties, such individual is  
 1224 operating under the authority of his or her state license or  
 1225 certificate and is accountable to the department board for his

1226 | or her actions.

1227 |       **Section 17. Subsections (4) and (6) of section 310.102,**  
 1228 | **Florida Statutes, are amended to read:**

1229 |       310.102 Treatment programs for impaired pilots and deputy  
 1230 | pilots.—

1231 |       (4) In any disciplinary action for a violation other than  
 1232 | impairment, if a pilot or deputy pilot establishes that the  
 1233 | violation for which the pilot or deputy pilot is being  
 1234 | prosecuted was due to or connected with impairment and further  
 1235 | establishes that the pilot or deputy pilot is satisfactorily  
 1236 | progressing through or has successfully completed an approved  
 1237 | treatment program pursuant to this section, such information may  
 1238 | be considered by the department ~~board~~ as a mitigating factor in  
 1239 | determining the appropriate penalty. This subsection does not  
 1240 | limit mitigating factors the department ~~board~~ may consider.

1241 |       (6) A consultant, licensee, or approved treatment provider  
 1242 | who makes a disclosure pursuant to this section is not subject  
 1243 | to civil liability for such disclosure or its consequences. The  
 1244 | provisions of s. 766.101 apply to any officer, employee, or  
 1245 | agent of the department ~~or the board~~ and to any officer,  
 1246 | employee, or agent of any entity with which the department has  
 1247 | contracted pursuant to this section.

1248 |       **Section 18. Section 310.111, Florida Statutes, is amended**  
 1249 | **to read:**

1250 |       310.111 Marine incident reports.—Each collision,

1251 grounding, stranding, or other marine peril sustained or caused  
1252 by a vessel on which there was employed a licensed state pilot  
1253 or certificated deputy pilot shall be reported to the department  
1254 ~~office of the board~~ or the piloting consultant within 48 hours  
1255 after ~~of~~ the occurrence. In addition, a written report shall be  
1256 submitted to the department on forms and in the manner  
1257 prescribed by the department within 7 days after ~~of~~ the  
1258 occurrence. However, any marine incident involving oil spillage,  
1259 pollution, physical injury, or death shall be reported to the  
1260 department ~~board~~ or the piloting consultant by telephone or  
1261 telegram within 24 hours after ~~of~~ the occurrence in addition to  
1262 submission of the required written report.

1263 **Section 19. Section 310.121, Florida Statutes, is amended**  
1264 **to read:**

1265 310.121 Application, examination, and biennial fees.—

1266 (1) The department shall, in accordance with rules set by  
1267 the department ~~board~~, assess and collect the following fees:

1268 (a) A fee not to exceed \$300 for each application for  
1269 licensure as a state pilot or certification as a deputy pilot.  
1270 This fee shall be nonrefundable.

1271 (b) A fee not to exceed \$300 for each examination for  
1272 licensure as a state pilot or certification as a deputy pilot.

1273 (c) A fee not to exceed \$300 for each examination review.

1274 (2) The department shall assess and collect biennially  
1275 from each licensed state pilot and each certificated deputy

1276 pilot a fee, not to exceed \$200 in the case of a licensed state  
 1277 pilot or \$100 in the case of a certificated deputy pilot, such  
 1278 fees to be set by the department ~~board~~.

1279 **Section 20. Section 310.131, Florida Statutes, is amended**  
 1280 **to read:**

1281 310.131 Assessment of percentage of gross pilotage.—The  
 1282 department shall assess the licensed state pilots in the  
 1283 respective ports of the state a percentage of the gross amount  
 1284 of pilotage earned by such pilots during each year, which  
 1285 percentage will be established by the department ~~board~~ not to  
 1286 exceed 2 percent, to be paid into the Professional Regulation  
 1287 Trust Fund by such pilots at such time and in such manner as the  
 1288 department ~~board~~ prescribes or as is set forth in the General  
 1289 Appropriations Act. The financial records of all pilots and  
 1290 deputy pilots relating to pilotage are subject to audit by the  
 1291 department and the Auditor General. The department shall by rule  
 1292 set a procedure for verifying the amount of pilotage at each  
 1293 port and may charge costs to the appropriate port if the port  
 1294 does not comply with such procedure.

1295 **Section 21. Section 310.142, Florida Statutes, is amended**  
 1296 **to read:**

1297 310.142 Pilotage at St. Marys Entrance.—The department may  
 1298 exercise ~~board is authorized to enter into an agreement with the~~  
 1299 ~~Board of Pilotage Commissioners for the~~ corporate authority of  
 1300 St. Marys, Georgia, for reciprocal pilotage of vessels in the

1301 boundary waters and tributaries of St. Marys Entrance.

1302 **Section 22. Subsections (1) and (7) of section 310.151,**  
 1303 **Florida Statutes, are amended to read:**

1304 310.151 Rates of pilotage; Pilotage Rate Review  
 1305 Committee.—

1306 (1) (a) As used in this section, the term—

1307 ~~1. "committee" means the Pilotage Rate Review Committee~~  
 1308 ~~established under this section as part of the Board of Pilot~~  
 1309 ~~Commissioners.~~

1310 ~~2. "Board" means the Board of Pilot Commissioners.~~

1311 (b) To carry out ~~the provisions of~~ this section, the  
 1312 Pilotage Rate Review Committee is established as part of the  
 1313 ~~Board of Pilot Commissioners within the~~ department of ~~Business~~  
 1314 ~~and Professional Regulation~~. The committee shall consist of the  
 1315 following seven members ~~of the board~~: two ~~board~~ members who are  
 1316 licensed state pilots actively practicing their profession, ~~who~~  
 1317 ~~shall be appointed by majority vote of the licensed state pilots~~  
 1318 ~~serving on the board~~; two ~~board~~ members who are actively  
 1319 involved in a professional or business capacity in the maritime  
 1320 industry, marine shipping industry, or commercial passenger  
 1321 cruise industry; one ~~board~~ member who is a certified public  
 1322 accountant with at least 5 years of experience in financial  
 1323 management; and two ~~board~~ members who are citizens of the state.

1324 (c) Committee members shall comply with the disclosure  
 1325 requirements of s. 112.3143(4) if participating in any matter

1326 that would result in special private gain or loss as described  
 1327 in that subsection.

1328 (d) The committee may ~~has authority to~~ adopt rules  
 1329 ~~pursuant to ss. 120.536(1) and 120.54~~ to implement provisions of  
 1330 this section conferring duties upon it. The department shall  
 1331 provide the staff required by the committee to carry out its  
 1332 duties under this section.

1333 (e) All funds received pursuant to this section shall be  
 1334 placed in the account of the department ~~Board of Pilot~~  
 1335 ~~Commissioners~~, and the department ~~Board of Pilot Commissioners~~  
 1336 shall pay for all expenses incurred pursuant to this section.

1337 (7) The decisions of the committee regarding rates are not  
 1338 appealable to the department ~~board~~.

1339 **Section 23. Section 310.183, Florida Statutes, is amended**  
 1340 **to read:**

1341 310.183 Immediate inactivation of license or certificate  
 1342 for certain violations.—The department shall issue an emergency  
 1343 order placing on inactive status, for a period not to exceed 15  
 1344 days, the license of any pilot or certificate of any deputy  
 1345 pilot who, while providing piloting services, is involved in a  
 1346 marine incident that results in the death of a human or, as  
 1347 determined by rule ~~of the board~~, substantial physical injury to  
 1348 a human or significant property or environmental damage, unless  
 1349 the department determines that the incident is clearly not the  
 1350 result of the actions of the pilot or deputy pilot.

1351 **Section 24. Subsection (1) of section 310.185, Florida**  
 1352 **Statutes, is amended to read:**

1353 310.185 Rulemaking.—

1354 (1) The department may ~~board has authority to~~ adopt rules  
 1355 ~~pursuant to ss. 120.536(1) and 120.54~~ to implement the  
 1356 ~~provisions of~~ this chapter.

1357 **Section 25. Subsection (2) of section 326.002, Florida**  
 1358 **Statutes, is amended to read:**

1359 326.002 Definitions.—As used in ss. 326.001-326.006, the  
 1360 term:

1361 (2) "Division" means the Division of Professions ~~Florida~~  
 1362 ~~Condominiums, Timeshares, and Mobile Homes~~ of the Department of  
 1363 Business and Professional Regulation.

1364 **Section 26. Subsection (3) of section 326.006, Florida**  
 1365 **Statutes, is amended to read:**

1366 326.006 Powers and duties ~~of division~~.—

1367 (3) All fees must be deposited in the Professional  
 1368 Regulation ~~Division of Florida Condominiums, Timeshares, and~~  
 1369 ~~Mobile Homes~~ Trust Fund as provided by law.

1370 **Section 27. Paragraph (a) of subsection (3) of section**  
 1371 **376.303, Florida Statutes, is amended to read:**

1372 376.303 Powers and duties of the Department of  
 1373 Environmental Protection.—

1374 (3) INSPECTION OF POLLUTANT STORAGE TANKS.—

1375 (a) The department may inspect the installation of any

1376 pollutant storage tank. Any person installing a pollutant  
 1377 storage tank, as defined in s. 489.105(16) ~~s. 489.105(17)~~, shall  
 1378 certify that such installation is in accordance with the  
 1379 standards adopted pursuant to this section. The department shall  
 1380 promulgate a form for such certification which shall at a  
 1381 minimum include:

1382 1. A signed statement by the certified pollutant storage  
 1383 systems contractor, as defined in s. 489.105(2)(p) ~~s.~~  
 1384 ~~489.105(3)(p)~~, that such installation is in accordance with  
 1385 standards adopted pursuant to this section; and

1386 2. Signed statements by the onsite persons performing or  
 1387 supervising the installation of a pollutant storage tank, which  
 1388 statements shall be required of tasks that are necessary for the  
 1389 proper installation of such tank.

1390 **Section 28. Paragraph (n) of subsection (3) of section**  
 1391 **381.0065, Florida Statutes, is amended to read:**

1392 381.0065 Onsite sewage treatment and disposal systems;  
 1393 regulation.—

1394 (3) DUTIES AND POWERS OF THE DEPARTMENT OF ENVIRONMENTAL  
 1395 PROTECTION.—The department shall:

1396 (n) Regulate and permit maintenance entities for  
 1397 performance-based treatment systems and aerobic treatment unit  
 1398 systems. To ensure systems are maintained and operated according  
 1399 to manufacturer's specifications and designs, the department  
 1400 shall establish by rule minimum qualifying criteria for

1401 maintenance entities. The criteria shall include training,  
 1402 access to approved spare parts and components, access to  
 1403 manufacturer's maintenance and operation manuals, and service  
 1404 response time. The maintenance entity shall employ a contractor  
 1405 licensed under s. 489.105(2)(m) ~~s. 489.105(3)(m)~~, or part III of  
 1406 chapter 489, or a state-licensed wastewater plant operator, who  
 1407 is responsible for maintenance and repair of all systems under  
 1408 contract.

1409 **Section 29. Section 403.868, Florida Statutes, is amended**  
 1410 **to read:**

1411 403.868 Requirements by a utility.—A utility may have more  
 1412 stringent requirements than set by law, including certification  
 1413 requirements for water distribution systems and domestic  
 1414 wastewater collection systems operations, except that a utility  
 1415 may not require a licensed contractor, as defined in s.  
 1416 489.105(2) ~~s. 489.105(3)~~ to have any additional license for work  
 1417 in water distribution systems or domestic wastewater collection  
 1418 systems.

1419 **Section 30. Paragraph (e) of subsection (1) of section**  
 1420 **403.9329, Florida Statutes, is amended to read:**

1421 403.9329 Professional mangrove trimmers.—  
 1422 (1) For purposes of ss. 403.9321-403.9333, the following  
 1423 persons are considered professional mangrove trimmers:  
 1424 (e) Persons licensed under part II of chapter 481. The  
 1425 Department of Business and Professional Regulation Board of

1426 ~~Landscape Architecture~~ shall establish appropriate standards ~~and~~  
1427 ~~continuing legal education requirements~~ to assure the competence  
1428 of licensees to conduct the activities authorized under ss.  
1429 403.9321-403.9333. Trimming by landscape architects as  
1430 professional mangrove trimmers is not allowed until the  
1431 establishment of standards by the department ~~board~~. The  
1432 department ~~board~~ shall also establish penalties for violating  
1433 ss. 403.9321-403.9333. Only those landscape architects who are  
1434 certified in the state may qualify as professional mangrove  
1435 trimmers under ss. 403.9321-403.9333, notwithstanding any  
1436 reciprocity agreements that may exist between this state and  
1437 other states;

1438 **Section 31. Paragraph (a) of subsection (19) of section**  
1439 **440.02, Florida Statutes, is amended to read:**

1440 440.02 Definitions.—When used in this chapter, unless the  
1441 context clearly requires otherwise, the following terms shall  
1442 have the following meanings:

1443 (19) (a) "Employer" means the state and all political  
1444 subdivisions thereof, all public and quasi-public corporations  
1445 therein, every person carrying on any employment, and the legal  
1446 representative of a deceased person or the receiver or trustees  
1447 of any person. The term also includes employee leasing  
1448 companies, as defined in s. 468.520(4) ~~s. 468.520(5)~~, and  
1449 employment agencies that provide their own employees to other  
1450 persons. If the employer is a corporation, parties in actual

1451 control of the corporation, including, but not limited to, the  
 1452 president, officers who exercise broad corporate powers,  
 1453 directors, and all shareholders who directly or indirectly own a  
 1454 controlling interest in the corporation, are considered the  
 1455 employer for the purposes of ss. 440.105, 440.106, and 440.107.

1456 **Section 32. Section 448.26, Florida Statutes, is amended**  
 1457 **to read:**

1458 448.26 Application.—Nothing in this part shall exempt any  
 1459 client of any labor pool or temporary help arrangement entity as  
 1460 defined in s. 468.520(3)(a) ~~s. 468.520(4)(a)~~ or any assigned  
 1461 employee from any other license requirements of state, local, or  
 1462 federal law. Any employee assigned to a client who is licensed,  
 1463 registered, or certified pursuant to law shall be deemed an  
 1464 employee of the client for such licensure purposes but shall  
 1465 remain an employee of the labor pool or temporary help  
 1466 arrangement entity for purposes of chapters 440 and 443.

1467 **Section 33. Section 455.203, Florida Statutes, is amended**  
 1468 **to read:**

1469 455.203 Department; powers and duties.—Notwithstanding any  
 1470 other law, for each profession under the jurisdiction of the  
 1471 department, and for the boards under its jurisdiction, the  
 1472 department shall:

1473 (1) Adopt rules establishing a procedure for the ~~biennial~~  
 1474 renewal of licenses every 4 years; ~~however, the department may~~  
 1475 ~~issue up to a 4-year license to selected licensees~~

1476 ~~notwithstanding any other provisions of law to the contrary.~~

1477 Fees for such renewal shall not exceed the fee caps for  
1478 individual professions on an annualized basis as authorized by  
1479 law.

1480 (2) Appoint the executive director of each board, subject  
1481 to the approval of the board.

1482 (3) Submit an annual budget to the Legislature at a time  
1483 and in the manner provided by law.

1484 (4) Develop a training program for persons newly appointed  
1485 to membership on any board. The program shall familiarize such  
1486 persons with the substantive and procedural laws and rules and  
1487 fiscal information relating to the regulation of the appropriate  
1488 profession and with the structure of the department.

1489 (5) Adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~ to  
1490 implement ~~the provisions of~~ this chapter.

1491 (6) Establish by rule procedures by which the department  
1492 shall use the expert or technical advice of the appropriate  
1493 board for the purposes of investigation, inspection, evaluation  
1494 of applications, other duties of the department, or any other  
1495 areas the department may deem appropriate.

1496 (7) Require all proceedings of any board or panel thereof  
1497 and all formal or informal proceedings conducted by the  
1498 department, an administrative law judge, or a hearing officer  
1499 with respect to licensing or discipline to be electronically  
1500 recorded in a manner sufficient to assure the accurate

1501 transcription of all matters so recorded.

1502 (8) Select only those investigators, or consultants who  
1503 undertake investigations, who meet criteria established with the  
1504 advice of the respective boards.

1505 (9) Work cooperatively with the Department of Revenue to  
1506 implement an automated method for periodically disclosing  
1507 information relating to current licensees to the Department of  
1508 Revenue. The purpose of this subsection is to promote the public  
1509 policy of this state as established in s. 409.2551. The  
1510 department shall, when directed by the court or the Department  
1511 of Revenue pursuant to s. 409.2598, suspend or deny the license  
1512 of any licensee found not to be in compliance with a support  
1513 order, subpoena, order to show cause, or written agreement  
1514 entered into by the licensee with the Department of Revenue. The  
1515 department shall issue or reinstate the license without  
1516 additional charge to the licensee when notified by the court or  
1517 the Department of Revenue that the licensee has complied with  
1518 the terms of the support order. The department shall not be held  
1519 liable for any license denial or suspension resulting from the  
1520 discharge of its duties under this subsection.

1521 (10) Have authority to:

1522 (a) Close and terminate deficient license application  
1523 files 2 years after the board or the department notifies the  
1524 applicant of the deficiency; and

1525 (b) Approve applications for professional licenses that

1526 meet all statutory and rule requirements for licensure.

1527 **Section 34. Subsections (8) and (9) of section 455.271,**  
 1528 **Florida Statutes, are amended to read:**

1529 455.271 Inactive and delinquent status.—

1530 (8) Each board, or the department when there is no board,  
 1531 shall, by rule, impose an additional fee, not to exceed the  
 1532 ~~biennial~~ renewal fee for an active status license, for  
 1533 processing a licensee's request to change licensure status at  
 1534 any time other than at the beginning of a licensure cycle.

1535 (9) Each board, or the department when there is no board,  
 1536 may, by rule, impose reasonable conditions, excluding full  
 1537 reexamination but including part of a national examination or a  
 1538 special purpose examination to assess current competency,  
 1539 necessary to ensure that a licensee who has been on inactive  
 1540 status for more than one ~~two consecutive biennial~~ licensure  
 1541 cycle ~~cycles~~ and who applies for active status can practice with  
 1542 the care and skill sufficient to protect the health, safety, and  
 1543 welfare of the public. Reactivation requirements may differ  
 1544 depending on the length of time licensees are inactive. The  
 1545 costs to meet reactivation requirements shall be borne by  
 1546 licensees requesting reactivation.

1547 **Section 35. Subsection (4) of section 468.382, Florida**  
 1548 **Statutes, is amended to read:**

1549 468.382 Definitions.—As used in this act, the term:

1550 ~~(4) "Board" means the Florida Board of Auctioneers.~~

1551           **Section 36. Subsections (1) and (3) through (7) of section**  
 1552 **468.385, Florida Statutes, are amended to read:**

1553           468.385 Licenses required; qualifications; examination.—

1554           (1) The department shall license any applicant who ~~the~~  
 1555 ~~board certifies~~ is qualified to practice auctioneering.

1556           (3) A ~~No~~ person may not ~~shall~~ be licensed as an auctioneer  
 1557 or apprentice if he or she:

1558           (a) Is under 18 years of age; or

1559           (b) Has committed any act or offense in this state or any  
 1560 other jurisdiction which would constitute a basis for  
 1561 disciplinary action under s. 468.389.

1562           (4) A ~~Any~~ person seeking a license as an auctioneer must  
 1563 pass a written examination approved by the department ~~board~~  
 1564 which tests his or her general knowledge of the laws of this  
 1565 state relating to provisions of the Uniform Commercial Code that  
 1566 are relevant to auctions, the laws of agency, and ~~the provisions~~  
 1567 ~~of~~ this act.

1568           (5) Each apprentice application and license shall name a  
 1569 licensed auctioneer who has agreed to serve as the supervisor of  
 1570 the apprentice. An ~~No~~ apprentice may not conduct, or contract to  
 1571 conduct, an auction without the express approval of his or her  
 1572 supervisor. The supervisor shall regularly review the  
 1573 apprentice's records, which are required by the department ~~board~~  
 1574 to be maintained, to determine whether ~~if~~ such records are  
 1575 accurate and current.

1576 (6) A ~~No~~ person may not ~~shall~~ be licensed as an auctioneer  
 1577 unless he or she:

1578 (a) Has held an apprentice license and has served as an  
 1579 apprentice for 1 year or more, or has completed a course of  
 1580 study, consisting of not less than 80 classroom hours of  
 1581 instruction, that meets standards adopted by the department  
 1582 ~~board~~;

1583 (b) Has passed the required examination; and

1584 (c) Is approved by the department ~~board~~.

1585 (7)(a) Any auction that is subject to ~~the provisions of~~  
 1586 this part must be conducted by an auctioneer who has an active  
 1587 license or an apprentice who has an active apprentice auctioneer  
 1588 license and who has received prior written sponsor consent.

1589 (b) A ~~No~~ business may not ~~shall~~ auction or offer to  
 1590 auction any property in this state unless it is licensed as an  
 1591 auction business by the department ~~board~~ or is exempt from  
 1592 licensure under this act. An ~~Each~~ application for licensure must  
 1593 ~~shall~~ include the names of the owner and the business, the  
 1594 business mailing address and location, and any other information  
 1595 which the department ~~board~~ may require. The owner of an auction  
 1596 business shall report to the department ~~board~~ within 30 days  
 1597 after ~~of~~ any change in this required information.

1598 **Section 37. Subsection (2) of section 468.3851, Florida**  
 1599 **Statutes, is amended to read:**

1600 468.3851 Renewal of license.—

1601 (2) The department shall adopt a procedure for the  
1602 ~~biennial~~ renewal of licenses every 4 years.

1603 **Section 38. Section 468.3852, Florida Statutes, is amended**  
1604 **to read:**

1605 468.3852 Reactivation of license; fee.—The department  
1606 ~~board~~ shall prescribe a fee not to exceed \$250 for the  
1607 reactivation of an inactive license. The fee shall be in  
1608 addition to the current ~~biennial~~ renewal fee.

1609 **Section 39. Subsections (2) through (5) and (8) of section**  
1610 **468.3855, Florida Statutes, are amended to read:**

1611 468.3855 Apprenticeship training requirements.—

1612 (2) Any auctioneer who undertakes the sponsorship of an  
1613 apprentice shall ensure that the apprentice receives training as  
1614 required by department ~~board~~ rule.

1615 (3) An apprentice must actively participate in auction  
1616 sales as required by department ~~board~~ rule, and a record of each  
1617 auction for which participation credit is claimed must be made  
1618 as required by department ~~board~~ rule.

1619 (4) Apprentices are prohibited from conducting any auction  
1620 without the prior express written consent of the sponsor. The  
1621 apprentice's sponsor must be present at the auction site at any  
1622 time the apprentice is actively participating in the conduct of  
1623 the auction. If the apprentice's sponsor cannot attend a  
1624 particular auction, the sponsor may appoint a qualified  
1625 auctioneer who meets the requirements of department ~~board~~ rule

1626 to attend the auction in his or her place. Prior written consent  
 1627 must be given by the apprentice's sponsor for each substitution.

1628 (5) Each apprentice and sponsor shall file reports as  
 1629 required by department ~~board~~ rule.

1630 (8) All apprentice applications shall be valid for a  
 1631 period of 6 months after department ~~board~~ approval. Any  
 1632 applicant who fails to complete the licensure process within  
 1633 that time shall be required to make application as a new  
 1634 applicant.

1635 **Section 40. Subsection (1) of section 468.386, Florida**  
 1636 **Statutes, is amended to read:**

1637 468.386 Fees; local licensing requirements.—

1638 (1) The department ~~board~~ by rule may establish  
 1639 application, examination, licensure, renewal, and other  
 1640 reasonable and necessary fees, based upon the department's  
 1641 estimate of the costs ~~to the board~~ in administering this act.

1642 **Section 41. Section 468.387, Florida Statutes, is amended**  
 1643 **to read:**

1644 468.387 Licensing of nonresidents; endorsement;  
 1645 reciprocity.—The department shall issue a license by endorsement  
 1646 to practice auctioneering to an applicant who, upon applying to  
 1647 the department and remitting the required fee, set by the  
 1648 department ~~board~~, demonstrates to the department ~~board~~ that he  
 1649 or she satisfies the requirements of s. 468.385(3) and holds a  
 1650 valid license to practice auctioneering in another state,

1651 provided that the requirements for licensure in that state are  
1652 substantially equivalent to or more stringent than those  
1653 existing in this state. The endorsement and reciprocity  
1654 provisions of this section shall apply to auctioneers only and  
1655 not to professions or occupations regulated by other statutes.

1656 **Section 42. Subsections (3) and (9) and paragraph (b) of**  
1657 **subsection (10) of section 468.388, Florida Statutes, are**  
1658 **amended to read:**

1659 468.388 Conduct of an auction.—

1660 (3) Each auctioneer or auction business shall maintain a  
1661 record book of all sales. The record book shall be open to  
1662 inspection by the department ~~board~~ at reasonable times.

1663 (9) The auction business under which the auction is  
1664 conducted is responsible for all other aspects of the auction as  
1665 required by department ~~board~~ rule. The auction business may  
1666 delegate in whole, or in part, different aspects of the auction  
1667 only to the extent that such delegation is permitted by law and  
1668 that such delegation will not impede the principal auctioneer's  
1669 ability to ensure the proper conduct of his or her independent  
1670 responsibility for the auction. The auction business under whose  
1671 auspices the auction is conducted is responsible for ensuring  
1672 compliance as required by department ~~board~~ rule.

1673 (10)

1674 (b) Each auction business shall maintain, for not less  
1675 than 2 years, a separate ledger showing the funds held for

1676 another person deposited and disbursed by the auction business  
 1677 for each auction. The escrow or trust account must be reconciled  
 1678 monthly with the bank statement. A signed and dated record shall  
 1679 be maintained for a 2-year period and be available for  
 1680 inspection by the department ~~or at the request of the board.~~

1681 **Section 43. Paragraph (j) of subsection (1), subsection**  
 1682 **(2), and paragraph (a) of subsection (3) of section 468.389,**  
 1683 **Florida Statutes, are amended to read:**

1684 468.389 Prohibited acts; penalties.—

1685 (1) The following acts shall be grounds for the  
 1686 disciplinary activities provided in subsections (2) and (3):

1687 (j) Violating a statute or administrative rule regulating  
 1688 practice under this part or a lawful disciplinary order of the  
 1689 ~~board or the~~ department.

1690 (2) When the department ~~board~~ finds any person guilty of  
 1691 any of the prohibited acts set forth in subsection (1), it may  
 1692 enter an order imposing one or more of the following penalties:

1693 (a) Refusal to certify to the department an application  
 1694 for licensure.

1695 (b) Revocation or suspension of a license.

1696 (c) Imposition of an administrative fine not to exceed  
 1697 \$1,000 for each count or separate offense.

1698 (d) Issuance of a reprimand.

1699 (e) Placement of the auctioneer on probation for a period  
 1700 of time and subject to conditions as the department ~~board~~ may

1701 specify, including requiring the auctioneer to successfully  
 1702 complete the licensure examination.

1703 (f) Requirement that the person in violation make  
 1704 restitution to each consumer affected by that violation. Proof  
 1705 of such restitution shall be a signed and notarized release  
 1706 executed by the consumer or the consumer's estate.

1707 (3) (a) Failure to pay a fine within a reasonable time, as  
 1708 prescribed by department ~~board~~ rule, may be grounds for  
 1709 disciplinary action.

1710 **Section 44. Section 468.392, Florida Statutes, is amended**  
 1711 **to read:**

1712 468.392 Auctioneer Recovery Fund.—There is created the  
 1713 Auctioneer Recovery Fund as a separate account in the  
 1714 Professional Regulation Trust Fund. The fund shall be  
 1715 administered by the department ~~Florida Board of Auctioneers~~.

1716 (1) The Chief Financial Officer shall invest the money not  
 1717 currently needed to meet the obligations of the fund in the same  
 1718 manner as other public funds may be invested. Interest that  
 1719 accrues from these investments shall be deposited to the credit  
 1720 of the Auctioneer Recovery Fund and shall be available for the  
 1721 same purposes as other moneys deposited in the Auctioneer  
 1722 Recovery Fund.

1723 (2) All payments and disbursements from the Auctioneer  
 1724 Recovery Fund shall be made by the Chief Financial Officer upon  
 1725 a voucher signed by the Secretary of Business and Professional

1726 Regulation or the secretary's designee.

1727 (3) If at any time the moneys in the Auctioneer Recovery  
 1728 Fund are insufficient to satisfy any valid claim or portion  
 1729 thereof, the department ~~board~~ shall satisfy such unpaid claim or  
 1730 portion thereof as soon as a sufficient amount has been  
 1731 deposited in or transferred to the fund. When there is more than  
 1732 one unsatisfied claim outstanding, such claims shall be paid in  
 1733 the order in which the claims were made.

1734 (4) Upon the payment of any amount from the Auctioneer  
 1735 Recovery Fund in settlement of a claim in satisfaction of a  
 1736 judgment against an auctioneer or auction business as described  
 1737 in s. 468.395, the license of such auctioneer or auction  
 1738 business shall be automatically suspended until the licensee has  
 1739 complied with s. 468.398. A discharge of bankruptcy does ~~shall~~  
 1740 not relieve a person from the penalties and disabilities  
 1741 provided in this section.

1742 (5) Moneys in the fund at the end of a fiscal year shall  
 1743 be retained in the fund and shall accrue for the benefit of  
 1744 auctioneers and auction businesses. When the fund exceeds the  
 1745 amount as set forth in s. 468.393(2), all surcharges shall be  
 1746 suspended until such time as the fund is reduced below the  
 1747 amount as set forth in s. 468.393(3).

1748 **Section 45. Subsections (1), (3), and (4) of section**  
 1749 **468.393, Florida Statutes, are amended to read:**

1750 468.393 Surcharge to license fee; assessments.-

1751 (1) At the time of licensure under s. 468.385, s.  
1752 468.3851, or s. 468.3852, each licensee shall pay, in addition  
1753 to an application and license fee, a surcharge in an amount to  
1754 be determined by the department ~~board~~, not to exceed \$300, which  
1755 shall be deposited in the Auctioneer Recovery Fund.

1756 (3) After October 1, 1995, if the total amount in the  
1757 Auctioneer Recovery Fund, including principal and interest, is  
1758 less than \$200,000 at the end of the fiscal year after the  
1759 payment of all claims and expenses, the department ~~board~~ shall  
1760 assess, in addition to any other fees under s. 468.3852, a  
1761 surcharge against a licensee at the time of initial licensure or  
1762 at the time of license renewal, according to the following  
1763 formula in order to maintain the fund at \$500,000:

1764 (a) Determine the amount remaining in the fund at the end  
1765 of the state fiscal year after all expenses and claims have been  
1766 paid.

1767 (b) Subtract the amount determined under paragraph (a)  
1768 from \$500,000.

1769 (c) Determine the number of initial licenses and license  
1770 renewals in the fiscal year that precedes the current fiscal  
1771 year.

1772 (d) Divide the amount determined under paragraph (b) by  
1773 the number determined under paragraph (c).

1774 (4) The department ~~board~~ shall assess the surcharge  
1775 described in subsection (3) against each licensee who receives

1776 an initial license or receives a renewal license during the  
1777 fiscal year that follows the year in which the amount remaining  
1778 in the fund was less than \$200,000.

1779 **Section 46. Subsections (1) and (4) of section 468.395,**  
1780 **Florida Statutes, are amended to read:**

1781 468.395 Conditions of recovery; eligibility.—

1782 (1) Recovery from the Auctioneer Recovery Fund may be  
1783 obtained as follows:

1784 (a) Any aggrieved person is eligible to receive recovery  
1785 from the Auctioneer Recovery Fund if the department ~~Florida~~  
1786 ~~Board of Auctioneers~~ has issued a final order directing an  
1787 offending licensee to pay restitution to the claimant as the  
1788 result of the licensee violating, within this state, any  
1789 provision of s. 468.389 or any rule adopted by the department  
1790 ~~board~~ and if the department ~~board~~ determined that the order of  
1791 restitution cannot be enforced; or

1792 (b) Any aggrieved person who obtains a final judgment in  
1793 any court against any licensee to recover damages for any actual  
1794 loss that results from the violation, within this state, by a  
1795 licensee of any provision of s. 468.389 or any rule adopted by  
1796 the department ~~board~~ may, upon termination of all proceedings,  
1797 including appeals and proceedings supplemental to judgment for  
1798 collection purposes, file a verified application to the  
1799 department ~~board~~ for an order directing payment out of the  
1800 Auctioneer Recovery Fund of the amount of actual loss in the

1801 transaction that remains unpaid upon the judgment. The amount of  
1802 actual loss may include court costs, but may ~~shall~~ not include  
1803 attorney ~~attorney's~~ fees or punitive damages awarded.

1804 (4) The department may ~~board shall~~ not issue an order for  
1805 payment of a claim from the Auctioneer Recovery Fund unless the  
1806 claimant has reasonably established to the department ~~board~~ that  
1807 she or he has taken proper and reasonable action to collect the  
1808 amount of her or his claim from the licensee responsible for the  
1809 loss and that any recovery made has been applied to reduce the  
1810 amount of the claim on the Auctioneer Recovery Fund.

1811 **Section 47. Subsections (2) and (3) of section 468.396,**  
1812 **Florida Statutes, are amended to read:**

1813 468.396 Claims against a single licensee in excess of  
1814 dollar limitation; joinder of claims, payment; insufficient  
1815 funds.—

1816 (2) Upon petition of the department ~~board~~, the court may  
1817 require all claimants and prospective claimants against one  
1818 licensee to be joined in one action, to the end that the  
1819 respective rights of all the claimants to the department ~~board~~  
1820 may be equitably adjudicated and settled.

1821 (3) On June 30 and December 31 of each year, the  
1822 department ~~board~~ shall identify each claim that the court orders  
1823 to be paid during the 6-month period that ended on that day. The  
1824 department ~~board~~ shall pay the part of each claim that is so  
1825 identified within 15 days after the end of the 6-month period in

1826 | which the claim is ordered paid. However, if the balance in the  
1827 | fund is insufficient to pay the full payable amount of each  
1828 | claim that is ordered to be paid during a 6-month period, the  
1829 | department board shall pay a prorated portion of each claim that  
1830 | is ordered to be paid during the period. Any part of the payable  
1831 | amount of a claim left unpaid due to the prorating of payments  
1832 | under this subsection shall be paid, subject to the \$50,000  
1833 | limit described in s. 468.395, before the payment of claims  
1834 | ordered to be paid during the following 6 months.

1835 |       **Section 48. Section 468.397, Florida Statutes, is amended**  
1836 | **to read:**

1837 |       468.397 Payment of claim.—Upon a final order of the court  
1838 | directing that payment be made out of the Auctioneer Recovery  
1839 | Fund, the department board shall, subject to the provisions of  
1840 | this part, make the payment out of the Auctioneer Recovery Fund  
1841 | as provided in s. 468.395.

1842 |       **Section 49. Section 468.398, Florida Statutes, is amended**  
1843 | **to read:**

1844 |       468.398 Suspension of judgment debtor's license; repayment  
1845 | by licensee; interest.—If the department board is required to  
1846 | make any payment from the Auctioneer Recovery Fund in settlement  
1847 | of a claim or toward the satisfaction of a judgment under this  
1848 | part, the department board shall suspend the judgment debtor's  
1849 | license. The licensee is not eligible to be licensed again as  
1850 | either an auctioneer or auction business until the licensee has

1851 repaid in full the amount paid from the Auctioneer Recovery  
 1852 Fund, with interest at the current applicable rate.

1853 **Section 50. Subsection (1) of section 468.404, Florida**  
 1854 **Statutes, is amended to read:**

1855 468.404 License; fees; renewals.—

1856 (1) The department shall establish ~~biennial~~ fees for  
 1857 initial licensing, renewal of license every 4 years, and  
 1858 reinstatement of license, none of which fees shall exceed \$400.  
 1859 The department may establish a delinquency fee of no more than  
 1860 \$50. The fees shall be adequate to proportionately fund the  
 1861 expenses of the department which are allocated to the regulation  
 1862 of talent agencies and shall be based on the department's  
 1863 estimate of the revenue required to administer this part.

1864 **Section 51. Subsection (1) of section 468.407, Florida**  
 1865 **Statutes, is amended to read:**

1866 468.407 License; content; posting.—

1867 (1) The talent agency license shall be valid for the  
 1868 ~~biennial~~ period in which issued and shall be in such form as may  
 1869 be determined by the department, but shall at least specify the  
 1870 name under which the applicant is to operate, the address of the  
 1871 place of business, the expiration date of the license, the full  
 1872 names and titles of the owner and the operator, and the number  
 1873 of the license.

1874 **Section 52. Subsection (5) of section 468.431, Florida**  
 1875 **Statutes, is amended to read:**

1876 468.431 Definitions.—As used in this part:

1877 ~~(5) "Council" means the Regulatory Council of Community~~  
 1878 ~~Association Managers.~~

1879 **Section 53. Paragraph (d) of subsection (2) and subsection**  
 1880 **(3) of section 468.433, Florida Statutes, are amended to read:**

1881 468.433 Licensure by examination.—

1882 (2) The department shall examine each applicant who is at  
 1883 least 18 years of age, who has successfully completed all  
 1884 prelicensure education requirements, and who the department  
 1885 certifies is of good moral character.

1886 (d) The department ~~council~~ shall establish by rule the  
 1887 required amount of prelicensure education, which shall consist  
 1888 of not more than 24 hours of in-person instruction by a  
 1889 department-approved provider and which shall cover all areas of  
 1890 the examination specified in subsection (3). Such instruction  
 1891 shall be completed within 12 months before ~~prior to~~ the date of  
 1892 the examination. ~~Prelicensure education providers shall be~~  
 1893 ~~considered continuing education providers for purposes of~~  
 1894 ~~establishing provider approval fees. A licensee shall not be~~  
 1895 ~~required to comply with the continuing education requirements of~~  
 1896 ~~s. 468.4337 prior to the first license renewal.~~ The department  
 1897 shall, by rule, set standards for exceptions to the requirement  
 1898 of in-person instruction in cases of hardship or disability.

1899 (3) The department ~~council~~ shall approve an examination  
 1900 for licensure. The examination must demonstrate that the

1901 applicant has a fundamental knowledge of state and federal laws  
 1902 relating to the operation of all types of community associations  
 1903 and state laws relating to corporations and nonprofit  
 1904 corporations, proper preparation of community association  
 1905 budgets, proper procedures for noticing and conducting community  
 1906 association meetings, insurance matters relating to community  
 1907 associations, and management skills.

1908 **Section 54. Subsection (1) of section 468.4336, Florida**  
 1909 **Statutes, is amended to read:**

1910 468.4336 Renewal of license.—

1911 (1) The department shall renew a license upon receipt of  
 1912 the renewal application and fee ~~and upon proof of compliance~~  
 1913 ~~with the continuing education requirements of s. 468.4337.~~

1914 **Section 55. Section 468.435, Florida Statutes, is amended**  
 1915 **to read:**

1916 468.435 Fees; establishment; disposition.—

1917 (1) The department ~~council~~ shall establish fees for the  
 1918 described purposes and within the ranges specified in this  
 1919 section:

1920 (a) Application fee: not less than \$25, or more than \$50.

1921 (b) Examination fee: not less than \$25, or more than \$100.

1922 (c) Initial license fee: not less than \$25, or more than  
 1923 \$100.

1924 (d) Renewal of license fee: not less than \$25, or more  
 1925 than \$100.

1926 (e) Delinquent license fee: not less than \$25, or more  
 1927 than \$50.

1928 (f) Inactive license fee: not less than \$10, or more than  
 1929 \$25.

1930 (2) Until the department ~~council~~ establishes fees under  
 1931 subsection (1), the lower amount in each range shall apply.

1932 (3) Fees collected under this section shall be deposited  
 1933 to the credit of the Professional Regulation Trust Fund.

1934 (4) The department ~~council~~ shall establish fees that are  
 1935 adequate to fund the cost to implement the provisions of this  
 1936 part. Fees shall be based on the department estimates of the  
 1937 revenue required to implement this part and the provisions of  
 1938 law with respect to the regulation of community association  
 1939 managers.

1940 **Section 56. Paragraph (b) of subsection (2) and subsection**  
 1941 **(3) of section 468.436, Florida Statutes, are amended to read:**

1942 468.436 Disciplinary proceedings.—

1943 (2) The following acts constitute grounds for which the  
 1944 disciplinary actions in subsection (4) may be taken:

1945 (b)1. Violation of this part.

1946 2. Violation of any lawful order or rule rendered or  
 1947 adopted by the department ~~or the council~~.

1948 3. Being convicted of or pleading nolo contendere to a  
 1949 felony in any court in the United States.

1950 4. Obtaining a license or certification or any other

1951 order, ruling, or authorization by means of fraud,  
 1952 misrepresentation, or concealment of material facts.

1953 5. Committing acts of gross misconduct or gross negligence  
 1954 in connection with the profession.

1955 6. Contracting, on behalf of an association, with any  
 1956 entity in which the licensee has a financial interest that is  
 1957 not disclosed.

1958 7. Failing to disclose any conflict of interest as  
 1959 required by s. 468.4335.

1960 8. Violating chapter 718, chapter 719, or chapter 720  
 1961 during the course of performing community association management  
 1962 services pursuant to a contract with a community association as  
 1963 defined in s. 468.431(1).

1964 (3) The department ~~council~~ shall specify by rule the acts  
 1965 or omissions that constitute a violation of subsection (2).

1966 **Section 57. Subsection (2) of section 468.520, Florida**  
 1967 **Statutes, is amended to read:**

1968 468.520 Definitions.—As used in this part:

1969 ~~(2) "Board" means the Board of Employee Leasing Companies.~~

1970 **Section 58. Section 468.522, Florida Statutes, is amended**  
 1971 **to read:**

1972 468.522 Rules of the department ~~board~~.—The department may  
 1973 ~~board has authority to~~ adopt rules pursuant to ~~ss. 120.536(1)~~  
 1974 ~~and 120.54~~ to implement the provisions of this part. Every  
 1975 licensee shall be governed and controlled by this part and the

1976 | rules adopted by the department ~~board~~.

1977 |       **Section 59. Subsection (2) and paragraph (b) of subsection**  
 1978 | **(4) of section 468.524, Florida Statutes, are amended to read:**

1979 |       468.524 Application for license.—

1980 |       (2) The department ~~board~~ may require information and  
 1981 | certifications necessary to determine that the applicant is of  
 1982 | good moral character and meets other licensure requirements of  
 1983 | this part.

1984 |       (4) An applicant or licensee is ineligible to reapply for  
 1985 | a license for a period of 1 year following final agency action  
 1986 | on the denial or revocation of a license applied for or issued  
 1987 | under this part. This time restriction does not apply to  
 1988 | administrative denials or revocations entered because:

1989 |       (b) The experience documented to the department ~~board~~ was  
 1990 | insufficient at the time of the previous application;

1991 |       **Section 60. Section 468.5245, Florida Statutes, is amended**  
 1992 | **to read:**

1993 |       468.5245 Change of ownership.—

1994 |       (1) A license or registration issued to any entity under  
 1995 | this part may not be transferred or assigned. The department  
 1996 | ~~board~~ shall adopt rules to provide for a licensee's or  
 1997 | registrant's change of name or location.

1998 |       (2) A person or entity that seeks to purchase or acquire  
 1999 | control of an employee leasing company or group licensed or  
 2000 | registered under this part must first apply to the department

2001 ~~board~~ for a certificate of approval for the proposed change of  
 2002 ownership. However, prior approval is not required if, at the  
 2003 time the purchase or acquisition occurs, a controlling person of  
 2004 the employee leasing company or group maintains a controlling  
 2005 person license under this part. Notification must be provided to  
 2006 the department ~~board~~ within 30 days after the purchase or  
 2007 acquisition of such company in the manner prescribed by the  
 2008 department ~~board~~.

2009 (3) Any application that is submitted to the department  
 2010 ~~board~~ under this section shall be deemed approved if the  
 2011 department ~~board~~ has not approved the application or rejected  
 2012 the application, and provided the applicant with the basis for a  
 2013 rejection, within 90 days after the receipt of the completed  
 2014 application.

2015 (4) The department ~~board~~ shall establish filing fees for a  
 2016 change-of-ownership application in accordance with s.  
 2017 468.524(1).

2018 **Section 61. Subsection (2) and paragraphs (c) through (f)**  
 2019 **of subsection (3) of section 468.525, Florida Statutes, are**  
 2020 **amended to read:**

2021 468.525 License requirements.—

2022 (2) (a) As used in this part, "good moral character" means  
 2023 a personal history of honesty, trustworthiness, fairness, a good  
 2024 reputation for fair dealings, and respect for the rights of  
 2025 others and for the laws of this state and nation. A thorough

2026 background investigation of the individual's good moral  
2027 character shall be instituted by the department. Such  
2028 investigation shall require:

2029 1. The submission of fingerprints, for processing through  
2030 appropriate law enforcement agencies, by the applicant and the  
2031 examination of police records by the department ~~board~~.

2032 2. Such other investigation of the individual as the  
2033 department ~~board~~ may deem necessary.

2034 (b) The department ~~board~~ may deny an application for  
2035 licensure or renewal citing lack of good moral character.  
2036 Conviction of a crime within the last 7 years may ~~shall~~ not  
2037 automatically bar any applicant or licensee from obtaining a  
2038 license or continuing as a licensee. The department ~~board~~ shall  
2039 consider the type of crime committed, the crime's relevancy to  
2040 the employee leasing industry, the length of time since the  
2041 conviction, and any other factors deemed relevant by the  
2042 department ~~board~~.

2043 (3) Each employee leasing company licensed by the  
2044 department shall have a registered agent for service of process  
2045 in this state and at least one licensed controlling person. In  
2046 addition, each licensed employee leasing company shall comply  
2047 with the following requirements:

2048 (c) An applicant for initial or renewal license of an  
2049 employee leasing company license or employee leasing company  
2050 group shall have an accounting net worth or shall have

2051 guaranties, letters of credit, or other security acceptable to  
2052 the department ~~board~~ in sufficient amounts to offset any  
2053 deficiency. A guaranty will not be acceptable to satisfy this  
2054 requirement unless the applicant submits sufficient evidence to  
2055 satisfy the department ~~board~~ that the guarantor has adequate  
2056 resources to satisfy the obligation of the guaranty.

2057 (d) Each employee leasing company shall maintain an  
2058 accounting net worth and positive working capital, as determined  
2059 in accordance with generally accepted accounting principles, or  
2060 shall have guaranties, letters of credit, or other security  
2061 acceptable to the department ~~board~~ in sufficient amounts to  
2062 offset any deficiency. A guaranty will not be acceptable to  
2063 satisfy this requirement unless the licensee submits sufficient  
2064 evidence, as defined by rule, that the guarantor has adequate  
2065 resources to satisfy the obligation of the guaranty. In  
2066 determining the amount of working capital, a licensee shall  
2067 include adequate reserves for all taxes and insurance, including  
2068 plans of self-insurance or partial self-insurance for claims  
2069 incurred but not paid and for claims incurred but not reported.  
2070 Compliance with ~~the requirements of~~ this paragraph is subject to  
2071 verification by department ~~or board~~ audit.

2072 (e) Each employee leasing company or employee leasing  
2073 company group shall submit annual financial statements audited  
2074 by an independent certified public accountant, with the  
2075 application and within 120 days after the end of each fiscal

2076 | year, in a manner and time prescribed by the department ~~board~~,  
 2077 | provided, however, that any employee leasing company or employee  
 2078 | leasing company group with gross Florida payroll of less than  
 2079 | \$2.5 million during any fiscal year may submit financial  
 2080 | statements reviewed by an independent certified public  
 2081 | accountant for that year.

2082 | (f) The licensee shall notify the department ~~or board~~ in  
 2083 | writing within 30 days after any change in the application or  
 2084 | status of the license.

2085 | **Section 62. Subsections (3) and (5) of section 468.526,**  
 2086 | **Florida Statutes, are amended to read:**

2087 | 468.526 License required; fees.—

2088 | (3) Each employee leasing company and employee leasing  
 2089 | company group licensee shall pay to the department upon the  
 2090 | initial issuance of a license and upon each renewal thereafter a  
 2091 | license fee not to exceed \$2,500 to be established by the  
 2092 | department ~~board~~. In addition to the license fee, the department  
 2093 | ~~board~~ shall establish an annual assessment for each employee  
 2094 | leasing company and each employee leasing company group  
 2095 | sufficient to cover all costs for regulation of the profession  
 2096 | pursuant to this chapter, chapter 455, and any other applicable  
 2097 | provisions of law. The annual assessment shall:

2098 | (a) Be due and payable upon initial licensure and  
 2099 | subsequent renewals thereof and 1 year before the expiration of  
 2100 | any licensure period; and

2101 (b) Be based on a fixed percentage, variable classes, or a  
 2102 combination of both, as determined by the department ~~board~~, of  
 2103 gross Florida payroll for employees leased to clients by the  
 2104 applicant or licensee during the period beginning five quarters  
 2105 before and ending one quarter before each assessment. It is the  
 2106 intent of the Legislature that the greater weight of total fees  
 2107 for licensure and assessments should be on larger companies and  
 2108 groups.

2109 (5) Each controlling person licensee shall pay to the  
 2110 department upon the initial issuance of a license and upon each  
 2111 renewal thereafter a license fee to be established by the  
 2112 department ~~board~~ in an amount not to exceed \$2,000.

2113 **Section 63. Subsection (1) of section 468.527, Florida**  
 2114 **Statutes, is amended to read:**

2115 468.527 Licensure and license renewal.—

2116 (1) The department shall license any applicant who the  
 2117 department ~~board~~ certifies is qualified to practice employee  
 2118 leasing as an employee leasing company, employee leasing company  
 2119 group, or controlling person.

2120 **Section 64. Subsection (2) of section 468.5275, Florida**  
 2121 **Statutes, is amended to read:**

2122 468.5275 Registration and exemption of de minimis  
 2123 operations.—

2124 (2) A registration is valid for 1 year. Each registrant  
 2125 shall pay to the department upon initial registration, and upon

2126 each renewal thereafter, a registration fee to be established by  
2127 the department ~~board~~ in an amount not to exceed:

2128 (a) Two hundred and fifty dollars for an employee leasing  
2129 company.

2130 (b) Five hundred dollars for an employee leasing company  
2131 group.

2132 **Section 65. Subsections (2), (4), and (5) of section**  
2133 **468.529, Florida Statutes, are amended to read:**

2134 468.529 Licensee's insurance; employment tax; benefit  
2135 plans.—

2136 (2) An initial or renewal license may not be issued to any  
2137 employee leasing company unless the employee leasing company  
2138 first files with the department ~~board~~ evidence of workers'  
2139 compensation coverage for all leased employees in this state.  
2140 Each employee leasing company shall maintain and make available  
2141 to its workers' compensation carrier the following information:

2142 (a) The correct name and federal identification number of  
2143 each client company.

2144 (b) A listing of all covered employees provided to each  
2145 client company, by classification code.

2146 (c) The total eligible wages by classification code and  
2147 the premiums due to the carrier for the employees provided to  
2148 each client company.

2149 (4) An initial or renewal license may not be issued to any  
2150 employee leasing company unless the employee leasing company

2151 first provides evidence to the department ~~board~~, as required by  
 2152 department ~~board~~ rule, that the employee leasing company has  
 2153 paid all of the employee leasing company's obligations for  
 2154 payroll, payroll-related taxes, workers' compensation insurance,  
 2155 and employee benefits. All disputed amounts must be disclosed in  
 2156 the application.

2157 (5) The provisions of this section are subject to  
 2158 verification by department ~~or board~~ audit.

2159 **Section 66. Subsections (3) and (4) of section 468.530,**  
 2160 **Florida Statutes, are amended to read:**

2161 468.530 License, contents; posting.-

2162 (3) A ~~No~~ license is not ~~shall be~~ valid for any person or  
 2163 entity who engages in the business under any name other than  
 2164 that specified in the license. A license issued under this part  
 2165 is ~~shall~~ not be assignable, and a ~~no~~ licensee may not conduct a  
 2166 business under a fictitious name without prior written  
 2167 authorization of the department ~~board~~ to do so. The department  
 2168 ~~board~~ may not authorize the use of a name which is so similar to  
 2169 that of a public officer or agency, or of that used by another  
 2170 licensee, that the public may be confused or misled thereby. A  
 2171 ~~No~~ licensee may not ~~shall~~ be permitted to conduct business under  
 2172 more than one name unless it has obtained a separate license. A  
 2173 licensee desiring to change its licensed name at any time except  
 2174 upon license renewal shall notify the department ~~board~~ and pay a  
 2175 fee not to exceed \$50 for each authorized change of name.

2176 (4) Each employee leasing company or employee leasing  
 2177 company group licensed under this part shall be properly  
 2178 identified in all advertisements, which must include the license  
 2179 number, licensed business name, and other appropriate  
 2180 information in accordance with rules established by the  
 2181 department ~~board~~.

2182 **Section 67. Paragraph (e) of subsection (1) of section**  
 2183 **468.531, Florida Statutes, is amended to read:**

2184 468.531 Prohibitions; penalties.—

2185 (1) No person or entity shall:

2186 (e) Knowingly give false or forged evidence to the  
 2187 department ~~board~~ or a member thereof; or

2188 **Section 68. Section 468.532, Florida Statutes, is amended**  
 2189 **to read:**

2190 468.532 Discipline.—

2191 (1) The following constitute grounds for which  
 2192 disciplinary action against a licensee may be taken by the  
 2193 department ~~board~~:

2194 (a) Being convicted or found guilty of, or entering a plea  
 2195 of nolo contendere to, regardless of adjudication, bribery,  
 2196 fraud, or willful misrepresentation in obtaining, attempting to  
 2197 obtain, or renewing a license.

2198 (b) Being convicted or found guilty of, or entering a plea  
 2199 of nolo contendere to, regardless of adjudication, a crime in  
 2200 any jurisdiction which relates to the operation of an employee

2201 leasing business or the ability to engage in business as an  
 2202 employee leasing company.

2203 (c) Being convicted or found guilty of, or entering a plea  
 2204 of nolo contendere to, regardless of adjudication, fraud,  
 2205 deceit, or misconduct in the classification of employees  
 2206 pursuant to chapter 440.

2207 (d) Being convicted or found guilty of, or entering a plea  
 2208 of nolo contendere to, regardless of adjudication, fraud,  
 2209 deceit, or misconduct in the establishment or maintenance of  
 2210 self-insurance, be it health insurance or workers' compensation  
 2211 insurance.

2212 (e) Being convicted or found guilty of, or entering a plea  
 2213 of nolo contendere to, regardless of adjudication, fraud,  
 2214 deceit, or misconduct in the operation of an employee leasing  
 2215 company.

2216 (f) Conducting business without an active license.

2217 (g) Failing to maintain workers' compensation insurance as  
 2218 required in s. 468.529.

2219 (h) Transferring or attempting to transfer a license  
 2220 issued pursuant to this part.

2221 (i) Violating any provision of this part or any lawful  
 2222 order or rule issued under the provisions of this part or  
 2223 chapter 455.

2224 (j) Failing to notify the department ~~board~~, in writing, of  
 2225 any change of the primary business address or the addresses of

2226 any of the licensee's offices in the state.

2227 (k) Having been confined in any county jail,  
2228 postadjudication, or being confined in any state or federal  
2229 prison or mental institution, or when through mental disease or  
2230 deterioration, the licensee can no longer safely be entrusted to  
2231 deal with the public or in a confidential capacity.

2232 (l) Having been found guilty for a second time of any  
2233 misconduct that warrants suspension or being found guilty of a  
2234 course of conduct or practices which shows that the licensee is  
2235 so incompetent, negligent, dishonest, or untruthful that the  
2236 money, property, transactions, and rights of investors, or those  
2237 with whom the licensee may sustain a confidential relationship,  
2238 may not safely be entrusted to the licensee.

2239 (m) Failing to inform the department ~~board~~ in writing  
2240 within 30 days after being convicted or found guilty of, or  
2241 entering a plea of nolo contendere to, any felony, regardless of  
2242 adjudication.

2243 (n) Failing to conform to any lawful order of the  
2244 department ~~board~~.

2245 (o) Being determined liable for civil fraud by a court in  
2246 any jurisdiction.

2247 (p) Having adverse material final action taken by any  
2248 state or federal regulatory agency for violations within the  
2249 scope of control of the licensee.

2250 (q) Failing to inform the department ~~board~~ in writing

2251 within 30 days after any adverse material final action by a  
2252 state or federal regulatory agency.

2253 (r) Failing to meet or maintain the requirements for  
2254 licensure as an employee leasing company or controlling person.

2255 (s) Engaging as a controlling person any person who is not  
2256 licensed as a controlling person by the department ~~board~~.

2257 (t) Attempting to obtain, obtaining, or renewing a license  
2258 to practice employee leasing by bribery, misrepresentation, or  
2259 fraud.

2260 (2) When the department ~~board~~ finds any violation of  
2261 subsection (1), it may do one or more of the following:

2262 (a) Deny an application for licensure.

2263 (b) Permanently revoke, suspend, restrict, or not renew a  
2264 license.

2265 (c) Impose an administrative fine not to exceed \$5,000 for  
2266 every count or separate offense.

2267 (d) Issue a reprimand.

2268 (e) Place the licensee on probation for a period of time  
2269 and subject to such conditions as the department ~~board~~ may  
2270 specify.

2271 (f) Assess costs associated with investigation and  
2272 prosecution.

2273 (3) Upon revocation or suspension of a license, the  
2274 licensee must immediately return to the department the license  
2275 that was revoked or suspended.

2276 (4) The department board shall specify the penalties for  
 2277 any violation of this part.

2278 **Section 69. Subsection (1) of section 468.603, Florida**  
 2279 **Statutes, is amended to read:**

2280 468.603 Definitions.—As used in this part:

2281 ~~(1) "Board" means the Florida Building Code Administrators~~  
 2282 ~~and Inspectors Board.~~

2283 **Section 70. Section 468.606, Florida Statutes, is amended**  
 2284 **to read:**

2285 468.606 Authority of the department board.—The department  
 2286 may board is authorized to:

2287 (1) Adopt rules pursuant to ~~ss. 120.536(1) and 120.54~~ to  
 2288 implement ~~the provisions of~~ this part.

2289 (2) Certify individuals as being qualified under ~~the~~  
 2290 ~~provisions of~~ this part to be building code administrators,  
 2291 plans examiners, and building code inspectors.

2292 **Section 71. Section 468.607, Florida Statutes, is amended**  
 2293 **to read:**

2294 468.607 Certification of building code administration and  
 2295 inspection personnel.—The department board shall issue a  
 2296 certificate to any individual whom the department board  
 2297 determines to be qualified, within such class and level as  
 2298 provided in this part and with such limitations as the  
 2299 department board may place upon it. A ~~No~~ person may not be  
 2300 employed by a state agency or local governmental authority to

2301 perform the duties of a building code administrator, plans  
2302 examiner, or building code inspector after October 1, 1993,  
2303 without possessing the proper valid certificate issued in  
2304 accordance with ~~the provisions of~~ this part. A ~~Any~~ person who  
2305 acts as an inspector and plans examiner under s. 1013.37 while  
2306 conducting activities authorized by certification under that  
2307 section is certified to continue to conduct inspections for a  
2308 local enforcement agency until the person's UBCI certification  
2309 expires, after which time such person must possess the proper  
2310 valid certificate issued in accordance with this part.

2311 **Section 72. Section 468.613, Florida Statutes, is amended**  
2312 **to read:**

2313 468.613 Certification by endorsement.—The department board ~~board~~  
2314 shall examine other certification or training programs, as  
2315 applicable, upon submission to the department board ~~board~~ for its  
2316 consideration of an application for certification by  
2317 endorsement. The department board ~~board~~ shall waive its examination,  
2318 qualification, education, or training requirements, to the  
2319 extent that such examination, qualification, education, or  
2320 training requirements of the applicant are determined by the  
2321 department board ~~board~~ to be comparable with those established by the  
2322 department board ~~board~~. The department board ~~board~~ shall waive its  
2323 examination, qualification, education, or training requirements  
2324 if an applicant for certification by endorsement is at least 18  
2325 years of age; is of good moral character; has held a valid

2326 building administrator, inspector, plans examiner, or the  
 2327 equivalent, certification issued by another state or territory  
 2328 of the United States for at least 10 years before the date of  
 2329 application; and has successfully passed an applicable  
 2330 examination administered by the International Code Council. Such  
 2331 application must be made either when the license in another  
 2332 state or territory is active or within 2 years after such  
 2333 license was last active.

2334 **Section 73. Subsections (5) and (7) of section 468.619,**  
 2335 **Florida Statutes, are amended to read:**

2336 468.619 Building code enforcement officials' bill of  
 2337 rights.—

2338 (5) The enforcement official shall be considered an agent  
 2339 of the governmental entity employing him or her and as such  
 2340 shall be defended by that entity in any action brought by the  
 2341 department ~~or the board~~, provided the enforcement official is  
 2342 working within the scope of his or her employment.

2343 (7) If any action taken against the enforcement official  
 2344 by the department ~~or the board~~ is found to be without merit by a  
 2345 court of competent jurisdiction, or if judgment in such an  
 2346 action is awarded to the enforcement official, the department ~~or~~  
 2347 ~~the board~~, or the assignee of the department ~~or board~~, shall  
 2348 reimburse the enforcement official or his or her employer, as  
 2349 appropriate, for reasonable legal costs and reasonable attorney  
 2350 ~~attorney's~~ fees incurred. The amount awarded may ~~shall~~ not

2351 exceed the limit provided in s. 120.595.

2352 **Section 74. Paragraph (a) of subsection (1) and**  
 2353 **subsections (2), (3), and (4) of section 468.621, Florida**  
 2354 **Statutes, are amended to read:**

2355 468.621 Disciplinary proceedings.—

2356 (1) The following acts constitute grounds for which the  
 2357 disciplinary actions in subsection (2) may be taken:

2358 (a) Violating or failing to comply with any provision of  
 2359 this part, or a valid rule or lawful order of the ~~board or~~  
 2360 department pursuant thereto.

2361 (2) When the department ~~board~~ finds any person guilty of  
 2362 any of the grounds set forth in subsection (1), it may enter an  
 2363 order imposing one or more of the following penalties:

2364 (a) Denial of an application for certification.

2365 (b) Permanent revocation.

2366 (c) Suspension of a certificate.

2367 (d) Imposition of an administrative fine not to exceed  
 2368 \$5,000 for each separate offense. Such fine must be rationally  
 2369 related to the gravity of the violation.

2370 (e) Issuance of a reprimand.

2371 (f) Placement of the certificateholder on probation for a  
 2372 period of time and subject to such conditions as the department  
 2373 ~~board~~ may impose, including alteration of performance level.

2374 (g) Satisfactory completion of continuing education.

2375 (h) Issuance of a citation.

2376 (3) Where a certificate is suspended, placed on probation,  
 2377 or has conditions imposed, the department ~~board~~ shall reinstate  
 2378 the certificate of a disciplined building code administrator,  
 2379 plans examiner, or building code inspector upon proof the  
 2380 disciplined individual has complied with all terms and  
 2381 conditions set forth in the final order.

2382 (4) A ~~No~~ person may not ~~be allowed to~~ apply for  
 2383 certification under this part for a minimum of 5 years after the  
 2384 date of revocation of any certificate issued pursuant to this  
 2385 part. The department ~~board~~ may by rule establish additional  
 2386 criteria for certification following revocation.

2387 **Section 75. Subsections (1) and (5) of section 468.627,**  
 2388 **Florida Statutes, are amended to read:**

2389 468.627 Application; examination; renewal; fees.—

2390 (1) The department ~~board~~ shall establish by rule fees to  
 2391 be paid for application, examination, reexamination,  
 2392 certification and certification renewal, inactive status  
 2393 application, and reactivation of inactive certificates. The  
 2394 department ~~board~~ may establish by rule a late renewal penalty.  
 2395 The department ~~board~~ shall establish fees which are adequate,  
 2396 when combined with revenue generated by the provisions of s.  
 2397 468.631, to ensure the continued operation of this part. Fees  
 2398 shall be based on department estimates of the revenue required  
 2399 to implement this part.

2400 ~~(5) The certificateholder shall provide proof, in a form~~

2401 ~~established by board rule, that the certificateholder has~~  
 2402 ~~completed at least 14 classroom hours of at least 50 minutes~~  
 2403 ~~each of continuing education courses during each biennium since~~  
 2404 ~~the issuance or renewal of the certificate, including the~~  
 2405 ~~specialized or advanced coursework approved by the Florida~~  
 2406 ~~Building Commission, as part of the building code training~~  
 2407 ~~program established pursuant to s. 553.841, appropriate to the~~  
 2408 ~~licensing category sought. A minimum of 3 of the required 14~~  
 2409 ~~classroom hours must be on state law, rules, and ethics relating~~  
 2410 ~~to professional standards of practice, duties, and~~  
 2411 ~~responsibilities of the certificateholder. The board shall by~~  
 2412 ~~rule establish criteria for approval of continuing education~~  
 2413 ~~courses and providers, and may by rule establish criteria for~~  
 2414 ~~accepting alternative nonclassroom continuing education on an~~  
 2415 ~~hour-for-hour basis.~~

2416 **Section 76. Paragraph (d) of subsection (1) of section**  
 2417 **468.629, Florida Statutes, is amended to read:**

2418 468.629 Prohibitions; penalties.—

2419 (1) No person may:

2420 (d) Give false or forged evidence to the ~~board or the~~  
 2421 department, or a member, an employee, or an officer thereof, for  
 2422 the purpose of obtaining a certificate.

2423 **Section 77. Subsection (1) of section 468.631, Florida**  
 2424 **Statutes, is amended to read:**

2425 468.631 Building Code Administrators and Inspectors Fund.—

2426 (1) This part shall be funded through a surcharge, to be  
2427 assessed pursuant to s. 125.56(4) or s. 166.201 at the rate of  
2428 1.5 percent of all permit fees associated with enforcement of  
2429 the Florida Building Code as defined by the uniform account  
2430 criteria and specifically the uniform account code for building  
2431 permits adopted for local government financial reporting  
2432 pursuant to s. 218.32. The minimum amount collected on any  
2433 permit issued shall be \$2. The unit of government responsible  
2434 for collecting permit fees pursuant to s. 125.56 or s. 166.201  
2435 shall collect such surcharge and shall remit the funds to the  
2436 department on a quarterly calendar basis beginning not later  
2437 than December 31, 2010, for the preceding quarter, and  
2438 continuing each third month thereafter; and such unit of  
2439 government shall retain 10 percent of the surcharge collected to  
2440 fund the participation of building departments in the national  
2441 and state building code adoption processes and to provide  
2442 education related to enforcement of the Florida Building Code.  
2443 There is created within the Professional Regulation Trust Fund a  
2444 separate account to be known as the Building Code Administrators  
2445 and Inspectors Fund, which shall deposit and disburse funds as  
2446 necessary for the implementation of this part. The proceeds from  
2447 this surcharge shall be allocated equally to fund the Florida  
2448 Homeowners' Construction Recovery Fund established by s. 489.140  
2449 ~~and the functions of the Building Code Administrators and~~  
2450 ~~Inspectors Board.~~ The department may transfer excess cash to the

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2451 Florida Homeowners' Construction Recovery Fund that it  
2452 determines is not required to fund the implementation of this  
2453 part ~~board from the board's account within the Professional~~  
2454 ~~Regulation Trust Fund~~. However, the department may not transfer  
2455 excess cash that would exceed the amount appropriated in the  
2456 General Appropriations Act, and any amount approved by the  
2457 Legislative Budget Commission pursuant to s. 216.181, to be used  
2458 for the payment of claims from the Florida Homeowners'  
2459 Construction Recovery Fund.

2460 **Section 78. Subsections (4) and (7) of section 468.8312,**  
2461 **Florida Statutes, are amended to read:**

2462 468.8312 Fees.—

2463 (4) The ~~biennial~~ renewal fee shall not exceed \$200.

2464 ~~(7) The fee for applications from providers of continuing~~  
2465 ~~education may not exceed \$500.~~

2466 **Section 79. Section 468.8315, Florida Statutes, is amended**  
2467 **to read:**

2468 468.8315 Renewal of license.—

2469 (1) The department shall renew a license upon receipt of  
2470 the renewal application and ~~upon certification by the department~~  
2471 ~~that the licensee has satisfactorily completed the continuing~~  
2472 ~~education requirements of s. 468.8316.~~

2473 (2) The department shall adopt rules establishing a  
2474 procedure for the ~~biennial~~ renewal of licenses every 4 years.

2475 **Section 80. Subsection (5) of section 468.8412, Florida**

2476 **Statutes, is amended to read:**

2477 468.8412 Fees.—

2478 (5) The fee for a ~~biennial~~ license renewal shall not  
 2479 exceed \$400.

2480 **Section 81. Section 468.8415, Florida Statutes, is amended**  
 2481 **to read:**

2482 468.8415 Renewal of license.—

2483 (1) The department shall renew a license upon receipt of  
 2484 the renewal application and ~~fee and upon certification by the~~  
 2485 ~~department that the licensee has satisfactorily completed the~~  
 2486 ~~continuing education requirements of s. 468.8416.~~

2487 (2) The department shall adopt rules establishing a  
 2488 procedure for the ~~biennial~~ renewal of licenses every 4 years.

2489 **Section 82. Subsection (2) of section 468.8417, Florida**  
 2490 **Statutes, is amended to read:**

2491 468.8417 Inactive license.—

2492 (2) A license that becomes inactive may be reactivated  
 2493 upon application to the department. ~~The department may prescribe~~  
 2494 ~~by rule continuing education requirements as a condition of~~  
 2495 ~~reactivating a license. The rules may not require more than one~~  
 2496 ~~renewal cycle of continuing education to reactivate a license.~~

2497 **Section 83. Paragraph (d) of subsection (1) and paragraph**  
 2498 **(d) of subsection (2) of section 468.8419, Florida Statutes, are**  
 2499 **amended to read:**

2500 468.8419 Prohibitions; penalties.—

2501 (1) A person may not:

2502 (d) Perform or offer to perform any mold remediation to a  
2503 structure on which the mold assessor or the mold assessor's  
2504 company provided a mold assessment within the last 12 months.  
2505 This paragraph does not apply to a certified contractor who is  
2506 classified in s. 489.105(2) ~~s. 489.105(3)~~ as a Division I  
2507 contractor. However, the department may adopt rules requiring  
2508 that, if such contractor performs the mold assessment and offers  
2509 to perform the mold remediation, the contract for mold  
2510 remediation provided to the homeowner discloses that he or she  
2511 has the right to request competitive bids.

2512 (2) A mold remediator, a company that employs a mold  
2513 remediator, or a company that is controlled by a company that  
2514 also has a financial interest in a company employing a mold  
2515 remediator may not:

2516 (d) Perform or offer to perform any mold assessment to a  
2517 structure on which the mold remediator or the mold remediator's  
2518 company provided a mold remediation within the last 12 months.  
2519 This paragraph does not apply to a certified contractor who is  
2520 classified in s. 489.105(2) ~~s. 489.105(3)~~ as a Division I  
2521 contractor. However, the department may adopt rules requiring  
2522 that, if such contractor performs the mold remediation and  
2523 offers to perform the mold assessment, the contract for mold  
2524 assessment provided to the homeowner discloses that he or she  
2525 has the right to request competitive bids.

2526 **Section 84. Subsection (4) of section 469.004, Florida**  
 2527 **Statutes, is amended to read:**

2528 469.004 License; asbestos consultant; asbestos  
 2529 contractor.—

2530 (4) A license issued under this chapter must be renewed  
 2531 every 4 ~~2~~ years. ~~Before an asbestos contractor's license may be~~  
 2532 ~~renewed, the licensee must complete a 1-day course of continuing~~  
 2533 ~~education during each of the preceding 2 years. Before an~~  
 2534 ~~asbestos consultant's license may be renewed, the licensee must~~  
 2535 ~~complete a 2-day course of continuing education during each of~~  
 2536 ~~the preceding 2 years.~~

2537 **Section 85. Subsection (5) of section 469.012, Florida**  
 2538 **Statutes, is renumbered as subsection (4), and subsection (1)**  
 2539 **and present subsection (4) of that section are amended to read:**

2540 469.012 Course requirements for onsite supervisors and  
 2541 asbestos abatement workers.—

2542 (1) Each asbestos contractor's onsite supervisor must  
 2543 complete an asbestos contractor/supervisor course of not less  
 2544 than 5 days before ~~prior to~~ engaging in onsite supervision. Such  
 2545 training shall cover the nature of the health risks, the medical  
 2546 effects of exposure, federal and state asbestos laws and  
 2547 regulations, worker protection, and work area protection. ~~Each~~  
 2548 ~~onsite supervisor must also complete a continuing education~~  
 2549 ~~course of not less than 1 day in length each year.~~

2550 ~~(4) All asbestos abatement workers, including onsite~~

2551 ~~supervisors, must complete, as a condition of renewal of~~  
2552 ~~accreditation, such courses of continuing education each year as~~  
2553 ~~are approved and required by the department.~~

2554 **Section 86. Subsection (1) of section 469.013, Florida**  
2555 **Statutes, is amended to read:**

2556 469.013 Course requirements for asbestos surveyors,  
2557 management planners, project monitors, and project designers.—

2558 (1) All asbestos surveyors, management planners, and  
2559 project monitors must comply with the requirements under ~~set~~  
2560 ~~forth in this section~~ before ~~prior to~~ commencing such activities  
2561 ~~and must also complete the continuing education necessary to~~  
2562 ~~maintain accreditation each year.~~

2563 (a) Management planners must complete all requirements of  
2564 s. 469.005(2) (b) and (d).

2565 (b) Asbestos surveyors must complete all requirements of  
2566 s. 469.005(2) (a).

2567 (c) Project monitors must complete all requirements of s.  
2568 469.005(3) (a) and must also complete an asbestos sampling course  
2569 which is equivalent to NIOSH Course 582.

2570 (d) Project designers must complete all requirements of s.  
2571 469.005(2) (d).

2572 **Section 87. Subsection (5) of section 471.011, Florida**  
2573 **Statutes, is amended to read:**

2574 471.011 Fees.—

2575 (5) The ~~biennial~~ renewal fee shall not exceed \$125.

2576           **Section 88. Subsections (2) and (3) of section 471.017,**  
2577 **Florida Statutes, are amended to read:**

2578           471.017 Renewal of license.—

2579           (2) The board shall adopt rules establishing a procedure  
2580 for the ~~biennial~~ renewal of licenses every 4 years.

2581           ~~(3) (a) The board shall require a demonstration of~~  
2582 ~~continuing professional competency of engineers as a condition~~  
2583 ~~of license renewal or relicensure. Every licensee must complete~~  
2584 ~~9 continuing education hours for each year of the license~~  
2585 ~~renewal period, totaling 18 continuing education hours for the~~  
2586 ~~license renewal period. For each renewal period for such~~  
2587 ~~continuing education:~~

2588           ~~1. One hour must relate to this chapter and the rules~~  
2589 ~~adopted under this chapter.~~

2590           ~~2. One hour must relate to professional ethics.~~

2591           ~~3. Four hours must relate to the licensee's area of~~  
2592 ~~practice.~~

2593           ~~4. The remaining hours may relate to any topic pertinent~~  
2594 ~~to the practice of engineering.~~

2595  
2596 ~~Continuing education hours may be earned by presenting or~~  
2597 ~~attending seminars, in-house or nonclassroom courses, workshops,~~  
2598 ~~or professional or technical presentations made at meetings,~~  
2599 ~~webinars, conventions, or conferences, including those presented~~  
2600 ~~by vendors with specific knowledge related to the licensee's~~

2601 ~~area of practice. Up to 4 hours may be earned by serving as an~~  
2602 ~~officer or actively participating on a committee of a board-~~  
2603 ~~recognized professional or technical engineering society. The 2~~  
2604 ~~required continuing education hours relating to this chapter,~~  
2605 ~~the rules adopted pursuant to this chapter, and ethics may be~~  
2606 ~~earned by serving as a member of the Legislature or as an~~  
2607 ~~elected state or local official. The hours required pursuant to~~  
2608 ~~s. 471.0195 may apply to any requirements of this section except~~  
2609 ~~for those required under subparagraph 1.~~

2610 ~~(b) The board shall adopt rules that are substantially~~  
2611 ~~consistent with the most recent published version of the~~  
2612 ~~Continuing Professional Competency Guidelines of the National~~  
2613 ~~Council of Examiners for Engineering and Surveying, and shall~~  
2614 ~~allow nonclassroom hours to be credited. The board may, by rule,~~  
2615 ~~exempt from continuing professional competency requirements~~  
2616 ~~retired professional engineers who no longer sign and seal~~  
2617 ~~engineering documents and licensees in unique circumstances that~~  
2618 ~~severely limit opportunities to obtain the required continuing~~  
2619 ~~education hours.~~

2620 **Section 89. Section 471.019, Florida Statutes, is amended**  
2621 **to read:**

2622 471.019 Reactivation.—The board shall establish by rule a  
2623 reinstatement process for void licenses. ~~The rule shall~~  
2624 ~~prescribe appropriate continuing education requirements for~~  
2625 ~~reactivating a license. The continuing education requirements~~

2626 ~~for reactivating a license for a licensed engineer may not~~  
 2627 ~~exceed the continuing education requirements prescribed pursuant~~  
 2628 ~~to s. 471.017 for each year the license was inactive.~~

2629 **Section 90. Section 471.045, Florida Statutes, is amended**  
 2630 **to read:**

2631 471.045 Professional engineers performing building code  
 2632 inspector duties.—Notwithstanding any other provision of law, a  
 2633 person who is currently licensed under this chapter to practice  
 2634 as a professional engineer may provide building code inspection  
 2635 services described in s. 468.603(4) and (7) ~~s. 468.603(5) and~~  
 2636 ~~(8)~~ to a local government or state agency upon its request,  
 2637 without being certified by the Florida Building Code  
 2638 Administrators and Inspectors licensing program ~~Board~~ under part  
 2639 XII of chapter 468. When performing these building code  
 2640 inspection services, the professional engineer is subject to the  
 2641 disciplinary guidelines of this chapter and s. 468.621(1)(c)-  
 2642 (h). Any complaint processing, investigation, and discipline  
 2643 that arise out of a professional engineer's performing building  
 2644 code inspection services shall be conducted by the Board of  
 2645 Professional Engineers rather than the Florida Building Code  
 2646 Administrators and Inspectors licensing program ~~Board~~. A  
 2647 professional engineer may not perform plans review as an  
 2648 employee of a local government upon any job that the  
 2649 professional engineer or the professional engineer's company  
 2650 designed.

2651           **Section 91. Subsection (4) of section 472.003, Florida**  
 2652 **Statutes, is amended to read:**

2653           472.003 Persons not affected by ss. 472.001-472.037.—  
 2654 Sections 472.001-472.037 do not apply to:

2655           (4) Persons employed by county property appraisers, as  
 2656 defined at s. 192.001(3), and persons employed by the Department  
 2657 of Revenue, to prepare maps for property appraisal purposes  
 2658 only, but only to the extent that they perform mapping services  
 2659 which do not include any surveying activities as described in s.  
 2660 472.005(3)(a) and (b) ~~s. 472.005(4)(a) and (b)~~.

2661           **Section 92. Subsection (1) of section 472.005, Florida**  
 2662 **Statutes, is amended to read:**

2663           472.005 Definitions.—As used in ss. 472.001-472.037:  
 2664           ~~(1) "Board" means the Board of Professional Surveyors and~~  
 2665 ~~Mappers.~~

2666           **Section 93. Subsection (1) of section 472.006, Florida**  
 2667 **Statutes, is amended to read:**

2668           472.006 Department; powers and duties.—The department  
 2669 shall:

2670           (1) Adopt rules establishing a procedure for the ~~biennial~~  
 2671 ~~renewal of licenses every 4 years. However, the department may~~  
 2672 ~~issue up to a 4-year license to selected licensees~~  
 2673 ~~notwithstanding any other law to the contrary.~~ Fees for such  
 2674 renewal may not exceed the fee caps for individual professions  
 2675 on an annualized basis as authorized by law.

2676           **Section 94. Subsection (5) of section 472.011, Florida**  
 2677 **Statutes, is amended to read:**

2678           472.011 Fees.—

2679           (5) The ~~biennial~~ renewal fee shall not exceed \$500.

2680           **Section 95. Subsections (7) through (10) of section**  
 2681 **472.0202, Florida Statutes, are amended to read:**

2682           472.0202 Inactive and delinquent status.—

2683           (7) The board, by rule, shall impose an additional  
 2684 delinquency fee, not to exceed the ~~biennial~~ renewal fee for an  
 2685 active status license, on a delinquent status licensee when such  
 2686 licensee applies for active or inactive status.

2687           (8) The board, by rule, shall impose an additional fee,  
 2688 not to exceed the ~~biennial~~ renewal fee for an active status  
 2689 license, for processing a licensee's request to change licensure  
 2690 status at any time other than at the beginning of a licensure  
 2691 cycle.

2692           (9) The board, by rule, may impose reasonable conditions,  
 2693 excluding full reexamination but including part of a national  
 2694 examination or a special purpose examination to assess current  
 2695 competency, necessary to ensure that a licensee who has been on  
 2696 inactive status for more than one ~~two consecutive biennial~~  
 2697 licensure cycle ~~cycles~~ and who applies for active status can  
 2698 practice with the care and skill sufficient to protect the  
 2699 health, safety, and welfare of the public. Reactivation  
 2700 requirements may differ depending on the length of time

2701 licensees are inactive. The costs to meet reactivation  
 2702 requirements shall be borne by licensees requesting  
 2703 reactivation.

2704 (10) Before reactivation, an inactive or delinquent  
 2705 licensee shall meet the same continuing education requirements,  
 2706 if any, imposed on an active status licensee for all ~~biennial~~  
 2707 licensure periods in which the licensee was inactive or  
 2708 delinquent.

2709 **Section 96. Subsection (2) of section 472.0203, Florida**  
 2710 **Statutes, is amended to read:**

2711 472.0203 Renewal and cancellation notices.—

2712 (2) Each licensure renewal notification and each notice of  
 2713 pending cancellation of licensure must state conspicuously that  
 2714 a licensee who remains on inactive status for more than one ~~two~~  
 2715 ~~consecutive biennial~~ licensure cycle ~~cycles~~ and who wishes to  
 2716 reactivate the license may be required to demonstrate the  
 2717 competency to resume active practice by sitting for a special  
 2718 purpose examination or by completing other reactivation  
 2719 requirements, as defined by rule of the board.

2720 **Section 97. Section 473.302, Florida Statutes, is amended**  
 2721 **to read:**

2722 473.302 Definitions.—As used in this chapter, the term:

2723 ~~(1) "Board" means the Board of Accountancy.~~

2724 (1) ~~(2)~~ "Department" means the Department of Business and  
 2725 Professional Regulation.

2726        (2)~~(3)~~ "Division" means the Division of Certified Public  
2727 Accounting.

2728        (3)~~(4)~~ "Certified public accountant" means an individual  
2729 who holds a license to practice public accounting in this state  
2730 or an individual who is practicing public accounting in this  
2731 state pursuant to the practice privilege granted in s. 473.3141.  
2732 The term "Florida certified public accountant" means an  
2733 individual holding a license under the authority of this  
2734 chapter.

2735        (4)~~(5)~~ "Firm" means any legal entity that is engaged in  
2736 the practice of public accounting.

2737        (5)~~(6)~~ "Home office" means the principal headquarters of  
2738 an entity. An entity may have only one principal headquarters.

2739        (6)~~(7)~~ "Licensed firm" or "public accounting firm" means a  
2740 sole proprietorship, partnership, corporation, limited liability  
2741 company, firm, or any other legal entity licensed under s.  
2742 473.3101.

2743        (7)~~(8)~~ "Practice of," "practicing public accountancy," or  
2744 "public accounting" means:

2745        (a) Offering to perform or performing for the public one  
2746 or more types of services involving the expression of an opinion  
2747 on financial statements, the attestation as an expert in  
2748 accountancy to the reliability or fairness of presentation of  
2749 financial information, the utilization of any form of opinion or  
2750 financial statements that provide a level of assurance, the

2751 utilization of any form of disclaimer of opinion which conveys  
2752 an assurance of reliability as to matters not specifically  
2753 disclaimed, or the expression of an opinion on the reliability  
2754 of an assertion by one party for the use by a third party;

2755 (b) Offering to perform or performing for the public one  
2756 or more types of services involving the use of accounting  
2757 skills, or one or more types of tax, management advisory, or  
2758 consulting services, by any person who is a certified public  
2759 accountant who holds an active license, issued pursuant to this  
2760 chapter, or who is authorized to practice public accounting  
2761 pursuant to the practice privileges granted in s. 473.3141,  
2762 including the performance of such services by a certified public  
2763 accountant in the employ of a person or firm;

2764 (c) Offering to perform or performing for the public one  
2765 or more types of service involving the preparation of financial  
2766 statements not included within paragraph (a), by a certified  
2767 public accountant who holds an active license, issued pursuant  
2768 to this chapter, or who is authorized to practice public  
2769 accounting pursuant to the practice privileges granted in s.  
2770 473.3141; by a firm of certified public accountants; or by a  
2771 firm in which a certified public accountant has an ownership  
2772 interest, including the performance of such services in the  
2773 employ of another person. The department ~~board~~ shall adopt rules  
2774 establishing standards of practice for such reports and  
2775 financial statements; provided, however, that nothing in this

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2776 paragraph shall be construed to permit the department board to  
2777 adopt rules that have the result of prohibiting Florida  
2778 certified public accountants employed by unlicensed firms from  
2779 preparing financial statements as authorized by this paragraph;  
2780 or

2781 (d) Offering to perform or performing for the public one  
2782 or more types of services involving any attestation engagements  
2783 in accordance with the Statements on Standards for Attestation  
2784 Engagements.

2785 (8)~~(9)~~ "Uniform Accountancy Act" means the Uniform  
2786 Accountancy Act, Eighth Edition, dated January 2018 and  
2787 published by the American Institute of Certified Public  
2788 Accountants and the National Association of State Boards of  
2789 Accountancy.

2790  
2791 However, these terms may ~~shall~~ not include services provided by  
2792 the American Institute of Certified Public Accountants or the  
2793 Florida Institute of Certified Public Accountants, or any full  
2794 service association of certified public accounting firms whose  
2795 plans of administration have been approved by the department  
2796 ~~board~~, to their members or services performed by these entities  
2797 in reviewing the services provided to the public by members of  
2798 these entities.

2799 **Section 98. Section 473.3035, Florida Statutes, is amended**  
2800 **to read:**

2801           473.3035 Division of Certified Public Accounting.—  
 2802           (1) All services concerning this chapter, including, but  
 2803 not limited to, recordkeeping services, examination services,  
 2804 legal services, and investigative services, and those services  
 2805 in chapter 455 necessary to perform the duties of this chapter  
 2806 shall be provided by the Division of Certified Public  
 2807 Accounting. The department board may, ~~by majority vote,~~ delegate  
 2808 a duty or duties to the appropriate division within the  
 2809 department. The department board may, ~~by majority vote,~~ rescind  
 2810 any such delegation of duties at any time.

2811           (2) The Division of Certified Public Accounting shall be  
 2812 funded by fees and assessments of the department board, and  
 2813 funds collected by the department board shall be used only to  
 2814 fund public accounting regulation. Funding for the Division of  
 2815 Certified Public Accounting shall be governed by ss. 215.37 and  
 2816 455.219.

2817           **Section 99. Section 473.304, Florida Statutes, is amended**  
 2818 **to read:**

2819           473.304 Rules of department board; powers and duties;  
 2820 legal services.—

2821           (1) The department board shall adopt rules ~~pursuant to ss.~~  
 2822 ~~120.536(1) and 120.54~~ to implement ~~the provisions of~~ this act.  
 2823 Every certified public accountant and firm shall be governed and  
 2824 controlled by this act and the rules adopted by the department  
 2825 board.

2826           (2) Subject to the prior approval of the Attorney General,  
2827 the department ~~board~~ may retain independent legal counsel to  
2828 provide legal advice to the department ~~board~~ on a specific  
2829 matter.

2830           (3) An attorney employed or used by the department ~~board~~  
2831 may not both prosecute a matter and provide legal services to  
2832 the department ~~board~~ with respect to the same matter.

2833           **Section 100. Section 473.305, Florida Statutes, is amended**  
2834 **to read:**

2835           473.305 Fees.—The department ~~board~~, by rule, may establish  
2836 fees to be paid for applications, examination, reexamination,  
2837 licensing and renewal, reinstatement, and recordmaking and  
2838 recordkeeping. The fee for the examination shall be established  
2839 at an amount that covers the costs for the procurement or  
2840 development, administration, grading, and review of the  
2841 examination. The fee for the examination is refundable if the  
2842 applicant is found to be ineligible to sit for the examination.  
2843 The fee for initial application is nonrefundable, and the  
2844 combined fees for application and examination may not exceed  
2845 \$250 plus the actual per applicant cost to the department for  
2846 purchase of the examination from the American Institute of  
2847 Certified Public Accountants or a similar national organization.  
2848 The ~~biennial~~ renewal fee may not exceed \$250. The department  
2849 ~~board~~ may also establish, by rule, a reactivation fee, and a  
2850 delinquency fee not to exceed \$50 for continuing professional

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2851 education reporting forms. The department ~~board~~ shall establish  
2852 fees which are adequate to ensure the continued operation of the  
2853 department ~~board~~ and to fund the proportionate expenses incurred  
2854 by the department which are allocated to the regulation of  
2855 public accountants. Fees shall be based on department estimates  
2856 of the revenue required to implement this chapter and the  
2857 provisions of law with respect to the regulation of certified  
2858 public accountants.

2859 **Section 101. Paragraph (b) of subsection (3) and**  
2860 **subsections (4), (5), and (6) of section 473.306, Florida**  
2861 **Statutes, are amended to read:**

2862 473.306 Examinations.—

2863 (3) An applicant is entitled to take the licensure  
2864 examination to practice in this state as a certified public  
2865 accountant if:

2866 (b) The applicant shows that she or he has good moral  
2867 character. For purposes of this paragraph, the term "good moral  
2868 character" has the same meaning as provided in s. 473.308(6)(a)  
2869 ~~s. 473.308(7)(a)~~. The department ~~board~~ may refuse to allow an  
2870 applicant to take the licensure examination for failure to  
2871 satisfy this requirement if:

2872 1. The department ~~board~~ finds a reasonable relationship  
2873 between the lack of good moral character of the applicant and  
2874 the professional responsibilities of a certified public  
2875 accountant; and

2876           2. The finding by the department ~~board~~ of lack of good  
2877 moral character is supported by competent substantial evidence.

2878  
2879 If an applicant is found pursuant to this paragraph to be  
2880 unqualified to take the licensure examination because of a lack  
2881 of good moral character, the department ~~board~~ shall furnish to  
2882 the applicant a statement containing the findings of the  
2883 department ~~board~~, a complete record of the evidence upon which  
2884 the determination was based, and a notice of the rights of the  
2885 applicant to a rehearing and appeal.

2886           (4) The department ~~board~~ shall have the authority to  
2887 establish the standards for determining and shall determine:

2888           (a) What constitutes a passing grade for each subject or  
2889 part of the licensure examination;

2890           (b) Which educational institutions, in addition to the  
2891 universities in the State University System of Florida, shall be  
2892 deemed to be accredited colleges or universities;

2893           (c) What courses and number of hours constitute a major in  
2894 accounting; and

2895           (d) What courses and number of hours constitute additional  
2896 accounting courses acceptable under s. 473.308(4).

2897           (5) The department ~~board~~ may adopt an alternative  
2898 licensure examination for persons who have been licensed to  
2899 practice public accountancy or its equivalent in a foreign  
2900 country so long as the International Qualifications Appraisal

2901 Board of the National Association of State Boards of Accountancy  
 2902 has ratified an agreement with that country for reciprocal  
 2903 licensure.

2904 (6) For the purposes of maintaining the proper educational  
 2905 qualifications for licensure under this chapter, the department  
 2906 ~~board~~ may appoint an Educational Advisory Committee, which shall  
 2907 be composed of one member of the department board, two persons  
 2908 in public practice who are licensed under this chapter, and four  
 2909 academicians on faculties of universities in this state.

2910 **Section 102. Subsections (1), (2), and (3) of section**  
 2911 **473.309, Florida Statutes, are amended to read:**

2912 473.309 Practice requirements for partnerships,  
 2913 corporations, and limited liability companies; business entities  
 2914 practicing public accounting.—

2915 (1) A partnership may not engage in the practice of public  
 2916 accounting, as defined in s. 473.302(7)(a) ~~s. 473.302(8)(a)~~, or  
 2917 meet the requirements of s. 473.3101(1)(b), unless:

2918 (a) It is a form of partnership recognized by Florida law.

2919 (b) Partners owning at least 51 percent of the financial  
 2920 interest and voting rights of the partnership are certified  
 2921 public accountants in some state. However, each partner who is a  
 2922 certified public accountant in another state and is domiciled in  
 2923 this state must be a certified public accountant of this state  
 2924 and hold an active license.

2925 (c) At least one general partner is a certified public

2926 accountant of this state and holds an active license or, in the  
 2927 case of a firm that must have a license pursuant to s.  
 2928 473.3101(1)(c), at least one general partner is a certified  
 2929 public accountant in some state and meets the requirements of s.  
 2930 473.3141(1) ~~s. 473.3141(1)(a) or (b)~~.

2931 (d) All partners who are not certified public accountants  
 2932 in any state are engaged in the business of the partnership as  
 2933 their principal occupation.

2934 (e) It is in compliance with rules adopted by the  
 2935 department board pertaining to minimum capitalization, letters  
 2936 of credit, and adequate public liability insurance.

2937 (2) A corporation may not engage in the practice of public  
 2938 accounting, as defined in s. 473.302(7)(a) ~~s. 473.302(8)(a)~~, or  
 2939 meet the requirements of s. 473.3101(1)(b), unless:

2940 (a) It is a corporation duly organized in this or some  
 2941 other state.

2942 (b) Shareholders of the corporation owning at least 51  
 2943 percent of the financial interest and voting rights of the  
 2944 corporation are certified public accountants in some state and  
 2945 are principally engaged in the business of the corporation.  
 2946 However, each shareholder who is a certified public accountant  
 2947 in another state and is domiciled in this state must be a  
 2948 certified public accountant of this state and hold an active  
 2949 license.

2950 (c) The principal officer of the corporation is a

2951 certified public accountant in some state.

2952 (d) At least one shareholder of the corporation is a  
 2953 certified public accountant and holds an active license in this  
 2954 state or, in the case of a firm that must have a license  
 2955 pursuant to s. 473.3101(1)(c), at least one shareholder is a  
 2956 certified public accountant in some state and meets the  
 2957 requirements of s. 473.3141(1) ~~s. 473.3141(1)(a) or (b)~~.

2958 (e) All shareholders who are not certified public  
 2959 accountants in any state are engaged in the business of the  
 2960 corporation as their principal occupation.

2961 (f) It is in compliance with rules adopted by the  
 2962 department ~~board~~ pertaining to minimum capitalization, letters  
 2963 of credit, and adequate public liability insurance.

2964 (3) A limited liability company may not engage in the  
 2965 practice of public accounting, as defined in s. 473.302(7)(a) ~~s.~~  
 2966 ~~473.302(8)(a)~~, or meet the requirements of s. 473.3101(1)(b),  
 2967 unless:

2968 (a) It is a limited liability company duly organized in  
 2969 this or some other state.

2970 (b) Members of the limited liability company owning at  
 2971 least 51 percent of the financial interest and voting rights of  
 2972 the company are certified public accountants in some state.  
 2973 However, each member who is a certified public accountant in  
 2974 some state and is domiciled in this state must be a certified  
 2975 public accountant of this state and hold an active license.

2976 (c) At least one member of the limited liability company  
 2977 is a certified public accountant and holds an active license in  
 2978 this state or, in the case of a firm that must have a license  
 2979 pursuant to s. 473.3101(1)(c), at least one member is a  
 2980 certified public accountant in some state and meets the  
 2981 requirements of s. 473.3141(1) ~~s. 473.3141(1)(a) or (b)~~.

2982 (d) All members who are not certified public accountants  
 2983 in any state are engaged in the business of the company as their  
 2984 principal occupation.

2985 (e) It is in compliance with rules adopted by the  
 2986 department board ~~board~~ pertaining to minimum capitalization, letters  
 2987 of credit, and adequate public liability insurance.

2988 (f) It is currently licensed as required by s. 473.3101.

2989 **Section 103. Subsections (1) and (4) of section 473.3101,**  
 2990 **Florida Statutes, are amended to read:**

2991 473.3101 Licensure of firms or public accounting firms.—

2992 (1) The following must hold a license issued under this  
 2993 section:

2994 (a) Any firm with an office in this state which performs  
 2995 services as defined in s. 473.302(7)(a) ~~s. 473.302(8)(a)~~;

2996 (b) Any firm with an office in this state which uses the  
 2997 title "CPA," "CPA firm," or any other title, designation, words,  
 2998 letters, abbreviations, or device tending to indicate that it is  
 2999 a CPA firm. The department board ~~board~~ shall define by rule what  
 3000 constitutes a CPA firm; or

3001 (c)1. Any firm that does not have an office in this state  
 3002 but performs the services described in s. 473.3141(4) for a  
 3003 client having its home office in this state, unless it:

3004 a. Complies with the qualifications described in s.  
 3005 473.309.

3006 b. Is enrolled in a peer review program pursuant to s.  
 3007 473.3125(4).

3008 c. Performs services through an individual with practice  
 3009 privileges under s. 473.3141.

3010 d. Lawfully performs services in a state where an  
 3011 individual with practice privileges granted under s. 473.3141  
 3012 has his or her principal place of business.

3013 2. The department ~~board~~ shall define by rule what  
 3014 constitutes an office.

3015 (4) The department ~~board~~ shall determine whether the firm  
 3016 or public accounting firm meets the requirements for practice  
 3017 and, pending that determination, may certify ~~to the department~~  
 3018 the firm or public accounting firm for provisional licensure.

3019 **Section 104. Subsection (2) of section 473.311, Florida**  
 3020 **Statutes, is amended to read:**

3021 473.311 Renewal of license.—

3022 (2) The department shall adopt rules establishing a  
 3023 procedure for the ~~biennial~~ renewal of licenses issued pursuant  
 3024 to this section every 4 years.

3025 **Section 105. Paragraph (a) of subsection (1) and**

3026 **subsections (2), (3), and (4) of section 473.3125, Florida**  
3027 **Statutes, are amended to read:**

3028 473.3125 Peer review.—

3029 (1) As used in this section, the term:

3030 (a) "Licensee" means a licensed firm or public accounting  
3031 firm as defined in s. 473.302 ~~s. 473.302(7)~~ and engaged in the  
3032 practice of public accounting as defined in s. 473.302(7)(a) ~~s.~~  
3033 ~~473.302(8)(a)~~ that is required to be licensed under s. 473.3101.

3034 (2) The department ~~board~~ shall adopt rules establishing  
3035 minimum standards for peer review programs, including, but not  
3036 limited to, standards for administering, performing, and  
3037 reporting peer reviews. The department ~~board~~ shall also adopt  
3038 rules establishing minimum criteria for the department's ~~board's~~  
3039 approval of one or more organizations that facilitate and  
3040 administer peer review programs.

3041 (3) For the purposes of maintaining oversight of the  
3042 license renewal requirements of s. 473.311(2), the department  
3043 ~~board~~ may establish a peer review oversight committee, which  
3044 shall be composed of at least three, but no more than five,  
3045 members who are licensed under this chapter and whose firms are  
3046 subject to s. 473.311(2) and have received a review rating of  
3047 "pass" on the most recent peer review.

3048 (4) Effective January 1, 2015, a licensed firm or public  
3049 accounting firm as defined in s. 473.302 ~~s. 473.302(7)~~ and  
3050 licensed under s. 473.3101 and engaged in the practice of public

3051 accounting as defined in s. 473.302(7)(a) ~~s. 473.302(8)(a)~~,  
 3052 except for the performance of compilations and reviews as those  
 3053 terms are defined by the department ~~board~~, must be enrolled in a  
 3054 peer review program.

3055 **Section 106. Section 473.313, Florida Statutes, is amended**  
 3056 **to read:**

3057 473.313 Inactive status; retired status.—

3058 (1) A Florida certified public accountant may request that  
 3059 her or his license be placed in an inactive status by making  
 3060 application to the department. The department ~~board~~ may  
 3061 prescribe by rule fees for placing a license on inactive status,  
 3062 renewal of inactive status, and reactivation of an inactive  
 3063 license.

3064 (a) A license that has become inactive under this  
 3065 subsection or for failure to complete the requirements in s.  
 3066 473.312 may be reactivated under s. 473.311 upon application to  
 3067 the department. The department ~~board~~ may prescribe by rule  
 3068 continuing education requirements as a condition of reactivating  
 3069 a license. The maximum continuing education requirements for  
 3070 reactivating a license are 120 hours, including at least 30  
 3071 hours in accounting-related and auditing-related subjects, not  
 3072 more than 30 hours in behavioral subjects, and a minimum of 8  
 3073 hours in ethics subjects approved by the department ~~board~~, for  
 3074 the reactivation of a license that is inactive or delinquent.

3075 (b) A license that is delinquent for failure to report

3076 completion of the requirements in s. 473.312 may be reactivated  
3077 under s. 473.311 upon application to the department.  
3078 Reactivation requires the payment of an application fee as  
3079 determined by the department board and certification by the  
3080 Florida certified public accountant that the applicant  
3081 satisfactorily completed the continuing education requirements  
3082 set forth under s. 473.311. If the license is delinquent on  
3083 January 1 because of failure to report completed continuing  
3084 education requirements, the applicant must submit a complete  
3085 application to the department board by March 15 immediately  
3086 after the delinquent period.

3087 (c) Any Florida certified public accountant holding an  
3088 inactive license may be permitted to reactivate such license in  
3089 a conditional manner. The conditions of reactivation shall  
3090 require the payment of fees and the completion of required  
3091 continuing education.

3092 (d) Notwithstanding ~~the provisions of~~ s. 455.271, the  
3093 department board may, at its discretion, reinstate the license  
3094 of an individual whose license has become null and void if the  
3095 individual has made a good faith effort to comply with this  
3096 section but has failed to comply because of illness or unusual  
3097 hardship. The individual shall apply to the department board for  
3098 reinstatement in a manner prescribed by rules of the department  
3099 ~~board~~ and shall pay an application fee in an amount determined  
3100 by rule of the department board. The department board shall

3101 require that the individual meet all continuing education  
3102 requirements as provided in paragraph (a), pay appropriate  
3103 licensing fees, and otherwise be eligible for renewal of  
3104 licensure under this chapter.

3105 (2) A Florida certified public accountant who is at least  
3106 65 years of age, currently holds an active or inactive license  
3107 in good standing under this chapter, and is not the subject of  
3108 any sanction or disciplinary action may request that her or his  
3109 license be placed on retired status by making application to the  
3110 department. The department ~~board~~ may prescribe by rule the  
3111 application for placing a license on retired status, which must  
3112 state that the applicant has no association with accounting or  
3113 any of the services described in s. 473.302 ~~s. 473.302(8)~~. If a  
3114 licensee who has been granted retired status reenters the  
3115 workforce in a position that has an association with accounting  
3116 or any of the services described in s. 473.302 ~~s. 473.302(8)~~,  
3117 the licensee automatically loses her or his retired status.

3118 (a) A retired licensee may, without losing her or his  
3119 retired status, ~~serve without compensation on a board of~~  
3120 ~~directors or board of trustees,~~ provide volunteer tax  
3121 preparation services, participate in a government-sponsored  
3122 business mentoring program such as the Internal Revenue  
3123 Service's Volunteer Income Tax Assistance program or the Small  
3124 Business Administration's SCORE program, or participate in an  
3125 advisory role for a similar charitable, civic, or other

3126 nonprofit ~~non-profit~~ organization.

3127 (b) The department ~~board~~ shall require a retired licensee  
3128 to affirm in writing her or his understanding of the limited  
3129 types of activities in which she or he may engage while in  
3130 retired status and that she or he has a professional duty to  
3131 ensure that she or he holds the professional competencies  
3132 necessary to participate in such activities.

3133 (c) A retired licensee may accept routine reimbursement  
3134 for actual costs of travel and meals associated with volunteer  
3135 services or de minimis per diem amounts paid to the licensee to  
3136 cover such expenses as allowed by law.

3137 (d) A retired licensee may use the title of "retired CPA"  
3138 on any business card or letterhead or any other printed or  
3139 electronic document. However, such title must not be applied in  
3140 such a manner that could confuse the public as to the current  
3141 status of the licensee. The licensee is not required to have a  
3142 certificate issued with the word "retired" on the certificate.

3143 (e) A retired licensee is not required to maintain the  
3144 continuing education requirements under s. 473.312.

3145 (f) A retired licensee may not offer or render  
3146 professional services that require her or his signature and the  
3147 use of the CPA title, regardless of whether "retired" is  
3148 attached to such title.

3149 (g) A retired licensee may be permitted to reactivate her  
3150 or his license in a conditional manner as determined by the

3151 department ~~board~~. The conditions of reactivation must require  
3152 the payment of fees and the completion of required continuing  
3153 education. The department ~~board~~ may prescribe by rule an  
3154 application for reactivating a license placed on retired status  
3155 and continuing education requirements as a condition of  
3156 reactivating a license placed on retired status. The minimum  
3157 continuing education requirements for reactivating a license  
3158 placed on retired status are those of the most recent biennium  
3159 plus one-half of the requirements in s. 473.312 for each  
3160 biennium or part thereof during which the license was on retired  
3161 status.

3162

3163 For the purposes of this subsection, the term "retired licensee"  
3164 means a licensee whose license has been placed in retired status  
3165 by the department.

3166 **Section 107. Subsections (1), (2), and (4) of section**  
3167 **473.314, Florida Statutes, are amended to read:**

3168 473.314 Temporary license.—

3169 (1) The department ~~board~~ shall adopt rules providing for  
3170 the issuance of temporary licenses to certified public  
3171 accountants or firms of other states who do not meet the  
3172 requirements of s. 473.3141, for the purpose of enabling them or  
3173 their employees to perform specific engagements involving the  
3174 practice of public accountancy in this state. No temporary  
3175 license shall be valid for more than 90 days after its issuance,

3176 and no license shall cover more than one engagement. After the  
 3177 expiration of 90 days, a new license shall be required.

3178 (2) Each application for a temporary license shall state  
 3179 the names of all persons who are to enter this state and shall  
 3180 be accompanied by a fee in an amount established by the  
 3181 department board not to exceed \$400.

3182 (4) Upon certification of the applicant ~~by the board~~, the  
 3183 department shall issue a temporary license to the applicant.

3184 **Section 108. Subsections (3) and (4) of section 473.315,**  
 3185 **Florida Statutes, are amended to read:**

3186 473.315 Independence, technical standards.—

3187 (3) The department board shall adopt rules establishing  
 3188 the standards of practice of public accounting, including, but  
 3189 not limited to, independence, competence, and technical  
 3190 standards.

3191 (4) Attorneys who are admitted to practice law by the  
 3192 Supreme Court of Florida are exempt from the standards of  
 3193 practice of public accounting as defined in s. 473.302(7)(b) and  
 3194 (c) ~~s. 473.302(8)(b) and (c)~~ when such standards conflict with  
 3195 the rules of The Florida Bar or orders of the Florida Supreme  
 3196 Court.

3197 **Section 109. Subsections (5) and (6) of section 473.316,**  
 3198 **Florida Statutes, are amended to read:**

3199 473.316 Communications between the accountant and client  
 3200 privileged.—

3201 (5) Communications are not privileged from disclosure in  
 3202 any disciplinary investigation or proceeding conducted pursuant  
 3203 to this act by the department or before the department ~~board~~ or  
 3204 in any judicial review of such a proceeding. In any such  
 3205 proceeding, a certified public accountant or public accountant,  
 3206 without the consent of her or his client, may testify with  
 3207 respect to any communication between the accountant and the  
 3208 accountant's client or be compelled, pursuant to a subpoena of  
 3209 the department ~~or the board~~, to testify or produce records,  
 3210 books, or papers. Such a communication disclosed to the  
 3211 department ~~board~~ and records of the department ~~board~~ relating to  
 3212 the communication shall for all other purposes and proceedings  
 3213 be a privileged communication in all of the courts of this  
 3214 state.

3215 (6) The proceedings, records, and workpapers of a review  
 3216 committee are privileged and are not subject to discovery,  
 3217 subpoena, or other means of legal process or to introduction  
 3218 into evidence in a civil action or arbitration or an  
 3219 administrative proceeding, ~~or state accountancy board~~  
 3220 ~~proceeding~~. A member of a review committee or person who was  
 3221 involved in a quality review may not testify in a civil action  
 3222 or arbitration or an administrative proceeding, ~~or state~~  
 3223 ~~accountancy board proceeding~~ as to any matter produced or  
 3224 disclosed during the quality review or as to any findings,  
 3225 recommendations, evaluations, opinions, or other actions of the

3226 review committee or any members thereof. Public records and  
3227 materials prepared for a particular engagement are not  
3228 privileged merely because they were presented during the quality  
3229 review. This privilege does not apply to disputes between a  
3230 review committee and a person subject to a quality review.

3231 **Section 110. Section 473.319, Florida Statutes, is amended**  
3232 **to read:**

3233 473.319 Contingent fees.—Public accounting services as  
3234 defined in s. 473.302(7)(a) and (c) ~~s. 473.302(8)(a) and (c)~~,  
3235 and those that include tax filings with federal, state, or local  
3236 government, may ~~shall~~ not be offered or rendered for a fee  
3237 contingent upon the findings or results of such service. This  
3238 section does not apply to services involving federal, state, or  
3239 other taxes in which the findings are those of the tax  
3240 authorities and not those of the certified public accountant or  
3241 firm. Fees to be fixed by courts or other public authorities,  
3242 which are of an indeterminate amount at the time a public  
3243 accounting service is undertaken, may ~~shall~~ not be regarded as  
3244 contingent fees for purposes of this section.

3245 **Section 111. Section 473.3205, Florida Statutes, is**  
3246 **amended to read:**

3247 473.3205 Commissions or referral fees.—A certified public  
3248 accountant or firm may not accept or pay a commission or  
3249 referral fee in connection with the sale or referral of public  
3250 accounting services as defined in s. 473.302(7)(a) and (c) ~~s.~~

3251 ~~473.302(8)(a) and (e)~~. Any certified public accountant or firm  
 3252 that is engaged in the practice of public accounting and that  
 3253 accepts a commission for the sale of a product or service to a  
 3254 client must disclose that fact to the client in writing in  
 3255 accordance with rules adopted by the department ~~board~~. However,  
 3256 this section may ~~shall~~ not prohibit:

- 3257 (1) Payments for the purchase of an accounting practice;
- 3258 (2) Retirement payments to individuals formerly engaged in  
 3259 the practice of public accounting or payments to their heirs or  
 3260 estates; or
- 3261 (3) Payment of fees to a referring certified public  
 3262 accountant or firm for public accounting services to the  
 3263 successor certified public accountant or firm or the client in  
 3264 connection with an engagement.

3265 **Section 112. Subsection (3) of section 473.321, Florida**  
 3266 **Statutes, is amended to read:**

3267 473.321 Fictitious names.—

3268 (3) The department ~~board~~ shall adopt rules for  
 3269 interpretation of this section.

3270 **Section 113. Paragraphs (c) and (e) of subsection (1) of**  
 3271 **section 473.322, Florida Statutes, are amended to read:**

3272 473.322 Prohibitions; penalties.—

3273 (1) A person may not knowingly:

3274 (c) Perform or offer to perform any services described in  
 3275 s. 473.302(7)(a) or (d) ~~s. 473.302(8)(a) or (d)~~ unless such

3276 person holds an active license under this chapter and is a  
 3277 licensed firm, provides such services through a licensed firm,  
 3278 or complies with ss. 473.3101 and 473.3141. This paragraph does  
 3279 not prohibit the performance by persons other than certified  
 3280 public accountants of other services involving the use of  
 3281 accounting skills, including the preparation of tax returns and  
 3282 the preparation of financial statements without expression of  
 3283 opinion thereon;

3284 (e) Give false or forged evidence to the department board  
 3285 ~~or a member thereof~~;

3286 **Section 114. Paragraph (m) of subsection (1) and**  
 3287 **subsections (2), (3), and (4) of section 473.323, Florida**  
 3288 **Statutes, are amended to read:**

3289 473.323 Disciplinary proceedings.—

3290 (1) The following acts constitute grounds for which the  
 3291 disciplinary actions in subsection (3) may be taken:

3292 (m) Failing to provide any written disclosure to a client  
 3293 or the public which is required by this chapter or rule of the  
 3294 department board.

3295 (2) The department board shall specify, by rule, what acts  
 3296 or omissions constitute a violation of subsection (1).

3297 (3) When the department board finds any certified public  
 3298 accountant or firm guilty of any of the grounds set forth in  
 3299 subsection (1), it may enter an order imposing one or more of  
 3300 the following penalties:

3301 (a) Denial of an application for licensure.

3302 (b) Revocation or suspension of the certified public  
 3303 accountant or firm's license or practice privileges in this  
 3304 state.

3305 (c) Imposition of an administrative fine not to exceed  
 3306 \$5,000 for each count or separate offense.

3307 (d) Issuance of a reprimand.

3308 (e) Placement of the certified public accountant on  
 3309 probation for a period of time and subject to such conditions as  
 3310 the department ~~board~~ may specify, including requiring the  
 3311 certified public accountant to attend continuing education  
 3312 courses or to work under the supervision of another licensee.

3313 (f) Restriction of the authorized scope of practice by the  
 3314 certified public accountant.

3315 (4) The department shall reissue the license of a  
 3316 disciplined licensee upon certification ~~by the board~~ that the  
 3317 disciplined licensee has complied with all of the terms and  
 3318 conditions set forth in the final order.

3319 **Section 115. Subsection (2) of section 474.202, Florida**  
 3320 **Statutes, is amended to read:**

3321 474.202 Definitions.—As used in this chapter:

3322 ~~(2) "Board" means the Board of Veterinary Medicine.~~

3323 **Section 116. Section 474.2065, Florida Statutes, is**  
 3324 **amended to read:**

3325 474.2065 Fees.—The department ~~board~~, by rule, shall

3326 | establish fees for application and examination, reexamination,  
 3327 | license renewal, inactive status, renewal of inactive status,  
 3328 | license reactivation, periodic inspection of veterinary  
 3329 | establishments, and duplicate copies of licenses, certificates,  
 3330 | and permits. The fee for the initial application and examination  
 3331 | may not exceed \$650 plus the actual per applicant cost to the  
 3332 | department for purchase of portions of the examination from the  
 3333 | Professional Examination Service for the American Veterinary  
 3334 | Medical Association or a similar national organization. The fee  
 3335 | for licensure by endorsement may not exceed \$500. The fee for  
 3336 | temporary licensure may not exceed \$200. The department ~~board~~  
 3337 | shall establish fees that are adequate to ensure its continued  
 3338 | operation and to fund the proportionate expenses incurred by the  
 3339 | department which are allocated to the regulation of  
 3340 | veterinarians. Fees shall be based on departmental estimates of  
 3341 | the revenue required to administer this chapter and the  
 3342 | provisions relating to the regulation of veterinarians.

3343 |       **Section 117. Subsections (1) through (4) of section**  
 3344 | **474.207, Florida Statutes, are amended to read:**

3345 |       474.207 Licensure by examination.—

3346 |       (1) Any person desiring to be licensed as a veterinarian  
 3347 | shall apply to the department to take a licensure examination.  
 3348 | The department ~~board~~ may by rule adopt use of a national  
 3349 | examination in lieu of part or all of the examination required  
 3350 | by this section, with a reasonable passing score to be set by

3351 rule of the department ~~board~~.

3352 (2) The department shall license each applicant who the  
3353 department ~~board~~ certifies has:

3354 (a) Completed the application form and remitted an  
3355 examination fee set by the department ~~board~~.

3356 (b)1. Graduated from a college of veterinary medicine  
3357 accredited by the American Veterinary Medical Association  
3358 Council on Education; or

3359 2. Graduated from a college of veterinary medicine listed  
3360 in the American Veterinary Medical Association Roster of  
3361 Veterinary Colleges of the World and obtained a certificate from  
3362 the Education Commission for Foreign Veterinary Graduates or the  
3363 Program for the Assessment of Veterinary Education Equivalence.

3364 (c) Successfully completed the examination provided by the  
3365 department for this purpose, or an examination determined by the  
3366 department ~~board~~ to be equivalent.

3367 (d) Demonstrated knowledge of the laws and rules governing  
3368 the practice of veterinary medicine in Florida in a manner  
3369 designated by rules of the department ~~board~~.

3370  
3371 The department may ~~shall~~ not issue a license to any applicant  
3372 who is under investigation in any state or territory of the  
3373 United States or in the District of Columbia for an act which  
3374 would constitute a violation of this chapter until the  
3375 investigation is complete and disciplinary proceedings have been

3376 terminated, at which time the provisions of s. 474.214 shall  
3377 apply.

3378 (3) Notwithstanding ~~the provisions of~~ paragraph (2) (b), an  
3379 applicant shall be deemed to have met the education requirements  
3380 for licensure upon submission of evidence that the applicant  
3381 meets one of the following:

3382 (a) The applicant was certified for examination before ~~by~~  
3383 ~~the board prior to~~ October 1, 1989; or

3384 (b) The applicant immigrated to the United States after  
3385 leaving her or his home country because of political reasons,  
3386 provided such country is located in the Western Hemisphere and  
3387 lacks diplomatic relations with the United States; and

3388 1. Was a Florida resident immediately preceding her or his  
3389 application for licensure;

3390 2. Demonstrates to the department ~~board~~, through  
3391 submission of documentation verified by the applicant's  
3392 respective professional association in exile, that she or he  
3393 received a professional degree in veterinary medicine from a  
3394 college or university located in the country from which she or  
3395 he emigrated. However, the department ~~board~~ may not require  
3396 receipt transcripts from the Republic of Cuba as a condition of  
3397 eligibility under this section; and

3398 3. Lawfully practiced her or his profession for at least 3  
3399 years.

3400 (4) Applicants certified for examination or reexamination

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3401 under subsection (3) who fail the examination three times  
3402 subsequent to October 1, 1989, shall be required to demonstrate  
3403 to the department ~~board~~ that they meet the requirements of  
3404 paragraph (2) (b) before ~~prior to~~ any further reexamination or  
3405 certification for licensure.

3406 **Section 118. Section 474.211, Florida Statutes, is amended**  
3407 **to read:**

3408 474.211 Renewal of license.—

3409 (1) The department shall renew a license upon receipt of  
3410 the renewal application and fee ~~and an affidavit of compliance~~  
3411 ~~with continuing education requirements set by rule of the board.~~

3412 (2) The department shall adopt rules establishing a  
3413 procedure for the ~~biennial~~ renewal of licenses every 4 years.

3414 ~~(3) The board may by rule prescribe continuing education,~~  
3415 ~~not to exceed 30 hours biennially, as a condition for renewal of~~  
3416 ~~a license or certificate. The criteria for such programs,~~  
3417 ~~providers, and courses shall be approved by the board.~~

3418 **Section 119. Subsections (1), (2), and (3) of section**  
3419 **474.2125, Florida Statutes, are amended to read:**

3420 474.2125 Temporary license.—

3421 (1) The department ~~board~~ shall adopt rules providing for  
3422 the issuance of a temporary license to a licensed veterinarian  
3423 of another state for the purpose of enabling her or him to  
3424 provide veterinary medical services in this state for the  
3425 animals of a specific owner or, as may be needed in an emergency

3426 as defined in s. 252.34(4), for the animals of multiple owners,  
 3427 provided the applicant would qualify for licensure by  
 3428 endorsement under s. 474.217. No temporary license shall be  
 3429 valid for more than 30 days after its issuance, and no license  
 3430 shall cover more than the treatment of the animals of one owner  
 3431 except in an emergency as defined in s. 252.34(4). After the  
 3432 expiration of 30 days, a new license is required.

3433 (2) Each application for a temporary license shall state  
 3434 the names of all persons who are to enter this state and shall  
 3435 be accompanied by a fee in an amount established by the  
 3436 department board.

3437 (3) Upon certification of the applicant ~~by the board~~, the  
 3438 department shall issue a temporary license to the applicant.

3439 **Section 120. Paragraph (d) of subsection (1) of section**  
 3440 **474.213, Florida Statutes, is amended to read:**

3441 474.213 Prohibitions; penalties.—

3442 (1) No person shall:

3443 (d) Give false or forged evidence to the department board  
 3444 or a member thereof for the purpose of obtaining a license;

3445 **Section 121. Paragraphs (a), (f), (h), (j), (v), (aa),**  
 3446 **(ee), (jj), and (nn) of subsection (1) and subsections (2) and**  
 3447 **(3) of section 474.214, Florida Statutes, are amended to read:**

3448 474.214 Disciplinary proceedings.—

3449 (1) The following acts shall constitute grounds for which  
 3450 the disciplinary actions in subsection (2) may be taken:

3451 (a) Attempting to procure a license to practice veterinary  
 3452 medicine by bribery, by fraudulent representations, or through  
 3453 an error of the department ~~or the board~~.

3454 (f) Violating any provision of this chapter or chapter  
 3455 455, a rule of the ~~board or~~ department, or a lawful order of the  
 3456 ~~board or~~ department previously entered in a disciplinary  
 3457 hearing, or failing to comply with a lawfully issued subpoena of  
 3458 the department.

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

3476 closed to the public. The department shall be entitled to the  
3477 summary procedure provided in s. 51.011. A licensee affected  
3478 under this paragraph shall be afforded an opportunity at  
3479 reasonable intervals to demonstrate that she or he can resume  
3480 the competent practice for which she or he is licensed with  
3481 reasonable skill and safety to patients. Neither the record of  
3482 proceedings nor the orders entered by the department ~~board~~ in  
3483 any proceedings under this paragraph shall be used against a  
3484 licensee in any other proceedings.

3485 (j) Knowingly maintaining a professional connection or  
3486 association with any person who is in violation of the  
3487 provisions of this chapter or the rules of the ~~board or~~  
3488 department. However, if the licensee verifies that the person is  
3489 actively participating in a department-approved ~~board-approved~~  
3490 program for the treatment of a physical or mental condition, the  
3491 licensee is required only to report such person to the  
3492 consultant.

3493 (v) Failing to keep the equipment and premises of the  
3494 business establishment in a clean and sanitary condition, having  
3495 a premises permit suspended or revoked pursuant to s. 474.215,  
3496 or operating or managing premises that do not comply with  
3497 requirements established by rule of the department ~~board~~.

3498 (aa) Failing to report to the department any person the  
3499 licensee knows to be in violation of this chapter or of the  
3500 rules of the department ~~or board~~. However, if the licensee

3501 verifies that the person is actively participating in a  
 3502 department-approved ~~board-approved~~ program for the treatment of  
 3503 a physical or mental condition, the licensee is required only to  
 3504 report such person to the consultant.

3505 (ee) Failing to keep contemporaneously written medical  
 3506 records as required by rule of the department ~~board~~.

3507 (jj) Failing to report to the department ~~board~~ within 30  
 3508 days, in writing, any action set forth in paragraph (b) that has  
 3509 been taken against the practitioner's license to practice  
 3510 veterinary medicine by any jurisdiction, including any agency or  
 3511 subdivision thereof.

3512 (nn) Failing to report a change of address to the  
 3513 department ~~board~~ within 60 days thereafter ~~thereof~~.

3514 (2) When the department ~~board~~ finds any applicant or  
 3515 veterinarian guilty of any of the grounds set forth in  
 3516 subsection (1), regardless of whether the violation occurred  
 3517 before ~~prior to~~ licensure, it may enter an order imposing one or  
 3518 more of the following penalties:

3519 (a) Denial of certification for examination or licensure.

3520 (b) Revocation or suspension of a license.

3521 (c) Imposition of an administrative fine not to exceed  
 3522 \$5,000 for each count or separate offense.

3523 (d) Issuance of a reprimand.

3524 (e) Placement of the veterinarian on probation for a  
 3525 period of time and subject to such conditions as the department

3526 ~~board~~ may specify, including requiring the veterinarian to  
 3527 attend continuing education courses or to work under the  
 3528 supervision of another veterinarian.

3529 (f) Restricting the authorized scope of practice.

3530 (g) Imposition of costs of the investigation and  
 3531 prosecution.

3532 (h) Requiring the veterinarian to undergo remedial  
 3533 education.

3534  
 3535 In determining appropriate action, the department ~~board~~ must  
 3536 first consider those sanctions necessary to protect the public.  
 3537 Only after those sanctions have been imposed may the  
 3538 disciplining authority consider and include in its order  
 3539 requirements designed to rehabilitate the veterinarian. All  
 3540 costs associated with compliance with any order issued under  
 3541 this subsection are the obligation of the veterinarian.

3542 (3) The department shall reissue the license of a  
 3543 disciplined veterinarian upon certification ~~by the board~~ that  
 3544 the disciplined veterinarian has complied with all of the terms  
 3545 and conditions set forth in the final order and is capable of  
 3546 competently and safely engaging in the practice of veterinary  
 3547 medicine.

3548 **Section 122. Subsections (1), (5), (7), (8), and (9) of**  
 3549 **section 474.215, Florida Statutes, are amended to read:**

3550 474.215 Premises permits.—

3551 (1) Any establishment, permanent or mobile, where a  
3552 licensed veterinarian practices must have a premises permit  
3553 issued by the department. Upon application and payment of a fee  
3554 not to exceed \$250, as set by rule of the department ~~board~~, the  
3555 department shall cause such establishment to be inspected. A  
3556 premises permit shall be issued if the establishment meets  
3557 minimum standards, to be adopted by rule of the department  
3558 ~~board~~, as to sanitary conditions, recordkeeping, equipment,  
3559 radiation monitoring, services required, and physical plant.

3560 (5) The department may issue a temporary premises permit  
3561 to a responsible veterinarian who has submitted the application  
3562 fee and a completed application form affirming compliance with  
3563 the standards set by rule of the department ~~board~~. If the  
3564 department inspects the establishment and discovers that it is  
3565 not in compliance with the department's standards, the  
3566 department shall notify the veterinarian in writing of the  
3567 deficiencies and shall provide 30 days for correction of the  
3568 deficiencies and reinspection. Such temporary permit shall  
3569 become void upon notification by the department that the  
3570 establishment has failed, after reinspection, to meet those  
3571 standards. Upon receipt of such notice, the responsible  
3572 veterinarian shall close the establishment until completion of a  
3573 subsequent inspection affirming that the required standards have  
3574 been met and until another permit has been issued by the  
3575 department.

3576           (7) The department ~~board~~ by rule shall establish minimum  
 3577 standards for the operation of limited service veterinary  
 3578 medical practices. Such rules may ~~shall~~ not restrict limited  
 3579 service veterinary medical practices and shall be consistent  
 3580 with the type of limited veterinary medical service provided.

3581           (a) Any person that offers or provides limited service  
 3582 veterinary medical practice shall obtain a biennial permit from  
 3583 the department ~~board~~ the cost of which may ~~shall~~ not exceed  
 3584 \$250. The limited service permittee shall register each location  
 3585 where a limited service clinic is held and shall pay a fee set  
 3586 by rule not to exceed \$25 to register each such location.

3587           (b) All permits issued under this subsection are subject  
 3588 to ~~the provisions of~~ ss. 474.213 and 474.214.

3589           (c) Notwithstanding any provision of this subsection to  
 3590 the contrary, any temporary rabies vaccination effort operated  
 3591 by a county health department in response to a public health  
 3592 threat, as declared by the State Health Officer in consultation  
 3593 with the State Veterinarian, is not subject to any  
 3594 preregistration, time limitation, or fee requirements, but must  
 3595 adhere to all other requirements for limited service veterinary  
 3596 medical practice as prescribed by rule. The fee charged to the  
 3597 public for a rabies vaccination administered during such  
 3598 temporary rabies vaccination effort may not exceed the actual  
 3599 cost of administering the rabies vaccine. Such rabies  
 3600 vaccination efforts may not be used for any purpose other than

3601 to address the public health consequences of the rabies  
3602 outbreak. The department ~~board~~ shall be immediately notified in  
3603 writing of any temporary rabies vaccination effort operated  
3604 under this paragraph.

3605 (8) Any person who is not a veterinarian licensed under  
3606 this chapter but who desires to own and operate a veterinary  
3607 medical establishment or limited service clinic shall apply to  
3608 the department ~~board~~ for a premises permit. If the department  
3609 ~~board~~ certifies that the applicant complies with the applicable  
3610 laws and rules of the department ~~board~~, the department shall  
3611 issue a premises permit. No permit shall be issued unless a  
3612 licensed veterinarian is designated to undertake the  
3613 professional supervision of the veterinary medical practice and  
3614 the minimum standards set by rule of the department ~~board~~ for  
3615 premises where veterinary medicine is practiced. Upon  
3616 application, the department shall submit the permittee's name  
3617 for a statewide criminal records correspondence check through  
3618 the Department of Law Enforcement. The permittee shall notify  
3619 the department ~~board~~ within 10 days after any designation of a  
3620 new licensed veterinarian responsible for such duties. A  
3621 permittee under this subsection is subject to the provisions of  
3622 subsection (9) and s. 474.214.

3623 (9) (a) The department ~~or the board~~ may deny, revoke, or  
3624 suspend the permit of any permittee under this section and may  
3625 fine, place on probation, or otherwise discipline any such

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3626 | permittee who has:

3627 |       1. Obtained a permit by misrepresentation or fraud or  
3628 | through an error of the department ~~or board~~;

3629 |       2. Attempted to procure, or has procured, a permit for any  
3630 | other person by making, or causing to be made, any false  
3631 | representation;

3632 |       3. Violated any of the requirements of this chapter or any  
3633 | rule of the department ~~board~~; or

3634 |       4. Been convicted or found guilty of, or entered a plea of  
3635 | nolo contendere to, regardless of adjudication, a felony in any  
3636 | court of this state, of any other state, or of the United  
3637 | States.

3638 |       (b) If the permit is revoked or suspended, the owner,  
3639 | manager, or proprietor shall cease to operate the premises as a  
3640 | veterinary medical practice as of the effective date of the  
3641 | suspension or revocation. In the event of such revocation or  
3642 | suspension, the owner, manager, or proprietor shall remove from  
3643 | the premises all signs and symbols identifying the premises as a  
3644 | veterinary medical practice. The period of any such suspension  
3645 | shall be prescribed by rule of the department ~~board~~, but may not  
3646 | exceed 1 year. If the permit is revoked, the person owning or  
3647 | operating the establishment may not apply for a permit to  
3648 | operate a premises for a period of 1 year after the effective  
3649 | date of such revocation. Upon the effective date of such  
3650 | revocation, the permittee must advise the department ~~board~~ of

3651 the disposition of all medicinal drugs and must provide for  
 3652 ensuring the security, confidentiality, and availability to  
 3653 clients of all patient medical records.

3654 **Section 123. Section 474.216, Florida Statutes, is amended**  
 3655 **to read:**

3656 474.216 License and premises permit to be displayed.—Each  
 3657 person to whom a license or premises permit is issued shall keep  
 3658 such document conspicuously displayed in her or his office,  
 3659 place of business, or place of employment, whether a permanent  
 3660 or mobile veterinary establishment or clinic, and shall,  
 3661 whenever required, exhibit said document to any member or  
 3662 authorized representative of the department ~~board~~.

3663 **Section 124. Subsections (6), (8), (10), and (11) of**  
 3664 **section 474.2165, Florida Statutes, are amended to read:**

3665 474.2165 Ownership and control of veterinary medical  
 3666 patient records; report or copies of records to be furnished.—

3667 (6) The department may obtain patient records pursuant to  
 3668 a subpoena without written authorization from the client if the  
 3669 department finds ~~and the probable cause panel of the board find~~  
 3670 reasonable cause to believe that a veterinarian has excessively  
 3671 or inappropriately prescribed any controlled substance specified  
 3672 in chapter 893 in violation of this chapter or that a  
 3673 veterinarian has practiced his or her profession below that  
 3674 level of care, skill, and treatment required as defined by this  
 3675 chapter.

3676 (8) Notwithstanding ~~the provisions of~~ s. 455.242, records  
3677 owners shall notify the department ~~board office~~ when they are  
3678 terminating practice, retiring, or relocating and are no longer  
3679 available to patients, specifying who the new records owner is  
3680 and where the medical records can be found.

3681 (10) Veterinarians in violation of ~~the provisions of~~ this  
3682 section shall be disciplined by the department ~~board~~.

3683 (11) A records owner furnishing copies of reports or  
3684 records pursuant to this section shall charge no more than the  
3685 actual cost of copying, including reasonable staff time, or the  
3686 amount specified in administrative rule by the department ~~board~~.

3687 **Section 125. Subsection (1) of section 474.217, Florida**  
3688 **Statutes, is amended to read:**

3689 474.217 Licensure by endorsement.—

3690 (1) The department shall issue a license by endorsement to  
3691 any applicant who, upon applying to the department and remitting  
3692 a fee set by the department ~~board~~, demonstrates to the  
3693 department ~~board~~ that she or he:

3694 (a) Has demonstrated, in a manner designated by rule of  
3695 the department ~~board~~, knowledge of the laws and rules governing  
3696 the practice of veterinary medicine in this state; and

3697 (b)1. Holds, and has held for the 3 years immediately  
3698 preceding the application for licensure, a valid, active license  
3699 to practice veterinary medicine in another state of the United  
3700 States, the District of Columbia, or a territory of the United

3701 States, provided that the applicant has successfully completed a  
 3702 state, regional, national, or other examination that is  
 3703 equivalent to or more stringent than the examination required by  
 3704 the department ~~board~~; or

3705 2. Meets the qualifications of s. 474.207(2) (b) and has  
 3706 successfully completed a state, regional, national, or other  
 3707 examination which is equivalent to or more stringent than the  
 3708 examination given by the department and has passed the  
 3709 department's ~~board's~~ clinical competency examination or another  
 3710 clinical competency examination specified by rule of the  
 3711 department ~~board~~.

3712 **Section 126. Section 474.221, Florida Statutes, is amended**  
 3713 **to read:**

3714 474.221 Impaired practitioner provisions; applicability.—  
 3715 Notwithstanding the transfer of the Division of Medical Quality  
 3716 Assurance to the Department of Health or any other provision of  
 3717 law to the contrary, veterinarians licensed under this chapter  
 3718 shall be governed by the impaired practitioner program  
 3719 provisions of s. 456.076 as if they were under the jurisdiction  
 3720 of the Division of Medical Quality Assurance, except that for  
 3721 veterinarians the Department of Business and Professional  
 3722 Regulation shall, at its option, exercise any of the powers  
 3723 granted to the Department of Health by that section, ~~and "board"~~  
 3724 ~~shall mean board as defined in this chapter.~~

3725 **Section 127. Subsection (6) of section 475.451, Florida**

3726 **Statutes, is amended to read:**

3727 475.451 Schools teaching real estate practice.—

3728 (6) Any course prescribed by the commission as a condition  
 3729 precedent to a person's becoming initially licensed as a sales  
 3730 associate or broker may be taught by a real estate school in a  
 3731 classroom or via distance learning pursuant to s. 475.17(2) by a  
 3732 currently permitted instructor from any such school. All other  
 3733 prescribed courses, ~~except the continuing education course~~  
 3734 ~~required by s. 475.182,~~ shall be taught by a currently permitted  
 3735 school instructor personally in attendance at such course or by  
 3736 distance learning pursuant to s. 475.17. ~~The continuing~~  
 3737 ~~education course required by s. 475.182 may be taught by~~  
 3738 ~~distance learning pursuant to s. 475.17 or by an equivalent~~  
 3739 ~~correspondence course; however, any such correspondence course~~  
 3740 ~~shall be required to have a final examination, prepared and~~  
 3741 ~~administered by the school or course provider issuing the~~  
 3742 ~~correspondence course.~~ The continuing education requirements  
 3743 provided in this chapter do not apply to an attorney who is  
 3744 otherwise qualified under this chapter and who is a member in  
 3745 good standing of The Florida Bar.

3746 **Section 128. Subsection (4) of section 476.034, Florida**  
 3747 **Statutes, is amended to read:**

3748 476.034 Definitions.—As used in this act:

3749 ~~(4) "Board" means the Barbers' Board.~~

3750 **Section 129. Subsection (2) of section 476.074, Florida**

3751 **Statutes, is amended to read:**

3752 476.074 Legal, investigative, and inspection services.—

3753 (2) The department shall provide all investigative  
 3754 services required by the ~~board or the~~ department in carrying out  
 3755 ~~the provisions of~~ this act.

3756 **Section 130. Paragraph (c) of subsection (2) and**  
 3757 **subsection (3) of section 476.114, Florida Statutes, are amended**  
 3758 **to read:**

3759 476.114 Examination; prerequisites.—

3760 (2) An applicant is eligible for licensure by examination  
 3761 to practice barbering if the applicant:

3762 (c) Has received a minimum of 900 hours of training in  
 3763 sanitation, safety, and laws and rules, as established by the  
 3764 department ~~board~~, which must include, but is not limited to, the  
 3765 equivalent of completion of services directly related to the  
 3766 practice of barbering at one of the following:

- 3767 1. A school of barbering licensed pursuant to chapter
- 3768 1005;
- 3769 2. A barbering program within the public school system; or
- 3770 3. A government-operated barbering program in this state.

3771  
 3772 The department ~~board~~ shall establish by rule procedures whereby  
 3773 the school or program may certify that a person is qualified to  
 3774 take the required examination after the completion of a minimum  
 3775 of 600 actual school hours. If the person passes the

3776 examination, she or he has satisfied this requirement, ~~+~~ but if  
3777 the person fails the examination, she or he may not be qualified  
3778 to take the examination again until the completion of the full  
3779 requirements provided by this section.

3780 (3) An applicant who meets the requirements set forth in  
3781 paragraph (2)(c) who fails to pass the examination may take  
3782 subsequent examinations as many times as necessary to pass,  
3783 except that the department ~~board~~ may specify by rule reasonable  
3784 timeframes for rescheduling the examination and additional  
3785 training requirements for applicants who, after the third  
3786 attempt, fail to pass the examination. Before ~~Prior to~~  
3787 reexamination, the applicant must file the appropriate form and  
3788 pay the reexamination fee as required by rule.

3789 **Section 131. Subsections (1) and (2) of section 476.134,**  
3790 **Florida Statutes, are amended to read:**

3791 476.134 Examinations.—

3792 (1) Examinations of applicants for licenses as barbers  
3793 shall be offered not less than four times each year. The  
3794 examination of applicants for licenses as barbers shall include  
3795 a written test. The department may ~~board shall have the~~  
3796 ~~authority to~~ adopt rules with respect to the examination of  
3797 applicants for licensure. The department ~~board~~ may provide rules  
3798 with respect to written examinations in such manner as the  
3799 department ~~board~~ may deem fit.

3800 (2) The department ~~board~~ shall adopt rules specifying the

3801 areas of competency to be covered by the examination. Such rules  
3802 shall include the relative weight assigned in grading each area.  
3803 All areas tested shall be reasonably related to the protection  
3804 of the public and the applicant's competency to practice  
3805 barbering in a manner which will not endanger the public.

3806 **Section 132. Subsections (1), (2), (5), and (6) of section**  
3807 **476.144, Florida Statutes, are amended to read:**

3808 476.144 Licensure.—

3809 (1) The department shall license any applicant who the  
3810 department ~~board~~ certifies is qualified to practice barbering in  
3811 this state.

3812 (2) The department ~~board~~ shall certify for licensure any  
3813 applicant who satisfies the requirements of s. 476.114, and who  
3814 passes the required examination, achieving a passing grade as  
3815 established by department ~~board~~ rule.

3816 (5) The department ~~board~~ shall certify as qualified for  
3817 licensure by endorsement as a barber in this state an applicant  
3818 who holds a current active license to practice barbering in  
3819 another state. The department ~~board~~ shall adopt rules specifying  
3820 procedures for the licensure by endorsement of practitioners  
3821 desiring to be licensed in this state who hold a current active  
3822 license in another country and who have met qualifications  
3823 substantially similar to, equivalent to, or greater than the  
3824 qualifications required of applicants from this state.

3825 (6) A person may apply for a restricted license to

3826 practice barbering. The department ~~board~~ shall adopt rules  
 3827 specifying procedures for an applicant to obtain a restricted  
 3828 license if the applicant:

3829 (a)1. Has successfully completed a restricted barber  
 3830 course, as established by rule of the department ~~board~~, at a  
 3831 school of barbering licensed pursuant to chapter 1005, a  
 3832 barbering program within the public school system, or a  
 3833 government-operated barbering program in this state; or

3834 2.a. Holds or has within the previous 5 years held an  
 3835 active valid license to practice barbering in another state or  
 3836 country or has held a Florida barbering license which has been  
 3837 declared null and void for failure to renew the license, and the  
 3838 applicant fulfilled the requirements of s. 476.114(2)(c) for  
 3839 initial licensure; and

3840 b. Has not been disciplined relating to the practice of  
 3841 barbering in the previous 5 years; and

3842 (b) Passes a written examination on the laws and rules  
 3843 governing the practice of barbering in Florida, as established  
 3844 by the department ~~board~~.

3845  
 3846 The restricted license shall limit the licensee's practice to  
 3847 those specific areas in which the applicant has demonstrated  
 3848 competence pursuant to rules adopted by the department ~~board~~.

3849 **Section 133. Section 476.154, Florida Statutes, is amended**  
 3850 **to read:**

3851 476.154 ~~Biennial~~ Renewal of licenses.—

3852 (1) Each licensed barber who continues in active practice  
 3853 or service shall renew her or his license every 4 years  
 3854 ~~biennially~~ and pay the required fee.

3855 (2) Any license or certificate of registration issued  
 3856 pursuant to this act for a period less than the established  
 3857 ~~biennial~~ issuance period may be issued for that lesser period of  
 3858 time, and the department shall adjust the required fee  
 3859 accordingly. The department ~~board~~ shall adopt rules providing  
 3860 for such partial period fee adjustments.

3861 (3) (a) The department shall renew a license upon receipt  
 3862 of the renewal application and fee.

3863 (b) The department shall adopt rules establishing a  
 3864 procedure for the ~~biennial~~ renewal of licenses.

3865 **Section 134. Subsection (2) of section 476.155, Florida**  
 3866 **Statutes, is amended to read:**

3867 476.155 Inactive status; reactivation of inactive  
 3868 license.—

3869 (2) The department ~~board~~ shall adopt ~~promulgate~~ rules  
 3870 relating to licenses which have become inactive and for the  
 3871 renewal of inactive licenses. The department ~~board~~ shall  
 3872 prescribe by rule a fee not to exceed \$100 for the reactivation  
 3873 of an inactive license and a fee not to exceed \$50 for the  
 3874 renewal of an inactive license.

3875 **Section 135. Subsection (1) of section 476.192, Florida**

3876 **Statutes, is amended to read:**

3877 476.192 Fees; disposition.—

3878 (1) The department ~~board~~ shall set by rule fees according  
3879 to the following schedule:

3880 (a) For barbers, fees for original licensing, license  
3881 renewal, and delinquent renewal may ~~shall~~ not exceed \$100.

3882 (b) For barbers, fees for endorsement application,  
3883 examination, and reexamination may ~~shall~~ not exceed \$150.

3884 (c) For barbershops, fees for license application,  
3885 original licensing, license renewal, and delinquent renewal may  
3886 ~~shall~~ not exceed \$150.

3887 (d) For duplicate licenses and certificates, fees may  
3888 ~~shall~~ not exceed \$25.

3889 **Section 136. Paragraph (i) of subsection (1) and**  
3890 **subsection (2) of section 476.204, Florida Statutes, are amended**  
3891 **to read:**

3892 476.204 Penalties.—

3893 (1) It is unlawful for any person to:

3894 (i) Violate or refuse to comply with any provision of this  
3895 chapter or chapter 455 or a rule or final order of the  
3896 department ~~board~~.

3897 (2) Any person who violates any provision of this section  
3898 shall be subject to one or more of the following penalties, as  
3899 determined by the department ~~board~~:

3900 (a) Revocation or suspension of any license or

3901 registration issued pursuant to this chapter.

3902 (b) Issuance of a reprimand or censure.

3903 (c) Imposition of an administrative fine not to exceed  
3904 \$500 for each count or separate offense.

3905 (d) Placement on probation for a period of time and  
3906 subject to such reasonable conditions as the department ~~board~~  
3907 may specify.

3908 (e) Refusal to certify ~~to the department~~ an applicant for  
3909 licensure.

3910 **Section 137. Section 476.214, Florida Statutes, is amended**  
3911 **to read:**

3912 476.214 Grounds for suspending, revoking, or refusing to  
3913 grant license or certificate.—

3914 (1) The department ~~may board~~ ~~shall have the power to~~  
3915 revoke or suspend any license, registration card, or certificate  
3916 of registration issued pursuant to this act, or ~~to~~ reprimand,  
3917 censure, deny subsequent licensure of, or otherwise discipline  
3918 any holder of a license, registration card, or certificate of  
3919 registration issued pursuant to this act, for any of the  
3920 following causes:

3921 (a) Gross malpractice or gross incompetency in the  
3922 practice of barbering;

3923 (b) Practice by a person knowingly having an infectious or  
3924 contagious disease; or

3925 (c) Commission of any of the offenses described in s.

3926 | 476.194.

3927 |       (2) The department ~~board~~ shall keep a record of its  
 3928 | disciplinary proceedings against holders of licenses or  
 3929 | certificates of registration issued pursuant to this act.

3930 |       (3) The department may ~~shall~~ not issue or renew a license  
 3931 | or certificate of registration under this chapter to any person  
 3932 | against whom or barbershop against which the department ~~board~~  
 3933 | has assessed a fine, interest, or costs associated with  
 3934 | investigation and prosecution until the person or barbershop has  
 3935 | paid in full such fine, interest, or costs associated with  
 3936 | investigation and prosecution or until the person or barbershop  
 3937 | complies with or satisfies all terms and conditions of the final  
 3938 | order.

3939 |       **Section 138. Section 476.234, Florida Statutes, is amended**  
 3940 | **to read:**

3941 |       476.234 Civil proceedings.—In addition to any other  
 3942 | remedy, the department may file a proceeding in the name of the  
 3943 | state seeking issuance of a restraining order, injunction, or  
 3944 | writ of mandamus against any person who is or has been violating  
 3945 | any of the provisions of this act or the lawful rules or orders  
 3946 | of the ~~board,~~ ~~commission,~~ or department.

3947 |       **Section 139. Subsections (2) through (13) of section**  
 3948 | **477.013, Florida Statutes, are renumbered as subsections (1)**  
 3949 | **through (12), respectively, and present subsections (1) and (8)**  
 3950 | **of that section are amended to read:**

3951 477.013 Definitions.—As used in this chapter:  
 3952 ~~(1) "Board" means the Board of Cosmetology.~~  
 3953 (7)~~(8)~~ "Specialty salon" means any place of business  
 3954 wherein the practice of one or all of the specialties as defined  
 3955 in subsection (5) ~~(6)~~ are engaged in or carried on.

3956 **Section 140. Subsections (7), (8), and (9) of section**  
 3957 **477.0135, Florida Statutes, are amended to read:**

3958 477.0135 Exemptions.—  
 3959 (7) A license or registration is not required for a person  
 3960 whose occupation or practice is confined solely to hair braiding  
 3961 as defined in s. 477.013(8) ~~s. 477.013(9)~~.  
 3962 (8) A license or registration is not required for a person  
 3963 whose occupation or practice is confined solely to hair wrapping  
 3964 as defined in s. 477.013(9) ~~s. 477.013(10)~~.  
 3965 (9) A license or registration is not required for a person  
 3966 whose occupation or practice is confined solely to body wrapping  
 3967 as defined in s. 477.013(11) ~~s. 477.013(12)~~.

3968 **Section 141. Section 477.016, Florida Statutes, is amended**  
 3969 **to read:**

3970 477.016 Rulemaking.—  
 3971 (1) The department ~~board~~ may adopt rules pursuant to ~~ss.~~  
 3972 ~~120.536(1) and 120.54~~ to implement the provisions of this  
 3973 chapter conferring duties upon it.  
 3974 (2) The department ~~board~~ may by rule adopt any restriction  
 3975 established by a regulation of the United States Food and Drug

3976 Administration related to the use of a cosmetic product or any  
3977 substance used in the practice of cosmetology if the department  
3978 ~~board~~ finds that the product or substance poses a risk to the  
3979 health, safety, and welfare of clients or persons providing  
3980 cosmetology services.

3981 **Section 142. Section 477.018, Florida Statutes, is amended**  
3982 **to read:**

3983 477.018 Investigative services.—The department shall  
3984 provide all investigative services required by the ~~board or the~~  
3985 department in carrying out ~~the provisions of~~ this act.

3986 **Section 143. Subsections (2), (3), (5), (6), and (7) of**  
3987 **section 477.019, Florida Statutes, are amended to read:**

3988 477.019 Cosmetologists; qualifications; licensure;  
3989 supervised practice; license renewal; endorsement; ~~continuing~~  
3990 education.—

3991 (2) An applicant is eligible for licensure by examination  
3992 to practice cosmetology if the applicant:

3993 (a) Is at least 16 years of age or has received a high  
3994 school diploma;

3995 (b) Pays the required application fee, which is not  
3996 refundable, and the required examination fee, which is  
3997 refundable if the applicant is determined to not be eligible for  
3998 licensure for any reason other than failure to successfully  
3999 complete the licensure examination; and

4000 (c) Has received a minimum of 1,200 hours of training as

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4001 established by the department ~~board~~, which must include, but is  
4002 not limited to, the equivalent of completion of services  
4003 directly related to the practice of cosmetology at one of the  
4004 following:

- 4005 1. A school of cosmetology licensed pursuant to chapter  
4006 1005.
- 4007 2. A cosmetology program within the public school system.
- 4008 3. The Cosmetology Division of the Florida School for the  
4009 Deaf and the Blind, provided the division meets the standards of  
4010 this chapter.
- 4011 4. A government-operated cosmetology program in this  
4012 state.

4013  
4014 The department ~~board~~ shall establish by rule procedures whereby  
4015 the school or program may certify that a person is qualified to  
4016 take the required examination after the completion of a minimum  
4017 of 1,000 actual school hours. If the person then passes the  
4018 examination, he or she has satisfied this requirement, ~~+~~ but if  
4019 the person fails the examination, he or she may not be qualified  
4020 to take the examination again until the completion of the full  
4021 requirements provided by this section.

4022 (3) Upon an applicant receiving a passing grade, as  
4023 established by department ~~board~~ rule, on the examination and  
4024 paying the initial licensing fee, the department shall issue a  
4025 license to practice cosmetology.

4026 (5) Renewal of license registration shall be accomplished  
 4027 pursuant to rules adopted by the department ~~board~~.

4028 (6) The department ~~board~~ shall certify as qualified for  
 4029 licensure by endorsement as a cosmetologist in this state an  
 4030 applicant who holds a current active license to practice  
 4031 cosmetology in another state.

4032 ~~(7)(a) The board shall prescribe by rule continuing~~  
 4033 ~~education requirements intended to ensure protection of the~~  
 4034 ~~public through updated training of licensees and registered~~  
 4035 ~~specialists, not to exceed 10 hours biennially, as a condition~~  
 4036 ~~for renewal of a license or registration as a specialist under~~  
 4037 ~~this chapter. Continuing education courses shall include, but~~  
 4038 ~~not be limited to, the following subjects as they relate to the~~  
 4039 ~~practice of cosmetology: human immunodeficiency virus and~~  
 4040 ~~acquired immune deficiency syndrome; Occupational Safety and~~  
 4041 ~~Health Administration regulations; workers' compensation issues;~~  
 4042 ~~state and federal laws and rules as they pertain to~~  
 4043 ~~cosmetologists, cosmetology, salons, specialists, specialty~~  
 4044 ~~salons, and booth renters; chemical makeup as it pertains to~~  
 4045 ~~hair, skin, and nails; and environmental issues. Courses given~~  
 4046 ~~at cosmetology conferences may be counted toward the number of~~  
 4047 ~~continuing education hours required if approved by the board.~~

4048 ~~(b) The board may, by rule, require any licensee in~~  
 4049 ~~violation of a continuing education requirement to take a~~  
 4050 ~~refresher course or refresher course and examination in addition~~

4051 ~~to any other penalty. The number of hours for the refresher~~  
 4052 ~~course may not exceed 48 hours.~~

4053 **Section 144. Paragraphs (b) and (c) of subsection (1) and**  
 4054 **subsections (4) and (5) of section 477.0201, Florida Statutes,**  
 4055 **are amended to read:**

4056 477.0201 Specialty registration; qualifications;  
 4057 registration renewal; endorsement.—

4058 (1) Any person is qualified for registration as a  
 4059 specialist in any specialty practice within the practice of  
 4060 cosmetology under this chapter who:

4061 (b) Has received a certificate of completion for:

4062 1. One hundred and eighty hours of training, as  
 4063 established by the department board, which shall focus primarily  
 4064 on sanitation and safety, to practice specialties as defined in  
 4065 s. 477.013(5) (a) and (b) ~~s. 477.013(6) (a) and (b);~~

4066 2. Two hundred and twenty hours of training, as  
 4067 established by the department board, which shall focus primarily  
 4068 on sanitation and safety, to practice the specialty as defined  
 4069 in s. 477.013(5) (c) ~~s. 477.013(6) (e);~~ or

4070 3. Four hundred hours of training or the number of hours  
 4071 of training required to maintain minimum Pell Grant  
 4072 requirements, as established by the department board, which  
 4073 shall focus primarily on sanitation and safety, to practice the  
 4074 specialties as defined in s. 477.013(5) (a) - (c) ~~s. 477.013(6) (a) -~~  
 4075 ~~(e).~~

4076 (c) The certificate of completion specified in paragraph  
 4077 (b) must be from one of the following:

- 4078 1. A school licensed pursuant to s. 477.023.
- 4079 2. A school licensed pursuant to chapter 1005 or the  
 4080 equivalent licensing authority of another state.
- 4081 3. A specialty program within the public school system.
- 4082 4. A specialty division within the Cosmetology Division of  
 4083 the Florida School for the Deaf and the Blind, provided the  
 4084 training programs comply with minimum curriculum requirements  
 4085 established by the department ~~board~~.

4086 (4) Renewal of registration shall be accomplished pursuant  
 4087 to rules adopted by the department ~~board~~.

4088 (5) The department ~~board~~ shall adopt rules specifying  
 4089 procedures for the registration of specialty practitioners  
 4090 desiring to be registered in this state who have been registered  
 4091 or licensed and are practicing in states which have registering  
 4092 or licensing standards substantially similar to, equivalent to,  
 4093 or more stringent than the standards of this state.

4094 **Section 145. Subsection (2) of section 477.0212, Florida**  
 4095 **Statutes, is amended to read:**

4096 477.0212 Inactive status.—

4097 (2) The department ~~board~~ shall adopt rules relating to  
 4098 licenses that become inactive and for the renewal of inactive  
 4099 licenses. ~~The rules may not require more than one renewal cycle~~  
 4100 ~~of continuing education to reactivate a license.~~ The department

4101 ~~board~~ shall prescribe by rule a fee not to exceed \$50 for the  
4102 reactivation of an inactive license and a fee not to exceed \$50  
4103 for the renewal of an inactive license.

4104 **Section 146. Subsections (1) and (2) of section 477.022,**  
4105 **Florida Statutes, are amended to read:**

4106 477.022 Examinations.—

4107 (1) The department ~~board~~ shall ensure that examinations  
4108 adequately measure both an applicant's competency and her or his  
4109 knowledge of related statutory requirements. Professional  
4110 testing services may be utilized to formulate the examinations.  
4111 The department ~~board~~ may offer a written clinical examination or  
4112 a performance examination, or both, in addition to a written  
4113 theory examination.

4114 (2) The department ~~board~~ shall ensure that examinations  
4115 comply with state and federal equal employment opportunity  
4116 guidelines.

4117 **Section 147. Subsections (2), (8), (9), and (10) of**  
4118 **section 477.025, Florida Statutes, are amended to read:**

4119 477.025 Cosmetology salons; specialty salons; requisites;  
4120 licensure; inspection; mobile cosmetology salons.—

4121 (2) The department ~~board~~ shall adopt rules governing the  
4122 licensure and operation of salons and specialty salons and their  
4123 facilities, personnel, safety and sanitary requirements, and the  
4124 license application and granting process.

4125 (8) Renewal of license registration for cosmetology salons

4126 or specialty salons shall be accomplished pursuant to rules  
 4127 adopted by the department ~~board~~. The department ~~board~~ is further  
 4128 authorized to adopt rules governing delinquent renewal of  
 4129 licenses and may impose penalty fees for delinquent renewal.

4130 (9) The department ~~may board is authorized to~~ adopt rules  
 4131 governing the periodic inspection of cosmetology salons and  
 4132 specialty salons licensed under this chapter.

4133 (10) (a) The department ~~board~~ shall adopt rules governing  
 4134 the licensure, operation, and inspection of mobile cosmetology  
 4135 salons, including their facilities, personnel, and safety and  
 4136 sanitary requirements.

4137 (b) Each mobile salon must comply with all licensure and  
 4138 operating requirements specified in this chapter or chapter 455  
 4139 or rules of the ~~board or~~ department that apply to cosmetology  
 4140 salons at fixed locations, except to the extent that such  
 4141 requirements conflict with this subsection or rules adopted  
 4142 pursuant to this subsection.

4143 (c) A mobile cosmetology salon must maintain a permanent  
 4144 business address, located in the inspection area of the local  
 4145 department office, at which records of appointments,  
 4146 itineraries, license numbers of employees, and vehicle  
 4147 identification numbers of the licenseholder's mobile salon shall  
 4148 be kept and made available for verification purposes by  
 4149 department personnel, and at which correspondence from the  
 4150 department can be received.

4151 (d) To facilitate periodic inspections of mobile  
4152 cosmetology salons, before ~~prior to~~ the beginning of each month  
4153 each mobile salon licenseholder must file with the department  
4154 ~~board~~ a written monthly itinerary listing the locations where  
4155 and the dates and hours when the mobile salon will be operating.

4156 (e) The department ~~board~~ shall establish fees for mobile  
4157 cosmetology salons, not to exceed the fees for cosmetology  
4158 salons at fixed locations.

4159 (f) The operation of mobile cosmetology salons must be in  
4160 compliance with all local laws and ordinances regulating  
4161 business establishments, with all applicable requirements of the  
4162 Americans with Disabilities Act relating to accommodations for  
4163 persons with disabilities, and with all applicable OSHA  
4164 requirements.

4165 **Section 148. Section 477.026, Florida Statutes, is amended**  
4166 **to read:**

4167 477.026 Fees; disposition.—

4168 (1) The department ~~board~~ shall set fees according to the  
4169 following schedule:

4170 (a) For cosmetologists, fees for original licensing,  
4171 license renewal, and delinquent renewal may ~~shall~~ not exceed  
4172 \$50.

4173 (b) For cosmetologists, fees for endorsement application,  
4174 examination, and reexamination may ~~shall~~ not exceed \$50.

4175 (c) For cosmetology and specialty salons, fees for license

4176 application, original licensing, license renewal, and delinquent  
 4177 renewal may ~~shall~~ not exceed \$50.

4178 (d) For specialists, fees for application and endorsement  
 4179 registration may ~~shall~~ not exceed \$30.

4180 (e) For specialists, fees for initial registration,  
 4181 registration renewal, and delinquent renewal may ~~shall~~ not  
 4182 exceed \$50.

4183 (2) All moneys collected by the department from fees  
 4184 authorized by this chapter shall be paid into the Professional  
 4185 Regulation Trust Fund, which fund is created in the department,  
 4186 and shall be applied in accordance with ss. 215.37 and 455.219.  
 4187 The Legislature may appropriate any excess moneys from this fund  
 4188 to the General Revenue Fund.

4189 (3) The department, ~~with the advice of the board,~~ shall  
 4190 prepare and submit a proposed budget in accordance with law.

4191 **Section 149. Subsections (2) and (4) of section 477.0263,**  
 4192 **Florida Statutes, are amended to read:**

4193 477.0263 Cosmetology services to be performed in licensed  
 4194 salon; exceptions.—

4195 (2) Pursuant to rules established by the department ~~board,~~  
 4196 cosmetology services may be performed by a licensed  
 4197 cosmetologist in a location other than a licensed salon,  
 4198 including, but not limited to, a nursing home, hospital, or  
 4199 residence, when a client for reasons of ill health is unable to  
 4200 go to a licensed salon. Arrangements for the performance of such

4201 cosmetology services in a location other than a licensed salon  
 4202 shall be made only through a licensed salon.

4203 (4) Pursuant to rules adopted by the department ~~board~~, any  
 4204 cosmetology or specialty service may be performed in a location  
 4205 other than a licensed salon when the service is performed in  
 4206 connection with a special event and is performed by a person who  
 4207 holds the proper license or specialty registration.

4208 **Section 150. Section 477.028, Florida Statutes, is amended**  
 4209 **to read:**

4210 477.028 Disciplinary proceedings.—

4211 (1) The department ~~may board shall have the power to~~  
 4212 revoke or suspend the license of a cosmetologist licensed under  
 4213 this chapter, or the registration of a specialist registered  
 4214 under this chapter, and ~~to~~ reprimand, censure, deny subsequent  
 4215 licensure or registration of, or otherwise discipline a  
 4216 cosmetologist or a specialist licensed or registered under this  
 4217 chapter in any of the following cases:

4218 (a) Upon proof that a license or registration has been  
 4219 obtained by fraud or misrepresentation.

4220 (b) Upon proof that the holder of a license or  
 4221 registration is guilty of fraud or deceit or of gross  
 4222 negligence, incompetency, or misconduct in the practice or  
 4223 instruction of cosmetology or a specialty.

4224 (c) Upon proof that the holder of a license or  
 4225 registration is guilty of aiding, assisting, procuring, or

4226 | advising any unlicensed person to practice as a cosmetologist.

4227 |       (2) The department may ~~board shall have the power to~~  
 4228 | revoke or suspend the license of a cosmetology salon or a  
 4229 | specialty salon licensed under this chapter, ~~to~~ deny subsequent  
 4230 | licensure of such salon, or ~~to~~ reprimand, censure, or otherwise  
 4231 | discipline the owner of such salon in either of the following  
 4232 | cases:

4233 |       (a) Upon proof that a license has been obtained by fraud  
 4234 | or misrepresentation.

4235 |       (b) Upon proof that the holder of a license is guilty of  
 4236 | fraud or deceit or of gross negligence, incompetency, or  
 4237 | misconduct in the operation of the salon so licensed.

4238 |       (3) Disciplinary proceedings shall be conducted pursuant  
 4239 | to ~~the provisions of~~ chapter 120.

4240 |       (4) The department may ~~shall~~ not issue or renew a license  
 4241 | or certificate of registration under this chapter to any person  
 4242 | against whom or salon against which the department ~~board~~ has  
 4243 | assessed a fine, interest, or costs associated with  
 4244 | investigation and prosecution until the person or salon has paid  
 4245 | in full such fine, interest, or costs associated with  
 4246 | investigation and prosecution or until the person or salon  
 4247 | complies with or satisfies all terms and conditions of the final  
 4248 | order.

4249 |       **Section 151. Paragraph (i) of subsection (1) and**  
 4250 | **subsection (2) of section 477.029, Florida Statutes, are amended**

4251 **to read:**

4252 477.029 Penalty.—

4253 (1) It is unlawful for any person to:

4254 (i) Violate or refuse to comply with any provision of this  
 4255 chapter or chapter 455 or a rule or final order of the ~~board or~~  
 4256 ~~the~~ department.

4257 (2) Any person who violates the provisions of this section  
 4258 shall be subject to one or more of the following penalties, as  
 4259 determined by the department ~~board~~:

4260 (a) Revocation or suspension of any license or  
 4261 registration issued pursuant to this chapter.

4262 (b) Issuance of a reprimand or censure.

4263 (c) Imposition of an administrative fine not to exceed  
 4264 \$500 for each count or separate offense.

4265 (d) Placement on probation for a period of time and  
 4266 subject to such reasonable conditions as the department ~~board~~  
 4267 may specify.

4268 (e) Refusal to certify ~~to the department~~ an applicant for  
 4269 licensure.

4270 **Section 152. Subsections (4) through (16) of section**  
 4271 **481.203, Florida Statutes, are renumbered as subsections (3)**  
 4272 **through (15), respectively, and subsection (3) and present**  
 4273 **subsection (8) of that section are amended to read:**

4274 481.203 Definitions.—As used in this part, the term:

4275 (3) ~~"Board" means the Board of Architecture and Interior~~

4276 ~~Design.~~

4277 (7)~~(8)~~ "Diversified interior design experience" means  
 4278 experience which substantially encompasses the various elements  
 4279 of interior design services set forth under the definition of  
 4280 "interior design" in subsection (9) ~~(10)~~.

4281 **Section 153. Section 481.207, Florida Statutes, is amended**  
 4282 **to read:**

4283 481.207 Fees.—The department board, by rule, may establish  
 4284 fees for architects and registered interior designers, to be  
 4285 paid for applications, examination, reexamination, licensing and  
 4286 renewal, delinquency, reinstatement, and recordmaking and  
 4287 recordkeeping. The examination fee shall be in an amount that  
 4288 covers the cost of obtaining and administering the examination  
 4289 and shall be refunded if the applicant is found ineligible to  
 4290 sit for the examination. The application fee is nonrefundable.  
 4291 The fee for initial application and examination for architects  
 4292 may not exceed \$775 plus the actual per applicant cost to the  
 4293 department for purchase of the examination from the National  
 4294 Council of Architectural Registration Boards or similar national  
 4295 organizations. The initial nonrefundable fee for registered  
 4296 interior designers may not exceed \$75. The ~~biennial~~ renewal fee  
 4297 for architects may not exceed \$200. The ~~biennial~~ renewal fee for  
 4298 registered interior designers may not exceed \$75. The  
 4299 delinquency fee may not exceed the ~~biennial~~ renewal fee  
 4300 established by the department board for an active license. The

4301 department board shall establish fees that are adequate to  
 4302 ensure the continued operation of the department board and to  
 4303 fund the proportionate expenses incurred by the department which  
 4304 are allocated to the regulation of architects and registered  
 4305 interior designers. Fees shall be based on department estimates  
 4306 of the revenue required to implement this part and the  
 4307 provisions of law with respect to the regulation of architects  
 4308 and interior designers.

4309 **Section 154. Subsection (1) of section 481.209, Florida**  
 4310 **Statutes, is amended to read:**

4311 481.209 Examinations.—

4312 (1) A person desiring to be licensed as a registered  
 4313 architect by initial examination shall apply to the department,  
 4314 complete the application form, and remit a nonrefundable  
 4315 application fee. The department shall license any applicant who  
 4316 the department board certifies has passed the licensure  
 4317 examination prescribed by department board rule and is a  
 4318 graduate of a school or college of architecture with a program  
 4319 accredited by the National Architectural Accreditation Board.

4320 **Section 155. Section 481.211, Florida Statutes, is amended**  
 4321 **to read:**

4322 481.211 Architecture internship required.—An applicant for  
 4323 licensure as a registered architect shall complete, before  
 4324 licensure, an internship of diversified architectural experience  
 4325 approved by the department board, which meets the requirements

4326 set forth by rule.

4327 **Section 156. Section 481.215, Florida Statutes, is amended**  
4328 **to read:**

4329 481.215 Renewal of license or certificate of  
4330 registration.—

4331 ~~(1) Subject to the requirement of subsection (3),~~ The  
4332 department shall renew a license or certificate of registration  
4333 upon receipt of the renewal application and renewal fee.

4334 (2) The department shall adopt rules establishing a  
4335 procedure for the ~~biennial~~ renewal of licenses and certificates  
4336 of registration every 4 years.

4337 ~~(3) A license or certificate of registration renewal may~~  
4338 ~~not be issued to an architect or a registered interior designer~~  
4339 ~~by the department until the licensee or registrant submits proof~~  
4340 ~~satisfactory to the department that, during the 2 years before~~  
4341 ~~application for renewal, the licensee or registrant participated~~  
4342 ~~per biennium in not less than 20 hours of at least 50 minutes~~  
4343 ~~each per biennium of continuing education approved by the board.~~  
4344 ~~The board shall approve only continuing education that builds~~  
4345 ~~upon the basic knowledge of architecture or interior design. The~~  
4346 ~~board may make exception from the requirements of continuing~~  
4347 ~~education in emergency or hardship cases.~~

4348 ~~(4) The board shall by rule establish criteria for the~~  
4349 ~~approval of continuing education courses and providers and shall~~  
4350 ~~by rule establish criteria for accepting alternative~~

4351 ~~nonclassroom continuing education on an hour-for-hour basis.~~

4352 ~~(5) For a license or certificate of registration, the~~  
4353 ~~board shall require, by rule adopted pursuant to ss. 120.536(1)~~  
4354 ~~and 120.54, 2 hours in specialized or advanced courses on any~~  
4355 ~~portion of the Florida Building Code, adopted pursuant to part~~  
4356 ~~IV of chapter 553, relating to the licensee's respective area of~~  
4357 ~~practice. Such hours count toward the continuing education hours~~  
4358 ~~required under subsection (3). A licensee may complete the~~  
4359 ~~courses required under this subsection online.~~

4360 **Section 157. Section 481.217, Florida Statutes, is amended**  
4361 **to read:**

4362 481.217 Inactive status.—

4363 ~~(1) The board may prescribe by rule continuing education~~  
4364 ~~requirements as a condition of reactivating a license. The rules~~  
4365 ~~may not require more than one renewal cycle of continuing~~  
4366 ~~education to reactivate a license or registration for a~~  
4367 ~~registered architect or registered interior designer.~~

4368 ~~(2) The department board shall adopt rules relating to~~  
4369 ~~application procedures for inactive status and for the~~  
4370 ~~reactivation of inactive licenses and registrations.~~

4371 **Section 158. Subsection (2), paragraph (b) of subsection**  
4372 **(3), and subsection (5) of section 481.219, Florida Statutes,**  
4373 **are amended to read:**

4374 481.219 Qualification of business organizations.—

4375 (2) If a licensee or an applicant proposes to engage in

4376 | the practice of architecture as a business organization, the  
 4377 | licensee or applicant shall qualify the business organization  
 4378 | upon approval of the department ~~board~~.

4379 | (3)

4380 | (b) In the event a qualifying agent ceases employment with  
 4381 | a qualified business organization, the department ~~executive~~  
 4382 | ~~director or the chair of the board~~ may authorize another  
 4383 | registered architect employed by the business organization to  
 4384 | temporarily serve as its qualifying agent for a period of no  
 4385 | more than 60 days. The business organization may ~~is~~ not  
 4386 | ~~authorized to~~ operate beyond such period under this chapter  
 4387 | absent replacement of the qualifying agent who has ceased  
 4388 | employment.

4389 | (5) The department ~~board~~ shall allow a licensee or an  
 4390 | applicant to qualify one or more business organizations to offer  
 4391 | architectural services, or to use a fictitious name to offer  
 4392 | such services, if one or more of the principal officers of the  
 4393 | corporation or limited liability company, or one or more  
 4394 | partners of the partnership, and all personnel of the  
 4395 | corporation, limited liability company, or partnership who act  
 4396 | in its behalf in this state as architects, are registered as  
 4397 | provided by this part.

4398 | **Section 159. Subsections (1), (2), (6), (11), and (12) of**  
 4399 | **section 481.221, Florida Statutes, are amended to read:**

4400 | 481.221 Seals; display of certificate number.—

4401 (1) The department ~~board~~ shall prescribe, by rule, one or  
 4402 more forms of seals to be used by registered architects holding  
 4403 valid certificates of registration.

4404 (2) Each registered architect shall obtain one seal in a  
 4405 form approved by rule of the department ~~board~~ and may, in  
 4406 addition, register her or his seal electronically in accordance  
 4407 with ss. 668.001-668.006. All final construction documents and  
 4408 instruments of service which include drawings, plans,  
 4409 specifications, or reports prepared or issued by the registered  
 4410 architect and being filed for public record shall bear the  
 4411 signature and seal of the registered architect who prepared or  
 4412 approved the document and the date on which they were sealed.  
 4413 The signature, date, and seal shall be evidence of the  
 4414 authenticity of that to which they are affixed. Final plans,  
 4415 specifications, or reports prepared or issued by a registered  
 4416 architect may be transmitted electronically and may be signed by  
 4417 the registered architect, dated, and sealed electronically with  
 4418 the seal in accordance with ss. 668.001-668.006.

4419 (6) A ~~No~~ registered architect may not ~~shall~~ affix her or  
 4420 his signature or seal to any final construction document or  
 4421 instrument of service which includes drawings, plans,  
 4422 specifications, or architectural documents which were not  
 4423 prepared by her or him or under her or his responsible  
 4424 supervising control or by another registered architect and  
 4425 reviewed, approved, or modified and adopted by her or him as her

4426 or his own work according to rules adopted by the department  
4427 ~~board~~.

4428 (11) When the certificate of registration of a registered  
4429 architect or interior designer has been revoked or suspended by  
4430 the department ~~board~~, the registered architect or interior  
4431 designer shall surrender her or his seal to the secretary of the  
4432 department ~~board~~ within a ~~period of~~ 30 days after the revocation  
4433 or suspension has become effective. If the certificate of the  
4434 registered architect or interior designer has been suspended for  
4435 a period of time, her or his seal shall be returned to her or  
4436 him upon expiration of the suspension period.

4437 (12) A person may not sign and seal by any means any final  
4438 plan, specification, or report after her or his certificate of  
4439 registration has expired or is suspended or revoked. A  
4440 registered architect or interior designer whose certificate of  
4441 registration is suspended or revoked shall, within 30 days after  
4442 the effective date of the suspension or revocation, surrender  
4443 her or his seal to the secretary of the department ~~executive~~  
4444 ~~director of the board~~ and confirm in writing to the secretary  
4445 ~~executive director~~ the cancellation of the registered  
4446 architect's or interior designer's electronic signature in  
4447 accordance with ss. 668.001-668.006. When a registered  
4448 architect's or interior designer's certificate of registration  
4449 is suspended for a period of time, her or his seal shall be  
4450 returned upon expiration of the period of suspension.

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

481.222 Architects performing building code inspection services.—Notwithstanding any other provision of law, a person who is currently licensed to practice as an architect under this part may provide building code inspection services described in s. 468.603(4) and (7) ~~s. 468.603(5) and (8)~~ to a local government or state agency upon its request, without being certified by the Florida Building Code Administrators and Inspectors licensing program Board under part XII of chapter 468. With respect to the performance of such building code inspection services, the architect is subject to the disciplinary guidelines of this part and s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of an architect's performance of building code inspection services shall be conducted by the department Board ~~of Architecture and Interior Design~~ rather than the ~~Florida Building Code Administrators and Inspectors Board~~. An architect may not perform plans review as an employee of a local government upon any job that the architect or the architect's company designed.

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

481.223 Prohibitions; penalties; injunctive relief.—  
 (1) A person may not knowingly:

4476 (a) Practice architecture unless the person is an  
4477 architect or a registered architect; however, a licensed  
4478 architect who has been licensed by the department ~~board~~ and who  
4479 chooses to relinquish or not to renew his or her license may use  
4480 the title "Architect, Retired" but may not otherwise render any  
4481 architectural services.

4482 (d) Give false or forged evidence to the department ~~board~~  
4483 ~~or a member thereof~~.

4484 **Section 162. Paragraphs (a), (g), and (i) of subsection**  
4485 **(1) and subsections (2), (3), and (4) of section 481.225,**  
4486 **Florida Statutes, are amended to read:**

4487 481.225 Disciplinary proceedings against registered  
4488 architects.—

4489 (1) The following acts constitute grounds for which the  
4490 disciplinary actions in subsection (3) may be taken:

4491 (a) Violating any provision of s. 455.227(1), s. 481.221,  
4492 or s. 481.223, or any rule of the ~~board~~ or department lawfully  
4493 adopted pursuant to this part or chapter 455.

4494 (g) Committing an act of fraud or deceit, or of  
4495 negligence, incompetency, or misconduct, in the practice of  
4496 architecture, including, but not limited to, allowing the  
4497 preparation of any architectural studies, plans, or other  
4498 instruments of service in an office that does not have a full-  
4499 time Florida-registered architect assigned to such office or  
4500 failing to ensure the responsible supervising control of

4501 services or projects, as required by department ~~board~~ rule.

4502 (i) Aiding, assisting, procuring, or advising any  
 4503 unlicensed person to practice architecture contrary to this part  
 4504 or to a rule of the department ~~or the board~~.

4505 (2) The department ~~board~~ shall specify, by rule, what acts  
 4506 or omissions constitute a violation of subsection (1).

4507 (3) When the department ~~board~~ finds any registered  
 4508 architect guilty of any of the grounds set forth in subsection  
 4509 (1), it may enter an order imposing one or more of the following  
 4510 penalties:

4511 (a) Denial of an application for licensure.

4512 (b) Revocation or suspension of a license.

4513 (c) Imposition of an administrative fine not to exceed  
 4514 \$1,000 for each count or separate offense and a fine of up to  
 4515 \$5,000 for matters pertaining to a material violation of the  
 4516 Florida Building Code as reported by a local jurisdiction.

4517 (d) Issuance of a reprimand.

4518 (e) Placement of the registered architect on probation for  
 4519 a period of time and subject to such conditions as the  
 4520 department ~~board~~ may specify, including requiring the registered  
 4521 architect to attend continuing education courses or to work  
 4522 under the supervision of another registered architect.

4523 (f) Restriction of the authorized scope of practice by the  
 4524 registered architect.

4525 (4) The department shall reissue the license of a

4526 | disciplined registered architect upon certification ~~by the board~~  
 4527 | that he or she has complied with all of the terms and conditions  
 4528 | set forth in the final order.

4529 | **Section 163. Paragraph (a) of subsection (1) and**  
 4530 | **subsection (2) of section 481.2251, Florida Statutes, are**  
 4531 | **amended to read:**

4532 | 481.2251 Disciplinary proceedings against registered  
 4533 | interior designers.—

4534 | (1) The following acts constitute grounds for which the  
 4535 | disciplinary actions specified in subsection (2) may be taken:

4536 | (a) Attempting to register or renewing registration by  
 4537 | bribery, by fraudulent misrepresentation, or through an error of  
 4538 | the department ~~board~~;

4539 | (2) When the department ~~board~~ finds any person guilty of  
 4540 | any of the grounds set forth in subsection (1), it may enter an  
 4541 | order taking the following action or imposing one or more of the  
 4542 | following penalties:

- 4543 | (a) Refusal to register the applicant;
- 4544 | (b) Refusal to renew an existing registration;
- 4545 | (c) Removal from the state registry; or
- 4546 | (d) Imposition of an administrative fine not to exceed  
 4547 | \$500 for each violation or separate offense and a fine of up to  
 4548 | \$2,500 for matters pertaining to a material violation of the  
 4549 | Florida Building Code as reported by a local jurisdiction.

4550 | **Section 164. Subsection (1) of section 481.303, Florida**

4551 **Statutes, is amended to read:**

4552 481.303 Definitions.—As used in this chapter, the term:

4553 ~~(1) "Board" means the Board of Landscape Architecture.~~

4554 **Section 165. Section 481.306, Florida Statutes, is amended**

4555 **to read:**

4556 481.306 Authority to make rules.—The department may ~~board~~

4557 ~~has authority to~~ adopt rules pursuant to ~~ss. 120.536(1) and~~

4558 ~~120.54~~ to implement the provisions of this chapter and chapter

4559 455 conferring duties upon it.

4560 **Section 166. Section 481.307, Florida Statutes, is amended**

4561 **to read:**

4562 481.307 Fees.—The department ~~board~~, by rule, may establish

4563 fees to be paid for applications, examination, reexamination,

4564 licensing and renewal, delinquency, reinstatement, and

4565 recordmaking and recordkeeping. The examination fee shall be in

4566 an amount that covers the costs of obtaining and administering

4567 the examination and shall be refunded if the applicant is found

4568 ineligible to sit for the examination. The application fee is

4569 nonrefundable. The combined fees for initial application and

4570 examination may not exceed \$800 plus the actual per applicant

4571 cost to the department for purchase of portions of the

4572 examination from the Council of Landscape Architectural

4573 Registration Boards or a similar national organization. The

4574 ~~biennial~~ renewal fee may not exceed \$600. The delinquency fee

4575 may not exceed the ~~biennial~~ renewal fee established by the

4576 department board for an active license. The department board  
4577 shall establish fees that are adequate to ensure the continued  
4578 operation of the department board and to fund the proportionate  
4579 expenses incurred by the department which are allocated to the  
4580 regulation of landscape architects. Fees shall be based on  
4581 department estimates of the revenue required to implement this  
4582 part and the provisions of law with respect to the regulation of  
4583 landscape architects.

4584 **Section 167. Subsection (1) of section 481.309, Florida**  
4585 **Statutes, is amended to read:**

4586 481.309 Examinations.—

4587 (1) A person desiring to be licensed as a registered  
4588 landscape architect shall apply to the department to take the  
4589 licensure examination. The department shall examine each  
4590 applicant who the department board certifies:

4591 (a) Has completed the application form and remitted a  
4592 nonrefundable application fee and an examination fee which is  
4593 refundable if the applicant is found to be ineligible to take  
4594 the examination; and

4595 (b)1. Has completed a professional degree program in  
4596 landscape architecture as approved by the department Landscape  
4597 Architectural Accreditation Board; or

4598 2. Presents evidence of not less than 6 years of actual  
4599 practical experience in landscape architectural work of a grade  
4600 and character satisfactory to the department board. Each year of

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4601 education completed in a recognized school shall be considered  
4602 to be equivalent to 1 year of experience, with a maximum credit  
4603 of 4 years.

4604 **Section 168. Section 481.310, Florida Statutes, is amended**  
4605 **to read:**

4606 481.310 Practical experience requirement.—Beginning  
4607 October 1, 1990, every applicant for licensure as a registered  
4608 landscape architect shall demonstrate, before ~~prior to~~  
4609 licensure, 1 year of practical experience in landscape  
4610 architectural work. An applicant who holds a master of landscape  
4611 architecture degree and a bachelor's degree in a related field  
4612 is not required to demonstrate 1 year of practical experience in  
4613 landscape architectural work to obtain licensure. The department  
4614 ~~board~~ shall adopt rules providing standards for the required  
4615 experience. An applicant who qualifies for examination pursuant  
4616 to s. 481.309(1)(b)1. may obtain the practical experience after  
4617 completing the required professional degree. Experience used to  
4618 qualify for examination pursuant to s. 481.309(1)(b)2. may not  
4619 be used to satisfy the practical experience requirement under  
4620 this section.

4621 **Section 169. Section 481.311, Florida Statutes, is amended**  
4622 **to read:**

4623 481.311 Licensure.—

4624 (1) The department shall license any applicant who the  
4625 department ~~board~~ certifies is qualified to practice landscape

4626 | architecture and who has paid the initial licensure fee.

4627 |       (2) The department ~~board~~ shall certify for licensure any  
4628 | applicant who:

4629 |           (a) Passes the examination required by s. 481.309; and

4630 |           (b) Satisfies the experience requirement of s. 481.310.

4631 |       (3) The department ~~board~~ shall certify as qualified for a  
4632 | license by endorsement an applicant who:

4633 |           (a) Qualifies to take the examination as set forth in s.  
4634 | 481.309~~7~~ and has passed a national, regional, state, or  
4635 | territorial licensing examination which is substantially  
4636 | equivalent to the examination required by s. 481.309;

4637 |           (b) Holds a valid license to practice landscape  
4638 | architecture issued by another state or territory of the United  
4639 | States, if the criteria for issuance of such license were  
4640 | substantially identical to the licensure criteria which existed  
4641 | in this state at the time the license was issued; or

4642 |           (c) Has held a valid license to practice landscape  
4643 | architecture in another state or territory of the United States  
4644 | for at least 10 years before the date of application and has  
4645 | successfully completed a state, regional, national, or other  
4646 | examination that is equivalent to or more stringent than the  
4647 | examination required by the department ~~board~~, subject to  
4648 | subsection (5). An applicant who has met the requirements to be  
4649 | qualified for a license by endorsement, except for successful  
4650 | completion of an examination that is equivalent to or more

4651 stringent than the examination required by the department ~~board~~,  
 4652 may take the examination required by the department ~~board~~  
 4653 without completing additional education requirements. Such  
 4654 application must be submitted to the department ~~board~~ while the  
 4655 applicant holds a valid license in another state or territory or  
 4656 within 2 years after the expiration of such license.

4657 (4) The department ~~board~~ may refuse to certify any  
 4658 applicant who is under investigation in any jurisdiction for any  
 4659 act which would constitute a violation of this act or of chapter  
 4660 455~~7~~ until the investigation is complete and disciplinary  
 4661 proceedings have been terminated.

4662 (5) The department ~~board~~ may refuse to certify any  
 4663 applicant who has violated any of the provisions of s. 481.325.

4664 **Section 170. Subsections (2) through (5) of section**  
 4665 **481.313, Florida Statutes, are amended to read:**

4666 481.313 Renewal of license.—

4667 (2) The department shall adopt rules establishing a  
 4668 procedure for the ~~biennial~~ renewal of licenses every 4 years.

4669 ~~(3) No license renewal shall be issued to a landscape~~  
 4670 ~~architect by the department until the licensee submits proof,~~  
 4671 ~~satisfactory to the department, that during the 2-year period~~  
 4672 ~~prior to application for renewal, the licensee participated in~~  
 4673 ~~such continuing education courses required by the board. The~~  
 4674 ~~board shall approve only continuing education courses that~~  
 4675 ~~relate to and increase the basic knowledge of landscape~~

4676 ~~architecture. The board may make an exception from the~~  
4677 ~~requirements of continuing education in emergency or hardship~~  
4678 ~~eases.~~

4679 ~~(4) The board, by rule adopted pursuant to ss. 120.536(1)~~  
4680 ~~and 120.54, shall establish criteria for the approval of~~  
4681 ~~continuing education courses and providers, and shall by rule~~  
4682 ~~establish criteria for accepting alternative nonclassroom~~  
4683 ~~continuing education on an hour-for-hour basis. A landscape~~  
4684 ~~architect shall receive hour-for-hour credit for attending~~  
4685 ~~continuing education courses approved by the Landscape~~  
4686 ~~Architecture Continuing Education System or another nationally~~  
4687 ~~recognized clearinghouse for continuing education that relate to~~  
4688 ~~and increase his or her basic knowledge of landscape~~  
4689 ~~architecture, as determined by the board, if the landscape~~  
4690 ~~architect submits proof satisfactory to the board that such~~  
4691 ~~course was approved by the Landscape Architecture Continuing~~  
4692 ~~Education System or another nationally recognized clearinghouse~~  
4693 ~~for continuing education, along with the syllabus or outline for~~  
4694 ~~such course and proof of course attendance.~~

4695 ~~(5) The board shall require, by rule adopted pursuant to~~  
4696 ~~ss. 120.536(1) and 120.54, a specified number of hours in~~  
4697 ~~specialized or advanced courses, approved by the Florida~~  
4698 ~~Building Commission, on any portion of the Florida Building~~  
4699 ~~Code, adopted pursuant to part IV of chapter 553, relating to~~  
4700 ~~the licensee's respective area of practice.~~

4701           **Section 171. Section 481.315, Florida Statutes, is amended**  
 4702 **to read:**

4703           481.315 Inactive status.—

4704           (1) A license that has become inactive or delinquent may  
 4705 be reactivated under this section upon application to the  
 4706 department and payment of any applicable ~~biennial~~ renewal or  
 4707 delinquency fee, or both, and a reactivation fee. ~~The board may~~  
 4708 ~~not require a licensee to complete more than one renewal cycle~~  
 4709 ~~of continuing education requirements.~~

4710           (2) The department ~~board~~ shall adopt rules relating to  
 4711 application procedures for inactive status and for the  
 4712 reactivation of inactive licenses.

4713           **Section 172. Subsection (1) of section 481.317, Florida**  
 4714 **Statutes, is amended to read:**

4715           481.317 Temporary certificates.—

4716           (1) Upon the approval by the department ~~board~~ and payment  
 4717 of the fee set in s. 481.307, the department shall grant a  
 4718 temporary certificate of registration for work on a specified  
 4719 project in this state for a period not to exceed 1 year to an  
 4720 applicant who is licensed in another state or territory to  
 4721 practice landscape architecture.

4722           **Section 173. Paragraph (d) of subsection (1) of section**  
 4723 **481.323, Florida Statutes, is amended to read:**

4724           481.323 Prohibitions; penalties.—

4725           (1) A person may not knowingly:

4726 (d) Give false or forged evidence to the department board  
 4727 ~~or a member thereof;~~

4728 **Section 174. Subsections (2), (3), and (4) of section**  
 4729 **481.325, Florida Statutes, are amended to read:**

4730 481.325 Disciplinary proceedings.—

4731 (2) The department board shall specify, by rule, what acts  
 4732 or omissions constitute a violation of subsection (1).

4733 (3) When the department board finds any registered  
 4734 landscape architect guilty of any of the grounds set forth in  
 4735 subsection (1), it may enter an order imposing one or more of  
 4736 the following penalties:

4737 (a) Denial of an application for licensure.

4738 (b) Revocation or suspension of a license.

4739 (c) Imposition of an administrative fine not to exceed  
 4740 \$1,000 for each count or separate offense and a fine of up to  
 4741 \$5,000 for matters pertaining to a material violation of the  
 4742 Florida Building Code as reported by a local jurisdiction.

4743 (d) Issuance of a reprimand.

4744 (e) Placement of the registered landscape architect on  
 4745 probation for a period of time and subject to such conditions as  
 4746 the department board may specify, including requiring the  
 4747 registered landscape architect to ~~attend continuing education~~  
 4748 ~~courses or to~~ work under the supervision of another registered  
 4749 landscape architect.

4750 (f) Restriction of the authorized scope of practice by the

4751 registered landscape architect.

4752 (4) The department shall reissue the license of a  
4753 disciplined registered landscape architect upon certification ~~by~~  
4754 ~~the board~~ that she or he has complied with all of the terms and  
4755 conditions set forth in the final order.

4756 **Section 175. Paragraph (c) of subsection (7) of section**  
4757 **489.103, Florida Statutes, is amended to read:**

4758 489.103 Exemptions.—This part does not apply to:

4759 (7)

4760 (c) To qualify for exemption under this subsection, an  
4761 owner must personally appear and sign the building permit  
4762 application and must satisfy local permitting agency  
4763 requirements, if any, proving that the owner has a complete  
4764 understanding of the owner's obligations under the law as  
4765 specified in the disclosure statement in this section. However,  
4766 for purposes of implementing a "United States Department of  
4767 Energy SunShot Initiative: Rooftop Solar Challenge" grant and  
4768 the participation of county and municipal governments, including  
4769 local permitting agencies under the jurisdiction of such county  
4770 and municipal governments, an owner's notarized signature or  
4771 personal appearance to sign the permit application is not  
4772 required for a solar project, as described in subparagraph  
4773 (a)3., if the building permit application is submitted  
4774 electronically to the permitting agency and the owner certifies  
4775 the application and disclosure statement using the permitting

4776 agency's electronic confirmation system. If any person violates  
4777 the requirements of this subsection, the local permitting agency  
4778 shall withhold final approval, revoke the permit, or pursue any  
4779 action or remedy for unlicensed activity against the owner and  
4780 any person performing work that requires licensure under the  
4781 permit issued. The local permitting agency shall provide the  
4782 person with a disclosure statement in substantially the  
4783 following form:

4784 DISCLOSURE STATEMENT

4785 1. I understand that state law requires construction to be done  
4786 by a licensed contractor and have applied for an owner-builder  
4787 permit under an exemption from the law. The exemption specifies  
4788 that I, as the owner of the property listed, may act as my own  
4789 contractor with certain restrictions even though I do not have a  
4790 license.

4791 2. I understand that building permits are not required to be  
4792 signed by a property owner unless he or she is responsible for  
4793 the construction and is not hiring a licensed contractor to  
4794 assume responsibility.

4795 3. I understand that, as an owner-builder, I am the responsible  
4796 party of record on a permit. I understand that I may protect  
4797 myself from potential financial risk by hiring a licensed  
4798 contractor and having the permit filed in his or her name  
4799 instead of my own name. I also understand that a contractor is  
4800 required by law to be licensed in Florida and to list his or her

4801 license numbers on permits and contracts.

4802 4. I understand that I may build or improve a one-family or  
4803 two-family residence or a farm outbuilding. I may also build or  
4804 improve a commercial building if the costs do not exceed  
4805 \$75,000. The building or residence must be for my own use or  
4806 occupancy. It may not be built or substantially improved for  
4807 sale or lease, unless I am completing the requirements of a  
4808 building permit where the contractor listed on the permit  
4809 substantially completed the project. If a building or residence  
4810 that I have built or substantially improved myself is sold or  
4811 leased within 1 year after the construction is complete, the law  
4812 will presume that I built or substantially improved it for sale  
4813 or lease, which violates the exemption.

4814 5. I understand that, as the owner-builder, I must provide  
4815 direct, onsite supervision of the construction.

4816 6. I understand that I may not hire an unlicensed person to act  
4817 as my contractor or to supervise persons working on my building  
4818 or residence. It is my responsibility to ensure that the persons  
4819 whom I employ have the licenses required by law and by county or  
4820 municipal ordinance.

4821 7. I understand that it is a frequent practice of unlicensed  
4822 persons to have the property owner obtain an owner-builder  
4823 permit that erroneously implies that the property owner is  
4824 providing his or her own labor and materials. I, as an owner-  
4825 builder, may be held liable and subjected to serious financial

4826 risk for any injuries sustained by an unlicensed person or his  
4827 or her employees while working on my property. My homeowner's  
4828 insurance may not provide coverage for those injuries. I am  
4829 willfully acting as an owner-builder and am aware of the limits  
4830 of my insurance coverage for injuries to workers on my property.  
4831 8. I understand that I may not delegate the responsibility for  
4832 supervising work to a licensed contractor who is not licensed to  
4833 perform the work being done. Any person working on my building  
4834 who is not licensed must work under my direct supervision and  
4835 must be employed by me, which means that I must comply with laws  
4836 requiring the withholding of federal income tax and social  
4837 security contributions under the Federal Insurance Contributions  
4838 Act (FICA) and must provide workers' compensation for the  
4839 employee. I understand that my failure to follow these laws may  
4840 subject me to serious financial risk.

4841 9. I agree that, as the party legally and financially  
4842 responsible for this proposed construction activity, I will  
4843 abide by all applicable laws and requirements that govern owner-  
4844 builders as well as employers. I also understand that the  
4845 construction must comply with all applicable laws, ordinances,  
4846 building codes, and zoning regulations.

4847 10. I understand that I may obtain more information regarding  
4848 my obligations as an employer from the Internal Revenue Service,  
4849 the United States Small Business Administration, the Florida  
4850 Department of Financial Services, and the Florida Department of

4851 Revenue. I also understand that I may contact the Florida  
 4852 Department of Business and Professional Regulation Construction  
 4853 ~~Industry Licensing Board~~ at ...(telephone number)... or  
 4854 ...(Internet website address)... for more information about  
 4855 licensed contractors.

4856 11. I am aware of, and consent to, an owner-builder building  
 4857 permit applied for in my name and understand that I am the party  
 4858 legally and financially responsible for the proposed  
 4859 construction activity at the following address: ...(address of  
 4860 property)....

4861 12. I agree to notify ...(issuer of disclosure statements)...  
 4862 immediately of any additions, deletions, or changes to any of  
 4863 the information that I have provided on this disclosure.

4864 Licensed contractors are regulated by laws designed to protect  
 4865 the public. If you contract with a person who does not have a  
 4866 license, the ~~Construction Industry Licensing Board and~~  
 4867 Department of Business and Professional Regulation may be unable  
 4868 to assist you with any financial loss that you sustain as a  
 4869 result of a complaint. Your only remedy against an unlicensed  
 4870 contractor may be in civil court. It is also important for you  
 4871 to understand that, if an unlicensed contractor or employee of  
 4872 an individual or firm is injured while working on your property,  
 4873 you may be held liable for damages. If you obtain an owner-  
 4874 builder permit and wish to hire a licensed contractor, you will  
 4875 be responsible for verifying whether the contractor is properly

4876 licensed and the status of the contractor's workers'  
 4877 compensation coverage.  
 4878 Before a building permit can be issued, this disclosure  
 4879 statement must be completed and signed by the property owner and  
 4880 returned to the local permitting agency responsible for issuing  
 4881 the permit. A copy of the property owner's driver license, the  
 4882 notarized signature of the property owner, or other type of  
 4883 verification acceptable to the local permitting agency is  
 4884 required when the permit is issued.

4885 Signature: ...(signature of property owner)....

4886 Date: ...(date)....

4887 **Section 176. Subsections (2) through (19) of section**  
 4888 **489.105, Florida Statutes, are renumbered as subsections (1)**  
 4889 **through (18), respectively, and subsection (1) and present**  
 4890 **subsection (6) of that section are amended to read:**

4891 489.105 Definitions.—As used in this part:

4892 ~~(1) "Board" means the Construction Industry Licensing~~  
 4893 ~~Board.~~

4894 (5) ~~(6)~~ "Contracting" means, except as exempted in this  
 4895 part, engaging in business as a contractor and includes, but is  
 4896 not limited to, performance of any of the acts as set forth in  
 4897 subsection (2) ~~(3)~~ which define types of contractors. The  
 4898 attempted sale of contracting services and the negotiation or  
 4899 bid for a contract on these services also constitutes  
 4900 contracting. If the services offered require licensure or agent

4901 qualification, the offering, negotiation for a bid, or attempted  
 4902 sale of these services requires the corresponding licensure.  
 4903 However, the term "contracting" does ~~shall~~ not extend to an  
 4904 individual, partnership, corporation, trust, or other legal  
 4905 entity that offers to sell or sells completed residences on  
 4906 property on which the individual or business entity has any  
 4907 legal or equitable interest, or to the individual or business  
 4908 entity that offers to sell or sells manufactured or factory-  
 4909 built buildings that will be completed on site on property on  
 4910 which either party to a contract has any legal or equitable  
 4911 interest, if the services of a qualified contractor certified or  
 4912 registered pursuant to the requirements of this chapter have  
 4913 been or will be retained for the purpose of constructing or  
 4914 completing such residences.

4915 **Section 177. Section 489.108, Florida Statutes, is amended**  
 4916 **to read:**

4917 489.108 Rulemaking authority.—The department may ~~board has~~  
 4918 ~~authority to~~ adopt rules pursuant to ~~ss. 120.536(1) and 120.54~~  
 4919 to implement the provisions of this chapter conferring duties  
 4920 upon it.

4921 **Section 178. Subsections (1) and (2) of section 489.109,**  
 4922 **Florida Statutes, are amended to read:**

4923 489.109 Fees.—

4924 (1) The department ~~board~~, by rule, shall establish  
 4925 reasonable fees to be paid for applications, certification and

4926 renewal, registration and renewal, and recordmaking and  
 4927 recordkeeping. The fees shall be established as follows:  
 4928 (a) With respect to an applicant for a certificate, the  
 4929 initial application fee may not exceed \$150, and, if an  
 4930 examination cost is included in the application fee, the  
 4931 combined amount may not exceed \$350. The initial certification  
 4932 fee and the renewal fee may not exceed \$250. However, any  
 4933 applicant who seeks certification under this part by taking a  
 4934 practical examination must pay as an examination fee the actual  
 4935 cost incurred by the department in developing, preparing,  
 4936 administering, scoring, score reporting, and evaluating the  
 4937 examination, if the examination is conducted by the department.  
 4938 (b) With respect to an applicant for registration, the  
 4939 initial application fee may not exceed \$100, and the initial  
 4940 registration fee and the renewal fee may not exceed \$200.  
 4941 (c) The department ~~board~~, by rule, may establish  
 4942 delinquency fees, not to exceed the applicable renewal fee for  
 4943 renewal applications made after the expiration date of the  
 4944 certificate or registration.  
 4945 (d) With respect to an application for registration or  
 4946 certification to qualify a business organization, the initial  
 4947 application fee and the renewal fee shall be \$50.  
 4948 (e) The department ~~board~~, by rule, shall impose a renewal  
 4949 fee for an inactive status certificate or registration, not to  
 4950 exceed the renewal fee for an active status certificate or

4951 registration. Neither the inactive certification fee nor the  
 4952 inactive registration fee may exceed \$50. The department board,  
 4953 by rule, may provide for a different fee for inactive status  
 4954 where such status is sought by a building code administrator,  
 4955 plans examiner, or inspector certified pursuant to part XII of  
 4956 chapter 468 who is employed by a local government and is not  
 4957 allowed by the terms of such employment to maintain a  
 4958 certificate on active status issued pursuant to this part.

4959 (f) The department board, by rule, shall impose an  
 4960 additional late fee on a delinquent status certificateholder or  
 4961 registrant when such certificateholder or registrant applies for  
 4962 active or inactive status.

4963 (g) The department board, by rule, shall impose an  
 4964 additional fee, not to exceed the applicable renewal fee, which  
 4965 reasonably reflects the costs of processing a  
 4966 certificateholder's or registrant's request to change licensure  
 4967 status at any time other than at the beginning of a licensure  
 4968 cycle.

4969 (2) ~~The board shall establish fees that are adequate to~~  
 4970 ~~ensure the continued operation of the board.~~ Fees shall be based  
 4971 on department estimates of the revenue required to implement  
 4972 this part and the provisions of law with respect to the  
 4973 regulation of the construction industry.

4974 **Section 179. Paragraph (c) of subsection (2) and**  
 4975 **subsection (3) of section 489.111, Florida Statutes, are amended**

4976 **to read:**

4977 489.111 Licensure by examination.—

4978 (2) A person shall be eligible for licensure by  
4979 examination if the person:

4980 (c) Meets eligibility requirements according to one of the  
4981 following criteria:

4982 1. Has received a baccalaureate degree from an accredited  
4983 4-year college in the appropriate field of engineering,  
4984 architecture, or building construction and has 1 year of proven  
4985 experience in the category in which the person seeks to qualify.  
4986 For the purpose of this part, a minimum of 2,000 person-hours  
4987 shall be used in determining full-time equivalency. An applicant  
4988 who is exempt from passing an examination under s. 489.113(1) is  
4989 eligible for a license under this section.

4990 2. Has a total of at least 4 years of active experience as  
4991 a worker who has learned the trade by serving an apprenticeship  
4992 as a skilled worker who is able to command the rate of a  
4993 mechanic in the particular trade or as a foreman who is in  
4994 charge of a group of workers and usually is responsible to a  
4995 superintendent or a contractor or his or her equivalent;  
4996 provided, however, that at least 1 year of active experience  
4997 shall be as a foreman.

4998 3. Has a combination of not less than 1 year of experience  
4999 as a foreman and not less than 3 years of credits for any  
5000 accredited college-level courses; has a combination of not less

5001 than 1 year of experience as a skilled worker, 1 year of  
5002 experience as a foreman, and not less than 2 years of credits  
5003 for any accredited college-level courses; or has a combination  
5004 of not less than 2 years of experience as a skilled worker, 1  
5005 year of experience as a foreman, and not less than 1 year of  
5006 credits for any accredited college-level courses. All junior  
5007 college or community college-level courses shall be considered  
5008 accredited college-level courses.

5009 4.a. An active certified residential contractor is  
5010 eligible to receive a certified building contractor license  
5011 after passing or having previously passed the building  
5012 contractors' examination if he or she possesses a minimum of 3  
5013 years of proven experience in the classification in which he or  
5014 she is certified.

5015 b. An active certified residential contractor is eligible  
5016 to receive a certified general contractor license after passing  
5017 or having previously passed the general contractors' examination  
5018 if he or she possesses a minimum of 4 years of proven experience  
5019 in the classification in which he or she is certified.

5020 c. An active certified building contractor is eligible to  
5021 receive a certified general contractor license after passing or  
5022 having previously passed the general contractors' examination if  
5023 he or she possesses a minimum of 4 years of proven experience in  
5024 the classification in which he or she is certified.

5025 5.a. An active certified air-conditioning Class C

5026 contractor is eligible to receive a certified air-conditioning  
5027 Class B contractor license after passing or having previously  
5028 passed the air-conditioning Class B contractors' examination if  
5029 he or she possesses a minimum of 3 years of proven experience in  
5030 the classification in which he or she is certified.

5031 b. An active certified air-conditioning Class C contractor  
5032 is eligible to receive a certified air-conditioning Class A  
5033 contractor license after passing or having previously passed the  
5034 air-conditioning Class A contractors' examination if he or she  
5035 possesses a minimum of 4 years of proven experience in the  
5036 classification in which he or she is certified.

5037 c. An active certified air-conditioning Class B contractor  
5038 is eligible to receive a certified air-conditioning Class A  
5039 contractor license after passing or having previously passed the  
5040 air-conditioning Class A contractors' examination if he or she  
5041 possesses a minimum of 1 year of proven experience in the  
5042 classification in which he or she is certified.

5043 6.a. An active certified swimming pool servicing  
5044 contractor is eligible to receive a certified residential  
5045 swimming pool contractor license after passing or having  
5046 previously passed the residential swimming pool contractors'  
5047 examination if he or she possesses a minimum of 3 years of  
5048 proven experience in the classification in which he or she is  
5049 certified.

5050 b. An active certified swimming pool servicing contractor

5051 is eligible to receive a certified commercial swimming pool  
5052 contractor license after passing or having previously passed the  
5053 swimming pool commercial contractors' examination if he or she  
5054 possesses a minimum of 4 years of proven experience in the  
5055 classification in which he or she is certified.

5056 c. An active certified residential swimming pool  
5057 contractor is eligible to receive a certified commercial  
5058 swimming pool contractor license after passing or having  
5059 previously passed the commercial swimming pool contractors'  
5060 examination if he or she possesses a minimum of 1 year of proven  
5061 experience in the classification in which he or she is  
5062 certified.

5063 d. An applicant is eligible to receive a certified  
5064 swimming pool/spa servicing contractor license after passing or  
5065 having previously passed the swimming pool/spa servicing  
5066 contractors' examination if he or she has satisfactorily  
5067 completed 60 hours of instruction in courses related to the  
5068 scope of work covered by that license and approved by the  
5069 department ~~Construction Industry Licensing Board~~ by rule and has  
5070 at least 1 year of proven experience related to the scope of  
5071 work of such a contractor.

5072 (3) (a) The department ~~board~~ may refuse to certify an  
5073 applicant for failure to satisfy the requirement of good moral  
5074 character only if:

5075 1. There is a substantial connection between the lack of

5076 good moral character of the applicant and the professional  
5077 responsibilities of a certified contractor; and

5078 2. The finding by the department ~~board~~ of lack of good  
5079 moral character is supported by clear and convincing evidence.

5080 (b) When an applicant is found to be unqualified for a  
5081 certificate because of a lack of good moral character, the  
5082 department ~~board~~ shall furnish the applicant a statement  
5083 containing the findings of the department ~~board~~, a complete  
5084 record of the evidence upon which the determination was based,  
5085 and a notice of the rights of the applicant to a rehearing and  
5086 appeal.

5087 **Section 180. Subsections (1) and (2), paragraph (f) of**  
5088 **subsection (3), and subsections (6), (7), and (8) of section**  
5089 **489.113, Florida Statutes, are amended to read:**

5090 489.113 Qualifications for practice; restrictions.—

5091 (1) Any person who desires to engage in contracting on a  
5092 statewide basis shall, as a prerequisite thereto, establish his  
5093 or her competency and qualifications to be certified pursuant to  
5094 this part. To establish competency, a person shall pass the  
5095 appropriate examination approved ~~by the board~~ and certified by  
5096 the department. If an applicant has received a baccalaureate  
5097 degree in building construction from an accredited 4-year  
5098 college, or a related degree as approved by the department ~~board~~  
5099 by rule, and has a grade point average of 3.0 or higher, such  
5100 applicant is only required to take and pass the business and

5101 finance portion of the examination. Any person who desires to  
5102 engage in contracting on other than a statewide basis shall, as  
5103 a prerequisite thereto, be registered pursuant to this part,  
5104 unless exempted by this part.

5105 (2) A person must be certified or registered in order to  
5106 engage in the business of contracting in this state. However,  
5107 for purposes of complying with ~~the provisions of~~ this chapter, a  
5108 subcontractor who is not certified or registered may perform  
5109 construction work under the supervision of a person who is  
5110 certified or registered, provided that the work is within the  
5111 scope of the supervising contractor's license, the supervising  
5112 contractor is responsible for the work, and the subcontractor  
5113 being supervised is not engaged in construction work that would  
5114 require a license as a contractor under any of the categories  
5115 listed in s. 489.105(2)(d)-(o) ~~s. 489.105(3)(d)-(e)~~. This  
5116 subsection does not affect the application of any local  
5117 construction licensing ordinances. To enforce this subsection:

5118 (a) The department shall issue a cease and desist order to  
5119 prohibit any person from engaging in the business of contracting  
5120 who does not hold the required certification or registration for  
5121 the work being performed under this part. For the purpose of  
5122 enforcing a cease and desist order, the department may file a  
5123 proceeding in the name of the state seeking issuance of an  
5124 injunction or a writ of mandamus against any person who violates  
5125 any provision of such order.

5126 (b) A county, municipality, or local licensing board  
5127 created by special act may issue a cease and desist order to  
5128 prohibit any person from engaging in the business of contracting  
5129 who does not hold the required certification or registration for  
5130 the work being performed under this part.

5131 (3) A contractor shall subcontract all electrical,  
5132 mechanical, plumbing, roofing, sheet metal, swimming pool, and  
5133 air-conditioning work, unless such contractor holds a state  
5134 certificate or registration in the respective trade category,  
5135 however:

5136 (f) A solar contractor may ~~shall~~ not be required to  
5137 subcontract minor, as defined by department ~~board~~ rule,  
5138 electrical, mechanical, plumbing, or roofing work so long as  
5139 that work is within the scope of the license held by the solar  
5140 contractor and where such work exclusively pertains to the  
5141 installation of residential solar energy equipment as defined by  
5142 rules of the department ~~board~~ ~~adopted in conjunction with the~~  
5143 ~~Electrical Contracting Licensing Board.~~

5144 (6) (a) The department ~~board~~ shall, by rule, designate  
5145 those types of specialty contractors which may be certified  
5146 under this part. The limit of the scope of work and  
5147 responsibility of a specialty contractor shall be established by  
5148 the department ~~board~~ by rule. However, a certified specialty  
5149 contractor category established by department ~~board~~ rule exists  
5150 as a voluntary statewide licensing category and does not create

5151 a mandatory licensing requirement. Any mandatory statewide  
5152 construction contracting licensure requirement may only be  
5153 established through specific statutory provision.

5154 (b) By July 1, 2025, the department ~~board~~ shall, by rule,  
5155 establish certified specialty contractor categories for  
5156 voluntary licensure for all of the following:

- 5157 1. Structural aluminum or screen enclosures.
- 5158 2. Marine seawall work.
- 5159 3. Marine bulkhead work.
- 5160 4. Marine dock work.
- 5161 5. Marine pile driving.
- 5162 6. Structural masonry.
- 5163 7. Structural prestressed, precast concrete work.
- 5164 8. Rooftop solar heating installation.
- 5165 9. Structural steel.
- 5166 10. Window and door installation, including garage door  
5167 installation and hurricane or windstorm protection.
- 5168 11. Plaster and lath.
- 5169 12. Structural carpentry.

5170 (7) If an eligible applicant fails any contractor's  
5171 written examination, except the general and building  
5172 contractors' examination, and provides the department ~~board~~ with  
5173 acceptable proof of lack of comprehension of written  
5174 examinations, the applicant may petition the department ~~board~~ to  
5175 be administered a uniform oral examination, subject to the

5176 following conditions:

5177 (a) The applicant documents 10 years of experience in the  
5178 appropriate construction craft.

5179 (b) The applicant files written recommendations concerning  
5180 his or her competency in the appropriate construction craft.

5181 (c) The applicant is administered only one oral  
5182 examination within a period of 1 year.

5183 (8) Any public record of the department board, when  
5184 certified by the department executive director of the board or  
5185 ~~the executive director's representative~~, may be received as  
5186 prima facie evidence in any administrative or judicial  
5187 proceeding.

5188 **Section 181. Subsection (1) of section 489.1131, Florida**  
5189 **Statutes, is amended to read:**

5190 489.1131 Credit for relevant military training and  
5191 education.—

5192 (1) The department shall provide a method by which  
5193 honorably discharged veterans may apply for licensure. The  
5194 method must include a veteran-specific application and provide:

5195 (a) To the fullest extent possible, credit toward the  
5196 requirements for licensure for military experience, training,  
5197 and education received and completed during service in the  
5198 United States Armed Forces if the military experience, training,  
5199 or education is substantially similar to the experience,  
5200 training, or education required for licensure.

5201 (b) Acceptance of up to 3 years of active duty service in  
 5202 the United States Armed Forces, regardless of duty or training,  
 5203 to meet the experience requirements of s. 489.111(2)(c). At  
 5204 least 1 additional year of active experience as a foreman in the  
 5205 trade, either civilian or military, is required to fulfill the  
 5206 experience requirement of s. 489.111(2)(c).

5207  
 5208 The department board may adopt rules pursuant to ~~ss. 120.536(1)~~  
 5209 ~~and 120.54~~ to implement this subsection.

5210 **Section 182. Subsection (1) of section 489.1136, Florida**  
 5211 **Statutes, is amended to read:**

5212 489.1136 Medical gas certification.—

5213 (1)(a) In addition to the certification or registration  
 5214 required to engage in business as a plumbing contractor, any  
 5215 plumbing contractor who wishes to engage in the business of  
 5216 installation, improvement, repair, or maintenance of any tubing,  
 5217 pipe, or similar conduit used to transport gaseous or partly  
 5218 gaseous substances for medical purposes shall take, ~~as part of~~  
 5219 ~~the contractor's continuing education requirement, at least once~~  
 5220 ~~during the holding of such license,~~ a course of at least 6 hours  
 5221 before the licensee's initial installation, improvement, repair,  
 5222 or maintenance of any tubing, pipe, or similar conduit used to  
 5223 transport gaseous or partly gaseous substances for medical  
 5224 purposes. Such course shall be given by an instructional  
 5225 facility or teaching entity that has been approved by the

5226 department ~~board~~. In order for a course to be approved, the  
5227 department ~~board~~ must find that the course is designed to teach  
5228 familiarity with the National Fire Prevention Association  
5229 Standard 99C (Standard on Gas and Vacuum Systems, latest  
5230 edition) and also designed to teach familiarity and practical  
5231 ability in performing and inspecting brazing duties required of  
5232 medical gas installation, improvement, repair, or maintenance  
5233 work. Such course shall issue a certificate of completion to the  
5234 taker of the course, which certificate shall be available for  
5235 inspection by any entity or person seeking to have such  
5236 contractor engage in the business of installation, improvement,  
5237 repair, or maintenance of a medical gas system.

5238 (b) Any other natural person who is employed by a licensed  
5239 plumbing contractor to provide work on the installation,  
5240 improvement, repair, or maintenance of a medical gas system,  
5241 except as noted in paragraph (c), shall, as a prerequisite to  
5242 his or her ability to provide such service, take a course  
5243 approved by the department ~~board~~. Such course shall be at least  
5244 8 hours and consist of both classroom and practical work  
5245 designed to teach familiarity with the National Fire Prevention  
5246 Association Standard 99C (Standard on Gas and Vacuum Systems,  
5247 latest edition) and also designed to teach familiarity and  
5248 practical ability in performing and inspecting brazing duties  
5249 required of medical gas installation, improvement, repair, or  
5250 maintenance work. Such course shall also include the

5251 administration of a practical examination in the skills required  
5252 to perform work as outlined above, including brazing, and each  
5253 examination shall be reasonably constructed to test for  
5254 knowledge of the subject matter. The person taking such course  
5255 and examination must, upon successful completion of both, be  
5256 issued a certificate of completion by the giver of such course,  
5257 which certificate shall be made available by the holder for  
5258 inspection by any person or entity seeking to have such person  
5259 perform work on the installation, improvement, repair, or  
5260 maintenance of a medical gas system.

5261 (c) Any other natural person who wishes to perform only  
5262 brazing duties incidental to the installation, improvement,  
5263 repair, or maintenance of a medical gas system shall pass an  
5264 examination designed to show that person's familiarity with and  
5265 practical ability in performing brazing duties required of  
5266 medical gas installation, improvement, repair, or maintenance.  
5267 Such examination shall be from a test approved by the department  
5268 ~~board~~. Such examination must test for knowledge of National Fire  
5269 Prevention Association Standard 99C (Standard on Gas and Vacuum  
5270 Systems, latest edition). The person taking such examination  
5271 must, upon passing such examination, be issued a certificate of  
5272 completion by the giver of such examination, and such  
5273 certificate shall be made available by the holder for inspection  
5274 by any person or entity seeking to have or employ such person to  
5275 perform brazing duties on a medical gas system.

5276 (d) It is the responsibility of the licensed plumbing  
5277 contractor to ascertain whether members of his or her workforce  
5278 are in compliance with this subsection, and such contractor is  
5279 subject to discipline under s. 489.129 for violation of this  
5280 subsection.

5281 (e) Training programs in medical gas piping installation,  
5282 improvement, repair, or maintenance shall be reviewed annually  
5283 by the department ~~board~~ to ensure that programs have been  
5284 provided equitably across the state.

5285 (f) Periodically, the department ~~board~~ shall review  
5286 training programs in medical gas piping installation for quality  
5287 in content and instruction in accordance with the National Fire  
5288 Prevention Association Standard 99C (Standard on Gas and Vacuum  
5289 Systems, latest edition). The department ~~board~~ shall also  
5290 respond to complaints regarding approved programs.

5291 **Section 183. Section 489.114, Florida Statutes, is amended**  
5292 **to read:**

5293 489.114 Evidence of workers' compensation coverage.—Except  
5294 as provided in s. 489.115(5) (d), any person, business  
5295 organization, or qualifying agent engaged in the business of  
5296 contracting in this state and certified or registered under this  
5297 part shall, as a condition precedent to the issuance or renewal  
5298 of a certificate or registration of the contractor, provide to  
5299 the department ~~Construction Industry Licensing Board~~, as  
5300 provided by department ~~board~~ rule, evidence of workers'

5301 compensation coverage pursuant to chapter 440. In the event that  
 5302 the Division of Workers' Compensation of the Department of  
 5303 Financial Services receives notice of the cancellation of a  
 5304 policy of workers' compensation insurance insuring a person or  
 5305 entity governed by this section, the Division of Workers'  
 5306 Compensation shall certify and identify all persons or entities  
 5307 by certification or registration license number to the  
 5308 department after verification is made by the Division of  
 5309 Workers' Compensation that persons or entities governed by this  
 5310 section are no longer covered by workers' compensation  
 5311 insurance. Such certification and verification by the Division  
 5312 of Workers' Compensation may result from records furnished to  
 5313 the Division of Workers' Compensation by the persons or entities  
 5314 governed by this section or an investigation completed by the  
 5315 Division of Workers' Compensation. The department shall notify  
 5316 the persons or entities governed by this section who have been  
 5317 determined to be in noncompliance with chapter 440, and the  
 5318 persons or entities notified shall provide certification of  
 5319 compliance with chapter 440 to the department and pay an  
 5320 administrative fine in the amount of \$500. The failure to  
 5321 maintain workers' compensation coverage as required by law shall  
 5322 be grounds for the department ~~board~~ to revoke, suspend, or deny  
 5323 the issuance or renewal of a certificate or registration of the  
 5324 contractor under the provisions of s. 489.129.

5325 **Section 184. Paragraph (c) of subsection (4) of section**

5326 **489.115, Florida Statutes, is redesignated as paragraph (b), and**  
 5327 **paragraph (a) of subsection (2), subsection (3), present**  
 5328 **paragraph (b) of subsection (4), and subsections (5) through (9)**  
 5329 **of that section are amended to read:**

5330       489.115 Certification and registration; endorsement;  
 5331 reciprocity; renewals; ~~continuing education.~~

5332       (2) (a) The department shall issue a certificate or  
 5333 registration to each person qualified by the department ~~board~~  
 5334 and upon receipt of the original license fee.

5335       (3) The department ~~board~~ shall certify as qualified for  
 5336 certification by endorsement any applicant who:

5337       (a) Meets the requirements for certification as set forth  
 5338 in this section; has passed a national, regional, state, or  
 5339 United States territorial licensing examination that is  
 5340 substantially equivalent to the examination required by this  
 5341 part; and has satisfied the requirements set forth in s.  
 5342 489.111;

5343       (b) Holds a valid license to practice contracting issued  
 5344 by another state or territory of the United States, if the  
 5345 criteria for issuance of such license were substantially  
 5346 equivalent to Florida's current certification criteria;

5347       (c) Holds a valid, current license to practice contracting  
 5348 issued by another state or territory of the United States, if  
 5349 the state or territory has entered into a reciprocal agreement  
 5350 with the department ~~board~~ for the recognition of contractor

5351 licenses issued in that state, based on criteria for the  
5352 issuance of such licenses that are substantially equivalent to  
5353 the criteria for certification in this state; or

5354 (d) Has held a valid, current license to practice  
5355 contracting issued by another state or territory of the United  
5356 States for at least 10 years before the date of application and  
5357 is applying for the same or similar license in this state,  
5358 subject to subsections (5)-(8) ~~(5)-(9)~~. The department ~~board~~ may  
5359 consider an applicant's technical competence to ensure the  
5360 applicant is able to meet the requirements of this state's codes  
5361 and standards for wind mitigation and water intrusion. The  
5362 department ~~board~~ may also consider whether such applicant has  
5363 had a license to practice contracting revoked, suspended, or  
5364 otherwise acted against by the licensing authority of another  
5365 state, territory, or country. Such application must be made  
5366 either when the license in another state or territory is active  
5367 or within 2 years after such license was last active. Division I  
5368 contractors and roofing contractors must complete a 2-hour  
5369 course on the Florida Building Code which includes information  
5370 on wind mitigation techniques. The required courses may be  
5371 completed online.

5372 (4)

5373 ~~(b)1. Each certificateholder or registrant shall provide~~  
5374 ~~proof, in a form established by rule of the board, that the~~  
5375 ~~certificateholder or registrant has completed at least 14~~

5376 ~~classroom hours of at least 50 minutes each of continuing~~  
5377 ~~education courses during each biennium since the issuance or~~  
5378 ~~renewal of the certificate or registration. The board shall~~  
5379 ~~establish by rule that a portion of the required 14 hours must~~  
5380 ~~deal with the subject of workers' compensation, business~~  
5381 ~~practices, workplace safety, and, for applicable licensure~~  
5382 ~~categories, wind mitigation methodologies, and 1 hour of which~~  
5383 ~~must deal with laws and rules. The board shall by rule establish~~  
5384 ~~criteria for the approval of continuing education courses and~~  
5385 ~~providers, including requirements relating to the content of~~  
5386 ~~courses and standards for approval of providers, and may by rule~~  
5387 ~~establish criteria for accepting alternative nonclassroom~~  
5388 ~~continuing education on an hour-for-hour basis. The board shall~~  
5389 ~~prescribe by rule the continuing education, if any, which is~~  
5390 ~~required during the first biennium of initial licensure. A~~  
5391 ~~person who has been licensed for less than an entire biennium~~  
5392 ~~must not be required to complete the full 14 hours of continuing~~  
5393 ~~education.~~

5394 ~~2. In addition, the board may approve specialized~~  
5395 ~~continuing education courses on compliance with the wind~~  
5396 ~~resistance provisions for one and two family dwellings contained~~  
5397 ~~in the Florida Building Code and any alternate methodologies for~~  
5398 ~~providing such wind resistance which have been approved for use~~  
5399 ~~by the Florida Building Commission. Division I~~  
5400 ~~certificateholders or registrants who demonstrate proficiency~~

5401 ~~upon completion of such specialized courses may certify plans~~  
5402 ~~and specifications for one and two family dwellings to be in~~  
5403 ~~compliance with the code or alternate methodologies, as~~  
5404 ~~appropriate, except for dwellings located in floodways or~~  
5405 ~~coastal hazard areas as defined in ss. 60.3D and E of the~~  
5406 ~~National Flood Insurance Program.~~

5407 ~~3. The board shall require, by rule adopted pursuant to~~  
5408 ~~ss. 120.536(1) and 120.54, a specified number of hours in~~  
5409 ~~specialized or advanced module courses, approved by the Florida~~  
5410 ~~Building Commission, on any portion of the Florida Building~~  
5411 ~~Code, adopted pursuant to part IV of chapter 553, relating to~~  
5412 ~~the contractor's respective discipline.~~

5413 (5) (a) As a prerequisite to the initial issuance or the  
5414 renewal of a certificate or registration, the applicant shall  
5415 submit an affidavit on a form provided by the department board  
5416 attesting to the fact that the applicant has obtained workers'  
5417 compensation insurance as required by chapter 440, public  
5418 liability insurance, and property damage insurance for the  
5419 safety and welfare of the public, in amounts determined by rule  
5420 of the department board. The department board shall by rule  
5421 establish a procedure to verify the accuracy of such affidavits  
5422 based upon a random sample method.

5423 (b) In addition to the affidavit of insurance, as a  
5424 prerequisite to the initial issuance of a certificate, the  
5425 applicant shall furnish a credit report from a nationally

5426 recognized credit agency that reflects the financial  
5427 responsibility of the applicant and evidence of financial  
5428 responsibility, credit, and business reputation of either  
5429 himself or herself or the business organization he or she  
5430 desires to qualify. The department ~~board~~ shall adopt rules  
5431 defining financial responsibility based upon the applicant's  
5432 credit history, ability to be bonded, and any history of  
5433 bankruptcy or assignment of receivers. The department ~~board~~ may  
5434 also adopt rules that would allow applicants to demonstrate  
5435 financial responsibility, as an alternative to the foregoing, by  
5436 providing minimum credit scores or bonds payable as prescribed  
5437 for financially responsible officers. Such rules shall specify  
5438 the financial responsibility grounds on which the department  
5439 ~~board~~ may refuse to qualify an applicant for certification.

5440 (c) If, within 60 days from the date the applicant is  
5441 notified that he or she has qualified, he or she does not  
5442 provide the evidence required, he or she shall apply to the  
5443 department for an extension of time which shall be granted upon  
5444 a showing of just cause.

5445 (d) An applicant for initial issuance of a certificate or  
5446 registration shall submit as a prerequisite to qualifying for an  
5447 exemption from workers' compensation coverage requirements under  
5448 s. 440.05 an affidavit attesting to the fact that the applicant  
5449 will obtain an exemption within 30 days after the date the  
5450 initial certificate or registration is issued by the department

5451 ~~board.~~

5452           (6) An applicant for initial issuance of a certificate or  
5453 registration shall submit to a statewide criminal history  
5454 records check through the Department of Law Enforcement. The  
5455 Department of Business and Professional Regulation shall submit  
5456 the requests for the criminal history records check to the  
5457 Department of Law Enforcement for state processing, and the  
5458 Department of Law Enforcement shall return the results to the  
5459 department to determine if the applicant meets certification or  
5460 registration requirements. If the applicant has been convicted  
5461 of a felony, the Department of Business and Professional  
5462 Regulation ~~board~~ may deny licensure to the applicant based upon  
5463 the severity of the crime, the relationship of the crime to  
5464 contracting, or the potential for public harm. The department  
5465 ~~board~~ shall also, in denying or approving licensure, consider  
5466 the length of time since the commission of the crime and the  
5467 rehabilitation of the applicant. The department ~~board~~ may not  
5468 deny licensure to an applicant based solely upon a felony  
5469 conviction or the applicant's failure to provide proof of  
5470 restoration of civil rights.

5471           (7) An initial applicant shall, along with the  
5472 application, and a certificateholder or registrant shall, upon  
5473 requesting a change of status, submit to the department ~~board~~ a  
5474 credit report from a nationally recognized credit agency that  
5475 reflects the financial responsibility of the applicant or

5476 certificateholder or registrant. The credit report required for  
5477 the initial applicant shall be considered the minimum evidence  
5478 necessary to satisfy the department ~~board~~ that he or she is  
5479 financially responsible to be certified, has the necessary  
5480 credit and business reputation to engage in contracting in the  
5481 state, and has the minimum financial stability necessary to  
5482 avoid the problem of financial mismanagement or misconduct. The  
5483 department ~~board~~ shall, by rule, adopt guidelines for  
5484 determination of financial stability, which may include minimum  
5485 requirements for net worth, cash, and bonding for Division I  
5486 certificateholders of no more than \$20,000 and for Division II  
5487 certificateholders of no more than \$10,000. Fifty percent of the  
5488 financial requirements may be met by completing a 14-hour  
5489 financial responsibility course approved by the department  
5490 ~~board~~.

5491 ~~(8) If a certificateholder or registrant holds a license~~  
5492 ~~under both this part and part II and is required to have~~  
5493 ~~continuing education courses under s. 489.517(3), the~~  
5494 ~~certificateholder or registrant may apply those course hours for~~  
5495 ~~workers' compensation, workplace safety, and business practices~~  
5496 ~~obtained under part II to the requirements under this part.~~

5497 (8) ~~(9)~~ An initial applicant shall submit, along with the  
5498 application, a complete set of fingerprints to the department.  
5499 The fingerprints shall be submitted to the Department of Law  
5500 Enforcement for state processing, and the Department of Law

5501 Enforcement shall forward them to the Federal Bureau of  
 5502 Investigation for national processing for the purpose of  
 5503 determining if the applicant has a criminal history record. The  
 5504 Department of Business and Professional Regulation shall ~~and the~~  
 5505 ~~board may~~ review the background results to determine if an  
 5506 applicant meets licensure requirements. The cost for the  
 5507 fingerprint processing shall be borne by the person subject to  
 5508 the background screening. These fees are to be collected by the  
 5509 authorized agencies or vendors. The authorized agencies or  
 5510 vendors are responsible for paying the processing costs to the  
 5511 Department of Law Enforcement.

5512 **Section 185. Subsections (7) and (8) of section 489.116,**  
 5513 **Florida Statutes, are renumbered as subsections (6) and (7),**  
 5514 **respectively, and subsections (2) through (6) and present**  
 5515 **subsection (7) of that section are amended, to read:**

5516 489.116 Inactive and delinquent status; renewal and  
 5517 cancellation notices.—

5518 (2) The department ~~board~~ shall permit a certificateholder  
 5519 or registrant to elect, at the time of licensure renewal, an  
 5520 active or inactive status.

5521 (3) An inactive status certificateholder or registrant may  
 5522 change to active status at any time, if the certificateholder or  
 5523 registrant meets all requirements for active status, pays any  
 5524 additional licensure fees necessary to equal those imposed on an  
 5525 active status certificateholder or registrant, pays any

5526 applicable late fees, and meets all ~~continuing education~~  
5527 requirements prescribed by the department ~~board~~.

5528 (4) A certificateholder or registrant shall apply with a  
5529 completed application, as determined by department ~~board~~ rule,  
5530 to renew an active or inactive status certificate or  
5531 registration before the certificate or registration expires.  
5532 Failure of a certificateholder or registrant to so apply shall  
5533 cause the certificate or registration to become a delinquent  
5534 certificate or registration. Further, any delinquent  
5535 certificateholder or registrant who fails to apply to renew  
5536 licensure on either active or inactive status before expiration  
5537 of the current licensure cycle must reapply in the same manner  
5538 as an applicant for initial certification or registration.

5539 (5) A delinquent status certificateholder or registrant  
5540 must apply with a completed application, as determined by  
5541 department ~~board~~ rule, for active or inactive status during the  
5542 current licensure cycle. Failure by a delinquent status  
5543 certificateholder or registrant to become active or inactive  
5544 before the expiration of the current licensure cycle renders the  
5545 certificate or registration void, and any subsequent licensure  
5546 shall be subject to all procedures and requirements imposed on  
5547 an applicant for initial licensure.

5548 ~~(6) The board may not require an inactive~~  
5549 ~~certificateholder or registrant to complete more than one~~  
5550 ~~renewal cycle of continuing education for reactivating a~~

5551 ~~certificate or registration.~~

5552 (6)~~(7)~~ The status or any change in status of a  
5553 certificateholder or registrant may ~~shall~~ not alter in any way  
5554 the department's ~~board's~~ right to impose discipline or to  
5555 enforce discipline previously imposed on a certificateholder or  
5556 registrant for acts or omissions committed by the  
5557 certificateholder or registrant while holding a certificate or  
5558 registration.

5559 **Section 186. Paragraphs (a) and (c) of subsection (1),**  
5560 **subsection (2), paragraph (a) of subsection (3), and subsection**  
5561 **(4) of section 489.117, Florida Statutes, are amended to read:**

5562 489.117 Registration; specialty contractors.—

5563 (1) (a) A person engaged in the business of a contractor as  
5564 defined in s. 489.105(2) (a) - (o) ~~s. 489.105(3) (a) - (o)~~ must be  
5565 registered before engaging in business as a contractor in this  
5566 state, unless he or she is certified. Except as provided in  
5567 paragraph (2) (b), to be initially registered, the applicant must  
5568 submit the required fee and file evidence of successful  
5569 compliance with the local examination and licensing  
5570 requirements, if any, in the area for which registration is  
5571 desired. An examination is not required for registration.

5572 (c) Each registrant shall report to the department ~~board~~  
5573 each local jurisdiction and each category of registration in  
5574 which the registrant holds a certificate of competency or  
5575 license, or where the registrant has been granted a certificate

5576 of competency or license by reciprocal agreement, for which  
5577 registration is required by this part, within 30 days after  
5578 obtaining such certificate or license.

5579 (2) (a) Except as provided in paragraph (b), the department  
5580 ~~board~~ may not issue a new registration after July 1, 1993, based  
5581 on any certificate of competency or license for a category of  
5582 contractor defined in s. 489.105(2)(a)-(o) ~~s. 489.105(3)(a)-(o)~~  
5583 which is issued by a municipal or county government that does  
5584 not exercise disciplinary control and oversight over such  
5585 locally licensed contractors, including forwarding a recommended  
5586 order in each action to the department ~~board~~ as provided in s.  
5587 489.131(7). For purposes of this subsection and s. 489.131(10),  
5588 the department ~~board~~ shall determine the adequacy of such  
5589 disciplinary control by reviewing the local government's ability  
5590 to process and investigate complaints and to take disciplinary  
5591 action against locally licensed contractors.

5592 (b) The department ~~board~~ shall issue a registration to an  
5593 eligible applicant to engage in the business of a contractor in  
5594 a specified local jurisdiction, provided each of the following  
5595 conditions are satisfied:

5596 1. The applicant held, in any local jurisdiction in this  
5597 state during 2021, 2022, or 2023, a certificate of registration  
5598 issued by the state or a local license issued by a local  
5599 jurisdiction to perform work in a category of contractor defined  
5600 in s. 489.105(2)(a)-(o) ~~s. 489.105(3)(a)-(o)~~.

5601           2. The applicant submits all of the following to the  
5602 department ~~board~~:

5603           a. Evidence of the certificate of registration or local  
5604 license held by the applicant as required by subparagraph 1.

5605           b. Evidence that the specified local jurisdiction does not  
5606 have a license type available for the category of work for which  
5607 the applicant was issued a certificate of registration or local  
5608 license during 2021, 2022, or 2023, such as a notification on  
5609 the website of the local jurisdiction or an e-mail or letter  
5610 from the office of the local building official or local building  
5611 department stating that such license type is not available in  
5612 that local jurisdiction.

5613           c. Evidence that the applicant has submitted the required  
5614 fee.

5615           d. Evidence of compliance with the insurance and financial  
5616 responsibility requirements of s. 489.115(5).

5617  
5618 An examination is not required for an applicant seeking a  
5619 registration under this paragraph.

5620           (c) The department ~~board~~ is responsible for disciplining  
5621 licensees issued a registration under paragraph (b). The  
5622 department ~~board~~ shall make such licensure and disciplinary  
5623 information available through the automated information system  
5624 provided pursuant to s. 455.2286.

5625           (d) The fees for an applicant seeking a registration under

5626 paragraph (b) and renewal of such registration every 2 years are  
5627 the same as the fees established by the department ~~board~~ for  
5628 applications, registration and renewal, and record making and  
5629 recordkeeping, as set forth in s. 489.109. The department shall  
5630 provide license, renewal, and cancellation notices pursuant to  
5631 ss. 455.273 and 455.275.

5632 (3) (a) Upon findings of fact supporting the need therefor,  
5633 the department ~~board~~ may grant a limited nonrenewable  
5634 registration to a contractor not domiciled in the state, for one  
5635 project. During the period of such registration the department  
5636 ~~board~~ may require compliance with this and any other statute of  
5637 the state.

5638 (4) (a) 1. A person whose job scope does not substantially  
5639 correspond to either the job scope of one of the contractor  
5640 categories defined in s. 489.105(2) (a)-(o) ~~s. 489.105(3) (a)-(o)~~,  
5641 or the job scope of one of the certified specialty contractor  
5642 categories established by department ~~board~~ rule, is not required  
5643 to register with the department ~~board~~. A local government, as  
5644 defined in s. 163.211, may not require a person to obtain a  
5645 license, issued by the local government or the state, for a job  
5646 scope which does not substantially correspond to the job scope  
5647 of one of the contractor categories defined in s. 489.105(2) (a)-  
5648 (o) and (q) ~~s. 489.105(3) (a)-(o) and (q)~~ or authorized in s.  
5649 489.1455(1), or the job scope of one of the certified specialty  
5650 contractor categories established pursuant to s. 489.113(6). A

5651 local government may not require a state or local license to  
5652 obtain a permit for such job scopes. For purposes of this  
5653 section, job scopes for which a local government may not require  
5654 a license include, but are not limited to, painting; flooring;  
5655 cabinetry; interior remodeling when the scope of the project  
5656 does not include a task for which a state license is required;  
5657 driveway or tennis court installation; handyman services;  
5658 decorative stone, tile, marble, granite, or terrazzo  
5659 installation; plastering; pressure washing; stuccoing; caulking;  
5660 and canvas awning and ornamental iron installation.

5661 2. A county that includes an area designated as an area of  
5662 critical state concern under s. 380.05 may offer a license for  
5663 any job scope which requires a contractor license under this  
5664 part if the county imposed such a licensing requirement before  
5665 January 1, 2021.

5666 3. A local government may continue to offer a license for  
5667 veneer, including aluminum or vinyl gutters, siding, soffit, or  
5668 fascia; rooftop painting, coating, and cleaning above three  
5669 stories in height; or fence installation and erection if the  
5670 local government imposed such a licensing requirement before  
5671 January 1, 2021.

5672 4. A local government may not require a license as a  
5673 prerequisite to submit a bid for public works projects if the  
5674 work to be performed does not require a license under general  
5675 law.

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5676 (b) The local jurisdictions are responsible for providing  
5677 the following information to the department ~~board~~ within 30 days  
5678 after licensure of, or any disciplinary action against, a  
5679 locally licensed contractor who is registered under this part:

- 5680 1. Licensure information.  
5681 2. Code violation information pursuant to s. 553.781.  
5682 3. Disciplinary information.  
5683

5684 The department ~~board~~ shall maintain such licensure and  
5685 disciplinary information as it is provided to the department  
5686 ~~board~~ and shall make the information available through the  
5687 automated information system provided pursuant to s. 455.2286.

5688 (c) Providing discipline to such locally licensed  
5689 contractors is the responsibility of the local jurisdiction.

5690 (d) Any person who is not required to obtain registration  
5691 or certification pursuant to s. 489.105(2)(d)-(o) ~~s.~~  
5692 ~~489.105(3)(d)-(e)~~ may perform contracting services for the  
5693 construction, remodeling, repair, or improvement of single-  
5694 family residences, including a townhouse as defined in the  
5695 Florida Building Code, without obtaining a local license if such  
5696 person is under the supervision of a certified or registered  
5697 general, building, or residential contractor. As used in this  
5698 paragraph, supervision may ~~shall~~ not be deemed to require the  
5699 existence of a direct contract between the certified or  
5700 registered general, building, or residential contractor and the

5701 person performing specialty contracting services.

5702 (e) Any person who is not certified or registered may

5703 perform the work of a specialty contractor whose scope of

5704 practice is limited to the type of work specified under s.

5705 489.105(2)(j), (k), or (l) ~~s. 489.105(3)(j), (k), or (l)~~ for the

5706 construction, remodeling, repair, or improvement of commercial

5707 or residential swimming pools, interactive water features as

5708 defined in the Florida Building Code, hot tubs, and spas without

5709 obtaining a local license or certification as a specialty

5710 contractor if he or she is supervised by a contractor who is

5711 certified or registered under s. 489.105(2)(j), (k), or (l) ~~s.~~

5712 ~~489.105(3)(j), (k), or (l)~~; the work is within the scope of the

5713 supervising contractor's license; the supervising contractor is

5714 responsible for the work; and the work does not require

5715 certification or registration under s. 489.105(2)(d)-(i), (m)-

5716 (o) ~~s. 489.105(3)(d)-(i), (m)-(o), or s. 489.505~~. Such

5717 supervision does not require a direct contract between the

5718 contractor certified or registered under s. 489.105(2)(j), (k),

5719 or (l) ~~s. 489.105(3)(j), (k), or (l)~~ and the person performing

5720 the work, or for the person performing the work to be an

5721 employee of the contractor certified or registered under s.

5722 489.105(2)(j), (k), or (l) ~~s. 489.105(3)(j), (k), or (l)~~. This

5723 paragraph does not limit the exemptions provided in s. 489.103

5724 and may not be construed to expand the scope of a contractor

5725 certified or registered under s. 489.105(2)(j), (k), or (l) ~~s.~~

5726 ~~489.105(3)(j), (k), or (l)~~ to provide plumbing or electrical  
5727 services for which certification or registration is required by  
5728 this part or part II.

5729 **Section 187. Section 489.118, Florida Statutes, is amended**  
5730 **to read:**

5731 489.118 Certification of registered contractors;  
5732 grandfathering provisions.—The department ~~board~~ shall, upon  
5733 receipt of a completed application and appropriate fee, issue a  
5734 certificate in the appropriate category to any contractor  
5735 registered under this part who makes application to the  
5736 department ~~board~~ and can show that he or she meets each of the  
5737 following requirements:

5738 (1) Currently holds a valid registered local license in  
5739 one of the contractor categories defined in s. 489.105(3)(a)-(p)  
5740 ~~s. 489.105(3)(a)-(p)~~.

5741 (2) Has, for that category, passed a written examination  
5742 that the department ~~board~~ finds to be substantially similar to  
5743 the examination required to be licensed as a certified  
5744 contractor under this part. For purposes of this subsection, a  
5745 written, proctored examination such as that produced by the  
5746 National Assessment Institute, Block and Associates, NAI/Block,  
5747 Experior Assessments, Professional Testing, Inc., or Assessment  
5748 Systems, Inc., shall be considered to be substantially similar  
5749 to the examination required to be licensed as a certified  
5750 contractor. The department ~~board~~ may not impose or make any

5751 requirements regarding the nature or content of these cited  
 5752 examinations.

5753 (3) Has at least 5 years of experience as a contractor in  
 5754 that contracting category, or as an inspector or building  
 5755 administrator with oversight over that category, at the time of  
 5756 application. For contractors, only time periods in which the  
 5757 contractor license is active and the contractor is not on  
 5758 probation shall count toward the 5 years required by this  
 5759 subsection.

5760 (4) Has not had his or her contractor's license revoked at  
 5761 any time, had his or her contractor's license suspended within  
 5762 the last 5 years, or been assessed a fine in excess of \$500  
 5763 within the last 5 years.

5764 (5) Is in compliance with the insurance and financial  
 5765 responsibility requirements in s. 489.115(5).

5766 **Section 188. Paragraphs (b), (c), and (e) of subsection**  
 5767 **(2), paragraph (a) of subsection (3), paragraphs (a), (b), and**  
 5768 **(e) of subsection (5), subsection (6), and paragraph (b) of**  
 5769 **subsection (7) of section 489.119, Florida Statutes, are amended**  
 5770 **to read:**

5771 489.119 Business organizations; qualifying agents.—

5772 (2) If the applicant proposes to engage in contracting as  
 5773 a business organization, including any partnership, corporation,  
 5774 business trust, or other legal entity, or in any name other than  
 5775 the applicant's legal name or a fictitious name where the

5776 applicant is doing business as a sole proprietorship, the  
5777 applicant must apply for registration or certification as the  
5778 qualifying agent of the business organization.

5779 (b)1. An application for registration or certification to  
5780 qualify a business organization must include an affidavit on a  
5781 form provided by the department ~~board~~ attesting that the  
5782 applicant has final approval authority for all construction work  
5783 performed by the business organization and that the applicant  
5784 has final approval authority on all business matters, including  
5785 contracts, specifications, checks, drafts, or payments,  
5786 regardless of the form of payment, made by the business  
5787 organization, except where a financially responsible officer is  
5788 approved.

5789 2. The application for financially responsible officer  
5790 must include an affidavit on a form provided by the department  
5791 ~~board~~ attesting that the applicant's approval is required for  
5792 all checks, drafts, or payments, regardless of the form of  
5793 payment, made by the business organization and that the  
5794 applicant has authority to act for the business organization in  
5795 all financial matters.

5796 3. The application for secondary qualifying agent must  
5797 include an affidavit on a form provided by the department ~~board~~  
5798 attesting that the applicant has authority to supervise all  
5799 construction work performed by the business organization as  
5800 provided in s. 489.1195(2).

5801 (c) The department ~~board~~ may deny an application for  
5802 registration or certification to qualify a business organization  
5803 if the applicant, or any person listed in paragraph (a), has  
5804 been involved in past disciplinary actions or on any grounds for  
5805 which an individual registration or certification may be denied.

5806 (e) A joint venture, including a joint venture composed of  
5807 qualified business organizations, is itself a separate and  
5808 distinct organization that must be qualified in accordance with  
5809 department ~~board~~ rules.

5810 (3)(a) A qualifying agent must be certified or registered  
5811 under this part in order for the business organization to  
5812 operate in the category of contracting in which the qualifying  
5813 agent is certified or registered. If any qualifying agent ceases  
5814 to be affiliated with a business organization, he or she shall  
5815 inform the department. In addition, if the qualifying agent is  
5816 the only certified or registered contractor affiliated with the  
5817 business organization, the business organization shall notify  
5818 the department of the termination of the qualifying agent and  
5819 shall have 60 days from the termination of the qualifying  
5820 agent's affiliation with the business organization in which to  
5821 employ another qualifying agent. The business organization may  
5822 not engage in contracting until a qualifying agent is employed,  
5823 unless the department ~~executive director or chair of the board~~  
5824 has granted a temporary nonrenewable certificate or registration  
5825 to the financially responsible officer, the president, a

5826 partner, or, in the case of a limited partnership, the general  
 5827 partner, who assumes all responsibilities of a primary  
 5828 qualifying agent for the business organization. This temporary  
 5829 certificate or registration shall only allow the business  
 5830 organization to proceed with incomplete contracts. For the  
 5831 purposes of this paragraph, an incomplete contract is one which  
 5832 has been awarded to, or entered into by, the business  
 5833 organization before ~~prior to~~ the cessation of affiliation of the  
 5834 qualifying agent with the business organization or one on which  
 5835 the business organization was the low bidder and the contract is  
 5836 subsequently awarded, regardless of whether any actual work has  
 5837 commenced under the contract before ~~prior to~~ the qualifying  
 5838 agent ceasing to be affiliated with the business organization.

5839 (5) (a) Each registered or certified contractor shall affix  
 5840 the number of his or her registration or certification to each  
 5841 application for a building permit and on each building permit  
 5842 issued and recorded. Each city or county building department  
 5843 shall require, as a precondition for the issuance of the  
 5844 building permit, that the contractor taking out the permit must  
 5845 provide verification giving his or her department ~~Construction~~  
 5846 ~~Industry Licensing Board~~ registration or certification number.

5847 (b) The registration or certification number of each  
 5848 contractor shall appear in each offer of services, business  
 5849 proposal, bid, contract, or advertisement, regardless of medium,  
 5850 as defined by department ~~board~~ rule, used by that contractor or

5851 business organization in the practice of contracting.

5852 (e) The department ~~board~~ shall issue a notice of  
5853 noncompliance for the first offense, and may assess a fine or  
5854 issue a citation for failure to correct the offense within 30  
5855 days or for any subsequent offense, to any contractor or  
5856 business organization that fails to include the certification or  
5857 registration number as required by this part when submitting an  
5858 advertisement for publication, broadcast, or printing or fails  
5859 to display the certification or registration number as required  
5860 by this part.

5861 (6) Each qualifying agent shall pay the department an  
5862 amount equal to the original fee for registration or  
5863 certification to qualify a new business organization. If the  
5864 qualifying agent for a business organization desires to qualify  
5865 additional business organizations, the department ~~board~~ shall  
5866 require the qualifying agent to present evidence of his or her  
5867 ability to supervise the construction activities of each such  
5868 organization. Approval of each business organization is  
5869 discretionary with the department ~~board~~.

5870 (7)

5871 (b) Any business organization engaging in contracting  
5872 under this subsection shall provide the department ~~board~~ with  
5873 the name and license number of each registered or certified  
5874 contractor employed by the business organization to supervise  
5875 its contracting activities. The business organization is not

5876 required to post a bond or otherwise evidence any financial or  
5877 credit information except as necessary to demonstrate compliance  
5878 with paragraph (a).

5879 **Section 189. Paragraphs (b) and (d) of subsection (1),**  
5880 **paragraphs (a) and (b) of subsection (2), and paragraphs (a) and**  
5881 **(b) of subsection (3) of section 489.1195, Florida Statutes, are**  
5882 **amended to read:**

5883 489.1195 Responsibilities.—

5884 (1) A qualifying agent is a primary qualifying agent  
5885 unless he or she is a secondary qualifying agent under this  
5886 section.

5887 (b) Upon approval by the department ~~board~~, a business  
5888 entity may designate a financially responsible officer for  
5889 purposes of certification or registration. A financially  
5890 responsible officer shall be responsible for all financial  
5891 aspects of the business organization and may not be designated  
5892 as the primary qualifying agent. The designated financially  
5893 responsible officer shall furnish evidence of the financial  
5894 responsibility, credit, and business reputation of either  
5895 himself or herself, or the business organization he or she  
5896 desires to qualify, as determined appropriate by the department  
5897 ~~board~~.

5898 (d) The department ~~board~~ shall adopt rules prescribing the  
5899 qualifications for financially responsible officers, including  
5900 net worth, cash, and bonding requirements. These qualifications

5901 must be at least as extensive as the requirements for the  
5902 financial responsibility of qualifying agents.

5903 (2) (a) One of the qualifying agents for a business  
5904 organization that has more than one qualifying agent may be  
5905 designated as the sole primary qualifying agent for the business  
5906 organization by a joint agreement that is executed, on a form  
5907 provided by the department ~~board~~, by all qualifying agents for  
5908 the business organization.

5909 (b) The joint agreement must be submitted to the  
5910 department ~~board~~ for approval. If the department ~~board~~  
5911 determines that the joint agreement is in good order, it shall  
5912 approve the designation and immediately notify the qualifying  
5913 agents of such approval. The designation made by the joint  
5914 agreement is effective upon receipt of the notice by the  
5915 qualifying agents.

5916 (3) (a) A qualifying agent who has been designated by a  
5917 joint agreement as the sole primary qualifying agent for a  
5918 business organization may terminate this status as such by  
5919 giving actual notice to the business organization, to the  
5920 department ~~board~~, and to all secondary qualifying agents of his  
5921 or her intention to terminate this status. The notice to the  
5922 department ~~board~~ must include proof satisfactory to the  
5923 department ~~board~~ that he or she has given the notice required in  
5924 this paragraph.

5925 (b) The status of the qualifying agent shall cease upon

5926 the designation of a new primary qualifying agent or 60 days  
5927 after satisfactory notice of termination has been provided to  
5928 the department board, whichever first occurs.

5929 **Section 190. Section 489.121, Florida Statutes, is amended**  
5930 **to read:**

5931 489.121 Emergency registration upon death of contractor.—  
5932 If an incomplete contract exists at the time of death of a  
5933 contractor, the contract may be completed by any person even  
5934 though not certified or registered. Such person shall notify the  
5935 department board, within 30 days after the death of the  
5936 contractor, of his or her name and address, knowledge of the  
5937 contract, and ability to complete it. If the department board  
5938 approves, he or she may proceed with the contract. For purposes  
5939 of this section, an incomplete contract is one which has been  
5940 awarded to, or entered into by, the contractor before his or her  
5941 death, or on which he or she was the low bidder and the contract  
5942 is subsequently awarded to him or her, regardless of whether any  
5943 actual work has commenced under the contract before the  
5944 contractor's death.

5945 **Section 191. Subsection (1) of section 489.126, Florida**  
5946 **Statutes, is amended to read:**

5947 489.126 Moneys received by contractors.—

5948 (1) For purposes of this section, the term "contractor"  
5949 includes all definitions as set forth in s. 489.105(2) ~~s.~~  
5950 ~~489.105(3)~~, and any person performing or contracting or

5951 promising to perform work described therein, without regard to  
 5952 the licensure of the person.

5953 **Section 192. Subsection (6) of section 489.127, Florida**  
 5954 **Statutes, is amended to read:**

5955 489.127 Prohibitions; penalties.—

5956 (6) Local building departments may collect outstanding  
 5957 fines against registered or certified contractors issued by the  
 5958 department ~~Construction Industry Licensing Board~~ and may retain  
 5959 75 percent of the fines they are able to collect, provided that  
 5960 they transmit 25 percent of the fines they are able to collect  
 5961 to the department according to a procedure to be determined by  
 5962 the department.

5963 **Section 193. Section 489.129, Florida Statutes, is amended**  
 5964 **to read:**

5965 489.129 Disciplinary proceedings.—

5966 (1) The department ~~board~~ may take any of the following  
 5967 actions against any certificateholder or registrant: place on  
 5968 probation or reprimand the licensee, revoke, suspend, or deny  
 5969 the issuance or renewal of the certificate or registration,  
 5970 require financial restitution to a consumer for financial harm  
 5971 directly related to a violation of a provision of this part,  
 5972 impose an administrative fine not to exceed \$10,000 per  
 5973 violation, require continuing education, or assess costs  
 5974 associated with investigation and prosecution, if the  
 5975 contractor, financially responsible officer, or business

5976 organization for which the contractor is a primary qualifying  
5977 agent, a financially responsible officer, or a secondary  
5978 qualifying agent responsible under s. 489.1195 is found guilty  
5979 of any of the following acts:

5980 (a) Obtaining a certificate or registration by fraud or  
5981 misrepresentation.

5982 (b) Being convicted or found guilty of, or entering a plea  
5983 of nolo contendere to, regardless of adjudication, a crime in  
5984 any jurisdiction which directly relates to the practice of  
5985 contracting or the ability to practice contracting.

5986 (c) Violating any provision of chapter 455.

5987 (d) Performing any act which assists a person or entity in  
5988 engaging in the prohibited uncertified and unregistered practice  
5989 of contracting, if the certificateholder or registrant knows or  
5990 has reasonable grounds to know that the person or entity was  
5991 uncertified and unregistered.

5992 (e) Knowingly combining or conspiring with an uncertified  
5993 or unregistered person by allowing his or her certificate or  
5994 registration to be used by the uncertified or unregistered  
5995 person with intent to evade the provisions of this part. When a  
5996 certificateholder or registrant allows his or her certificate or  
5997 registration to be used by one or more business organizations  
5998 without having any active participation in the operations,  
5999 management, or control of such business organizations, such act  
6000 constitutes prima facie evidence of an intent to evade the

6001 provisions of this part.

6002 (f) Acting in the capacity of a contractor under any  
6003 certificate or registration issued hereunder except in the name  
6004 of the certificateholder or registrant as set forth on the  
6005 issued certificate or registration, or in accordance with the  
6006 personnel of the certificateholder or registrant as set forth in  
6007 the application for the certificate or registration, or as later  
6008 changed as provided in this part.

6009 (g) Committing mismanagement or misconduct in the practice  
6010 of contracting that causes financial harm to a customer.  
6011 Financial mismanagement or misconduct occurs when:

6012 1. Valid liens have been recorded against the property of  
6013 a contractor's customer for supplies or services ordered by the  
6014 contractor for the customer's job; the contractor has received  
6015 funds from the customer to pay for the supplies or services; and  
6016 the contractor has not had the liens removed from the property,  
6017 by payment or by bond, within 75 days after the date of such  
6018 liens;

6019 2. The contractor has abandoned a customer's job and the  
6020 percentage of completion is less than the percentage of the  
6021 total contract price paid to the contractor as of the time of  
6022 abandonment, unless the contractor is entitled to retain such  
6023 funds under the terms of the contract or refunds the excess  
6024 funds within 30 days after the date the job is abandoned; or

6025 3. The contractor's job has been completed, and it is

6026 | shown that the customer has had to pay more for the contracted  
6027 | job than the original contract price, as adjusted for subsequent  
6028 | change orders, unless such increase in cost was the result of  
6029 | circumstances beyond the control of the contractor, was the  
6030 | result of circumstances caused by the customer, or was otherwise  
6031 | permitted by the terms of the contract between the contractor  
6032 | and the customer.

6033 |       (h) Being disciplined by any municipality or county for an  
6034 | act or violation of this part.

6035 |       (i) Failing in any material respect to comply with the  
6036 | provisions of this part or violating a rule or lawful order of  
6037 | the department ~~board~~.

6038 |       (j) Abandoning a construction project in which the  
6039 | contractor is engaged or under contract as a contractor. A  
6040 | project may be presumed abandoned after 90 days if the  
6041 | contractor terminates the project without just cause or without  
6042 | proper notification to the owner, including the reason for  
6043 | termination, or fails to perform work without just cause for 90  
6044 | consecutive days.

6045 |       (k) Signing a statement with respect to a project or  
6046 | contract falsely indicating that the work is bonded; falsely  
6047 | indicating that payment has been made for all subcontracted  
6048 | work, labor, and materials which results in a financial loss to  
6049 | the owner, purchaser, or contractor; or falsely indicating that  
6050 | workers' compensation and public liability insurance are

6051 provided.

6052 (l) Committing fraud or deceit in the practice of  
6053 contracting.

6054 (m) Committing incompetency or misconduct in the practice  
6055 of contracting.

6056 (n) Committing gross negligence, repeated negligence, or  
6057 negligence resulting in a significant danger to life or  
6058 property.

6059 (o) Proceeding on any job without obtaining applicable  
6060 local building department permits and inspections.

6061 (p) Intimidating, threatening, coercing, or otherwise  
6062 discouraging the service of a notice to owner under part I of  
6063 chapter 713 or a notice to contractor under chapter 255 or part  
6064 I of chapter 713.

6065 (q) Failing to satisfy within a reasonable time, the terms  
6066 of a civil judgment obtained against the licensee, or the  
6067 business organization qualified by the licensee, relating to the  
6068 practice of the licensee's profession.

6069 (r) Committing misapplication of construction funds in  
6070 violation of s. 713.345. If a contractor, subcontractor, sub-  
6071 subcontractor, or other person licensed by the department ~~board~~  
6072 under this chapter is convicted of misapplication of  
6073 construction funds, the department ~~board~~ must suspend all  
6074 licenses issued to such licensee under this chapter for a  
6075 minimum of 1 year from the date of conviction. The suspension

6076 required under this paragraph is not exclusive, and the  
 6077 department ~~board~~ may impose any additional penalties set forth  
 6078 in this subsection.

6079  
 6080 For the purposes of this subsection, construction is considered  
 6081 to be commenced when the contract is executed and the contractor  
 6082 has accepted funds from the customer or lender. A contractor  
 6083 does not commit a violation of this subsection when the  
 6084 contractor relies on a building code interpretation rendered by  
 6085 a building official or person authorized by s. 553.80 to enforce  
 6086 the building code, absent a finding of fraud or deceit in the  
 6087 practice of contracting, or gross negligence, repeated  
 6088 negligence, or negligence resulting in a significant danger to  
 6089 life or property on the part of the building official, in a  
 6090 proceeding under chapter 120.

6091 (2) If a registrant or certificateholder disciplined under  
 6092 subsection (1) is a qualifying agent or financially responsible  
 6093 officer for a business organization and the violation was  
 6094 performed in connection with a construction project undertaken  
 6095 by that business organization, the department ~~board~~ may impose  
 6096 an additional administrative fine not to exceed \$5,000 per  
 6097 violation against the business organization or against any  
 6098 partner, officer, director, trustee, or member if such person  
 6099 participated in the violation or knew or should have known of  
 6100 the violation and failed to take reasonable corrective action.

6101           (3) The department ~~board~~ may specify by rule the acts or  
6102 omissions which constitute violations of this section.

6103           (4) In recommending penalties in any proposed recommended  
6104 final order, the department shall follow the penalty guidelines  
6105 established by the department ~~board~~ by rule. The department  
6106 shall advise the administrative law judge of the appropriate  
6107 penalty, including mitigating and aggravating circumstances, and  
6108 the specific rule citation.

6109           (5) The department ~~board~~ may not reinstate the  
6110 certification or registration of, or cause a certificate or  
6111 registration to be issued to, a person who or business  
6112 organization which the department ~~board~~ has determined is  
6113 unqualified or whose certificate or registration the department  
6114 ~~board~~ has suspended until it is satisfied that such person or  
6115 business organization has complied with all the terms and  
6116 conditions set forth in the final order and is capable of  
6117 competently engaging in the business of contracting.

6118           (6) (a) The department ~~board~~ may assess interest or  
6119 penalties on all fines imposed under this chapter against any  
6120 person or business organization which has not paid the imposed  
6121 fine by the due date established by rule or final order. The  
6122 provisions of chapter 120 do not apply to such assessment.  
6123 Interest rates to be imposed shall be established by rule and  
6124 may shall not be usurious.

6125           (b) Venue for all actions to enforce any fine levied by

6126 the department ~~board~~ shall be in Duval County. The department  
6127 ~~board~~ is authorized to enter into contracts with private  
6128 businesses or attorneys to collect such fines with payment for  
6129 such collections made on a contingent fee basis. All such  
6130 contracts shall be publicly advertised and competitively awarded  
6131 based upon responses submitted to a request for proposals  
6132 developed by the department ~~board~~.

6133 (7) The department ~~may board shall~~ not issue or renew a  
6134 certificate or registration to any person or business  
6135 organization that has been assessed a fine, interest, or costs  
6136 associated with investigation and prosecution, or has been  
6137 ordered to pay restitution, until such fine, interest, or costs  
6138 associated with investigation and prosecution or restitution are  
6139 paid in full or until all terms and conditions of the final  
6140 order have been satisfied.

6141 (8) If the department ~~board~~ finds any certified or  
6142 registered contractor guilty of a violation, the department  
6143 ~~board~~ may, as part of its disciplinary action, require such  
6144 contractor to obtain continuing education in the areas of  
6145 contracting affected by such violation.

6146 (9) Any person certified or registered pursuant to this  
6147 part who has had his or her license revoked may ~~shall~~ not be  
6148 eligible to be a partner, officer, director, or trustee of a  
6149 business organization defined by this section or be employed in  
6150 a managerial or supervisory capacity for a 5-year period. Such

6151 person shall also be ineligible to reapply for certification or  
6152 registration under this part for a period of 5 years after the  
6153 effective date of the revocation.

6154 (10) If a business organization or any of its partners,  
6155 officers, directors, trustees, or members is or has previously  
6156 been fined for violating subsection (2) or s. 489.132, the board  
6157 may, on that basis alone, revoke, suspend, place on probation,  
6158 or deny issuance of a certificate or registration to a  
6159 qualifying agent or financially responsible officer of that  
6160 business organization.

6161 (11) (a) Notwithstanding the provisions of chapters 120 and  
6162 455, upon receipt of a legally sufficient consumer complaint  
6163 alleging a violation of this part, the department may provide by  
6164 rule for binding arbitration between the complainant and the  
6165 certificateholder or registrant, provided the following  
6166 conditions exist:

6167 1. There is evidence that the complainant has suffered or  
6168 is likely to suffer monetary damages resulting from the  
6169 violation of this part;

6170 2. The certificateholder or registrant does not have a  
6171 history of repeated or similar violations;

6172 3. Reasonable grounds exist to believe that the public  
6173 interest will be better served by arbitration than by  
6174 disciplinary action; and

6175 4. The complainant and certificateholder or registrant

6176 have not previously entered into private arbitration, and no  
6177 civil court action based on the same transaction has been filed.

6178 (b) The certificateholder or registrant and the  
6179 complainant may consent in writing to binding arbitration within  
6180 15 days following notification of this process by the  
6181 department. The department may suspend all action in the matter  
6182 for 45 days when notice of consent to binding arbitration is  
6183 received by the department. If the arbitration process is  
6184 successfully concluded within the 60-day period, the department  
6185 may close the case file with a notation of the disposition and  
6186 the licensee's record shall reflect only that a complaint was  
6187 filed and resolved through arbitration.

6188 (c) Where a complaint meets the criteria for arbitration  
6189 set forth in paragraph (a) and the damages at issue are less  
6190 than \$2,500, the department shall refer the complaint for  
6191 mandatory arbitration.

6192 (d) The arbitrator's order shall become a final order of  
6193 the department ~~board~~ if not challenged by the complainant or the  
6194 certificateholder or registrant within 30 days after filing. The  
6195 department's ~~board's~~ review of the arbitrator's order shall  
6196 operate in the manner of the review of recommended orders  
6197 pursuant to s. 120.57(1) and may ~~shall~~ not be a de novo review.

6198 (12) When an investigation of a contractor is undertaken,  
6199 the department shall promptly furnish to the contractor or the  
6200 contractor's attorney a copy of the complaint or document that

6201 resulted in the initiation of the investigation. The department  
6202 shall make the complaint and supporting documents available to  
6203 the contractor. The complaint or supporting documents shall  
6204 contain information regarding the specific facts that serve as  
6205 the basis for the complaint. The contractor may submit a written  
6206 response to the information contained in such complaint or  
6207 document within 20 days after service to the contractor of the  
6208 complaint or document. The contractor's written response shall  
6209 be considered by the probable cause panel. The right to respond  
6210 does not prohibit the issuance of a summary emergency order if  
6211 necessary to protect the public. However, if the department  
6212 decides ~~secretary, or the secretary's designee, and the chair of~~  
6213 ~~the board or the chair of the probable cause panel agree in~~  
6214 ~~writing~~ that such notification would be detrimental to the  
6215 investigation, the department may withhold notification. The  
6216 department may conduct an investigation without notification to  
6217 a contractor if the act under investigation is a criminal  
6218 offense.

6219 **Section 194. Paragraphs (c) and (f) of subsection (3),**  
6220 **paragraphs (b) and (c) of subsection (6), paragraphs (c), (d),**  
6221 **(e), and (f) of subsection (7), and subsections (10), (11), and**  
6222 **(12) of section 489.131, Florida Statutes, are amended to read:**

6223 489.131 Applicability.—

6224 (3) Nothing in this part limits the power of a  
6225 municipality or county:

6226 (c) To collect business taxes, subject to s. 205.065, and  
6227 inspection fees for engaging in contracting or examination fees  
6228 from persons who are registered with the department ~~board~~  
6229 pursuant to local examination requirements and issue business  
6230 tax receipts. However, nothing in this part shall be construed  
6231 to require general contractors, building contractors, or  
6232 residential contractors to obtain additional business tax  
6233 receipts for specialty work when such specialty work is  
6234 performed by employees of such contractors on projects for which  
6235 they have substantially full responsibility and such contractors  
6236 do not hold themselves out to the public as being specialty  
6237 contractors.

6238 (f) To refuse to issue permits or issue permits with  
6239 specific conditions to a contractor who has committed multiple  
6240 violations, when he or she has been disciplined for each of them  
6241 by the department ~~board~~ and when each disciplinary action has  
6242 involved revocation or suspension of a license, imposition of an  
6243 administrative fine of at least \$1,000, or probation; or to  
6244 issue permits with specific conditions to a contractor who,  
6245 within the previous 12 months, has had disciplinary action other  
6246 than a citation or letter of guidance taken against him or her  
6247 by the department or by a local board or agency which licenses  
6248 contractors and has reported the action pursuant to paragraph  
6249 (6) (c), for engaging in the business or acting in the capacity  
6250 of a contractor without a license. However, this subsection does

6251 not supersede the provisions of s. 489.113(4), and no county or  
6252 municipality may require any certificateholder to obtain a local  
6253 professional license or pay a local professional license fee as  
6254 a condition of performing any services within the scope of the  
6255 certificateholder's statewide license as established under this  
6256 part.

6257 (6)

6258 (b) To engage in contracting in the territorial area, an  
6259 applicant shall also be registered with the department ~~board~~, as  
6260 required by s. 489.117.

6261 (c) Each local board or agency that licenses contractors  
6262 must transmit quarterly to the department ~~board~~ a report of any  
6263 disciplinary action taken against contractors and of any  
6264 administrative or disciplinary action taken against unlicensed  
6265 persons for engaging in the business or acting in the capacity  
6266 of a contractor including any cease and desist orders issued  
6267 pursuant to s. 489.113(2)(b) and any fine issued pursuant to s.  
6268 489.127(5).

6269 (7)

6270 (c) In addition to any action the local jurisdiction  
6271 enforcement body may take against the individual's local  
6272 license, and any fine the local jurisdiction may impose, the  
6273 local jurisdiction enforcement body shall issue a recommended  
6274 penalty for department ~~board~~ action. This recommended penalty  
6275 may include a recommendation for no further action, or a

6276 recommendation for suspension, restitution, revocation, or  
 6277 restriction of the registration, or a fine to be levied by the  
 6278 department board, or a combination thereof. The recommended  
 6279 penalty must specify the violations of this chapter upon which  
 6280 the recommendation is based. The local jurisdiction enforcement  
 6281 body shall inform the disciplined contractor and the complainant  
 6282 of the local license penalty imposed, the department board  
 6283 penalty recommended, his or her rights to appeal, and the  
 6284 consequences should he or she decide not to appeal. The local  
 6285 jurisdiction enforcement body shall, upon having reached  
 6286 adjudication or having accepted a plea of nolo contendere,  
 6287 immediately inform the department board of its action and the  
 6288 recommended department board penalty.

6289 (d) The ~~department, the~~ disciplined contractor, or the  
 6290 complainant may challenge the local jurisdiction enforcement  
 6291 body's recommended penalty for department board action to the  
 6292 department Construction Industry Licensing Board. A challenge  
 6293 shall be filed within 60 days after the issuance of the  
 6294 recommended penalty to the department board. If challenged,  
 6295 there is a presumptive finding of probable cause and the case  
 6296 may proceed without the need for a probable cause hearing.

6297 (e) Failure of the department, the disciplined contractor,  
 6298 or the complainant to challenge the local jurisdiction's  
 6299 recommended penalty within the time period set forth in this  
 6300 subsection shall constitute a waiver of the right to a hearing

6301 before the department ~~board~~. A waiver of the right to a hearing  
6302 before the department ~~board~~ shall be deemed an admission of the  
6303 violation, and the penalty recommended shall become a final  
6304 order according to procedures developed by department ~~board~~ rule  
6305 without further department ~~board~~ action. The disciplined  
6306 contractor may appeal this department ~~board~~ action to the  
6307 district court.

6308 (f)1. The department may investigate any complaint which  
6309 is made with the department. However, the department may not  
6310 initiate or pursue any complaint against a registered contractor  
6311 who is not also a certified contractor where a local  
6312 jurisdiction enforcement body has jurisdiction over the  
6313 complaint, unless summary procedures are initiated by the  
6314 department ~~secretary~~ pursuant to s. 455.225(8), or unless the  
6315 local jurisdiction enforcement body has failed to investigate  
6316 and prosecute a complaint, or make a finding of no violation,  
6317 within 6 months of receiving the complaint. The department shall  
6318 refer the complaint to the local jurisdiction enforcement body  
6319 for investigation, and if appropriate, prosecution. However, the  
6320 department may investigate such complaints to the extent  
6321 necessary to determine whether summary procedures should be  
6322 initiated.

6323 2. Upon a recommendation by the department, the department  
6324 ~~board~~ may make conditional, suspend, or rescind its  
6325 determination of the adequacy of the local government

6326 enforcement body's disciplinary procedures granted under s.  
6327 489.117(2).

6328 (10) No municipal or county government may issue any  
6329 certificate of competency or license for any contractor defined  
6330 in s. 489.105(2)(a)-(o) ~~s. 489.105(3)(a)-(e)~~ after July 1, 1993,  
6331 unless such local government exercises disciplinary control and  
6332 oversight over such locally licensed contractors, including  
6333 forwarding a recommended order in each action to the department  
6334 ~~board~~ as provided in subsection (7). Each local board that  
6335 licenses and disciplines contractors must have at least two  
6336 consumer representatives on that board. If the local board has  
6337 seven or more members, at least three of those members must be  
6338 consumer representatives. The consumer representative may be any  
6339 resident of the local jurisdiction who is not, and has never  
6340 been, a contractor ~~member or practitioner of a profession~~  
6341 ~~regulated by the board~~ or a member of any closely related  
6342 profession.

6343 (11) Any municipal or county government which enters or  
6344 has in place a reciprocal agreement which accepts a certificate  
6345 of competency or license issued by another municipal or county  
6346 government in lieu of its own certificate of competency or  
6347 license allowing contractors defined in s. 489.105(2)(a)-(o) ~~s.~~  
6348 ~~489.105(3)(a)-(e)~~, shall file a certified copy of such agreement  
6349 with the department ~~board~~ not later than 60 days after July 1,  
6350 1993, or 30 days after the effective date of such agreement.

6351 (12) Unless specifically provided, ~~the provisions of this~~  
 6352 part does ~~shall not be construed to~~ create a civil cause of  
 6353 action.

6354 **Section 195. Subsection (5) of section 489.132, Florida**  
 6355 **Statutes, is amended to read:**

6356 489.132 Prohibited acts by unlicensed principals;  
 6357 investigation; hearing; penalties.—

6358 (5) The department may suspend, revoke, or deny issuance  
 6359 or renewal of a certificate or registration for any individual  
 6360 or business organization that associates a person as an officer,  
 6361 director, or partner, or in a managerial or supervisory  
 6362 capacity, after such person has been found under a final order  
 6363 to have violated this section or was an officer, director,  
 6364 partner, trustee, or manager of a business organization  
 6365 disciplined by the department ~~board~~ by revocation, suspension,  
 6366 or fine in excess of \$2,500, upon finding reasonable cause that  
 6367 such person knew or reasonably should have known of the conduct  
 6368 leading to the discipline.

6369 **Section 196. Subsections (2) and (4) of section 489.133,**  
 6370 **Florida Statutes, are amended to read:**

6371 489.133 Pollutant storage systems specialty contractors;  
 6372 definitions; certification; restrictions.—

6373 (2) The department ~~board~~ shall adopt rules providing  
 6374 standards for registration of precision tank testers who  
 6375 precision test a pollutant storage tank. The Department of

6376 Environmental Protection shall approve the methodology,  
6377 procedures, and equipment used and shall approve the applicant  
6378 as being eligible for registration as a registered precision  
6379 tank tester. A registered precision tank tester is subject to  
6380 the provisions of ss. 489.129 and 489.132 and is considered a  
6381 contractor operating as a primary qualifying agent for the  
6382 business entity employing him or her, which is considered a  
6383 contracting firm for the purposes of ss. 489.129 and 489.132. A  
6384 person who registers under this subsection is exempt from  
6385 municipal, county, or development district registration under s.  
6386 489.117 and may operate as a precision tank tester statewide.

6387 (4) The department ~~board~~ shall adopt rules providing  
6388 standards for certification of pollutant storage systems  
6389 specialty contractors, including persons who remove such  
6390 systems. The department ~~board~~ shall provide the proposed rules  
6391 to the Department of Environmental Protection for review and  
6392 comment before ~~prior to~~ adoption. The rules shall include, but  
6393 not be limited to:

6394 (a) Standards for operating as a pollutant storage systems  
6395 specialty contractor.

6396 (b) Requirements for certification as a pollutant storage  
6397 systems specialty contractor.

6398 (c) Requirements for certification without examination of  
6399 pollutant storage systems specialty contractors for any person  
6400 who has passed a local licensure examination, a licensure

6401 examination in another state, or a licensure examination of a  
 6402 national organization, which is at least as stringent as the  
 6403 examination adopted by the department ~~board~~.

6404 **Section 197. Subsections (1) and (2) of section 489.1401,**  
 6405 **Florida Statutes, are amended to read:**

6406 489.1401 Legislative intent.—

6407 (1) It is the intent of the Legislature that actions taken  
 6408 by the department ~~Construction Industry Licensing Board~~ with  
 6409 respect to contractor sanctions and pursuant to this chapter are  
 6410 an exercise of the department's regulatory power for the  
 6411 protection of public safety and welfare.

6412 (2) It is the intent of the Legislature that the sole  
 6413 purpose of the Florida Homeowners' Construction Recovery Fund is  
 6414 to compensate an aggrieved claimant who contracted for the  
 6415 construction or improvement of the homeowner's residence located  
 6416 within this state and who has obtained a final judgment in a  
 6417 court of competent jurisdiction, was awarded restitution by the  
 6418 department ~~Construction Industry Licensing Board~~, or received an  
 6419 award in arbitration against a licensee on grounds of financial  
 6420 mismanagement or misconduct, abandoning a construction project,  
 6421 or making a false statement with respect to a project. Such  
 6422 grievance must arise directly out of a transaction conducted  
 6423 when the judgment debtor was licensed and must involve an act  
 6424 enumerated in s. 489.129(1)(g), (j), or (k).

6425 **Section 198. Paragraphs (c) through (1) of subsection (1)**

6426 **of section 489.1402, Florida Statutes, are redesignated as**  
 6427 **paragraphs (b) through (k), respectively, and paragraph (b) and**  
 6428 **present paragraph (d) of that subsection are amended, to read:**

6429 489.1402 Homeowners' Construction Recovery Fund;  
 6430 definitions.—

6431 (1) The following definitions apply to ss. 489.140-  
 6432 489.144:

6433 ~~(b) "Board" means the Construction Industry Licensing~~  
 6434 ~~Board.~~

6435 (c)~~(d)~~ "Contractor" means a Division I or Division II  
 6436 contractor performing his or her respective services described  
 6437 in s. 489.105(2) ~~s. 489.105(3)~~.

6438 **Section 199. Paragraphs (a), (e), (f), and (g) of**  
 6439 **subsection (1), paragraph (f) of subsection (2), and subsection**  
 6440 **(3) of section 489.141, Florida Statutes, are amended to read:**

6441 489.141 Conditions for recovery; eligibility.—

6442 (1) A claimant is eligible to seek recovery from the  
 6443 recovery fund after making a claim and exhausting the limits of  
 6444 any available bond, cash bond, surety, guarantee, warranty,  
 6445 letter of credit, or policy of insurance if each of the  
 6446 following conditions is satisfied:

6447 (a) The claimant has received a final judgment in a court  
 6448 of competent jurisdiction in this state or has received an award  
 6449 in arbitration or the department ~~Construction Industry Licensing~~  
 6450 ~~Board~~ has issued a final order directing the licensee to pay

6451 restitution to the claimant. The department board ~~board~~ may waive this  
6452 requirement if:

6453 1. The claimant is unable to secure a final judgment  
6454 against the licensee due to the death of the licensee; or

6455 2. The claimant has sought to have assets involving the  
6456 transaction that gave rise to the claim removed from the  
6457 bankruptcy proceedings so that the matter might be heard in a  
6458 court of competent jurisdiction in this state and, after due  
6459 diligence, the claimant is precluded by action of the bankruptcy  
6460 court from securing a final judgment against the licensee.

6461 (e) The contract was executed and the violation occurred  
6462 on or after July 1, 1993, and provided that:

6463 1. The claimant has caused to be issued a writ of  
6464 execution upon such judgment, and the officer executing the writ  
6465 has made a return showing that no personal or real property of  
6466 the judgment debtor or licensee liable to be levied upon in  
6467 satisfaction of the judgment can be found or that the amount  
6468 realized on the sale of the judgment debtor's or licensee's  
6469 property pursuant to such execution was insufficient to satisfy  
6470 the judgment;

6471 2. If the claimant is unable to comply with subparagraph  
6472 1. for a valid reason to be determined by the department board,  
6473 the claimant has made all reasonable searches and inquiries to  
6474 ascertain whether the judgment debtor or licensee is possessed  
6475 of real or personal property or other assets subject to being

6476 sold or applied in satisfaction of the judgment and by his or  
6477 her search has discovered no property or assets or has  
6478 discovered property and assets and has taken all necessary  
6479 action and proceedings for the application thereof to the  
6480 judgment but the amount thereby realized was insufficient to  
6481 satisfy the judgment; and

6482 3. The claimant has made a diligent attempt, as defined by  
6483 department ~~board~~ rule, to collect the restitution awarded by the  
6484 department ~~board~~.

6485 (f) A claim for recovery is made within 1 year after the  
6486 conclusion of any civil, criminal, or administrative action or  
6487 award in arbitration based on the act. This paragraph applies to  
6488 any claim filed with the department ~~board~~ after October 1, 1998.

6489 (g) Any amounts recovered by the claimant from the  
6490 judgment debtor or licensee, or from any other source, have been  
6491 applied to the damages awarded by the court or the amount of  
6492 restitution ordered by the department ~~board~~.

6493 (2) A claimant is not qualified to make a claim for  
6494 recovery from the recovery fund if:

6495 (f) The claimant had entered into a contract with a  
6496 licensee to perform a scope of work described in s.  
6497 489.105(2)(d)-(g) ~~s. 489.105(3)(d)-(g)~~ before July 1, 2016.

6498 (3) The department ~~board~~ may determine by rule  
6499 documentation that is required to complete a claim.

6500 **Section 200. Section 489.142, Florida Statutes, is amended**

6501 **to read:**

6502 489.142 Department ~~Board~~ powers relating to recovery;  
6503 conduct of hearings and service.-

6504 (1) With respect to actions for recovery from the recovery  
6505 fund, the department ~~board~~ may intervene, enter an appearance,  
6506 file an answer, defend the action, or take any action it deems  
6507 appropriate and may take recourse through any appropriate method  
6508 of review on behalf of the State of Florida. The department  
6509 ~~board~~ may delegate to the department by rule the authority to  
6510 close any case when a claimant is not qualified to make a claim  
6511 for recovery from the recovery fund under s. 489.141(2); when  
6512 after notice the claimant has failed to provide documentation in  
6513 support of the claim as required by the department ~~board~~; or  
6514 when the licensee has reached the aggregate limit.

6515 (2) Notwithstanding any other provision of law, the  
6516 department ~~board~~ shall cause a notice of hearing to be served 14  
6517 days in advance of the hearing on the claimant and on the  
6518 licensee whose license is subject to suspension by s. 489.143.  
6519 Each notice shall inform the recipient of any administrative  
6520 hearing or judicial review that is available under s. 120.569,  
6521 s. 120.57, or s. 120.68; shall indicate the procedure that must  
6522 be followed to obtain the hearing or judicial review; and shall  
6523 state the time limits that apply. Service of the notice on the  
6524 licensee shall be made in accordance with s. 455.275. Service of  
6525 the notice on the claimant shall be by regular United States

6526 mail at the address provided on the claim. The service of notice  
6527 in accordance with this section is complete upon expiration of  
6528 14 days after deposit in the United States mail. Proof of  
6529 service of a notice shall be made by entry in the records of the  
6530 department that the notice was given. The entry shall be  
6531 admissible in judicial and administrative proceedings of this  
6532 state and shall constitute sufficient proof that notice was  
6533 given.

6534 (3) Notwithstanding any other provision of law, department  
6535 ~~board~~ hearings on claims shall be conducted in accordance with  
6536 ss. 120.569 and 120.57(2). All claim hearings shall be conducted  
6537 at the department's ~~board's~~ regular meeting at the place, date,  
6538 and time published. Orders of the department ~~board~~ denying or  
6539 awarding funds to a claimant constitute final orders that may be  
6540 appealed in accordance with s. 120.68. Orders awarding or  
6541 denying claims shall be served in the same manner as notices of  
6542 hearing in this section.

6543 **Section 201. Section 489.1425, Florida Statutes, is**  
6544 **amended to read:**

6545 489.1425 Duty of contractor to notify residential property  
6546 owner of recovery fund.—

6547 (1) Each agreement or contract for repair, restoration,  
6548 improvement, or construction to residential real property must  
6549 contain a written statement explaining the consumer's rights  
6550 under the recovery fund, except where the value of all labor and

6551 materials does not exceed \$2,500. The written statement must be  
 6552 substantially in the following form:

6553 FLORIDA HOMEOWNERS' CONSTRUCTION  
 6554 RECOVERY FUND

6555 PAYMENT, UP TO A LIMITED AMOUNT, MAY BE AVAILABLE FROM THE  
 6556 FLORIDA HOMEOWNERS' CONSTRUCTION RECOVERY FUND IF YOU LOSE MONEY  
 6557 ON A PROJECT PERFORMED UNDER CONTRACT, WHERE THE LOSS RESULTS  
 6558 FROM SPECIFIED VIOLATIONS OF FLORIDA LAW BY A LICENSED  
 6559 CONTRACTOR. FOR INFORMATION ABOUT THE RECOVERY FUND AND FILING A  
 6560 CLAIM, CONTACT THE FLORIDA DEPARTMENT OF BUSINESS AND  
 6561 PROFESSIONAL REGULATION ~~CONSTRUCTION INDUSTRY LICENSING BOARD~~ AT  
 6562 THE FOLLOWING TELEPHONE NUMBER AND ADDRESS:

6563 The statement must shall be immediately followed by the  
 6564 department's ~~board's~~ address and telephone number as established  
 6565 by department ~~board~~ rule.

6566 (2) (a) Upon finding a first violation of subsection (1),  
 6567 the department ~~board~~ may fine the contractor up to \$500, and the  
 6568 moneys must be deposited into the recovery fund.

6569 (b) Upon finding a second or subsequent violation of  
 6570 subsection (1), the department ~~board~~ shall fine the contractor  
 6571 \$1,000 per violation, and the moneys must be deposited into the  
 6572 recovery fund.

6573 **Section 202. Subsections (1), (2), (4), and (6) of section**  
 6574 **489.143, Florida Statutes, are amended to read:**

6575 489.143 Payment from the fund.—

6576 (1) The fund shall be disbursed as provided in s. 489.141  
6577 on a final order of the department ~~board~~.

6578 (2) A claimant who meets all of the conditions prescribed  
6579 in s. 489.141 may apply to the department ~~board~~ to cause payment  
6580 to be made to a claimant from the recovery fund in an amount  
6581 equal to the judgment, award, or restitution order or \$25,000,  
6582 whichever is less, or an amount equal to the unsatisfied portion  
6583 of such person's judgment, award, or restitution order, but only  
6584 to the extent and amount of actual damages suffered by the  
6585 claimant, and only up to the maximum payment allowed for each  
6586 respective Division I and Division II claim. Payment from the  
6587 fund for other costs related to or pursuant to civil proceedings  
6588 such as postjudgment interest, attorney fees, court costs,  
6589 medical damages, and punitive damages is prohibited. The  
6590 recovery fund is not obligated to pay a judgment, an award, or a  
6591 restitution order, or any portion thereof, which is not  
6592 expressly based on one of the grounds for recovery set forth in  
6593 s. 489.141.

6594 (4) Upon receipt by a claimant under subsection (2) of  
6595 payment from the recovery fund, the claimant shall assign his or  
6596 her additional right, title, and interest in the judgment,  
6597 award, or restitution order, to the extent of such payment, to  
6598 the department ~~board~~, and thereupon the department ~~board~~ shall  
6599 be subrogated to the right, title, and interest of the claimant;  
6600 and any amount subsequently recovered on the judgment, award, or

6601 restitution order, to the extent of the right, title, and  
6602 interest of the department ~~board~~ therein, shall be for the  
6603 purpose of reimbursing the recovery fund.

6604 (6) For contracts entered into before July 1, 2004,  
6605 payments for claims against any one licensee may not exceed, in  
6606 the aggregate, \$100,000 annually, up to a total aggregate of  
6607 \$250,000. For any claim approved by the department ~~board~~ which  
6608 is in excess of the annual cap, the amount in excess of \$100,000  
6609 up to the total aggregate cap of \$250,000 is eligible for  
6610 payment in the next and succeeding fiscal years, but only after  
6611 all claims for the then-current calendar year have been paid.  
6612 Payments may not exceed the aggregate annual or per claimant  
6613 limits under law. Beginning January 1, 2005, for each Division I  
6614 contract entered into after July 1, 2004, payment from the  
6615 recovery fund is subject only to a total aggregate cap of  
6616 \$500,000 for each Division I licensee. Beginning January 1,  
6617 2017, for each Division II contract entered into on or after  
6618 July 1, 2016, payment from the recovery fund is subject only to  
6619 a total aggregate cap of \$150,000 for each Division II licensee.  
6620 Beginning January 1, 2025, for Division I and Division II  
6621 contracts entered into on or after July 1, 2024, payment from  
6622 the recovery fund is subject only to a total aggregate cap of \$2  
6623 million for each Division I licensee and \$600,000 for each  
6624 Division II licensee.

6625 **Section 203. Paragraph (a) of subsection (1) of section**

6626 **489.1455, Florida Statutes, is amended to read:**

6627 489.1455 Journeyman; reciprocity; standards.—

6628 (1) Counties and municipalities are authorized to issue  
 6629 journeyman licenses in the plumbing, pipe fitting, mechanical,  
 6630 or HVAC trades to an individual who:

6631 (a) Has scored at least 70 percent, or after October 1,  
 6632 1997, at least 75 percent, on a proctored journeyman Block and  
 6633 Associates examination or other proctored examination approved  
 6634 by the department ~~board~~ for the trade in which he or she is  
 6635 licensed;

6636 **Section 204. Section 489.146, Florida Statutes, is amended**  
 6637 **to read:**

6638 489.146 Privatization of services.—Notwithstanding any  
 6639 other provision of this part relating to the review of licensure  
 6640 applications, issuance of licenses and renewals, collection of  
 6641 revenues, fees, and fines, service of documents, publications,  
 6642 and printing, and other ministerial functions of the department  
 6643 relating to the regulation of contractors, the department shall  
 6644 make all reasonable efforts to contract with one or more private  
 6645 entities for provision of such services, when such services can  
 6646 be provided in a more efficient manner by private entities. The  
 6647 department or the department ~~board~~ shall retain final authority  
 6648 for licensure decisions and rulemaking, including all appeals or  
 6649 other legal action resulting from such licensure decisions or  
 6650 rulemaking.

6651           **Section 205. Subsections (4) through (29) of section**  
 6652 **489.505, Florida Statutes, are renumbered as subsections (3)**  
 6653 **through (28), respectively, and subsection (3) and present**  
 6654 **subsections (14), (15), (19), and (23) of that section are**  
 6655 **amended to read:**

6656           489.505 Definitions.—As used in this part:

6657           ~~(3) "Board," except "local board," means the Electrical~~  
 6658 ~~Contractors' Licensing Board created by this part.~~

6659           (13)~~(14)~~ "Primary qualifying agent" means a person who  
 6660 possesses the requisite skill, knowledge, and experience, and  
 6661 has the responsibility, to supervise, direct, manage, and  
 6662 control the electrical or alarm system contracting activities of  
 6663 the business organization with which he or she is connected; and  
 6664 whose technical and personal qualifications have been determined  
 6665 by investigation and examination as provided in this part by the  
 6666 department, as attested to by the department board~~board~~; and who has  
 6667 been issued a certificate of competency by the department.

6668           (14)~~(15)~~ "Secondary qualifying agent" means a person who  
 6669 possesses the requisite skill, knowledge, and experience, and  
 6670 has the responsibility to supervise, direct, manage, and control  
 6671 the electrical or alarm system contracting activities on a job  
 6672 for which he or she has obtained a permit; and whose technical  
 6673 and personal qualifications have been determined by  
 6674 investigation and examination as provided in this part by the  
 6675 department, as attested to by the department board~~board~~; and who has

6676 | been issued a certificate of competency by the department.

6677 |       ~~(18)-(19)~~ "Specialty contractor" means a contractor whose  
 6678 | scope of practice is limited to a specific segment of electrical  
 6679 | or alarm system contracting established in a category adopted by  
 6680 | department ~~board~~ rule, including, but not limited to,  
 6681 | residential electrical contracting, maintenance of electrical  
 6682 | fixtures, and fabrication, erection, installation, and  
 6683 | maintenance of electrical and nonelectrical advertising signs  
 6684 | together with the interrelated parts and supports thereof.

6685 |       ~~(22)-(23)~~ "Registered residential alarm system contractor"  
 6686 | means an alarm system contractor whose business is limited to  
 6687 | burglar alarm systems in single-family residential, quadruplex  
 6688 | housing, and mobile homes of a residential occupancy class and  
 6689 | who is registered with the department pursuant to s. 489.513.  
 6690 | The department ~~board~~ shall define "residential occupancy class"  
 6691 | by rule. A registered residential alarm system contractor may  
 6692 | contract only in the jurisdiction for which his or her  
 6693 | registration is issued.

6694 |       **Section 206. Subsection (1) of section 489.509, Florida**  
 6695 | **Statutes, is amended to read:**

6696 |       489.509 Fees.—

6697 |       (1) The department ~~board~~, by rule, shall establish fees to  
 6698 | be paid for applications, examination, reexamination, transfers,  
 6699 | licensing and renewal, reinstatement, and recordmaking and  
 6700 | recordkeeping. The examination fee shall be in an amount that

6701 covers the cost of obtaining and administering the examination  
6702 and shall be refunded if the applicant is found ineligible to  
6703 sit for the examination. The application fee is nonrefundable.  
6704 The fee for initial application and examination for  
6705 certification of electrical contractors may not exceed \$400. The  
6706 initial application fee for registration may not exceed \$150.  
6707 The ~~biennial~~ renewal fee may not exceed \$400 for  
6708 certificateholders and \$200 for registrants. The fee for initial  
6709 application and examination for certification of alarm system  
6710 contractors may not exceed \$400. The ~~biennial~~ renewal fee for  
6711 certified alarm system contractors may not exceed \$450. The  
6712 department board may establish a fee for a temporary certificate  
6713 as an alarm system contractor not to exceed \$75. The department  
6714 ~~board~~ may also establish by rule a delinquency fee not to exceed  
6715 \$50. The fee to transfer a certificate or registration from one  
6716 business organization to another may not exceed \$200. The fee  
6717 for reactivation of an inactive license may not exceed \$50. The  
6718 department board shall establish fees that are adequate to  
6719 ensure the continued operation of the department board. Fees  
6720 shall be based on department estimates of the revenue required  
6721 to implement this part and the provisions of law with respect to  
6722 the regulation of electrical contractors and alarm system  
6723 contractors.

6724 **Section 207. Section 489.510, Florida Statutes, is amended**  
6725 **to read:**

6726           489.510 Evidence of workers' compensation coverage.—Except  
 6727 as provided in s. 489.515(3)(b), any person, business  
 6728 organization, or qualifying agent engaged in the business of  
 6729 contracting in this state and certified or registered under this  
 6730 part shall, as a condition precedent to the issuance or renewal  
 6731 of a certificate or registration of the contractor, provide to  
 6732 the department ~~Electrical Contractors' Licensing Board~~, as  
 6733 provided by department ~~board~~ rule, evidence of workers'  
 6734 compensation coverage pursuant to chapter 440. In the event that  
 6735 the Division of Workers' Compensation of the Department of  
 6736 Financial Services receives notice of the cancellation of a  
 6737 policy of workers' compensation insurance insuring a person or  
 6738 entity governed by this section, the Division of Workers'  
 6739 Compensation shall certify and identify all persons or entities  
 6740 by certification or registration license number to the  
 6741 department after verification is made by the Division of  
 6742 Workers' Compensation that persons or entities governed by this  
 6743 section are no longer covered by workers' compensation  
 6744 insurance. Such certification and verification by the Division  
 6745 of Workers' Compensation may result from records furnished to  
 6746 the Division of Workers' Compensation by the persons or entities  
 6747 governed by this section or an investigation completed by the  
 6748 Division of Workers' Compensation. The department shall notify  
 6749 the persons or entities governed by this section who have been  
 6750 determined to be in noncompliance with chapter 440, and the

6751 persons or entities notified shall provide certification of  
6752 compliance with chapter 440 to the department and pay an  
6753 administrative fine in the amount of \$500. The failure to  
6754 maintain workers' compensation coverage as required by law shall  
6755 be grounds for the department ~~board~~ to revoke, suspend, or deny  
6756 the issuance or renewal of a certificate or registration of the  
6757 contractor under the provisions of s. 489.533.

6758 **Section 208. Paragraph (b) of subsection (1) and**  
6759 **subsections (2) through (5) of section 489.511, Florida**  
6760 **Statutes, are amended to read:**

6761 489.511 Certification; application; examinations;  
6762 endorsement.—

6763 (1)

6764 (b) Any person desiring to be certified as a contractor  
6765 shall apply to the department in writing and must meet the  
6766 following criteria:

6767 1. Be of good moral character;

6768 2. Pass the certification examination, achieving a passing  
6769 grade as established by department ~~board~~ rule; and

6770 3. Meet eligibility requirements according to one of the  
6771 following criteria:

6772 a. Has, within the 6 years immediately preceding the  
6773 filing of the application, at least 3 years of proven management  
6774 experience in the trade or education equivalent thereto, or a  
6775 combination thereof, but not more than one-half of such

6776 | experience may be educational equivalent;

6777 |       b. Has, within the 8 years immediately preceding the

6778 | filing of the application, at least 4 years of experience as a

6779 | supervisor or contractor in the trade for which he or she is

6780 | making application, or at least 4 years of experience as a

6781 | supervisor in electrical or alarm system work with the United

6782 | States Armed Forces;

6783 |       c. Has, within the 12 years immediately preceding the

6784 | filing of the application, at least 6 years of comprehensive

6785 | training, technical education, or supervisory experience

6786 | associated with an electrical or alarm system contracting

6787 | business, or at least 6 years of technical experience,

6788 | education, or training in electrical or alarm system work with

6789 | the United States Armed Forces or a governmental entity;

6790 |       d. Has, within the 12 years immediately preceding the

6791 | filing of the application, been licensed for 3 years as a

6792 | professional engineer who is qualified by education, training,

6793 | or experience to practice electrical engineering; or

6794 |       e. Has any combination of qualifications under sub-

6795 | subparagraphs a.-c. totaling 6 years of experience.

6796 |       (2) The department ~~board~~ may determine by rule the number

6797 | of times per year the applicant may take the examination and

6798 | after three unsuccessful attempts may require the applicant to

6799 | complete additional college-level or technical education courses

6800 | in the areas of deficiency, as determined by the department

6801 ~~board~~, as a condition of future eligibility to take the  
 6802 examination.

6803 (3) (a) "Good moral character" means a personal history of  
 6804 honesty, fairness, and respect for the rights of others and for  
 6805 laws of this state and nation.

6806 (b) The department ~~board~~ may determine that an individual  
 6807 applying for certification is ineligible for failure to satisfy  
 6808 the requirement of good moral character only if:

6809 1. There is a substantial connection between the lack of  
 6810 good moral character of the individual and the professional  
 6811 responsibilities of a certified contractor; and

6812 2. The finding by the department ~~board~~ of lack of good  
 6813 moral character is supported by clear and convincing evidence.

6814 (c) When an individual is found to be unqualified for  
 6815 certification because of a lack of good moral character, the  
 6816 department ~~board~~ shall furnish such individual a statement  
 6817 containing the findings of the department ~~board~~, a complete  
 6818 record of the evidence upon which the determination was based,  
 6819 and a notice of the rights of the individual to a rehearing and  
 6820 appeal.

6821 (4) The department ~~board~~ shall, by rule, designate those  
 6822 types of specialty electrical or alarm system contractors who  
 6823 may be certified under this part. The limit of the scope of work  
 6824 and responsibility of a certified specialty contractor shall be  
 6825 established by department ~~board~~ rule. A certified specialty

6826 contractor category exists as an optional statewide licensing  
 6827 category. Qualification for certification in a specialty  
 6828 category created by rule shall be the same as set forth in  
 6829 paragraph (1)(b). The existence of a specialty category created  
 6830 by rule does not itself create any licensing requirement;  
 6831 however, neither does its optional nature remove any licensure  
 6832 requirement established elsewhere in this part.

6833 (5) The department ~~board~~ shall certify as qualified for  
 6834 certification by endorsement any individual applying for  
 6835 certification who:

6836 (a) Meets the requirements for certification as set forth  
 6837 in this section; has passed a national, regional, state, or  
 6838 United States territorial licensing examination that is  
 6839 substantially equivalent to the examination required by this  
 6840 part; and has satisfied the requirements set forth in s.  
 6841 489.521;

6842 (b) Holds a valid license to practice electrical or alarm  
 6843 system contracting issued by another state or territory of the  
 6844 United States, if the criteria for issuance of such license were  
 6845 substantially equivalent to the certification criteria that  
 6846 existed in this state at the time the certificate was issued; or

6847 (c) Has held a valid, current license to practice  
 6848 electrical or alarm system contracting issued by another state  
 6849 or territory of the United States for at least 10 years before  
 6850 the date of application and is applying for the same or similar

6851 license in this state, subject to ss. 489.510 and 489.521(3) (a)  
6852 and subparagraph (1)(b)1. Such application must be made either  
6853 when the license in another state or territory is active or  
6854 within 2 years after such license was last active. Electrical  
6855 contractors and alarm system contractors must complete a 2-hour  
6856 course on the Florida Building Code. The required courses may be  
6857 completed online.

6858 **Section 209. Paragraph (c) of subsection (1) and**  
6859 **subsections (3) and (6) of section 489.513, Florida Statutes,**  
6860 **are amended to read:**

6861 489.513 Registration; application; requirements.—

6862 (1) Any person engaged in the business of contracting in  
6863 the state shall be registered in the proper classification  
6864 unless he or she is certified. Any person desiring to be a  
6865 registered contractor shall apply to the department for  
6866 registration and must:

6867 (c) Meet eligibility requirements according to the  
6868 following criteria:

6869 1. As used in this subsection, the term "good moral  
6870 character" means a personal history of honesty, fairness, and  
6871 respect for the rights of others and for state and federal law.

6872 2. The department ~~board~~ may determine that an individual  
6873 applying for registration is ineligible due to failure to  
6874 satisfy the requirement of good moral character only if:

6875 a. There is a substantial connection between the lack of

6876 good moral character of the individual and the professional  
6877 responsibilities of a registered contractor; and

6878 b. The finding by the department ~~board~~ of lack of good  
6879 moral character is supported by clear and convincing evidence.

6880 3. When an individual is found to be unqualified because  
6881 of lack of good moral character, the department ~~board~~ must  
6882 furnish such individual a statement containing the findings of  
6883 the department ~~board~~, a complete record of evidence upon which  
6884 the determination was based, and a notice of the rights of the  
6885 individual to a rehearing and an appeal.

6886 (3) To be registered as an electrical contractor, an alarm  
6887 system contractor I, an alarm system contractor II, or a  
6888 residential alarm system contractor, the applicant shall file  
6889 evidence of holding a current certificate of competency issued  
6890 by any municipality or county of the state for the type of work  
6891 for which registration is desired, on a form provided by the  
6892 department, together with evidence of having passed an  
6893 appropriate local examination, written or oral, designed to test  
6894 skills and knowledge relevant to the technical performance of  
6895 the profession, accompanied by the registration fee fixed  
6896 pursuant to this part. For any person working or wishing to work  
6897 in any local jurisdiction that does not require an examination  
6898 for its license, the applicant may apply and shall be considered  
6899 qualified to be issued a registration in the appropriate  
6900 electrical or alarm system category, provided that he or she

6901 shows that he or she has scored at least 75 percent on an  
 6902 examination which is substantially equivalent to the examination  
 6903 approved by the department ~~board~~ for certification in the  
 6904 category and that he or she has had at least 3 years' technical  
 6905 experience in the trade. The requirement to take and pass an  
 6906 examination in order to obtain a registration does ~~shall~~ not  
 6907 apply to persons making application before ~~prior to~~ the  
 6908 effective date of this act.

6909 (6) The local jurisdictions are responsible for providing  
 6910 the following information to the department ~~board~~ within 30 days  
 6911 after licensure of, or any disciplinary action against, a  
 6912 locally licensed contractor who is registered under this part:

- 6913 (a) Licensure information.
- 6914 (b) Code violation information pursuant to s. 553.781.
- 6915 (c) Disciplinary information.

6916  
 6917 The department ~~board~~ shall maintain such licensure and  
 6918 disciplinary information as it is provided to the department  
 6919 ~~board~~ and shall make the information available through the  
 6920 automated information system provided pursuant to s. 455.2286.

6921 **Section 210. Section 489.514, Florida Statutes, is amended**  
 6922 **to read:**

6923 489.514 Certification for registered contractors;  
 6924 grandfathering provisions.—

6925 (1) The department ~~board~~ shall, upon receipt of a

6926 | completed application, appropriate fee, and proof of compliance  
 6927 | with the provisions of this section, issue:

6928 |       (a) To an applying registered electrical contractor, a  
 6929 | certificate as an electrical contractor, ~~as defined in s.~~  
 6930 | ~~489.505(12)~~;

6931 |       (b) To an applying registered alarm system contractor, a  
 6932 | certificate in the matching alarm system contractor category, ~~as~~  
 6933 | ~~defined in s. 489.505(2)(a) or (b)~~; or

6934 |       (c) To an applying registered electrical specialty  
 6935 | contractor, a certificate in the matching electrical specialty  
 6936 | contractor category, ~~as defined in s. 489.505(19)~~.

6937 |       (2) Any contractor registered under this part who makes  
 6938 | application under this section to the department ~~board~~ shall  
 6939 | meet each of the following requirements for certification:

6940 |       (a) Currently holds a valid registered local license in  
 6941 | the category of electrical contractor, alarm system contractor,  
 6942 | or electrical specialty contractor.

6943 |       (b) Has, for that category, passed a written, proctored  
 6944 | examination that the department ~~board~~ finds to be substantially  
 6945 | similar to the examination required to be licensed as a  
 6946 | certified contractor under this part. For purposes of this  
 6947 | subsection, a written, proctored examination such as that  
 6948 | produced by the National Assessment Institute, Block and  
 6949 | Associates, NAI/Block, Experior Assessments, Professional  
 6950 | Testing, Inc., or Assessment Systems, Inc., shall be considered

6951 to be substantially similar to the examination required to be  
6952 licensed as a certified contractor. The department ~~board~~ may not  
6953 impose or make any requirements regarding the nature or content  
6954 of these cited examinations.

6955 (c) Has at least 5 years of experience as a contractor in  
6956 that contracting category, or as an inspector or building  
6957 administrator with oversight over that category, at the time of  
6958 application. For contractors, only time periods in which the  
6959 contractor license is active and the contractor is not on  
6960 probation shall count toward the 5 years required under this  
6961 subsection.

6962 (d) Has not had his or her contractor's license revoked at  
6963 any time, had his or her contractor's license suspended in the  
6964 last 5 years, or been assessed a fine in excess of \$500 in the  
6965 last 5 years.

6966 (e) Is in compliance with the insurance and financial  
6967 responsibility requirements in s. 489.515(1)(b).

6968 **Section 211. Section 489.515, Florida Statutes, is amended**  
6969 **to read:**

6970 489.515 Issuance of certificates; registrations.—

6971 (1)(a) The department shall issue a certificate to a  
6972 person who the department ~~board~~ certifies is qualified to become  
6973 a certified contractor.

6974 (b) The department ~~board~~ shall certify as qualified for  
6975 certification any person who satisfies the requirements of s.

6976 489.511 and who submits satisfactory evidence that he or she has  
6977 obtained both workers' compensation insurance or an acceptable  
6978 exemption certificate issued by the department and public  
6979 liability and property damage insurance for the health, safety,  
6980 and welfare of the public in amounts determined by rule of the  
6981 department ~~board~~, and furnishes evidence of financial  
6982 responsibility, credit, and business reputation of either  
6983 himself or herself or the business organization he or she  
6984 desires to qualify.

6985 (c) Upon compliance with the provisions of this section  
6986 and payment of the certification fee, the department shall issue  
6987 the person a certificate.

6988 (2) The department shall issue a registration to a person  
6989 who is in compliance with the provisions of s. 489.513 and who  
6990 the department ~~board~~ certifies is qualified to be registered.

6991 (3) (a) As a prerequisite to the initial issuance or the  
6992 renewal of a certificate or registration, the applicant shall  
6993 submit an affidavit on a form provided by the department ~~board~~  
6994 attesting to the fact that the applicant has obtained both  
6995 workers' compensation insurance or an acceptable exemption  
6996 certificate issued by the department and public liability and  
6997 property damage insurance for the health, safety, and welfare of  
6998 the public in amounts determined by rule of the department  
6999 ~~board~~. The department ~~board~~ shall by rule establish a procedure  
7000 to verify the accuracy of such affidavits based upon a random

7001 audit method.

7002 (b) An applicant for initial issuance of a certificate or  
7003 registration shall submit as a prerequisite to qualifying for an  
7004 exemption from workers' compensation coverage requirements under  
7005 s. 440.05 an affidavit attesting to the fact that the applicant  
7006 will obtain an exemption within 30 days after the date the  
7007 initial certificate or registration is issued by the department  
7008 ~~board~~.

7009 (4) The department ~~board~~ may refuse to certify any  
7010 applicant who has violated any of the provisions of s. 489.533.

7011 (5) A certificate or registration is not transferable.

7012 **Section 212. Subsection (4) of section 489.516, Florida**  
7013 **Statutes, is amended to read:**

7014 489.516 Qualifications to practice; restrictions;  
7015 prerequisites.—

7016 (4) A county or municipality may suspend or deny a locally  
7017 issued permit when the local building official, tax collector,  
7018 or other authorized person determines that the contractor has  
7019 failed to obtain both workers' compensation insurance or an  
7020 acceptable exemption certificate issued by the department and  
7021 public liability and property damage insurance in the amounts  
7022 determined by rule of the department ~~board~~.

7023 **Section 213. Section 489.5161, Florida Statutes, is**  
7024 **amended to read:**

7025 489.5161 Credit for relevant military training and

7026 education.—

7027 (1) The department shall provide a method by which  
 7028 honorably discharged veterans may apply for licensure. The  
 7029 method must include a veteran-specific application and provide,  
 7030 to the fullest extent possible, credit toward the requirements  
 7031 for licensure for military experience, training, and education  
 7032 received and completed during service in the United States Armed  
 7033 Forces if the military experience, training, or education is  
 7034 substantially similar to the experience, training, or education  
 7035 required for licensure. The department ~~board~~ may adopt rules  
 7036 ~~pursuant to ss. 120.536(1) and 120.54~~ to implement this  
 7037 subsection.

7038 (2) Notwithstanding any other provision of law, beginning  
 7039 October 1, 2017, and annually thereafter, the department, ~~in~~  
 7040 ~~conjunction with the board,~~ is directed to prepare and submit a  
 7041 report titled "Construction and Electrical Contracting Veteran  
 7042 Applicant Statistics" to the Governor, the President of the  
 7043 Senate, and the Speaker of the House of Representatives. The  
 7044 report shall include statistics and information relating to this  
 7045 section and s. 489.1131 which detail:

7046 (a) The number of applicants who identified themselves as  
 7047 veterans.

7048 (b) The number of veterans whose application for a license  
 7049 was approved.

7050 (c) The number of veterans whose application for a license

7051 was denied, including data on the reasons for denial.

7052 (d) Data on the application processing times for veterans.

7053 (e) Recommendations on ways to improve the department's  
 7054 ability to meet the needs of veterans which would effectively  
 7055 address the challenges that veterans face when separating from  
 7056 military service and seeking a license regulated by the  
 7057 department pursuant to this part.

7058 **Section 214. Subsections (4), (5), and (6) of section**  
 7059 **489.517, Florida Statutes, are renumbered as subsections (3),**  
 7060 **(4), and (5), respectively, and present subsections (3), (5),**  
 7061 **and (6) of that section are amended to read:**

7062 489.517 Renewal of certificate or registration; ~~continuing~~  
 7063 ~~education.~~—

7064 ~~(3)(a) Each certificateholder or registrant licensed as a~~  
 7065 ~~specialty contractor or an alarm system contractor shall provide~~  
 7066 ~~proof, in a form established by rule of the board, that the~~  
 7067 ~~certificateholder or registrant has completed at least 7~~  
 7068 ~~classroom hours of at least 50 minutes each of continuing~~  
 7069 ~~education courses during each biennium since the issuance or~~  
 7070 ~~renewal of the certificate or registration. The board shall by~~  
 7071 ~~rule establish criteria for the approval of continuing education~~  
 7072 ~~courses and providers and may by rule establish criteria for~~  
 7073 ~~accepting alternative nonclassroom continuing education on an~~  
 7074 ~~hour-for-hour basis.~~

7075 ~~(b) Each certificateholder or registrant licensed as an~~

7076 ~~electrical contractor shall provide proof, in a form established~~  
7077 ~~by rule of the board, that the certificateholder or registrant~~  
7078 ~~has completed at least 11 classroom hours of at least 50 minutes~~  
7079 ~~each of continuing education courses during each biennium since~~  
7080 ~~the issuance or renewal of the certificate or registration. The~~  
7081 ~~board shall by rule establish criteria for the approval of~~  
7082 ~~continuing education courses and providers and may by rule~~  
7083 ~~establish criteria for accepting alternative nonclassroom~~  
7084 ~~continuing education on an hour-for-hour basis.~~

7085 (4)~~(5)~~ By applying for renewal, each certificateholder or  
7086 registrant certifies that he or she has continually maintained  
7087 the required amounts of public liability and property damage  
7088 insurance as specified by department ~~board~~ rule. The department  
7089 ~~board~~ shall establish by rule a procedure to verify the public  
7090 liability and property damage insurance for a specified period,  
7091 based upon a random sampling method.

7092 ~~(6) The board shall require, by rule adopted pursuant to~~  
7093 ~~ss. 120.536(1) and 120.54, a specialized number of hours in~~  
7094 ~~specialized or advanced module courses, approved by the Florida~~  
7095 ~~Building Commission, on any portion of the Florida Building~~  
7096 ~~Code, adopted pursuant to part IV of chapter 553, relating to~~  
7097 ~~the contractor's respective discipline.~~

7098 **Section 215. Subsection (6) of section 489.518, Florida**  
7099 **Statutes, is renumbered as subsection (5), and paragraph (b) of**  
7100 **subsection (1), paragraphs (b) and (d) of subsection (4), and**

7101 **subsection (5) of that section are amended, to read:**

7102 489.518 Alarm system agents.—

7103 (1) A licensed electrical or alarm system contractor may  
7104 not employ a person to perform the duties of a burglar alarm  
7105 system agent unless the person:

7106 (b) Has successfully completed a minimum of 14 hours of  
7107 training within 90 days after employment, to include basic alarm  
7108 system electronics in addition to related training including  
7109 CCTV and access control training, with at least 2 hours of  
7110 training in the prevention of false alarms. Such training shall  
7111 be from a department-approved ~~board-approved~~ provider, and the  
7112 employee or applicant for employment shall provide proof of  
7113 successful completion to the licensed employer. The department  
7114 ~~board~~ shall by rule establish criteria for the approval of  
7115 training courses and providers and may by rule establish  
7116 criteria for accepting alternative nonclassroom education on an  
7117 hour-for-hour basis. The department ~~board~~ shall approve  
7118 providers that conduct training in other than the English  
7119 language. The department ~~board~~ shall establish a fee for the  
7120 approval of training providers or courses, not to exceed \$60.  
7121 Qualified employers may conduct training classes for their  
7122 employees, with department ~~board~~ approval.

7123 (4)

7124 (b) The identification card shall be designed in a  
7125 department-approved ~~board-approved~~ format. The card must include

7126 a picture of the agent, must specify at least the name of the  
7127 holder of the card and the name and license number of the  
7128 contractor, and must be signed by the contractor and by the  
7129 holder of the card. Each identification card is valid for a  
7130 period of 4 2 years after the date of issuance. The  
7131 identification card must be in the possession of each burglar  
7132 alarm system agent while engaged in burglar alarm system agent  
7133 duties.

7134 (d) Each identification card must be renewed every 4 2  
7135 years ~~and in a board-approved format to show compliance with the~~  
7136 ~~6 hours of continuing education necessary to maintain~~  
7137 ~~certification as a burglar alarm system agent.~~

7138 ~~(5) Each burglar alarm system agent must receive 6 hours~~  
7139 ~~of continuing education on burglar alarm system installation and~~  
7140 ~~repair and false alarm prevention every 2 years from a board-~~  
7141 ~~approved sponsor of training and through a board-approved~~  
7142 ~~training course.~~

7143 **Section 216. Subsection (6) of section 489.5185, Florida**  
7144 **Statutes, is renumbered as subsection (5) and paragraph (b) of**  
7145 **subsection (1), paragraphs (a) and (f) of subsection (2),**  
7146 **paragraphs (b) and (d) of subsection (4), and subsection (5) of**  
7147 **that section are amended, to read:**

7148 489.5185 Fire alarm system agents.—

7149 (1) A certified unlimited electrical contractor or  
7150 licensed fire alarm contractor may not employ a person to

7151 perform the duties of a fire alarm system agent unless the  
7152 person:

7153 (b) Has successfully completed a minimum of 14 hours of  
7154 initial training, to include basic fire alarm system technology  
7155 in addition to related training in National Fire Protection  
7156 Association (NFPA) codes and standards and access control  
7157 training, with at least 2 hours of training in the prevention of  
7158 false alarms. Such training must be from a department-approved  
7159 ~~board-approved~~ provider, and the employee or applicant for  
7160 employment must provide proof of successful completion to the  
7161 licensed employer. The department ~~board~~, by rule, shall  
7162 establish criteria for the approval of training courses and  
7163 providers. The department ~~board~~ shall approve qualified  
7164 providers that conduct training in other than the English  
7165 language. The department ~~board~~ shall establish a fee for the  
7166 approval of training providers, not to exceed \$200, and a fee  
7167 for the approval of courses at \$25 per credit hour, not to  
7168 exceed \$100 per course.

7169 (2) (a) Any applicant for employment as a fire alarm system  
7170 agent, or any individual employed as a fire alarm system agent  
7171 on the effective date of this act, who has completed alarm  
7172 system agent or burglar alarm system agent training before ~~prior~~  
7173 ~~to~~ the effective date of this act in a department-certified  
7174 ~~board-certified~~ program is not required to take additional  
7175 training in order to comply with the initial training

7176 requirements of this section.

7177 (f) If a person holds a current National Institute of  
7178 Certification in Engineering Technologies (NICET) Level II  
7179 certification or higher in Fire Alarm Systems or Inspection and  
7180 Testing of Fire Alarm Systems, a current certification as an  
7181 Electronic Security Association (ESA) Certified Fire Alarm  
7182 Technician, or a current certification as an ESA Certified Fire  
7183 Alarm Designer, he or she is required to complete only the 2  
7184 hours of training in the prevention of false alarms required by  
7185 paragraph (1)(b) from a department-approved ~~board-approved~~  
7186 sponsor of training and through a department-approved ~~board-~~  
7187 ~~approved~~ training course.

7188 (4)

7189 (b) The card shall follow a department-approved ~~board-~~  
7190 ~~approved~~ format, to include a picture of the agent; shall  
7191 specify at least the name of the holder of the card and the name  
7192 and license number of the certified unlimited electrical  
7193 contractor or licensed fire alarm contractor; and shall be  
7194 signed by both the contractor and the holder of the card. Each  
7195 identification card shall be valid for a period of 4 ~~2~~ years  
7196 after the date of issuance. The identification card must be in  
7197 the possession of the fire alarm system agent while engaged in  
7198 fire alarm system agent duties.

7199 ~~(d) Each identification card must be renewed every 2 years~~  
7200 ~~and in a board-approved format to show compliance with the 6~~

7201 ~~hours of continuing education necessary to maintain~~  
7202 ~~certification as a fire alarm system agent.~~

7203 ~~(5)(a) Except as provided in paragraph (b), each fire~~  
7204 ~~alarm system agent must receive 6 hours of continuing education~~  
7205 ~~on fire alarm system installation and repair and false alarm~~  
7206 ~~prevention every 2 years from a board-approved sponsor of~~  
7207 ~~training and through a board-approved training course.~~

7208 ~~(b) A person holding a current NICET Level II~~  
7209 ~~certification or higher in Fire Alarm Systems or Inspection and~~  
7210 ~~Testing of Fire Alarm Systems, certification as an ESA Certified~~  
7211 ~~Fire Alarm Technician, or certification as an ESA Certified Fire~~  
7212 ~~Alarm Designer is required to complete only 2 hours of~~  
7213 ~~continuing education training in the prevention of false alarms~~  
7214 ~~every 2 years from a board-approved sponsor of training and~~  
7215 ~~through a board-approved training course.~~

7216 **Section 217. Subsection (4) of section 489.519, Florida**  
7217 **Statutes, is renumbered as subsection (3), and subsection (1)**  
7218 **and present subsection (3) of that section are amended to read:**

7219 489.519 Inactive status.—

7220 (1) A certificate or registration that becomes inactive  
7221 may be reactivated under s. 489.517 upon application to the  
7222 department. ~~The board may not require a licensee to complete~~  
7223 ~~more than one renewal cycle of continuing education to~~  
7224 ~~reactivate a certificate or registration.~~

7225 ~~(3) The board shall impose, by rule, continuing education~~

7226 ~~requirements for inactive certificateholders, when inactive~~  
7227 ~~status is sought by certificateholders who are also building~~  
7228 ~~code administrators, plans examiners, or inspectors certified~~  
7229 ~~pursuant to part XII of chapter 468.~~

7230 **Section 218. Section 489.520, Florida Statutes, is amended**  
7231 **to read:**

7232 489.520 Automated licensure status information system.—By  
7233 January 1, 1995, the department shall implement an automated  
7234 licensure status information system for electrical and alarm  
7235 system contracting. The system shall provide instant  
7236 notification to local building departments and other interested  
7237 parties, as determined by the ~~board or~~ department, regarding the  
7238 status of the certification or registration of any contractor  
7239 certified or registered pursuant to the provisions of this part.  
7240 The provision of such information shall consist, at a minimum,  
7241 of an indication of whether the certification or registration of  
7242 the contractor applying for a permit is active, of any current  
7243 failure of the contractor to make restitution according to the  
7244 terms of any final action by the department ~~board~~, of any  
7245 ongoing disciplinary cases against the contractor that are  
7246 subject to public disclosure, and whether there are any  
7247 outstanding fines against the contractor.

7248 **Section 219. Paragraphs (a) and (b) of subsection (2),**  
7249 **subsections (3), (4), and (5), paragraph (c) of subsection (7),**  
7250 **subsections (8) and (9), and paragraph (b) of subsection (10) of**

7251 **section 489.521, Florida Statutes, are amended to read:**

7252 489.521 Business organizations; qualifying agents.—

7253 (2) (a) 1. If the applicant proposing to engage in  
7254 contracting is a partnership, corporation, business trust, or  
7255 other legal entity, other than a sole proprietorship, the  
7256 application shall state the name of the partnership and its  
7257 partners; the name of the corporation and its officers and  
7258 directors and the name of each of its stockholders who is also  
7259 an officer or director; the name of the business trust and its  
7260 trustees; or the name of such other legal entity and its  
7261 members. In addition, the applicant shall furnish evidence of  
7262 statutory compliance if a fictitious name is used. A joint  
7263 venture, including a joint venture composed of qualified  
7264 business organizations, is itself a separate and distinct  
7265 organization that shall be qualified in accordance with  
7266 department ~~board~~ rules. The registration or certification, when  
7267 issued upon application of a business organization, shall be in  
7268 the name of the qualifying agent, and the name of the business  
7269 organization shall be noted thereon. If there is a change in any  
7270 information that is required to be stated on the application,  
7271 the business organization shall, within 45 days after such  
7272 change occurs, mail the correct information to the department.

7273 2. Any person certified or registered pursuant to this  
7274 part who has had his or her license revoked may ~~shall~~ not be  
7275 eligible for a 5-year period to be a partner, officer, director,

7276 or trustee of a business organization as defined by this  
7277 section. Such person shall also be ineligible to reapply for  
7278 certification or registration under this part for a period of 5  
7279 years.

7280 (b) The applicant shall also show that the proposed  
7281 qualifying agent is legally qualified to act for the business  
7282 organization in all matters connected with its electrical or  
7283 alarm system contracting business and concerning regulations by  
7284 the department ~~board~~ and that he or she has authority to  
7285 supervise electrical or alarm system contracting undertaken by  
7286 the business organization.

7287 (3) (a) The applicant shall furnish evidence of financial  
7288 responsibility, credit, and business reputation of the business  
7289 organization, as well as the name of the qualifying agent. The  
7290 department ~~board~~ shall adopt rules defining financial  
7291 responsibility based upon the business organization's credit  
7292 history, ability to be bonded, and any history of bankruptcy or  
7293 assignment of receivers. Such rules shall specify the financial  
7294 responsibility grounds on which the department ~~board~~ may  
7295 determine that a business organization is not qualified to  
7296 engage in contracting.

7297 (b) In the event a qualifying agent must take the  
7298 certification examination, the department ~~board~~ shall, within 60  
7299 days from the date of the examination, inform the business  
7300 organization in writing whether or not its qualifying agent has

7301 qualified.

7302 (c) If the qualifying agent of a business organization  
7303 applying to engage in contracting, after having been notified to  
7304 do so, does not appear for examination within 1 year from the  
7305 date of filing of the application, the examination fee paid by  
7306 it shall be credited as an earned fee to the department. A new  
7307 application to engage in contracting shall be accompanied by  
7308 another application fee fixed pursuant to this act. Forfeiture  
7309 of a fee may be waived by the department ~~board~~ for good cause.

7310 (d) Once the department ~~board~~ has determined that the  
7311 business organization's proposed qualifying agent has qualified,  
7312 the business organization shall be authorized to engage in the  
7313 contracting business. The certificate, when issued, shall be in  
7314 the name of the qualifying agent, and the name of the business  
7315 organization shall be noted thereon.

7316 (4) As a prerequisite to the initial issuance of a  
7317 certificate, the applicant or the business organization he or  
7318 she qualifies shall submit evidence that he or she or the  
7319 business organization has obtained public liability and property  
7320 damage insurance for the safety and welfare of the public in an  
7321 amount to be determined by department ~~board~~ rule.

7322 (5) At least one officer or supervising employee of the  
7323 business organization must be qualified under this act in order  
7324 for the business organization to be qualified to engage in  
7325 contracting in the category of the business conducted. If any

7326 individual so qualified on behalf of the business organization  
7327 ceases to qualify the business organization, he or she shall  
7328 notify the ~~board and the~~ department thereof within 30 days after  
7329 such occurrence. In addition, if the individual is the only  
7330 individual who qualifies the business organization, the business  
7331 organization shall notify the ~~board and the~~ department of the  
7332 individual's termination, and it shall have a period of 60 days  
7333 from the termination of the individual to qualify another person  
7334 under the provision of this act, failing which, the department  
7335 ~~board~~ shall determine that the business organization is no  
7336 longer qualified to engage in contracting. The individual shall  
7337 also inform the department ~~board~~ in writing when he or she  
7338 proposes to engage in contracting in his or her own name or in  
7339 affiliation with another business organization, and the  
7340 individual, or such new business organization, shall supply the  
7341 same information to the department ~~board~~ as required for  
7342 applicants under this act. After an investigation of the  
7343 financial responsibility, credit, and business reputation of the  
7344 individual or the new business organization and upon a favorable  
7345 determination, the department ~~board~~ shall certify the business  
7346 organization as qualified, and the department shall issue,  
7347 without examination, a new certificate in the individual's name,  
7348 which shall include the name of the new business organization,  
7349 as provided in this section.

7350 (7)

7351           (c) The department ~~board~~ shall assess a fine of not less  
7352 than \$100 or issue a citation to any contractor who fails to  
7353 include that contractor's certification or registration number  
7354 when submitting an advertisement for publication, broadcast, or  
7355 printing. In addition, any person who claims in any  
7356 advertisement to be a certified or registered contractor, but  
7357 who does not hold a valid state certification or registration,  
7358 commits a misdemeanor of the second degree, punishable as  
7359 provided in s. 775.082 or s. 775.083.

7360           (8) Each qualifying agent shall pay the department an  
7361 amount equal to the original fee for certification or  
7362 registration to qualify any additional business organizations.  
7363 If the qualifying agent for a business organization desires to  
7364 qualify additional business organizations, the department ~~board~~  
7365 shall require him or her to present evidence of supervisory  
7366 ability and financial responsibility of each such organization.  
7367 Allowing a licensee to qualify more than one business  
7368 organization shall be conditioned upon the licensee showing that  
7369 the licensee has both the capacity and intent to adequately  
7370 supervise each business organization in accordance with s.  
7371 489.522(1). The department ~~may board shall~~ not limit the number  
7372 of business organizations which the licensee may qualify except  
7373 upon the licensee's failing to provide such information as is  
7374 required under this subsection or upon a finding that such  
7375 information or evidence as is supplied is incomplete or

7376 unpersuasive in showing the licensee's capacity and intent to  
 7377 comply with the requirements of this subsection. A qualification  
 7378 for an additional business organization may be revoked or  
 7379 suspended upon a finding by the department ~~board~~ that the  
 7380 licensee has failed in the licensee's responsibility to  
 7381 adequately supervise the operations of that business  
 7382 organization in accordance with s. 489.522(1). Failure of the  
 7383 responsibility to adequately supervise the operations of a  
 7384 business organization in accordance with s. 489.522(1) shall be  
 7385 grounds for denial to qualify additional business organizations.

7386 (9) If a business organization or any of its partners,  
 7387 officers, directors, trustees, or members is disciplined for  
 7388 violating s. 489.533(1), the department ~~board~~ may, on that basis  
 7389 alone, deny issuance of a certificate or registration to a  
 7390 qualifying agent on behalf of that business organization.

7391 (10)

7392 (b) Any business organization engaging in contracting  
 7393 under this subsection shall provide the department ~~board~~ with  
 7394 the name and license number of each registered or certified  
 7395 contractor employed by the business organization to supervise  
 7396 its contracting activities. The business organization is not  
 7397 required to post a bond or otherwise evidence any financial or  
 7398 credit information except as necessary to demonstrate compliance  
 7399 with paragraph (a).

7400 **Section 220. Subsection (2) and paragraph (a) of**

7401 **subsection (3) of section 489.522, Florida Statutes, are amended**  
7402 **to read:**

7403 489.522 Qualifying agents; responsibilities.—

7404 (2) One of the qualifying agents for a business  
7405 organization that has more than one qualifying agent may be  
7406 designated as the sole primary qualifying agent for the business  
7407 organization by a joint agreement that is executed, on a form  
7408 provided by the department board, by all qualifying agents for  
7409 the business organization. The joint agreement shall be  
7410 submitted to the department board for approval. If the  
7411 department board determines that the joint agreement is in good  
7412 order, it shall approve the designation and immediately notify  
7413 the qualifying agents of such approval. The designation made by  
7414 the joint agreement is effective upon receipt of the notice by  
7415 the qualifying agents. The qualifying agent designated for a  
7416 business organization by a joint agreement is the sole primary  
7417 qualifying agent for the business organization, and all other  
7418 qualifying agents for the business organization are secondary  
7419 qualifying agents.

7420 (a) A designated sole primary qualifying agent has all the  
7421 responsibilities and duties of a primary qualifying agent,  
7422 notwithstanding that there are secondary qualifying agents for  
7423 specified jobs. The designated sole primary qualifying agent is  
7424 jointly and equally responsible with secondary qualifying agents  
7425 for field work supervision.

7426 (b) A secondary qualifying agent is responsible only for:  
7427 1. The supervision of field work at sites where his or her  
7428 license was used to obtain the building permit; and  
7429 2. Any other work for which he or she accepts  
7430 responsibility.  
7431  
7432 A secondary qualifying agent is not responsible for supervision  
7433 of financial matters.  
7434 (c) A primary qualifying agent shall have approval  
7435 authority for checks, payments, drafts, and contracts issued by  
7436 or entered into by the business organization.  
7437 (3) (a) A qualifying agent who has been designated by a  
7438 joint agreement as the sole primary qualifying agent for a  
7439 business organization may terminate this status as such by  
7440 giving actual notice to the business organization, to the  
7441 department board, and to all secondary qualifying agents of his  
7442 or her intention to terminate this status. The notice to the  
7443 department board shall include proof satisfactory to the  
7444 department board that he or she has given the notice required in  
7445 this paragraph. The status of the qualifying agent shall cease  
7446 upon the designation of a new primary qualifying agent or 60  
7447 days after satisfactory notice of termination has been provided  
7448 to the department board, whichever first occurs. If no new  
7449 primary qualifying agent has been designated within 60 days, all  
7450 secondary qualifying agents for the business organization shall

7451 become primary qualifying agents, unless the joint agreement  
 7452 specifies that one or more of them shall become sole qualifying  
 7453 agents under such circumstances, in which case only they shall  
 7454 become sole qualifying agents.

7455 **Section 221. Section 489.523, Florida Statutes, is amended**  
 7456 **to read:**

7457 489.523 Emergency registration upon death of contractor.—  
 7458 If an incomplete contract exists at the time of death of a  
 7459 contractor, the contract may be completed by any person even  
 7460 though not certified. The person shall notify the department  
 7461 ~~appropriate board~~, within 30 days after the death of the  
 7462 contractor, of his or her name and address, knowledge of the  
 7463 contract, and ability to complete it. If the department ~~board~~  
 7464 approves, he or she may proceed with the contract. The  
 7465 department ~~board~~ shall then issue an emergency registration  
 7466 which shall expire upon the completion of the contract. For  
 7467 purposes of this section, and upon written approval of the  
 7468 department ~~board~~, an incomplete contract may be one which has  
 7469 been awarded to, or entered into by, the contractor before his  
 7470 or her death, or on which he or she was the low bidder and the  
 7471 contract is subsequently awarded to him or her, regardless of  
 7472 whether any actual work has commenced under the contract before  
 7473 the contractor's death.

7474 **Section 222. Section 489.525, Florida Statutes, is amended**  
 7475 **to read:**

7476           489.525 Report to local building officials.—The department  
7477 may report to all building officials the contents of this part  
7478 and the contents of the rules of the department ~~board~~. Any  
7479 information that is available through the Internet or other  
7480 electronic means may be excluded from the report.

7481           **Section 223. Subsections (2) through (6) and paragraphs**  
7482 **(b) and (e) of subsection (7) of section 489.533, Florida**  
7483 **Statutes, are amended to read:**

7484           489.533 Disciplinary proceedings.—

7485           (2) When the department ~~board~~ finds any applicant,  
7486 contractor, or business organization for which the contractor is  
7487 a primary qualifying agent or secondary qualifying agent  
7488 responsible under s. 489.522 guilty of any of the grounds set  
7489 forth in subsection (1), it may enter an order imposing one or  
7490 more of the following penalties:

7491           (a) Denial of an application for certification or  
7492 registration.

7493           (b) Revocation or suspension of a certificate or  
7494 registration.

7495           (c) Imposition of an administrative fine not to exceed  
7496 \$10,000 for each count or separate offense.

7497           (d) Issuance of a reprimand.

7498           (e) Placement of the contractor on probation for a period  
7499 of time and subject to such conditions as the department ~~board~~  
7500 may specify, including requiring the contractor to attend

7501 continuing education courses or to work under the supervision of  
 7502 another contractor.

7503 (f) Restriction of the authorized scope of practice by the  
 7504 contractor.

7505 (g) Require financial restitution to a consumer.

7506 (3) In recommending penalties in any proposed recommended  
 7507 final order, the department shall follow the penalty guidelines  
 7508 established by the department board ~~board~~ by rule. The department  
 7509 shall advise the administrative law judge of the appropriate  
 7510 penalty, including mitigating and aggravating circumstances, and  
 7511 the specific rule citation.

7512 (4) The department board ~~board~~ may not reinstate the certificate  
 7513 or registration of, or cause a certificate or registration to be  
 7514 issued to, a person who the department board ~~board~~ has determined  
 7515 unqualified until it is satisfied that such person has complied  
 7516 with all the terms and conditions set forth in the final order  
 7517 and is capable of competently engaging in the business of  
 7518 contracting.

7519 (5) When the department board ~~board~~ imposes administrative fines  
 7520 pursuant to subsection (2) resulting from violation of chapter  
 7521 633 or violation of the rules of the State Fire Marshal, 50  
 7522 percent of the fine shall be paid into the Insurance Regulatory  
 7523 Trust Fund to help defray the costs of investigating the  
 7524 violations and obtaining the corrective action. The State Fire  
 7525 Marshal may participate at its discretion, but not as a party,

7526 in any proceedings before the department board relating to  
 7527 violation of chapter 633 or the rules of the State Fire Marshal,  
 7528 in order to make recommendations as to the appropriate penalty  
 7529 in such case. However, the State Fire Marshal does ~~shall~~ not  
 7530 have standing to bring disciplinary proceedings regarding  
 7531 certification.

7532 (6) The department board may restrain any violation of  
 7533 this part by action in a court of competent jurisdiction.

7534 (7)

7535 (b) A ~~No~~ licensee may not avail himself or herself of the  
 7536 mediation process more than three times without the approval of  
 7537 the department board. The department board may consider the  
 7538 subject and the dates of the earlier complaints in rendering its  
 7539 decision. ~~The board's decision shall not be considered a final~~  
 7540 ~~agency action and is not appealable.~~

7541 (e) The department, ~~in conjunction with the board,~~ shall  
 7542 determine by rule the types of cases which may be included in  
 7543 the mediation process. The department may initiate or continue  
 7544 disciplinary action, pursuant to chapter 455 and this chapter  
 7545 against the licensee as determined by rule.

7546 **Section 224. Paragraph (a) of subsection (1) of section**  
 7547 **489.5335, Florida Statutes, is amended to read:**

7548 489.5335 Journeyman; reciprocity; standards.—

7549 (1) Counties and municipalities are authorized to issue  
 7550 journeyman licenses in the electrical and alarm system trades to

7551 an individual who:

7552 (a) Has scored at least 70 percent, or after October 1,  
7553 1997, at least 75 percent, on a proctored journeyman Block and  
7554 Associates examination or other proctored examination approved  
7555 by the department ~~board~~ for the trade in which he or she is  
7556 licensed;

7557 **Section 225. Paragraph (e) of subsection (3) and**  
7558 **paragraphs (b) and (c) of subsection (5) of section 489.537,**  
7559 **Florida Statutes, are amended to read:**

7560 489.537 Application of this part.—

7561 (3) Nothing in this act limits the power of a municipality  
7562 or county:

7563 (e)1. To refuse to issue permits or issue permits with  
7564 specific conditions to a contractor who has committed multiple  
7565 violations, when he or she has been disciplined for each of them  
7566 by the department ~~board~~ and when each disciplinary action has  
7567 involved revocation or suspension of a license, imposition of an  
7568 administrative fine of at least \$1,000, or probation.

7569 2. To issue permits with specific conditions to a  
7570 contractor who, within the previous 12 months, has had final  
7571 action taken against him or her, by the department or by a local  
7572 board or agency which licenses contractors and has reported the  
7573 action pursuant to paragraph (5)(c), for engaging in the  
7574 business or acting in the capacity of a contractor without a  
7575 license.

7576 (5)  
 7577 (b) To engage in contracting in the territorial area, an  
 7578 applicant shall also be registered with the department ~~board~~.

7579 (c) Each local board or agency which licenses contractors  
 7580 shall transmit monthly to the department ~~board~~ a report of any  
 7581 disciplinary action taken against contractors and any  
 7582 administrative or disciplinary action taken against unlicensed  
 7583 persons for engaging in the business or acting in the capacity  
 7584 of a contractor, including any cease and desist order issued  
 7585 pursuant to s. 489.516(2) (b).

7586 **Section 226. Section 489.552, Florida Statutes, is amended**  
 7587 **to read:**

7588 489.552 Registration required.—A person may ~~shall~~ not hold  
 7589 himself or herself out as a septic tank contractor or a master  
 7590 septic tank contractor in this state unless he or she is  
 7591 registered by the department in accordance with the provisions  
 7592 of this part. However, nothing in this part prohibits any person  
 7593 licensed pursuant to s. 489.105(2) (m) ~~s. 489.105(3) (m)~~ in this  
 7594 state from engaging in the profession for which he or she is  
 7595 licensed.

7596 **Section 227. Subsection (1) of section 492.102, Florida**  
 7597 **Statutes, is amended to read:**

7598 492.102 Definitions.—For the purposes of this chapter,  
 7599 unless the context clearly requires otherwise:

7600 (1) ~~"Board" means the Board of Professional Geologists.~~

7601           **Section 228. Section 492.104, Florida Statutes, is amended**  
7602 **to read:**

7603           492.104 Rulemaking authority.—The department may ~~Board of~~  
7604 ~~Professional Geologists has authority to~~ adopt rules pursuant to  
7605 ~~ss. 120.536(1) and 120.54~~ to implement this chapter. Every  
7606 licensee shall be governed and controlled by this chapter and  
7607 the rules adopted by the department ~~board~~. The department ~~board~~  
7608 is authorized to set, by rule, fees for application,  
7609 examination, late renewal, initial licensure, and license  
7610 renewal. These fees may not exceed the cost of implementing the  
7611 application, examination, initial licensure, and license renewal  
7612 or other administrative process and shall be established as  
7613 follows:

7614           (1) The application fee may ~~shall~~ not exceed \$150 and  
7615 shall be nonrefundable.

7616           (2) The examination fee may ~~shall~~ not exceed \$250, and the  
7617 fee may be apportioned to each part of a multipart examination.  
7618 The examination fee shall be refundable in whole or part if the  
7619 applicant is found to be ineligible to take any portion of the  
7620 licensure examination.

7621           (3) The initial license fee may ~~shall~~ not exceed \$100.

7622           (4) The ~~biennial~~ renewal fee may ~~shall~~ not exceed \$150.

7623           (5) The fee for reactivation of an inactive license may  
7624 not exceed \$50.

7625           (6) The fee for a provisional license may not exceed \$400.

7626 (7) The fee for application, examination, and licensure  
 7627 for a license by endorsement is as provided in this section for  
 7628 licenses in general.

7629 **Section 229. Subsection (1), paragraph (b) of subsection**  
 7630 **(2), and subsection (3) of section 492.105, Florida Statutes,**  
 7631 **are amended to read:**

7632 492.105 Licensure by examination; requirements; fees.—

7633 (1) Any person desiring to be licensed as a professional  
 7634 geologist shall apply to the department to take the licensure  
 7635 examination. The written licensure examination shall be designed  
 7636 to test an applicant's qualifications to practice professional  
 7637 geology, and shall include such subjects as will tend to  
 7638 ascertain the applicant's knowledge of the fundamentals, theory,  
 7639 and practice of professional geology and may include such  
 7640 subjects as are taught in curricula of accredited colleges and  
 7641 universities. The written licensure examination may be a  
 7642 multipart examination. The department shall examine each  
 7643 applicant who the department ~~board~~ certifies:

7644 (a) Has completed the application form and remitted a  
 7645 nonrefundable application fee and an examination fee which is  
 7646 refundable if the applicant is found to be ineligible to take  
 7647 the examination.

7648 (b) Is at least 18 years of age.

7649 (c) Has not committed any act or offense in any  
 7650 jurisdiction which would constitute the basis for disciplining a

7651 professional geologist licensed pursuant to this chapter.

7652 (d) Has fulfilled the following educational requirements  
7653 at a college or university, the geological curricula of which  
7654 meet the criteria established by an accrediting agency  
7655 recognized by the United States Department of Education:

7656 1. Graduation from such college or university with a major  
7657 in geology or other related science acceptable to the department  
7658 ~~board~~; and

7659 2. Satisfactory completion of at least 30 semester hours  
7660 or 45 quarter hours of geological coursework.

7661 (e) Has at least 5 years of verified professional  
7662 geological work experience, which includes a minimum of 3 years  
7663 of professional geological work under the supervision of a  
7664 licensed or qualified geologist or professional engineer  
7665 registered under chapter 471 as qualified in the field or  
7666 discipline of professional engineering work performed; or has a  
7667 minimum of 5 accumulative years of verified geological work  
7668 experience in responsible charge of geological work as  
7669 determined by the department ~~board~~.

7670 (2) The department shall issue a license to practice  
7671 professional geology to any person who has:

7672 (b) Been certified by the department ~~board~~ as qualified to  
7673 practice professional geology; and

7674 (3) The department may ~~shall~~ not issue a license to any  
7675 applicant who is under investigation in any jurisdiction for an

7676 offense which would constitute a violation of this chapter. Upon  
 7677 completion of the investigation, the disciplinary provisions of  
 7678 s. 492.113 shall apply.

7679 **Section 230. Subsections (1) and (2) of section 492.1051,**  
 7680 **Florida Statutes, are amended to read:**

7681 492.1051 Registered geologist-in-training; requirements.-

7682 (1) A person desiring to register as a geologist-in-  
 7683 training shall apply to the department to take a discrete  
 7684 portion of the examination required for licensure as a  
 7685 professional geologist in this state. This discrete portion  
 7686 shall cover the fundamentals of geology. The department shall  
 7687 examine each applicant who the department ~~board~~ certifies:

7688 (a) Has completed the application form and remitted a  
 7689 nonrefundable application fee and an examination fee that is  
 7690 refundable if the applicant is found to be ineligible to take  
 7691 the examination.

7692 (b) Has not committed an act or offense in any  
 7693 jurisdiction which constitutes grounds for disciplining a  
 7694 professional geologist licensed under this chapter; and

7695 (c) Has successfully completed at least 30 semester hours  
 7696 or 45 quarter hours of geological coursework at a college or  
 7697 university, the geological curricula of which meet the criteria  
 7698 established by an accrediting agency recognized by the United  
 7699 States Department of Education and, if still enrolled, has  
 7700 provided a letter of good academic standing from the college or

7701 university.

7702 (2) The department shall register as a geologist-in-  
7703 training each applicant who the department ~~board~~ certifies has  
7704 passed the fundamentals of geology portion of the licensure  
7705 examination.

7706 **Section 231. Section 492.106, Florida Statutes, is amended**  
7707 **to read:**

7708 492.106 Provisional licenses.—The department may provide a  
7709 provisional license to any person who is not a resident of and  
7710 has not established a place of business in this state, and who  
7711 is duly licensed in another state, territory, or possession of  
7712 the United States, or in the District of Columbia, and who has  
7713 qualifications which the department ~~board~~, upon advice of a  
7714 committee of the department ~~board~~, deems comparable to those  
7715 required of professional geologists in this state, upon written  
7716 application accompanied by the proper application fee, offered  
7717 before ~~prior to~~ the practice of professional geology in this  
7718 state, under the following restrictions:

7719 (1) Satisfactory proof of licensure as required above  
7720 shall include the name, residence address, business address, and  
7721 certification of the license of the applicant from the issuing  
7722 state, together with the name and address of the authority  
7723 issuing such license.

7724 (2) The practice of professional geology under a  
7725 provisional license may ~~shall~~ not exceed 1 year.

7726 (3) The practice of professional geology under a  
 7727 provisional license shall be confined to one specified project.  
 7728 Such license may not be renewed or reissued for 5 years from the  
 7729 date of original issuance.

7730 (4) A written statement shall be furnished to the  
 7731 department within 60 days of completion of the work, indicating  
 7732 the time engaged and the nature of the work. A person holding a  
 7733 provisional license shall exhibit such provisional license each  
 7734 time and on each occasion that an indication of licensure is  
 7735 required.

7736 **Section 232. Subsection (1) of section 492.107, Florida**  
 7737 **Statutes, is amended to read:**

7738 492.107 Seals.—

7739 (1) The department ~~board~~ shall prescribe, by rule, a form  
 7740 of seal, including its electronic form, to be used by persons  
 7741 holding valid licenses. All geological papers, reports, and  
 7742 documents prepared or issued by the licensee shall be signed,  
 7743 dated, and sealed by the licensee who performed or is  
 7744 responsible for the supervision, direction, or control of the  
 7745 work contained in the papers, reports, or documents. Such  
 7746 signature, date, and seal shall be evidence of the authenticity  
 7747 of that to which they are affixed. Geological papers, reports,  
 7748 and documents prepared or issued by the licensee may be  
 7749 transmitted electronically provided they have been signed by the  
 7750 licensee, dated, and electronically sealed. It is unlawful for

7751 any person to sign or seal any document as a professional  
 7752 geologist unless that person holds a current, active license as  
 7753 a professional geologist which has not expired or been revoked  
 7754 or suspended, unless reinstated or reissued.

7755 **Section 233. Subsection (1) of section 492.108, Florida**  
 7756 **Statutes, is amended to read:**

7757 492.108 Licensure by endorsement; requirements; fees.—

7758 (1) The department shall issue a license by endorsement to  
 7759 any applicant who, upon applying to the department and remitting  
 7760 an application fee, has been certified by the department ~~board~~  
 7761 that he or she:

7762 (a) Has met the qualifications for licensure in s.  
 7763 492.105(1)(b)-(e) and:

7764 1. Is the holder of an active license in good standing in  
 7765 a state, trust, territory, or possession of the United States.

7766 2. Was licensed through written examination in at least  
 7767 one state, trust, territory, or possession of the United States,  
 7768 the examination requirements of which have been approved by the  
 7769 department ~~board~~ as substantially equivalent to or more  
 7770 stringent than those of this state, and has received a score on  
 7771 such examination which is equal to or greater than the score  
 7772 required by this state for licensure by examination.

7773 3. Has taken and successfully passed the laws and rules  
 7774 portion of the examination required for licensure as a  
 7775 professional geologist in this state.

7776 (b) Has held a valid license to practice geology in  
 7777 another state, trust, territory, or possession of the United  
 7778 States for at least 10 years before the date of application and  
 7779 has successfully completed a state, regional, national, or other  
 7780 examination that is equivalent to or more stringent than the  
 7781 examination required by the department. If such applicant has  
 7782 met the requirements for a license by endorsement except  
 7783 successful completion of an examination that is equivalent to or  
 7784 more stringent than the examination required by the department  
 7785 ~~board~~, such applicant may take the examination required by the  
 7786 department ~~board~~. Such application must be submitted to the  
 7787 department ~~board~~ while the applicant holds a valid license in  
 7788 another state or territory or within 2 years after the  
 7789 expiration of such license.

7790 **Section 234. Subsection (2) of section 492.109, Florida**  
 7791 **Statutes, is amended to read:**

7792 492.109 Renewal of license; fees.—

7793 (2) The department shall adopt rules establishing a  
 7794 procedure for the ~~biennial~~ renewal of licenses.

7795 **Section 235. Subsection (2) of section 492.1101, Florida**  
 7796 **Statutes, is amended to read:**

7797 492.1101 Inactive status.—

7798 (2) The department ~~board~~ shall adopt ~~promulgate~~ rules  
 7799 relating to the reactivation of inactive licenses and shall  
 7800 prescribe by rule a fee for the reactivation of inactive

7801 licenses.

7802 **Section 236. Subsection (1) of section 492.111, Florida**  
 7803 **Statutes, is amended to read:**

7804 492.111 Practice of professional geology by a firm,  
 7805 corporation, or partnership.—The practice of, or offer to  
 7806 practice, professional geology by individual professional  
 7807 geologists licensed under the provisions of this chapter through  
 7808 a firm, corporation, or partnership offering geological services  
 7809 to the public through individually licensed professional  
 7810 geologists as agents, employees, officers, or partners thereof  
 7811 is permitted subject to the provisions of this chapter, if:

7812 (1) At all times that it offers geological services to the  
 7813 public, the firm, corporation, or partnership is qualified by  
 7814 one or more individuals who hold a current, active license as a  
 7815 professional geologist in the state and are serving as a  
 7816 geologist of record for the firm, corporation, or partnership. A  
 7817 geologist of record may be any principal officer or employee of  
 7818 such firm or corporation, or any partner or employee of such  
 7819 partnership, who holds a current, active license as a  
 7820 professional geologist in this state, or any other Florida-  
 7821 licensed professional geologist with whom the firm, corporation,  
 7822 or partnership has entered into a long-term, ongoing  
 7823 relationship, as defined by rule of the department board, to  
 7824 serve as one of its geologists of record. The geologist of  
 7825 record shall notify the department of any changes in the

7826 relationship or identity of that geologist of record within 30  
 7827 days after such change.

7828 **Section 237. Paragraph (k) of subsection (1) and**  
 7829 **subsections (2), (3), and (4) of section 492.113, Florida**  
 7830 **Statutes, are amended to read:**

7831 492.113 Disciplinary proceedings.—

7832 (1) The following acts constitute grounds for which the  
 7833 disciplinary actions in subsection (3) may be taken:

7834 (k) Violating a rule of the department ~~or board~~ or any  
 7835 order of the department ~~or board~~ previously entered in a  
 7836 disciplinary hearing.

7837 (2) The department ~~board~~ shall specify, by rule, what acts  
 7838 or omissions constitute a violation of subsection (1).

7839 (3) When the department ~~board~~ finds any person guilty of  
 7840 any of the grounds set forth in subsection (1), it may enter an  
 7841 order imposing one or more of the following penalties:

7842 (a) Denial of an application for licensure.

7843 (b) Revocation or suspension of a license.

7844 (c) Imposition of an administrative fine not to exceed  
 7845 \$1,000 for each count or separate offense.

7846 (d) Issuance of a reprimand.

7847 (e) Placement of the licensee on probation for a period of  
 7848 time and subject to such conditions as the department ~~board~~ may  
 7849 specify.

7850 (f) Restriction of the authorized scope of practice by the

7851 licensee.

7852 (4) The department shall reissue the license of a  
7853 disciplined professional geologist upon certification by the  
7854 department ~~board~~ that the disciplined person has complied with  
7855 the terms and conditions set forth in the final order.

7856 **Section 238. Subsections (11) and (12) of section**  
7857 **493.6101, Florida Statutes, are amended to read:**

7858 493.6101 Definitions.—

7859 (11) "Sponsor" means any Class "C," Class "MA," or Class  
7860 "M" licensee who supervises and maintains under his or her  
7861 direction and control a Class "CC" provisional licensee intern;  
7862 ~~or any Class "E" or Class "MR" licensee who supervises and~~  
7863 ~~maintains under his or her direction and control a Class "EE"~~  
7864 ~~intern.~~

7865 (12) "Provisional licensee" "Intern" means an individual  
7866 who studies as a trainee or apprentice under the direction and  
7867 control of a designated sponsoring licensee.

7868 **Section 239. Subsection (7) of section 493.6105, Florida**  
7869 **Statutes, is amended to read:**

7870 493.6105 Initial application for license.—

7871 ~~(7) In addition to the application requirements for~~  
7872 ~~individuals, partners, or officers outlined under subsection~~  
7873 ~~(3), the application for an agency license must contain the~~  
7874 ~~following information:~~

7875 ~~(a) The proposed name under which the agency intends to~~

7876 ~~operate.~~

7877 ~~(b) The street address, mailing address, and telephone~~  
 7878 ~~numbers of the principal location at which business is to be~~  
 7879 ~~conducted in this state.~~

7880 ~~(c) The street address, mailing address, and telephone~~  
 7881 ~~numbers of all branch offices within this state.~~

7882 ~~(d) The names and titles of all partners or, in the case~~  
 7883 ~~of a corporation, the names and titles of its principal~~  
 7884 ~~officers.~~

7885 **Section 240. Subsection (2) of section 493.6106, Florida**  
 7886 **Statutes, is amended to read:**

7887 493.6106 License requirements; posting.—

7888 (2) Each agency shall have a minimum of one physical  
 7889 location within this state from which the normal business of the  
 7890 agency is conducted, and this location shall be considered the  
 7891 primary office for that agency in this state.

7892 ~~(a)~~ If an agency or branch office desires to change the  
 7893 physical location of the business, as it appears on the license,  
 7894 the department must be notified within 10 days after the change,  
 7895 and, except upon renewal, the fee prescribed in s. 493.6107 must  
 7896 be submitted for each license requiring revision. Each license  
 7897 requiring revision must be returned with such notification.

7898 ~~(b) The Class "A," Class "B," or Class "R" license and any~~  
 7899 ~~branch office or school license shall at all times be posted in~~  
 7900 ~~a conspicuous place at the licensed physical location in this~~

7901 ~~state where the business is conducted.~~

7902 ~~(c) Each Class "A," Class "B," Class "R," branch office,~~  
 7903 ~~or school licensee shall display, in a place that is in clear~~  
 7904 ~~and unobstructed public view, a notice on a form prescribed by~~  
 7905 ~~the department stating that the business operating at this~~  
 7906 ~~location is licensed and regulated by the Department of~~  
 7907 ~~Agriculture and Consumer Services and that any questions or~~  
 7908 ~~complaints should be directed to the department.~~

7909 ~~(d) A minimum of one properly licensed manager shall be~~  
 7910 ~~designated for each agency and branch office location.~~

7911 **Section 241. Subsections (4), (5), and (6) of section**  
 7912 **493.6111, Florida Statutes, are renumbered as subsections (3),**  
 7913 **(4), and (5), respectively, and subsection (2) and present**  
 7914 **subsection (3) of that section are amended to read:**

7915 493.6111 License; contents; identification card.—

7916 (2) Licenses shall be valid for a period of 4 ~~2~~ years,  
 7917 ~~except for Class "A," Class "B," Class "AB," Class "K," Class~~  
 7918 ~~"R," and branch agency licenses, which shall be valid for a~~  
 7919 ~~period of 3 years.~~

7920 ~~(3) The department shall, upon complete application and~~  
 7921 ~~payment of the appropriate fees, issue a separate license to~~  
 7922 ~~each branch office for which application is made.~~

7923 **Section 242. Subsection (1) and paragraph (b) of**  
 7924 **subsection (3) of section 493.6113, Florida Statutes, are**  
 7925 **amended to read:**

7926 493.6113 Renewal application for licensure.—

7927 (1) A license granted under the provisions of this chapter  
7928 shall be renewed every 4 years ~~biennially~~ by the department,  
7929 ~~except for Class "A," Class "B," Class "AB," Class "K," Class~~  
7930 ~~"R," and branch agency licenses, which shall be renewed every 3~~  
7931 ~~years.~~

7932 (3) Each licensee is responsible for renewing his or her  
7933 license on or before its expiration by filing with the  
7934 department an application for renewal accompanied by payment of  
7935 the renewal fee and the fingerprint retention fee to cover the  
7936 cost of ongoing retention in the statewide automated biometric  
7937 identification system established in s. 943.05(2)(b). Upon the  
7938 first renewal of a license issued under this chapter before  
7939 January 1, 2017, the licensee shall submit a full set of  
7940 fingerprints and fingerprint processing fees to cover the cost  
7941 of entering the fingerprints into the statewide automated  
7942 biometric identification system pursuant to s. 493.6108(4)(a)  
7943 and the cost of enrollment in the Federal Bureau of  
7944 Investigation's national retained print arrest notification  
7945 program. Subsequent renewals may be completed without submission  
7946 of a new set of fingerprints.

7947 (b) Each Class "G" licensee shall additionally submit  
7948 proof that he or she has received during each year of the  
7949 license period a minimum of 4 hours of firearms requalification  
7950 training taught by a Class "K" licensee and has complied with

7951 such other health and training requirements that the department  
7952 shall adopt by rule. Proof of completion of firearms  
7953 requalification training shall be submitted to the department  
7954 upon completion of the training. A Class "G" licensee must  
7955 successfully complete this requalification training for each  
7956 type and caliber of firearm carried in the course of performing  
7957 his or her regulated duties. At the discretion of a Class "K"  
7958 instructor, a Class "G" licensee may qualify for up to two  
7959 calibers of firearms in one 4-hour firearm requalification class  
7960 if the licensee successfully completes training for each  
7961 firearm, including a separate course of fire for each caliber of  
7962 firearm. If the licensee fails to complete the required 4 hours  
7963 of annual training during the first year of the 2-year term of  
7964 the license, the license is automatically suspended. The  
7965 licensee must complete the minimum number of hours of range and  
7966 classroom training required at the time of initial licensure and  
7967 submit proof of completion of such training to the department  
7968 before the license may be reinstated. If the licensee fails to  
7969 complete the required 4 hours of annual training during the  
7970 second year of the 4-year ~~2-year~~ term of the license, the  
7971 licensee must complete the minimum number of hours of range and  
7972 classroom training required at the time of initial licensure and  
7973 submit proof of completion of such training to the department  
7974 before the license may be renewed. The department may waive the  
7975 firearms training requirement if:

7976           1. The applicant provides proof that he or she is  
 7977 currently certified as a law enforcement officer or correctional  
 7978 officer under the Criminal Justice Standards and Training  
 7979 Commission and has completed law enforcement firearms  
 7980 requalification training annually during the previous 4 years ~~2~~  
 7981 ~~years~~ of the licensure period;

7982           2. The applicant provides proof that he or she is  
 7983 currently certified as a federal law enforcement officer and has  
 7984 received law enforcement firearms training administered by a  
 7985 federal law enforcement agency annually during the previous 4  
 7986 years ~~2 years~~ of the licensure period;

7987           3. The applicant submits a valid firearm certificate among  
 7988 those specified in s. 493.6105(6) (a) and provides proof of  
 7989 having completed requalification training during the previous 4  
 7990 years ~~2 years~~ of the licensure period; or

7991           4. The applicant provides proof that he or she has  
 7992 completed annual firearms training in accordance with the  
 7993 requirements of the federal Law Enforcement Officers Safety Act  
 7994 under 18 U.S.C. ss. 926B-926C.

7995           **Section 243. Section 493.6116, Florida Statutes, is**  
 7996 **amended to read:**

7997           493.6116 Sponsorship of provisional licensees ~~interns.~~-

7998           (1) Only licensees may sponsor provisional licensees  
 7999 ~~interns.~~ A Class "C," Class "M," or Class "MA" licensee may  
 8000 sponsor a Class "CC" provisional licensees ~~private investigator~~

8001 ~~intern; a Class "E" or Class "MR" licensee may sponsor a Class~~  
8002 ~~"EE" recovery agent intern.~~

8003 (2) Provisional licensure ~~An internship~~ may not commence  
8004 until the sponsor has submitted to the department the notice of  
8005 intent to sponsor. Such notice shall be on a form provided by  
8006 the department.

8007 (3) Provisional licensure ~~Internship~~ is intended to serve  
8008 as a learning process. Sponsors shall assume a training status  
8009 by providing direction and control of provisional licensees  
8010 ~~interns~~. Sponsors shall not allow provisional licensees ~~interns~~  
8011 to operate independently of such direction and control or  
8012 require provisional licensees ~~interns~~ to perform activities that  
8013 do not enhance the provisional licensee's ~~intern's~~ qualification  
8014 for licensure. Provisional licensees ~~Interns~~ must perform  
8015 regulated duties within the boundaries of this state during the  
8016 period of provisional licensure ~~internship~~.

8017 (4) No sponsor may sponsor more than six provisional  
8018 licensees ~~interns~~ at the same time.

8019 (5) A sponsor ~~shall certify a biannual progress report on~~  
8020 ~~each intern and~~ shall certify completion or termination of  
8021 provisional licensure ~~an internship~~ to the department within 15  
8022 days after such completion or termination. The report must be  
8023 made on a form provided by the department and must include at a  
8024 minimum:

8025 (a) The inclusive dates of the provisional licensure

8026 ~~internship.~~

8027 (b) A narrative part explaining the primary duties, types  
8028 of experiences gained, and the scope of training received.

8029 (c) An evaluation of the performance of the provisional  
8030 licensee intern and a recommendation regarding future licensure.

8031 **Section 244. Paragraphs (r) and (x) of subsection (1) of**  
8032 **section 493.6118, Florida Statutes, are amended to read:**

8033 493.6118 Grounds for disciplinary action.—

8034 (1) The following constitute grounds for which  
8035 disciplinary action specified in subsection (2) may be taken by  
8036 the department against any licensee, agency, or applicant  
8037 regulated by this chapter, or any unlicensed person engaged in  
8038 activities regulated under this chapter:

8039 (r) Failure or refusal by a sponsor to certify a ~~biannual~~  
8040 written report on an provisional private investigator intern or  
8041 to certify completion or termination of an provisional private  
8042 investigator internship to the department within 15 working  
8043 days.

8044 (x) In addition to the grounds for disciplinary action  
8045 prescribed in paragraphs (a)-(t) ~~and, Class "R" recovery~~  
8046 ~~agencies, Class "E" recovery agents, and Class "EE" recovery~~  
8047 ~~agent interns~~ are prohibited from committing the following acts:

8048 1. Recovering a motor vehicle, mobile home, motorboat,  
8049 aircraft, personal watercraft, all-terrain vehicle, farm  
8050 equipment, or industrial equipment that has been sold under a

8051 conditional sales agreement or under the terms of a chattel  
8052 mortgage before authorization has been received from the legal  
8053 owner or mortgagee.

8054 2. Charging for expenses not actually incurred in  
8055 connection with the recovery, transportation, storage, or  
8056 disposal of repossessed property or personal property obtained  
8057 in a repossession.

8058 3. Using any repossessed property or personal property  
8059 obtained in a repossession for the personal benefit of a  
8060 licensee or an officer, director, partner, manager, or employee  
8061 of a licensee.

8062 4. Selling property recovered under ~~the provisions of this~~  
8063 chapter, except with written authorization from the legal owner  
8064 or the mortgagee thereof.

8065 5. Failing to notify the police or sheriff's department of  
8066 the jurisdiction in which the repossessed property is recovered  
8067 within 2 hours after recovery.

8068 6. Failing to remit moneys collected in lieu of recovery  
8069 of a motor vehicle, mobile home, motorboat, aircraft, personal  
8070 watercraft, all-terrain vehicle, farm equipment, or industrial  
8071 equipment to the client within 10 working days.

8072 7. Failing to deliver to the client a negotiable  
8073 instrument that is payable to the client, within 10 working days  
8074 after receipt of such instrument.

8075 8. Falsifying, altering, or failing to maintain any

8076 required inventory or records regarding disposal of personal  
 8077 property contained in or on repossessed property pursuant to s.  
 8078 493.6404(1).

8079 9. Carrying any weapon or firearm when he or she is on  
 8080 private property and performing duties under his or her license  
 8081 whether or not he or she is licensed pursuant to s. 790.06.

8082 10. Soliciting from the legal owner the recovery of  
 8083 property subject to repossession after such property has been  
 8084 seen or located on public or private property if the amount  
 8085 charged or requested for such recovery is more than the amount  
 8086 normally charged for such a recovery.

8087 11. Wearing, presenting, or displaying a badge in the  
 8088 course of performing a repossession regulated by this chapter.

8089 **Section 245. Subsection (6) of section 493.6120, Florida**  
 8090 **Statutes, is amended to read:**

8091 493.6120 Violations; penalty.—

8092 (6) A person who was an owner, officer, partner, or  
 8093 manager of an ~~a licensed~~ agency or a Class "DS" or "RS" school  
 8094 or training facility ~~at the time of any activity that is the~~  
 8095 ~~basis for revocation of the agency or branch office license or~~  
 8096 ~~the school or training facility license~~ and who knew or should  
 8097 have known of unlawful ~~the~~ activity shall have his or her  
 8098 personal licenses or approval suspended for 3 years and may not  
 8099 have any financial interest in or be employed in any capacity by  
 8100 an ~~a licensed~~ agency or a school or training facility during the

8101 period of suspension.

8102 **Section 246. Subsection (2) of section 493.6123, Florida**  
8103 **Statutes, is amended to read:**

8104 493.6123 Publication to industry.—

8105 (2) The department shall develop and make available to  
8106 each Class "C," Class "D," and Class "E" licensee and all  
8107 provisional private investigators ~~interns~~ a pamphlet detailing  
8108 in plain language the legal authority, rights, and obligations  
8109 of his or her class of licensure. Within the pamphlet, the  
8110 department should endeavor to present situations that the  
8111 licensee may be expected to commonly encounter in the course of  
8112 doing business pursuant to his or her specific license, and  
8113 provide to the licensee information on his or her legal options,  
8114 authority, limits to authority, and obligations. The department  
8115 shall supplement this with citations to statutes and legal  
8116 decisions, as well as a selected bibliography that would direct  
8117 the licensee to materials the study of which would enhance his  
8118 or her professionalism. The department shall provide a single  
8119 copy of the appropriate pamphlet without charge to each  
8120 individual to whom a license is issued, but may charge for  
8121 additional copies to recover its publication costs. The pamphlet  
8122 shall be updated every 2 years as necessary to reflect rule or  
8123 statutory changes, or court decisions. Intervening changes to  
8124 the regulatory situation shall be noticed in the industry  
8125 newsletter issued pursuant to subsection (1).

8126           **Section 247. Section 493.6201, Florida Statutes, is**  
 8127 **amended to read:**

8128           493.6201 Classes of licenses.—

8129           (1) Any person, firm, company, partnership, or corporation  
 8130 which engages in business as a private investigative agency  
 8131 shall have a Class "A" license. A Class "A" license is valid for  
 8132 all locations ~~only one location.~~

8133           ~~(2) Each branch office of a Class "A" agency shall have a~~  
 8134 ~~Class "AA" license. Where a person, firm, company, partnership,~~  
 8135 ~~or corporation holds both a Class "A" and Class "B" license,~~  
 8136 ~~each additional or branch office shall have a Class "AB"~~  
 8137 ~~license.~~

8138           ~~(3) Any individual who performs the services of a manager~~  
 8139 ~~for a:~~

8140           ~~(a) Class "A" private investigative agency or Class "AA"~~  
 8141 ~~branch office shall have a Class "MA" license. A Class "C" or~~  
 8142 ~~Class "M" licensee may be designated as the manager, in which~~  
 8143 ~~case the Class "MA" license is not required.~~

8144           ~~(b) Class "A" and "B" agency or a Class "AB" branch office~~  
 8145 ~~shall have a Class "M" license.~~

8146           ~~(4) Class "C" or Class "CC" licensees shall own or be an~~  
 8147 ~~employee of a Class "A" agency, a Class "A" and Class "B"~~  
 8148 ~~agency, or a branch office. This does not include those who are~~  
 8149 ~~exempt under s. 493.6102, but who possess a Class "C" license~~  
 8150 ~~solely for the purpose of holding a Class "G" license.~~

8151            (2)~~(5)~~ Any individual who performs the services of a  
 8152 private investigator shall have a Class "C" license.

8153            (3)~~(6)~~ Any individual who performs private investigative  
 8154 work as an provisional private investigator ~~intern~~ under the  
 8155 direction and control of a designated, sponsoring Class "C"  
 8156 licensee ~~or a designated, sponsoring Class "MA" or Class "M"~~  
 8157 ~~licensee~~ must have a Class "CC" license.

8158            (4)~~(7)~~ Only ~~Class "M," Class "MA,"~~ Class "C," or Class  
 8159 "CC" licensees are permitted to bear a firearm, and any such  
 8160 licensee who bears a firearm shall also have a Class "G"  
 8161 license.

8162            (5)~~(8)~~ A Class "C" or Class "CC" licensee may perform  
 8163 bodyguard services without obtaining a Class "D" license.

8164            **Section 248. Section 493.6202, Florida Statutes, is**  
 8165 **amended to read:**

8166            493.6202 Fees.—

8167            (1) The department shall establish by rule examination and  
 8168 license fees, not to exceed a ~~the following~~:

8169            (a) Class "A" license—private investigative agency: \$450.

8170            ~~(b) Class "AA" or "AB" license branch office: \$125.~~

8171            ~~(c) Class "MA" license private investigative agency~~  
 8172 ~~manager: \$75.~~

8173            (b)~~(d)~~ Class "C" license—private investigator: \$75.

8174            (c)~~(e)~~ Class "CC" license—provisional private investigator  
 8175 ~~intern~~: \$60.

8176 (2) The department may establish by rule a fee for the  
 8177 replacement or revision of a license, which fee shall not exceed  
 8178 \$30.

8179 (3) The fees set forth in this section must be paid by  
 8180 check or money order or, at the discretion of the department, by  
 8181 electronic funds transfer at the time the application is  
 8182 approved, except that the applicant for a Class "G" Class "C,"  
 8183 or Class "CC" ~~Class "M," or Class "MA"~~ license must pay the  
 8184 license fee at the time the application is made. If a license is  
 8185 revoked or denied or if the application is withdrawn, the  
 8186 license fee is nonrefundable.

8187 (4) The initial license fee for a veteran, as defined in  
 8188 s. 1.01, shall be waived if he or she applies for a Class "C"  
 8189 or Class "CC" ~~or Class "MA"~~ license within 24 months after  
 8190 being discharged from any branch of the United States Armed  
 8191 Forces. An eligible veteran must include a copy of his or her DD  
 8192 Form 214, as issued by the United States Department of Defense,  
 8193 or another acceptable form of identification as specified by the  
 8194 Department of Veterans' Affairs with his or her application in  
 8195 order to obtain a waiver.

8196 **Section 249. Section 493.6203, Florida Statutes, is**  
 8197 **amended to read:**

8198 493.6203 License requirements.—In addition to the license  
 8199 requirements set forth elsewhere in this chapter, each  
 8200 individual or agency shall comply with the following additional

8201 requirements:

8202 (1) Each agency or branch office shall designate a minimum

8203 of one appropriately licensed individual to act as manager,

8204 directing the activities of the Class "C" or Class "CC"

8205 employees.

8206 ~~(2) An applicant for a Class "MA" license must have 2~~

8207 ~~years of lawfully gained, verifiable, full-time experience, or~~

8208 ~~training in:~~

8209 ~~(a) Private investigative work or related fields of work~~

8210 ~~that provided equivalent experience or training;~~

8211 ~~(b) Work as a Class "CC" licensed intern;~~

8212 ~~(c) Any combination of paragraphs (a) and (b);~~

8213 ~~(d) Experience described in paragraph (a) for 1 year and~~

8214 ~~experience described in paragraph (c) for 1 year;~~

8215 ~~(e) No more than 1 year using:~~

8216 ~~1. College coursework related to criminal justice,~~

8217 ~~criminology, or law enforcement administration; or~~

8218 ~~2. Successfully completed law enforcement-related training~~

8219 ~~received from any federal, state, county, or municipal agency;~~

8220 ~~or~~

8221 ~~(f) Experience described in paragraph (a) for 1 year and~~

8222 ~~work in a managerial or supervisory capacity for 1 year.~~

8223

8224 ~~However, experience in performing bodyguard services is not~~

8225 ~~creditable toward the requirements of this subsection.~~

8226 ~~(3) An applicant for a Class "M" license shall qualify for~~  
 8227 ~~licensure as a Class "MA" manager as outlined under subsection~~  
 8228 ~~(2) and as a Class "MB" manager as outlined under s.~~  
 8229 ~~493.6303(2).~~

8230 (2)~~(4)~~ An applicant for a Class "C" license shall have 6  
 8231 months ~~2 years~~ of lawfully gained, verifiable, full-time  
 8232 experience, or training in one, or a combination of more than  
 8233 one, of the following:

8234 (a) Private investigative work or related fields of work  
 8235 that provided equivalent experience or training.

8236 (b) College coursework related to criminal justice,  
 8237 criminology, or law enforcement administration, or successful  
 8238 completion of any law enforcement-related training received from  
 8239 any federal, state, county, or municipal agency, ~~except that no~~  
 8240 ~~more than 1 year may be used from this category.~~

8241 (c) Work as a Class "CC" licensed provisional private  
 8242 investigator intern.

8244 However, experience in performing bodyguard services is not  
 8245 creditable toward the requirements of this subsection.

8246 (3)~~(5)~~ An applicant for a ~~Class "MA," Class "M," or Class~~  
 8247 ~~"C"~~ license must pass an examination that covers the provisions  
 8248 of this chapter and is administered by the department or by a  
 8249 provider approved by the department. The applicant must pass the  
 8250 examination before applying for licensure and must submit proof

8251 with the license application on a form approved by rule of the  
 8252 department that he or she has passed the examination. The  
 8253 administrator of the examination shall verify the identity of  
 8254 each applicant taking the examination.

8255 (a) The examination requirement in this subsection does  
 8256 not apply to an individual who holds a valid Class "CC" or  
 8257 Class "C" ~~Class "MA," or Class "M"~~ license.

8258 (b) Notwithstanding the exemption provided in paragraph  
 8259 (a), if the license of an applicant for relicensure has been  
 8260 invalid for more than 1 year, the applicant must take and pass  
 8261 the examination.

8262 (c) The department shall establish by rule the content of  
 8263 the examination, the manner and procedure of its administration,  
 8264 and an examination fee that may not exceed \$100.

8265 (4) (a) (6) (a) A Class "CC" licensee must serve an  
 8266 internship under the direction and control of a designated  
 8267 sponsor, who is a Class "C" ~~Class "MA," or Class "M"~~ licensee.

8268 (b) Before submission of an application to the department,  
 8269 the applicant for a Class "CC" license must have completed a  
 8270 minimum of 40 hours of professional training pertaining to  
 8271 general investigative techniques and this chapter, which course  
 8272 is offered by a state university or by a school, community  
 8273 college, college, or university under the purview of the  
 8274 Department of Education, and the applicant must pass an  
 8275 examination. The certificate evidencing satisfactory completion

8276 of the 40 hours of professional training must be submitted with  
8277 the application for a Class "CC" license. The training specified  
8278 in this paragraph may be provided by face-to-face presentation,  
8279 online technology, or a home study course in accordance with  
8280 rules and procedures of the Department of Education. The  
8281 administrator of the examination must verify the identity of  
8282 each applicant taking the examination.

8283 1. Upon an applicant's successful completion of each part  
8284 of the approved training and passage of any required  
8285 examination, the school, community college, college, or  
8286 university shall issue a certificate of completion to the  
8287 applicant. The certificates must be on a form established by  
8288 rule of the department.

8289 2. The department shall establish by rule the general  
8290 content of the professional training and the examination  
8291 criteria.

8292 3. If the license of an applicant for relicensure is  
8293 invalid for more than 1 year, the applicant must complete the  
8294 required training and pass any required examination.

8295 (c) An individual licensed on or before August 31, 2008,  
8296 is not required to complete additional training hours in order  
8297 to renew an active license beyond the total required hours, and  
8298 the timeframe for completion in effect at the time he or she was  
8299 licensed applies.

8300 (5)~~(7)~~ In addition to any other requirement, an applicant

8301 for a Class "G" license shall satisfy the firearms training set  
8302 forth in s. 493.6115.

8303 **Section 250. Section 493.6301, Florida Statutes, is**  
8304 **amended to read:**

8305 493.6301 Classes of licenses.—

8306 (1) Any person, firm, company, partnership, or corporation  
8307 which engages in business as a security agency shall have a  
8308 Class "B" license. A Class "B" license is valid for only one  
8309 location.

8310 ~~(2) Each branch office of a Class "B" agency shall have a~~  
8311 ~~Class "BB" license. Where a person, firm, company, partnership,~~  
8312 ~~or corporation holds both a Class "A" and Class "B" license,~~  
8313 ~~each branch office shall have a Class "AB" license.~~

8314 ~~(3) Any individual who performs the services of a manager~~  
8315 ~~for a:~~

8316 ~~(a) Class "B" security agency or Class "BB" branch office~~  
8317 ~~shall have a Class "MB" license. A Class "M" licensee, or a~~  
8318 ~~Class "D" licensee who has been so licensed for a minimum of 2~~  
8319 ~~years, may be designated as the manager, in which case the Class~~  
8320 ~~"MB" license is not required.~~

8321 ~~(b) Class "A" and Class "B" agency or a Class "AB" branch~~  
8322 ~~office shall have a Class "M" license.~~

8323 ~~(4) A Class "D" licensee shall own or be an employee of a~~  
8324 ~~Class "B" security agency or branch office. This does not~~  
8325 ~~include those individuals who are exempt under s. 493.6102(4)~~

8326 ~~but who possess a Class "D" license solely for the purpose of~~  
 8327 ~~holding a Class "G" license.~~

8328 (2)~~(5)~~ Any individual who performs the services of a  
 8329 security officer shall have a Class "D" license. However, a  
 8330 Class "C" licensee ~~or a Class "CC" licensee~~ may perform  
 8331 bodyguard services without a Class "D" license.

8332 (3)~~(6)~~ Only ~~Class "M," Class "MB," or~~ Class "D" licensees  
 8333 are permitted to bear a firearm, and any such licensee who bears  
 8334 a firearm shall also have a Class "G" license.

8335 (4)~~(7)~~ Any person who operates a security officer school  
 8336 or training facility must have a Class "DS" license.

8337 (5)~~(8)~~ Any individual who teaches or instructs at a Class  
 8338 "DS" security officer school or training facility must have a  
 8339 Class "DI" license.

8340 **Section 251. Section 493.6302, Florida Statutes, is**  
 8341 **amended to read:**

8342 493.6302 Fees.—

8343 (1) The department shall establish by rule license fees,  
 8344 not to exceed the following:

8345 ~~(a) Class "B" license security agency: \$450.~~

8346 ~~(b) Class "BB" or Class "AB" license branch office: \$125.~~

8347 ~~(c) Class "MB" license security agency manager: \$75.~~

8348 (a)~~(d)~~ Class "D" license security officer: \$45.

8349 (b)~~(e)~~ Class "DS" license security officer school or  
 8350 training facility: \$60.

8351            (c)~~(f)~~ Class "DI" license—security officer school or  
 8352 training facility instructor: \$60.

8353            (2) The department may establish by rule a fee for the  
 8354 replacement or revision of a license, which fee shall not exceed  
 8355 \$30.

8356            (3) The fees set forth in this section must be paid by  
 8357 check or money order or, at the discretion of the department, by  
 8358 electronic funds transfer at the time the application is  
 8359 approved, except that the applicant for a Class "D<sub>7</sub>" or Class  
 8360 "G<sub>7</sub>" ~~Class "M," or Class "MB"~~ license must pay the license fee  
 8361 at the time the application is made. If a license is revoked or  
 8362 denied or if the application is withdrawn, the license fee is  
 8363 nonrefundable.

8364            (4) The initial license fee for a veteran, as defined in  
 8365 s. 1.01, shall be waived if he or she applies for a Class "D<sub>7</sub>"  
 8366 or Class "DI<sub>7</sub>" ~~or Class "MB"~~ license within 24 months after  
 8367 being discharged from any branch of the United States Armed  
 8368 Forces. An eligible veteran must include a copy of his or her DD  
 8369 Form 214, as issued by the United States Department of Defense,  
 8370 or another acceptable form of identification as specified by the  
 8371 Department of Veterans' Affairs with his or her application in  
 8372 order to obtain a waiver.

8373            **Section 252. Subsections (2) and (3) of section 493.6303,**  
 8374 **Florida Statutes, are amended to read:**

8375            493.6303 License requirements.—In addition to the license

8376 requirements set forth elsewhere in this chapter, each  
 8377 individual or agency must comply with the following additional  
 8378 requirements:

8379  
 8380 ~~(2) An applicant for a Class "MB" license shall have 2~~  
 8381 ~~years of lawfully gained, verifiable, full-time experience, or~~  
 8382 ~~training in:~~

8383 ~~(a) Security work or related fields of work that provided~~  
 8384 ~~equivalent experience or training;~~

8385 ~~(b) Experience described in paragraph (a) for 1 year and~~  
 8386 ~~experience described in paragraph (c) for 1 year;~~

8387 ~~(c) No more than 1 year using:~~

8388 ~~1. Either college coursework related to criminal justice,~~  
 8389 ~~criminology, or law enforcement administration; or~~

8390 ~~2. Successfully completed law enforcement-related training~~  
 8391 ~~received from any federal, state, county, or municipal agency;~~

8392 ~~or~~

8393 ~~(d) Experience described in paragraph (a) for 1 year and~~  
 8394 ~~work in a managerial or supervisory capacity for 1 year.~~

8395 ~~(3) An applicant for a Class "M" license shall qualify for~~  
 8396 ~~licensure as a Class "MA" manager as outlined under s.~~  
 8397 ~~493.6203(2) and as a Class "MB" manager as outlined under~~  
 8398 ~~subsection (2).~~

8399 **Section 253. Subsection (1) of section 493.6304, Florida**  
 8400 **Statutes, is amended to read:**

8401           493.6304 Security officer school or training facility.—  
 8402           (1) Any school, training facility, or instructor who  
 8403 offers the training specified in s. 493.6303(2) ~~s. 493.6303(4)~~  
 8404 for Class "D" applicants shall, before licensure of such school,  
 8405 training facility, or instructor, file with the department an  
 8406 application accompanied by an application fee in an amount to be  
 8407 determined by rule, not to exceed \$60. The fee is not  
 8408 refundable.

8409           **Section 254. Subsection (2) of section 493.631, Florida**  
 8410 **Statutes, is amended to read:**

8411           493.631 Temporary detention by a licensed security officer  
 8412 or licensed security agency manager at critical infrastructure  
 8413 facilities.—

8414           (2) As used in this section, the terms "security officer"  
 8415 and "security agency manager" mean a security officer or  
 8416 security agency manager who possess a valid Class "D" ~~or Class~~  
 8417 ~~"MB"~~ license pursuant to s. 493.6301 and a valid Class "G"  
 8418 license pursuant to s. 493.6115.

8419           **Section 255. Section 493.6401, Florida Statutes, is**  
 8420 **amended to read:**

8421           493.6401 Classes of licenses.—

8422           (1) Any person, firm, company, partnership, or corporation  
 8423 which engages in business as a recovery agency shall have a  
 8424 Class "R" license. A Class "R" license is valid for any ~~only one~~  
 8425 location.

8426           ~~(2) Each branch office of a Class "R" agency shall have a~~  
8427           ~~Class "RR" license.~~

8428           ~~(3) Any individual who performs the services of a manager~~  
8429           ~~for a Class "R" recovery agency or a Class "RR" branch office~~  
8430           ~~must have a Class "MR" license. A Class "E" licensee may be~~  
8431           ~~designated as the manager, in which case the Class "MR" license~~  
8432           ~~is not required.~~

8433           (2)~~(4)~~ Any individual who performs the services of a  
8434           recovery agent must have a Class "E" license.

8435           ~~(5) Any individual who performs repossession as an intern~~  
8436           ~~under the direction and control of a designated, sponsoring~~  
8437           ~~Class "E" licensee or a designated, sponsoring Class "MR"~~  
8438           ~~licensee shall have a Class "EE" license.~~

8439           (3)~~(6)~~ Class "E" ~~or Class "EE"~~ licensees shall own or be  
8440           an employee of a Class "R" agency ~~or branch office.~~

8441           (4)~~(7)~~ Any person who operates a recovery agent school or  
8442           training facility or who conducts an Internet-based training  
8443           course or a correspondence training course must have a Class  
8444           "RS" license.

8445           (5)~~(8)~~ Any individual who teaches or instructs at a Class  
8446           "RS" recovery agent school or training facility shall have a  
8447           Class "RI" license.

8448           **Section 256. Section 493.6402, Florida Statutes, is**  
8449           **amended to read:**

8450           493.6402 Fees.—

8451 (1) The department shall establish by rule license fees  
 8452 not to exceed the following:

8453 (a) Class "R" license-recovery agency: \$450.

8454 ~~(b) Class "RR" license branch office: \$125.~~

8455 ~~(c) Class "MR" license-recovery agency manager: \$75.~~

8456 (b) ~~(d)~~ Class "E" license-recovery agent: \$75.

8457 ~~(e) Class "EE" license-recovery agent intern: \$60.~~

8458 (c) ~~(f)~~ Class "RS" license-recovery agent school or  
 8459 training facility: \$60.

8460 (d) ~~(g)~~ Class "RI" license-recovery agent school or  
 8461 training facility instructor: \$60.

8462 (2) The department may establish by rule a fee for the  
 8463 replacement or revision of a license, which fee shall not exceed  
 8464 \$30.

8465 (3) The fees set forth in this section must be paid by  
 8466 check or money order, or, at the discretion of the department,  
 8467 by electronic funds transfer at the time the application is  
 8468 approved, except that the applicant for a Class "E~~7~~" ~~Class "EE~~7~~,"~~  
 8469 ~~or Class "MR"~~ license must pay the license fee at the time the  
 8470 application is made. If a license is revoked or denied, or if an  
 8471 application is withdrawn, the license fee is nonrefundable.

8472 (4) The initial license fee for a veteran, as defined in  
 8473 s. 1.01, shall be waived if he or she applies for a Class "E~~7~~"  
 8474 ~~Class "EE~~7~~," Class "MR~~7~~,"~~ or Class "RI" license within 24 months  
 8475 after being discharged from any branch of the United States

8476 Armed Forces. An eligible veteran must include a copy of his or  
8477 her DD Form 214, as issued by the United States Department of  
8478 Defense, or another acceptable form of identification as  
8479 specified by the Department of Veterans' Affairs with his or her  
8480 application in order to obtain a waiver.

8481 **Section 257. Section 493.6403, Florida Statutes, is**  
8482 **amended to read:**

8483 493.6403 License requirements.—

8484 (1) In addition to the license requirements set forth in  
8485 this chapter, ~~each individual or agency shall comply with the~~  
8486 ~~following additional requirements:~~

8487 (a) Each agency ~~or branch office~~ must designate a minimum  
8488 of one appropriately licensed individual to act as manager,  
8489 directing the activities of the Class "E" ~~or Class "EE"~~  
8490 employees. A Class "E" licensee may be designated to act as  
8491 manager of a Class "R" agency or branch office in which case the  
8492 Class "MR" license is not required.

8493 ~~(b) An applicant for Class "MR" license shall have at~~  
8494 ~~least 1 year of lawfully gained, verifiable, full-time~~  
8495 ~~experience as a Class "E" licensee performing repossessions of~~  
8496 ~~motor vehicles, mobile homes, motorboats, aircraft, personal~~  
8497 ~~watercraft, all-terrain vehicles, farm equipment, or industrial~~  
8498 ~~equipment.~~

8499 (b)(e) An applicant for a Class "E" license shall have at  
8500 least 1 year of lawfully gained, verifiable, full-time

8501 | experience in ~~one, or a combination of more than one,~~ of the  
 8502 | ~~following:~~

8503 |     ~~1.~~ repossession of motor vehicles as defined in s.  
 8504 | 320.01(1), mobile homes as defined in s. 320.01(2), motorboats  
 8505 | as defined in s. 327.02, aircraft as defined in s. 330.27,  
 8506 | personal watercraft as defined in s. 327.02, all-terrain  
 8507 | vehicles as defined in s. 316.2074, farm equipment as defined  
 8508 | under s. 686.402, or industrial equipment as defined in s.  
 8509 | 493.6101(22).

8510 |     ~~2. Work as a Class "EE" licensed intern.~~

8511 |     (2) An applicant for a Class "E" ~~or a Class "EE"~~ license  
 8512 | must submit proof of successful completion of 40 hours of  
 8513 | professional training at a school or training facility licensed  
 8514 | by the department. The department shall by rule establish the  
 8515 | general content for the training.

8516 |     **Section 258. Subsection (1) of section 493.6406, Florida**  
 8517 | **Statutes, is amended to read:**

8518 |     493.6406 Recovery agent school or training facility.—

8519 |     (1) Any school, training facility, or instructor who  
 8520 | offers the training outlined in s. 493.6403(2) for Class "E" ~~or~~  
 8521 | ~~Class "EE"~~ applicants shall, before licensure of such school,  
 8522 | training facility, or instructor, file with the department an  
 8523 | application accompanied by an application fee in an amount to be  
 8524 | determined by rule, not to exceed \$60. The fee shall not be  
 8525 | refundable. This training may be offered as face-to-face

8526 training, Internet-based training, or correspondence training.

8527 **Section 259. Paragraph (b) of subsection (1) of section**  
 8528 **499.067, Florida Statutes, is amended to read:**

8529 499.067 Denial, suspension, or revocation of permit,  
 8530 certification, or registration.—

8531 (1)

8532 (b) The department may deny an application for a permit or  
 8533 certification, or suspend or revoke a permit or certification,  
 8534 if the department finds that:

8535 1. The applicant is not of good moral character or that it  
 8536 would be a danger or not in the best interest of the public  
 8537 health, safety, and welfare if the applicant were issued a  
 8538 permit or certification.

8539 2. The applicant has not met the requirements for the  
 8540 permit or certification.

8541 3. The applicant is not eligible for a permit or  
 8542 certification for any of the reasons enumerated in s. 499.012.

8543 4. The applicant, or permittee, ~~or person certified under~~  
 8544 ~~s. 499.012(15)~~ demonstrates any of the conditions enumerated in  
 8545 s. 499.012.

8546 5. The applicant, or permittee, ~~or person certified under~~  
 8547 ~~s. 499.012(15)~~ has committed any violation of this chapter.

8548 **Section 260. Subsection (2) of section 501.015, Florida**  
 8549 **Statutes, is amended to read:**

8550 501.015 Health studios; registration requirements and

8551 fees.—Each health studio shall:

8552 (2) Remit a ~~an annual~~ registration fee every 4 years of  
8553 \$300 to the department at the time of registration for each of  
8554 the health studio's business locations.

8555 (a) The department shall waive the initial registration  
8556 fee for an honorably discharged veteran of the United States  
8557 Armed Forces, the spouse or surviving spouse of such a veteran,  
8558 a current member of the United States Armed Forces who has  
8559 served on active duty, the spouse of such a member, the  
8560 surviving spouse of a member of the United States Armed Forces  
8561 if the member died while serving on active duty, or a business  
8562 entity that has a majority ownership held by such a veteran or  
8563 spouse or surviving spouse if the department receives an  
8564 application, in a format prescribed by the department. The  
8565 application format must include the applicant's signature, under  
8566 penalty of perjury, and supporting documentation. To qualify for  
8567 the waiver:

8568 1. A veteran must provide to the department a copy of his  
8569 or her DD Form 214, as issued by the United States Department of  
8570 Defense, or another acceptable form of identification as  
8571 specified by the Department of Veterans' Affairs;

8572 2. The spouse or surviving spouse of a veteran must  
8573 provide to the department a copy of the veteran's DD Form 214,  
8574 as issued by the United States Department of Defense, or another  
8575 acceptable form of identification as specified by the Department

8576 of Veterans' Affairs, and a copy of a valid marriage license or  
8577 certificate verifying that he or she was lawfully married to the  
8578 veteran at the time of discharge; or

8579 3. A business entity must provide to the department proof  
8580 that a veteran or the spouse or surviving spouse of a veteran  
8581 holds a majority ownership in the business, a copy of the  
8582 veteran's DD Form 214, as issued by the United States Department  
8583 of Defense, or another acceptable form of identification as  
8584 specified by the Department of Veterans' Affairs, and, if  
8585 applicable, a copy of a valid marriage license or certificate  
8586 verifying that the spouse or surviving spouse of the veteran was  
8587 lawfully married to the veteran at the time of discharge.

8588 (b) The department shall waive the registration renewal  
8589 fee for a registrant who:

8590 1. Is an active duty member of the United States Armed  
8591 Forces or the spouse of such member;

8592 2. Is or was a member of the United States Armed Forces  
8593 and served on active duty within the 2 years preceding the  
8594 renewal date. To qualify for the fee waiver, a registrant who is  
8595 a former member of the United States Armed Forces who served on  
8596 active duty within the 2 years preceding the expiration date of  
8597 the registration must have received an honorable discharge upon  
8598 separation or discharge from the United States Armed Forces; or

8599 3. Is the surviving spouse of a member of the United  
8600 States Armed Forces if the member was serving on active duty at

8601 the time of death and died within the 2 years preceding the date  
 8602 of renewal.

8603  
 8604 A registrant seeking such waiver must apply in a format  
 8605 prescribed by the department, including the applicant's  
 8606 signature, under penalty of perjury, and supporting  
 8607 documentation.

8608 **Section 261. Subsections (1) and (5) of section 501.609,**  
 8609 **Florida Statutes, are amended to read:**

8610 501.609 License renewal.—

8611 (1) Each person licensed under the provisions of this part  
 8612 must renew his or her license every 4 years annually by paying  
 8613 the fee for licensing and submitting to the department the  
 8614 application required by this part.

8615 (5) The department shall waive the ~~annual~~ fee to renew for  
 8616 a licensee who:

8617 (a) Is an active duty member of the United States Armed  
 8618 Forces or the spouse of such member;

8619 (b) Is or was a member of the United States Armed Forces,  
 8620 and served on active duty within the 2 years preceding the  
 8621 renewal date. To qualify for the fee waiver, a licensee who is a  
 8622 former member of the United States Armed Forces who served on  
 8623 active duty within the 2 years preceding the expiration date of  
 8624 the registration must have received an honorable discharge upon  
 8625 separation or discharge from the United States Armed Forces; or

8626 (c) Is the surviving spouse of a member of the United  
 8627 States Armed Forces if the member was serving on active duty at  
 8628 the time of death and died within the 2 years preceding the  
 8629 renewal.

8630  
 8631 A licensee seeking such waiver must apply in a format prescribed  
 8632 by the department, including the applicant's signature, under  
 8633 penalty of perjury, and supporting documentation.

8634 **Section 262. Subsection (4) of section 507.03, Florida**  
 8635 **Statutes, is amended to read:**

8636 507.03 Registration.—

8637 (4) A registration must be renewed every 4 years  
 8638 ~~biennially~~ on or before its expiration date. In order to  
 8639 establish staggered expiration dates, the department may extend  
 8640 the expiration date of a registration for a period not to exceed  
 8641 12 months.

8642 **Section 263. Subsection (3) of section 514.0315, Florida**  
 8643 **Statutes, is amended to read:**

8644 514.0315 Required safety features for public swimming  
 8645 pools and spas.—

8646 (3) The determination and selection of a feature under  
 8647 subsection (2) for a public swimming pool or spa constructed  
 8648 before January 1, 1993, is at the sole discretion of the owner  
 8649 or operator of the public swimming pool or spa. A licensed  
 8650 contractor described in s. 489.105(2)(j), (k), or (l) ~~s.~~

8651 ~~489.105(3)(j), (k), or (l)~~ must install the feature.

8652 **Section 264. Section 514.075, Florida Statutes, is amended**  
 8653 **to read:**

8654 514.075 Public pool service technician; certification.—The  
 8655 department may require that a public pool, as defined in s.  
 8656 514.011, be serviced by a person certified as a pool service  
 8657 technician. To be certified, an individual must demonstrate  
 8658 knowledge of public pools which includes, but is not limited to:  
 8659 pool cleaning; general pool maintenance; source of the water  
 8660 supply; bacteriological, chemical, and physical quality of  
 8661 water; and water purification, testing, treatment, and  
 8662 disinfection procedures. The department may, by rule, establish  
 8663 the requirement for the certification course and course  
 8664 approval. The department shall deem certified any individual who  
 8665 is certified by a course of national recognition or any person  
 8666 licensed under s. 489.105(2)(j), (k), or (l) ~~s. 489.105(3)(j),~~  
 8667 ~~(k), or (l)~~. This requirement does not apply to a person, or the  
 8668 direct employee of a person, permitted as a public pool operator  
 8669 under s. 514.031.

8670 **Section 265. Section 527.03, Florida Statutes, is amended**  
 8671 **to read:**

8672 527.03 Renewal of license.—All licenses required under  
 8673 this chapter shall be renewed every 4 years annually,  
 8674 ~~biennially, or triennially, as elected by the licensee,~~ subject  
 8675 to the license fees prescribed in s. 527.02. All renewals must

8676 meet the same requirements and conditions as an annual license  
8677 for each licensed year. Any license allowed to expire will  
8678 become inoperative because of failure to renew. The fee for  
8679 restoration of a license is equal to the original license fee  
8680 and must be paid before the licensee may resume operations.

8681 **Section 266. Paragraph (c) of subsection (3) of section**  
8682 **539.001, Florida Statutes, is amended to read:**

8683 539.001 The Florida Pawnbroking Act.—

8684 (3) LICENSE REQUIRED.—

8685 (c) Each license is valid for a period of 4 years ~~1 year~~  
8686 unless it is earlier relinquished, suspended, or revoked. Each  
8687 license shall be renewed every 4 years annually, and each  
8688 licensee shall, ~~initially and annually thereafter,~~ pay to the  
8689 agency a license fee of \$300 for each license held. The agency  
8690 shall waive the initial license fee for an honorably discharged  
8691 veteran of the United States Armed Forces, the spouse or  
8692 surviving spouse of such a veteran, a current member of the  
8693 United States Armed Forces who has served on active duty, the  
8694 spouse of such a member, the surviving spouse of a member of the  
8695 United States Armed Forces if the member died while serving on  
8696 active duty, or a business entity that has a majority ownership  
8697 held by such a veteran or spouse or surviving spouse if the  
8698 agency receives an application, in a format prescribed by the  
8699 agency. The application format must include the applicant's  
8700 signature, under penalty of perjury, and supporting

8701 | documentation. To qualify for the waiver:

8702 |         1. A veteran must provide to the agency a copy of his or  
8703 | her DD Form 214, as issued by the United States Department of  
8704 | Defense, or another acceptable form of identification as  
8705 | specified by the Department of Veterans' Affairs;

8706 |         2. The spouse or surviving spouse of a veteran must  
8707 | provide to the agency a copy of the veteran's DD Form 214, as  
8708 | issued by the United States Department of Defense, or another  
8709 | acceptable form of identification as specified by the Department  
8710 | of Veterans' Affairs, and a copy of a valid marriage license or  
8711 | certificate verifying that he or she was lawfully married to the  
8712 | veteran at the time of discharge; or

8713 |         3. A business entity must provide to the agency proof that  
8714 | a veteran or the spouse or surviving spouse of a veteran holds a  
8715 | majority ownership in the business, a copy of the veteran's DD  
8716 | Form 214, as issued by the United States Department of Defense,  
8717 | or another acceptable form of identification as specified by the  
8718 | Department of Veterans' Affairs, and, if applicable, a copy of a  
8719 | valid marriage license or certificate verifying that the spouse  
8720 | or surviving spouse of the veteran was lawfully married to the  
8721 | veteran at the time of discharge.

8722 |         **Section 267. Subsection (10) of section 553.79, Florida**  
8723 | **Statutes, is amended to read:**

8724 |         553.79 Permits; applications; issuance; inspections.—

8725 |         (10) No enforcing agency may issue a building permit for

8726 construction of any threshold building except to a licensed  
 8727 general contractor, as defined in s. 489.105(2)(a) ~~s.~~  
 8728 ~~489.105(3)(a)~~, or to a licensed building contractor, as defined  
 8729 in s. 489.105(2)(b) ~~s. 489.105(3)(b)~~, within the scope of her or  
 8730 his license. The named contractor to whom the building permit is  
 8731 issued shall have the responsibility for supervision, direction,  
 8732 management, and control of the construction activities on the  
 8733 project for which the building permit was issued.

8734 **Section 268. Paragraph (d) of subsection (1) of section**  
 8735 **553.791, Florida Statutes, is amended to read:**

8736 553.791 Alternative plans review and inspection.—

8737 (1) As used in this section, the term:

8738 (d) "Building code inspection services" means those  
 8739 services described in s. 468.603 (4) and (7) ~~s. 468.603(5) and~~  
 8740 ~~(8)~~ involving the review of building plans as well as those  
 8741 services involving the review of site plans and site work  
 8742 engineering plans or their functional equivalent, to determine  
 8743 compliance with applicable codes and those inspections required  
 8744 by law, conducted either in person or virtually, of each phase  
 8745 of construction for which permitting by a local enforcement  
 8746 agency is required to determine compliance with applicable  
 8747 codes.

8748 **Section 269. Section 553.998, Florida Statutes, is amended**  
 8749 **to read:**

8750 553.998 Compliance.—All ratings must be determined using

8751 tools and procedures developed by the systems recognized under  
8752 this part and must be certified by the rater as accurate and  
8753 correct and in compliance with procedures of the system under  
8754 which the rater is certified. The local enforcement agency shall  
8755 accept duct and air infiltration tests conducted in accordance  
8756 with the Florida Building Code, 5th Edition (2014) Energy  
8757 Conservation, by individuals as defined in s. 553.993(5) or (7)  
8758 or individuals licensed as set forth in s. 489.105(2)(f), (g),  
8759 or (i) ~~s. 489.105(3)(f), (g), or (i)~~. The local enforcement  
8760 agency may accept inspections in whole or in part by individuals  
8761 as defined in s. 553.993(5) or (7).

8762 **Section 270. Subsections (2), (5), and (8) of section**  
8763 **559.904, Florida Statutes, are amended to read:**

8764 559.904 Motor vehicle repair shop registration;  
8765 application; exemption.—

8766 (2) Any motor vehicle repair shop maintaining more than  
8767 one place of business may file a single application every 4  
8768 years ~~biennially~~, which, along with the other information  
8769 required by this part, clearly indicates the location of and the  
8770 individual in charge of each facility or in the case of a mobile  
8771 motor vehicle repair shop, the home address of the owner, if  
8772 different from the business address. In such case, fees shall be  
8773 paid for each place of business.

8774 (5) No ~~biennial~~ registration fee is required for any motor  
8775 vehicle repair shop which has a local municipal or county

8776 license issued pursuant to an ordinance containing standards  
8777 which the department determines are at least equal to the  
8778 requirements of this part, or for any motor vehicle dealer  
8779 licensed pursuant to chapter 320.

8780 (8) Each registration must be renewed ~~biennially~~ on or  
8781 before the expiration date of the current registration. A late  
8782 fee of \$25 shall be paid, in addition to the registration fee or  
8783 any other penalty, for any registration renewal application that  
8784 is received by the department after the expiration date of the  
8785 current registration. The department may not issue the  
8786 registration until all fees are paid.

8787 **Section 271. Subsection (3) of section 559.928, Florida**  
8788 **Statutes, is amended to read:**

8789 559.928 Registration.—

8790 (3) Each independent agent shall ~~annually~~ file an  
8791 application with the department every 4 years before engaging in  
8792 business in this state. This application must include the  
8793 independent agent's full name, legal business or trade name,  
8794 mailing address, business address, telephone number, and the  
8795 name and address of each seller of travel represented by the  
8796 independent agent. A letter evidencing proof of filing must be  
8797 issued by the department and must be prominently displayed in  
8798 the independent agent's primary place of business. Each  
8799 independent agent must also submit a ~~an annual~~ registration fee  
8800 of \$50. All moneys collected pursuant to the imposition of the

8801 fee shall be deposited by the Chief Financial Officer into the  
 8802 General Inspection Trust Fund of the Department of Agriculture  
 8803 and Consumer Services for the sole purpose of administrating  
 8804 this part. As used in this subsection, the term "independent  
 8805 agent" means a person who represents a seller of travel by  
 8806 soliciting persons on its behalf; who has a written contract  
 8807 with a seller of travel which is operating in compliance with  
 8808 this part and any rules adopted thereunder; who does not receive  
 8809 a fee, commission, or other valuable consideration directly from  
 8810 the purchaser for the seller of travel; who does not at any time  
 8811 have any unissued ticket stock or travel documents in his or her  
 8812 possession; and who does not have the ability to issue tickets,  
 8813 vacation certificates, or any other travel document. The term  
 8814 "independent agent" does not include an affiliate of the seller  
 8815 of travel, as that term is used in s. 559.935(3), or the  
 8816 employees of the seller of travel or of such affiliates.

8817 **Section 272. Paragraph (a) of subsection (2) of section**  
 8818 **627.192, Florida Statutes, is amended to read:**

8819 627.192 Workers' compensation insurance; employee leasing  
 8820 arrangements.—

8821 (2) For purposes of the Florida Insurance Code:

8822 (a) "Employee leasing" shall have the same meaning as  
 8823 provided in s. 468.520(3) ~~set forth in s. 468.520(4)~~.

8824 **Section 273. Subsection (6) of section 633.216, Florida**  
 8825 **Statutes, is amended to read:**

8826           633.216 Inspection of buildings and equipment; orders;  
 8827 firesafety inspection training requirements; certification;  
 8828 disciplinary action.—The State Fire Marshal and her or his  
 8829 agents or persons authorized to enforce laws and rules of the  
 8830 State Fire Marshal shall, at any reasonable hour, when the State  
 8831 Fire Marshal has reasonable cause to believe that a violation of  
 8832 this chapter or s. 509.215, or a rule adopted thereunder, or a  
 8833 minimum firesafety code adopted by the State Fire Marshal or a  
 8834 local authority, may exist, inspect any and all buildings and  
 8835 structures which are subject to the requirements of this chapter  
 8836 or s. 509.215 and rules adopted thereunder. The authority to  
 8837 inspect shall extend to all equipment, vehicles, and chemicals  
 8838 which are located on or within the premises of any such building  
 8839 or structure.

8840           ~~(6) The division and the Florida Building Code~~  
 8841 ~~Administrators and Inspectors Board, established pursuant to s.~~  
 8842 ~~468.605, shall enter into a reciprocity agreement to facilitate~~  
 8843 ~~joint recognition of continuing education recertification hours~~  
 8844 ~~for certificateholders licensed under s. 468.609 and firesafety~~  
 8845 ~~inspectors certified under subsection (2).~~

8846           **Section 274. Subsection (8) of section 713.01, Florida**  
 8847 **Statutes, is amended to read:**

8848           713.01 Definitions.—As used in this part, the term:

8849           (8) "Contractor" means a person other than a materialman  
 8850 or laborer who enters into a contract with the owner of real

8851 property for improving it or who takes over from a contractor as  
 8852 so defined the entire remaining work under such contract. The  
 8853 term "contractor" includes an architect, landscape architect, or  
 8854 engineer who improves real property pursuant to a design-build  
 8855 contract authorized by s. 489.103(16). The term also includes a  
 8856 licensed general contractor or building contractor, as those  
 8857 terms are defined in s. 489.105(2)(a) and (b) ~~s. 489.105(3)(a)~~  
 8858 ~~and (b)~~, respectively, who provides construction management  
 8859 services, which include scheduling and coordinating  
 8860 preconstruction and construction phases for the construction  
 8861 project, or who provides program management services, which  
 8862 include schedule control, cost control, and coordinating the  
 8863 provision or procurement of planning, design, and construction  
 8864 for the construction project.

8865 **Section 275. Subsection (4) of section 259.1053, Florida**  
 8866 **Statutes, is amended, to read:**

8867 259.1053 Babcock Ranch Preserve; ~~Babcock Ranch Advisory~~  
 8868 ~~Group.~~—

8869 ~~(4) BABCOCK RANCH ADVISORY GROUP.—~~

8870 ~~(a) The purpose of the Babcock Ranch Advisory Group is to~~  
 8871 ~~assist the department by providing guidance and advice~~  
 8872 ~~concerning the management and stewardship of the Babcock Ranch~~  
 8873 ~~Preserve.~~

8874 ~~(b) The Babcock Ranch Advisory Group shall be comprised of~~  
 8875 ~~nine members appointed to 5-year terms. Based on recommendations~~

8876 ~~from the Governor and Cabinet, the commission, and the governing~~  
8877 ~~boards of Charlotte County and Lee County, the commissioner~~  
8878 ~~shall appoint members as follows:~~

8879 ~~1. One member with experience in sustainable management of~~  
8880 ~~forest lands for commodity purposes.~~

8881 ~~2. One member with experience in financial management,~~  
8882 ~~budget and program analysis, and small business operations.~~

8883 ~~3. One member with experience in management of game and~~  
8884 ~~nongame wildlife and fish populations, including hunting,~~  
8885 ~~fishing, and other recreational activities.~~

8886 ~~4. One member with experience in domesticated livestock~~  
8887 ~~management, production, and marketing, including range~~  
8888 ~~management and livestock business management.~~

8889 ~~5. One member with experience in agriculture operations or~~  
8890 ~~forestry management.~~

8891 ~~6. One member with experience in hunting, fishing, nongame~~  
8892 ~~species management, or wildlife habitat management, restoration,~~  
8893 ~~and conservation.~~

8894 ~~7. One member with experience in public outreach and~~  
8895 ~~education.~~

8896 ~~8. One member who is a resident of Lee County, to be~~  
8897 ~~designated by the Board of County Commissioners of Lee County.~~

8898 ~~9. One member who is a resident of Charlotte County, to be~~  
8899 ~~designated by the Board of County Commissioners of Charlotte~~  
8900 ~~County.~~

8901  
 8902 ~~Vacancies will be filled in the same manner in which the~~  
 8903 ~~original appointment was made. A member appointed to fill a~~  
 8904 ~~vacancy shall serve for the remainder of that term.~~  
 8905 ~~(c) Members of the Babcock Ranch Advisory Group shall:~~  
 8906 ~~1. Elect a chair and vice chair from among the group~~  
 8907 ~~members.~~  
 8908 ~~2. Meet regularly as determined by the chair.~~  
 8909 ~~3. Serve without compensation but shall receive~~  
 8910 ~~reimbursement for travel and per diem expenses as provided in s.~~  
 8911 ~~112.061.~~

8912 **Section 276. Subsection (2) of section 399.035, Florida**  
 8913 **Statutes, is amended to read:**

8914 399.035 Elevator accessibility requirements for the  
 8915 physically handicapped.—

8916 (2) Any building that is more than three stories high or  
 8917 in which the vertical distance between the bottom terminal  
 8918 landing and the top terminal landing exceeds 25 feet must be  
 8919 constructed to contain at least one passenger elevator that is  
 8920 operational and will accommodate an ambulance stretcher size  
 8921 specified in the edition of the Florida Building Code that was  
 8922 in effect at the time of receipt of an application for  
 8923 construction permit for the elevator ~~76 inches long and 24~~  
 8924 ~~inches wide in the horizontal position.~~

8925 **Section 277. Paragraph (a) of subsection (3) of section**

8926 | **455.02, Florida Statutes, is amended to read:**

8927 |       455.02 Licensure of members of the Armed Forces in good  
8928 | standing and their spouses or surviving spouses with  
8929 | administrative boards or programs.—

8930 |       (3) (a) The department shall issue a professional license  
8931 | to an applicant who is or was an active duty member of the Armed  
8932 | Forces of the United States, or who is a spouse or surviving  
8933 | spouse of such member, upon application to the department in a  
8934 | format prescribed by the department. An application must include  
8935 | proof that:

8936 |       1. The applicant is or was an active duty member of the  
8937 | Armed Forces of the United States or is married to a member of  
8938 | the Armed Forces of the United States and was married to the  
8939 | member during any period of active duty or was married to such a  
8940 | member who at the time of the member's death was serving on  
8941 | active duty. An applicant who was an active duty member of the  
8942 | Armed Forces of the United States must have received an  
8943 | honorable discharge upon separation or discharge from the Armed  
8944 | Forces of the United States.

8945 |       2. The applicant holds a valid license for the profession  
8946 | issued by another state, the District of Columbia, any  
8947 | possession or territory of the United States, or any foreign  
8948 | jurisdiction.

8949 |       3. The applicant, where required by the specific practice  
8950 | act, has complied with insurance or bonding requirements.

8951 4.a. A complete set of the applicant's fingerprints is  
8952 submitted to the Department of Law Enforcement for a statewide  
8953 criminal history check for those professions that require  
8954 fingerprints for initial licensure.

8955 b. The Department of Law Enforcement shall forward the  
8956 fingerprints submitted pursuant to sub-subparagraph a. to the  
8957 Federal Bureau of Investigation for a national criminal history  
8958 check. The department shall, and the board may, review the  
8959 results of the criminal history checks according to the level 2  
8960 screening standards in s. 435.04 and determine whether the  
8961 applicant meets the licensure requirements. The costs of  
8962 fingerprint processing shall be borne by the applicant. If the  
8963 applicant's fingerprints are submitted through an authorized  
8964 agency or vendor, the agency or vendor must ~~shall~~ collect the  
8965 required processing fees and remit the fees to the Department of  
8966 Law Enforcement.

8967 **Section 278. Subsection (1), paragraph (c) of subsection**  
8968 **(2), subsections (4) and (5), paragraphs (b) and (e) of**  
8969 **subsection (6), paragraphs (a) and (c) of subsection (7), and**  
8970 **subsections (8) and (10) of section 468.609, Florida Statutes,**  
8971 **are amended to read:**

8972 468.609 Administration of this part; standards for  
8973 certification; additional categories of certification.—

8974 (1) Except as provided in this part, any person who  
8975 desires to be certified shall apply to the department ~~board~~, in

8976 writing upon forms approved and furnished by the department  
 8977 ~~board~~, to take the certification examination.

8978 (2) A person may take the examination for certification as  
 8979 a building code inspector or plans examiner pursuant to this  
 8980 part if the person:

8981 (c) Meets eligibility requirements according to one of the  
 8982 following criteria:

8983 1. Demonstrates 4 years' combined experience in the field  
 8984 of construction or a related field, building code inspection, or  
 8985 plans review corresponding to the certification category sought;

8986 2. Demonstrates a combination of postsecondary education  
 8987 in the field of construction or a related field and experience  
 8988 which totals 3 years, with at least 1 year of such total being  
 8989 experience in construction, building code inspection, or plans  
 8990 review;

8991 3. Demonstrates a combination of technical education in  
 8992 the field of construction or a related field and experience  
 8993 which totals 3 years, with at least 1 year of such total being  
 8994 experience in construction, building code inspection, or plans  
 8995 review;

8996 4. Currently holds a standard certificate issued by the  
 8997 department ~~board~~ or a firesafety inspector license issued under  
 8998 chapter 633, with a minimum of 3 years' verifiable full-time  
 8999 experience in firesafety inspection or firesafety plan review,  
 9000 and has satisfactorily completed a building code inspector or

9001 plans examiner training program that provides at least 100 hours  
9002 but not more than 200 hours of cross-training in the  
9003 certification category sought. The department ~~board~~ shall  
9004 establish by rule criteria for the development and  
9005 implementation of the training programs. The department ~~board~~  
9006 must accept all classroom training offered by an approved  
9007 provider if the content substantially meets the intent of the  
9008 classroom component of the training program;

9009         5. Demonstrates a combination of the completion of an  
9010 approved training program in the field of building code  
9011 inspection or plan review and a minimum of 2 years' experience  
9012 in the field of building code inspection, plan review, fire code  
9013 inspections and fire plans review of new buildings as a  
9014 firesafety inspector certified under s. 633.216, or  
9015 construction. The approved training portion of this requirement  
9016 must include proof of satisfactory completion of a training  
9017 program that provides at least 200 hours but not more than 300  
9018 hours of cross-training that is approved by the department ~~board~~  
9019 in the chosen category of building code inspection or plan  
9020 review in the certification category sought with at least 20  
9021 hours but not more than 30 hours of instruction in state laws,  
9022 rules, and ethics relating to professional standards of  
9023 practice, duties, and responsibilities of a certificateholder.  
9024 The department ~~board~~ shall coordinate with the Building  
9025 Officials Association of Florida, Inc., to establish by rule the

9026 development and implementation of the training program. However,  
9027 the department ~~board~~ must accept all classroom training offered  
9028 by an approved provider if the content substantially meets the  
9029 intent of the classroom component of the training program;

9030 6. Currently holds a standard certificate issued by the  
9031 department ~~board~~ or a firesafety inspector license issued under  
9032 chapter 633 and:

9033 a. Has at least 4 years' verifiable full-time experience  
9034 as an inspector or plans examiner in a standard certification  
9035 category currently held or has a minimum of 4 years' verifiable  
9036 full-time experience as a firesafety inspector licensed under  
9037 chapter 633.

9038 b. Has satisfactorily completed a building code inspector  
9039 or plans examiner classroom training course or program that  
9040 provides at least 200 but not more than 300 hours in the  
9041 certification category sought, except for residential training  
9042 programs, which must provide at least 500 but not more than 800  
9043 hours of training as prescribed by the department ~~board~~. The  
9044 department ~~board~~ shall establish by rule criteria for the  
9045 development and implementation of classroom training courses and  
9046 programs in each certification category; or

9047 7.a. Has completed a 4-year internship certification  
9048 program as a building code inspector or plans examiner,  
9049 including an internship program for residential inspectors,  
9050 while also employed full time by a municipality, county, or

9051 other governmental jurisdiction, under the direct supervision of  
 9052 a certified building official. A person may also complete the  
 9053 internship certification program, including an internship  
 9054 program for residential inspectors, while employed full time by  
 9055 a private provider or a private provider's firm that performs  
 9056 the services of a building code inspector or plans examiner,  
 9057 while under the direct supervision of a certified building  
 9058 official. Proof of graduation with a related vocational degree  
 9059 or college degree ~~or of verifiable work experience~~ may be  
 9060 exchanged for the internship experience requirement year-for-  
 9061 year, but may reduce the requirement to no less than 1 year.  
 9062 Proof of verifiable work experience as an inspector or plans  
 9063 examiner of any other type may be exchanged for the internship  
 9064 experience requirement year-for-year, but may reduce the  
 9065 requirement to no less than 1 year.

9066 b. Has passed an examination administered by the  
 9067 International Code Council in the certification category sought.  
 9068 Such examination must be passed before beginning the internship  
 9069 certification program.

9070 c. Has passed the principles and practice examination  
 9071 before completing the internship certification program.

9072 d. Has passed a department-approved ~~board-approved~~ 40-hour  
 9073 code training course in the certification category sought before  
 9074 completing the internship certification program.

9075 e. Has obtained a favorable recommendation from the

9076 supervising building official after completion of the internship  
 9077 certification program.

9078 (4) No person may engage in the duties of a building code  
 9079 administrator, plans examiner, or building code inspector  
 9080 pursuant to this part after October 1, 1993, unless such person  
 9081 possesses one of the following types of certificates, currently  
 9082 valid, issued by the department ~~board~~ attesting to the person's  
 9083 qualifications to hold such position:

9084 (a) A standard certificate.

9085 (b) A limited certificate.

9086 (c) A provisional certificate.

9087 (5) (a) To obtain a standard certificate, an individual  
 9088 must pass an examination approved by the department ~~board~~ which  
 9089 demonstrates that the applicant has fundamental knowledge of the  
 9090 state laws and codes relating to the construction of buildings  
 9091 for which the applicant has building code administration, plans  
 9092 examination, or building code inspection responsibilities. It is  
 9093 the intent of the Legislature that the examination approved for  
 9094 certification pursuant to this part be substantially equivalent  
 9095 to the examinations administered by the International Code  
 9096 Council.

9097 (b) A standard certificate shall be issued to each  
 9098 applicant who successfully completes the examination, which  
 9099 certificate authorizes the individual named thereon to practice  
 9100 throughout the state as a building code administrator, plans

9101 examiner, or building code inspector within such class and level  
9102 as is specified by the department ~~board~~.

9103 (c) The department ~~board~~ may accept proof that the  
9104 applicant has passed an examination which is substantially  
9105 equivalent to the department-approved ~~board-approved~~ examination  
9106 set forth in this section.

9107 (6)

9108 (b) By October 1, 1993, individuals who were employed on  
9109 July 1, 1993, as building code administrators, plans examiners,  
9110 or building code inspectors, who are not eligible for a standard  
9111 certificate, but who wish to continue in such employment, shall  
9112 submit to the department ~~board~~ the appropriate application and  
9113 certification fees and shall receive a limited certificate  
9114 qualifying them to engage in building code administration, plans  
9115 examination, or building code inspection in the class, at the  
9116 performance level, and within the governmental jurisdiction in  
9117 which such person is employed.

9118 (e) By March 1, 2003, or 1 year after the Florida Building  
9119 Code is implemented, whichever is later, individuals who were  
9120 employed by an educational board, the Department of Education,  
9121 or the State University System as building code administrators,  
9122 plans examiners, or inspectors, who do not wish to apply for a  
9123 standard certificate but who wish to continue in such  
9124 employment, shall submit to the department ~~board~~ the appropriate  
9125 application and certification fees and shall receive a limited

9126 certificate qualifying such individuals to engage in building  
9127 code administration, plans examination, or inspection in the  
9128 class, at the performance level, and within the governmental  
9129 jurisdiction in which such person is employed.

9130 (7) (a) The department ~~board~~ shall provide for the issuance  
9131 of provisional certificates valid for 2 years, as specified by  
9132 department ~~board~~ rule, to any building code inspector or plans  
9133 examiner who meets the eligibility requirements described in  
9134 subsection (2) and any newly employed or promoted building code  
9135 administrator who meets the eligibility requirements described  
9136 in subsection (3). The provisional license may be renewed by the  
9137 department ~~board~~ for just cause; however, a provisional license  
9138 is not valid for longer than 3 years.

9139 (c) The department ~~board~~ shall provide for appropriate  
9140 levels of provisional certificates and may issue these  
9141 certificates with such special conditions or requirements as the  
9142 department ~~board~~ deems necessary to protect the public safety  
9143 and health. The department ~~board~~ may not place a special  
9144 condition or requirement on a provisional certificate with  
9145 respect to the requirement of employment by a municipality,  
9146 county, or other local governmental agency.

9147 (8) Any individual applying to the department ~~board~~ may be  
9148 issued a certificate valid for multiple building code inspection  
9149 classes, as deemed appropriate by the department ~~board~~.

9150 (10) (a) The department ~~board~~ may by rule create categories

9151 of certification in addition to those defined in s. 468.603(4)  
9152 and (7) ~~s. 468.603(5) and (8)~~. Such certification categories may  
9153 ~~shall~~ not be mandatory and may ~~shall~~ not act to diminish the  
9154 scope of any certificate created by statute.

9155 (b) The department ~~board~~ shall by rule establish:

9156 1. Reciprocity of certification with any other state that  
9157 requires an examination administered by the International Code  
9158 Council.

9159 2. That an applicant for certification as a building code  
9160 inspector or plans examiner may apply for a provisional  
9161 certificate valid for the duration of the internship period.

9162 3. That partial completion of an internship program is  
9163 transferable among jurisdictions, private providers, and firms  
9164 of private providers on a form prescribed by the department  
9165 ~~board~~.

9166 4. That an applicant may apply for a standard certificate  
9167 on a form prescribed by the department ~~board~~ upon successful  
9168 completion of an internship certification program.

9169 5. That an applicant may apply for a standard certificate  
9170 at least 30 days but no more than 60 days before completing the  
9171 internship certification program.

9172 6. That a building code inspector or plans examiner who  
9173 has standard certification may seek an additional certification  
9174 in another category by completing an additional nonconcurrent 1-  
9175 year internship program in the certification category sought and

9176 | passing an examination administered by the International Code  
9177 | Council and a department-approved ~~board-approved~~ 40-hour code  
9178 | training course.

9179 |       **Section 279. Subsection (4) is added to section 471.007,**  
9180 | **Florida Statutes, to read:**

9181 |       471.007 Board of Professional Engineers.—

9182 |       (4) The board is abolished July 1, 2033.

9183 |       **Section 280. Subsection (3) of section 471.015, Florida**  
9184 | **Statutes, is amended to read:**

9185 |       471.015 Licensure.—

9186 |       (3) The board shall certify as qualified for a license by  
9187 | endorsement an applicant who:

9188 |       (a) Qualifies to take the fundamentals examination and the  
9189 | principles and practice examination as set forth in s. 471.013,  
9190 | has passed a United States national, regional, state, or  
9191 | territorial licensing examination that is substantially  
9192 | equivalent to the fundamentals examination and principles and  
9193 | practice examination required by s. 471.013, and has satisfied  
9194 | the experience requirements set forth in paragraph (2)(a) and s.  
9195 | 471.013; ~~or~~

9196 |       (b) Holds a valid license to practice engineering issued  
9197 | by another state or territory of the United States, or a foreign  
9198 | jurisdiction if the criteria for issuance of the license were  
9199 | substantially the same as the licensure criteria that existed in  
9200 | this state at the time the license was issued; or

9201           (c) Holds a valid license to practice engineering issued  
 9202 by a foreign jurisdiction approved by the department and holds  
 9203 an active Council Record with the National Council of Examiners  
 9204 for Engineering and Surveying.

9205           **Section 281. Effective January 1, 2027, section 473.308,**  
 9206 **Florida Statutes, is amended to read:**

9207           473.308 Licensure.—

9208           (1) A person desiring to be licensed as a Florida  
 9209 certified public accountant in this state shall apply to the  
 9210 department for licensure, and the department shall license any  
 9211 applicant who the department ~~board~~ certifies is qualified to  
 9212 practice public accounting.

9213           (2) The department ~~board~~ shall certify for licensure any  
 9214 applicant who successfully passes the licensure examination and  
 9215 satisfies the requirements of subsections (4), (5), and (6), and  
 9216 shall certify for licensure any firm that satisfies the  
 9217 requirements of ss. 473.309 and 473.3101. The department ~~board~~  
 9218 may refuse to certify any applicant or firm that has violated  
 9219 any of the provisions of s. 473.322.

9220           (3) A person desiring to be licensed as a Florida  
 9221 certified public accountant or a firm desiring to engage in the  
 9222 practice of public accounting must create and maintain an online  
 9223 account with the department and provide an e-mail address to  
 9224 function as the primary means of contact for all communication  
 9225 from the department. Certified public accountants and firms are

9226 responsible for maintaining accurate contact information on file  
 9227 with the department and must submit any change in an e-mail  
 9228 address or street address within 30 days after the change. All  
 9229 changes must be submitted through the department's online  
 9230 system.

9231 (4) (a) An applicant for licensure must:

9232 1. Complete ~~have~~ at least 150 semester hours of college  
 9233 education, including a baccalaureate or higher degree conferred  
 9234 by an accredited college or university, with a concentration in  
 9235 accounting and business as prescribed by the department; ~~in the~~  
 9236 ~~total educational program to the extent specified by the board.~~

9237 2. Hold a master's degree in accounting or finance  
 9238 conferred by an accredited college or university with a  
 9239 concentration in accounting and business as prescribed by the  
 9240 department;

9241 3. Hold a baccalaureate degree in accounting or finance  
 9242 conferred by an accredited college or university with a  
 9243 concentration in accounting and business as prescribed by the  
 9244 department; or

9245 4. Hold a baccalaureate degree in any major course of  
 9246 study conferred by an accredited college or university and have  
 9247 completed coursework required for a concentration in accounting  
 9248 and business as prescribed by the department.

9249 (b) The department shall prescribe the coursework required  
 9250 for a concentration in accounting and business. The department

9251 may deem that an applicant has satisfied requirements for such  
9252 coursework if the applicant receives a baccalaureate or higher  
9253 degree in accounting or finance conferred by an accredited  
9254 college or university in a state or territory of the United  
9255 States. An applicant receiving a baccalaureate or higher degree  
9256 with a major course of study other than accounting or finance  
9257 must complete the coursework required for a concentration in  
9258 accounting and business as prescribed by the department.

9259 (5) (a) An applicant for licensure who completes the  
9260 education requirements under subparagraph (4) (a)1. or  
9261 subparagraph (4) (a)2. after December 31, 2008, must show ~~that he~~  
9262 ~~or she has had~~ 1 year of work experience. An applicant who  
9263 completes the education requirements under subparagraph (4) (a)3.  
9264 or subparagraph (4) (a)4. must show 2 years of work experience.

9265 (b) The work experience under paragraph (a) ~~This~~  
9266 ~~experience~~ shall include providing any type of service or advice  
9267 involving the use of accounting, attest, compilation, management  
9268 advisory, financial advisory, tax, or consulting skills, all of  
9269 which must be verified by a certified public accountant who is  
9270 licensed by a state or territory of the United States. This  
9271 experience is acceptable if it was gained through employment in  
9272 government, industry, academia, or public practice; constituted  
9273 a substantial part of the applicant's duties; and was verified  
9274 by a certified public accountant licensed by a state or  
9275 territory of the United States.

9276            (c) The department board shall adopt rules specifying  
9277 standards and providing for the review and approval of the work  
9278 experience required by this subsection ~~section~~.

9279            ~~(d)~~ ~~(b)~~ However, an applicant who completed the  
9280 requirements of subsection (4) on or before December 31, 2008,  
9281 and who passes the licensure examination on or before June 30,  
9282 2010, is exempt from the requirements of this subsection.

9283            (6) (a) An applicant for licensure must ~~shall~~ show that she  
9284 or he ~~the applicant~~ has good moral character. For purposes of  
9285 this paragraph, the term

9286            ~~(7)~~ (a) "good moral character" means a personal history of  
9287 honesty, fairness, and respect for the rights of others and for  
9288 the laws of this state and nation.

9289            (b) The department board may refuse to certify an  
9290 applicant for failure to satisfy this requirement if:

9291            1. The department board finds a reasonable relationship  
9292 between the lack of good moral character of the applicant and  
9293 the professional responsibilities of a certified public  
9294 accountant; and

9295            2. The finding by the department board of lack of good  
9296 moral character is supported by competent substantial evidence.

9297            (c) When an applicant is found to be unqualified for a  
9298 license because of a lack of good moral character, the  
9299 department board shall furnish to the applicant a statement  
9300 containing the findings of the department board, a complete

9301 record of the evidence upon which the determination was based,  
 9302 and a notice of the rights of the applicant to a rehearing and  
 9303 appeal.

9304 ~~(7)-(8)~~ The department ~~board~~ shall certify as qualified for  
 9305 a license by endorsement an applicant who:

9306 (a) Is not licensed and has not been licensed in any state  
 9307 or territory and who has met the requirements of this section  
 9308 for education, work experience, and good moral character and has  
 9309 passed a national, regional, state, or territorial licensing  
 9310 examination that is substantially equivalent to the examination  
 9311 required by s. 473.306; or

9312 (b)~~1.~~ Holds an active a valid license as a certified  
 9313 public accountant to practice public accounting issued by  
 9314 another state or a territory of the United States, if the  
 9315 applicant has maintained good moral character and, at the time  
 9316 of licensure by such other state or territory, the applicant was  
 9317 required to show evidence of having obtained at least a  
 9318 baccalaureate degree from an accredited college or university  
 9319 and having passed the Uniform CPA Examination. criteria for  
 9320 issuance of such license were substantially equivalent to the  
 9321 licensure criteria that existed in this state at the time the  
 9322 license was issued;

9323 ~~2.~~ ~~Holds a valid license to practice public accounting~~  
 9324 ~~issued by another state or territory of the United States but~~  
 9325 ~~the criteria for issuance of such license did not meet the~~

9326 ~~requirements of subparagraph 1.; has met the requirements of~~  
9327 ~~this section for education, work experience, and good moral~~  
9328 ~~character; and has passed a national, regional, state, or~~  
9329 ~~territorial licensing examination that is substantially~~  
9330 ~~equivalent to the examination required by s. 473.306; or~~

9331 ~~3. Holds a valid license to practice public accounting~~  
9332 ~~issued by another state or territory of the United States for at~~  
9333 ~~least 10 years before the date of application; has passed a~~  
9334 ~~national, regional, state, or territorial licensing examination~~  
9335 ~~that is substantially equivalent to the examination required by~~  
9336 ~~s. 473.306; and has met the requirements of this section for~~  
9337 ~~good moral character.~~

9338 ~~(9) If the applicant has at least 5 years of experience in~~  
9339 ~~the practice of public accountancy in the United States or in~~  
9340 ~~the practice of public accountancy or its equivalent in a~~  
9341 ~~foreign country that the International Qualifications Appraisal~~  
9342 ~~Board of the National Association of State Boards of Accountancy~~  
9343 ~~has determined has licensure standards that are substantially~~  
9344 ~~equivalent to those in the United States, or has at least 5~~  
9345 ~~years of work experience that meets the requirements of~~  
9346 ~~subsection (5), the board must waive the requirements of~~  
9347 ~~subsection (4) which are in excess of a baccalaureate degree.~~  
9348 ~~All experience that is used as a basis for waiving the~~  
9349 ~~requirements of subsection (4) must be while licensed as a~~  
9350 ~~certified public accountant by another state or territory of the~~

9351 ~~United States or while licensed in the practice of public~~  
9352 ~~accountancy or its equivalent in a foreign country that the~~  
9353 ~~International Qualifications Appraisal Board of the National~~  
9354 ~~Association of State Boards of Accountancy has determined has~~  
9355 ~~licensure standards that are substantially equivalent to those~~  
9356 ~~in the United States. The board shall have the authority to~~  
9357 ~~establish the standards for experience that meet this~~  
9358 ~~requirement.~~

9359 (8) ~~(10)~~ The department board may refuse to certify for  
9360 licensure any applicant who is under investigation in another  
9361 state for any act that would constitute a violation of this act  
9362 or chapter 455, until such time as the investigation is complete  
9363 and disciplinary proceedings are ~~have been~~ terminated.

9364 **Section 282. Section 473.3085, Florida Statutes, is**  
9365 **created to read:**

9366 473.3085 Licensure of international applicants.—

9367 (1) An international applicant who seeks licensure as a  
9368 certified public accountant in this state must meet the  
9369 requirements for education, work experience, and good moral  
9370 character under s. 473.308.

9371 (2) An applicant must apply to the department for  
9372 licensure.

9373 (3) An international applicant must create and maintain an  
9374 online account with the department and provide an e-mail address  
9375 to function as the primary means of contact for all

9376 communication from the department. An applicant must submit any  
9377 change in e-mail address within 30 days after the change. All  
9378 changes must be submitted through the department's online  
9379 system.

9380 (4) The department shall certify for licensure any  
9381 applicant who satisfies the requirements of subsections (1) and  
9382 (2), except the department may refuse to certify an applicant  
9383 who has violated s. 473.322.

9384 (5) The department shall adopt rules to implement this  
9385 section.

9386 **Section 283. Section 473.312, Florida Statutes, is amended**  
9387 **to read:**

9388 473.312 Continuing education.—

9389 (1) (a) As part of the license renewal procedure, the  
9390 department ~~board~~ shall by rule require Florida certified public  
9391 accountants to submit proof satisfactory to the department ~~board~~  
9392 that during the 2 years before ~~prior to~~ application for renewal,  
9393 they have successfully completed not less than 48 or more than  
9394 80 hours of continuing professional education programs in public  
9395 accounting subjects approved by the department ~~board~~. The  
9396 department ~~board~~ may prescribe by rule additional continuing  
9397 professional education hours, not to exceed 25 percent of the  
9398 total hours required, for failure to complete the hours required  
9399 for renewal by the end of the reestablishment period.

9400 (b) Not less than 10 percent of the total hours required

9401 by the department ~~board~~ shall be in accounting-related and  
9402 auditing-related subjects, as distinguished from federal and  
9403 local taxation matters and management services.

9404 (c) Not less than 5 percent of the total hours required by  
9405 the department ~~board~~ shall be in ethics applicable to the  
9406 practice of public accounting. This requirement shall be  
9407 administered by providers approved by the department ~~board~~, and  
9408 a majority of the hours shall include a review of ~~the provisions~~  
9409 ~~of~~ chapter 455 and this chapter and the related administrative  
9410 rules.

9411 (2) Programs of continuing professional education approved  
9412 by the department ~~board~~ shall be formal programs of learning  
9413 which contribute directly to the professional competency of an  
9414 individual following licensure to practice public accounting and  
9415 may be any of the following:

9416 (a) Professional development programs of the American  
9417 Institute of Certified Public Accountants, state societies of  
9418 certified public accountants, or other organizations.

9419 (b) Technical sessions at meetings of the American  
9420 Institute of Certified Public Accountants, state societies,  
9421 chapters, or other organizations.

9422 (c) University and college courses.

9423 (d) Formal organized in-firm education programs.

9424 (3) The department ~~board~~ shall adopt rules establishing  
9425 the continuing education requirements for Florida certified

9426 public accountants who are engaged in the audit of a  
9427 governmental entity. The department board shall approve subjects  
9428 directly related to the governmental environment and to  
9429 governmental auditing for purposes of satisfying the requirement  
9430 of this subsection.

9431 (4) For the purposes of maintaining proper continuing  
9432 education requirements for renewal of licensure under this  
9433 chapter, the department board may appoint a Continuing  
9434 Professional Education Advisory Committee, which shall be  
9435 composed of one member of the department board, one academician  
9436 on the faculty of a university in this state, and six certified  
9437 public accountants.

9438 **Section 284. Effective January 1, 2027, subsections (1),**  
9439 **(3), and (4) of section 473.3141, Florida Statutes, are amended**  
9440 **to read:**

9441 473.3141 Certified public accountants licensed in other  
9442 states.—

9443 (1) ~~Except as otherwise provided in this chapter,~~ An  
9444 individual who holds an active license in good standing as a  
9445 certified public accountant in another state or a territory of  
9446 the United States and who does not have an office in this state  
9447 has the privileges of Florida certified public accountants and  
9448 may provide public accounting services in this state without  
9449 obtaining a license under this chapter or notifying or  
9450 registering with the department board or paying a fee if, at the

9451 time of licensure by such other state or territory, the  
9452 individual was required to show evidence of having obtained at  
9453 least a baccalaureate degree and having passed the Uniform CPA  
9454 Examination;

9455 ~~(a) Holds a valid license as a certified public accountant~~  
9456 ~~from a state that the board or its designee has determined by~~  
9457 ~~rule to have adopted standards that are substantially equivalent~~  
9458 ~~to the certificate requirements in s. 5 of the Uniform~~  
9459 ~~Accountancy Act in the issuance of licenses; or~~

9460 ~~(b) Holds a valid license as a certified public accountant~~  
9461 ~~from a state that has not been approved by the board as having~~  
9462 ~~adopted standards in substantial equivalence with s. 5 of the~~  
9463 ~~Uniform Accountancy Act, but obtains verification from the~~  
9464 ~~board, or its designee, as determined by rule, that the~~  
9465 ~~individual's certified public accountant qualifications are~~  
9466 ~~substantially equivalent to the certificate requirements in s. 5~~  
9467 ~~of the Uniform Accountancy Act.~~

9468  
9469 The department ~~board~~ shall define by rule what constitutes an  
9470 office.

9471 (3) An individual certified public accountant from another  
9472 state or a territory of the United States who practices pursuant  
9473 to this section, and the firm that employs that individual,  
9474 shall both consent, as a condition of the privilege of  
9475 practicing in this state:

9476 (a) To the ~~personal and subject matter~~ jurisdiction and  
9477 disciplinary authority of the department board;

9478 (b) To comply with this chapter and the applicable  
9479 department board rules;

9480 (c) That if the individual's license as a certified public  
9481 accountant from another the state or a territory of the United  
9482 States becomes invalid ~~of the individual's principal place of~~  
9483 ~~business is no longer valid~~, the individual must ~~will~~ cease  
9484 offering or rendering public accounting services in this state,  
9485 individually and on behalf of a firm; and

9486 (d) To the appointment of the department ~~state board~~ that  
9487 issued the individual's license as the agent upon whom process  
9488 may be served in any action or proceeding by the ~~board or~~  
9489 department against the individual or firm.

9490 (4) An individual who qualifies to practice under this  
9491 section may perform the services identified in s. 473.302(7)(a)  
9492 ~~s. 473.302(8)(a)~~ only through a firm that has obtained a license  
9493 issued under s. 473.3101 or is authorized by s. 473.3101 to  
9494 provide such services.

9495 **Section 285. Subsection (3) and paragraph (e) of**  
9496 **subsection (4) of section 474.2021, Florida Statutes, are**  
9497 **amended to read:**

9498 474.2021 Veterinary telehealth.—

9499 (3) The department board has jurisdiction over a  
9500 veterinarian practicing veterinary telehealth, regardless of

9501 where the veterinarian's physical office is located. The  
9502 practice of veterinary medicine is deemed to occur when the  
9503 veterinarian, the patient, or both are located within this state  
9504 at the time the veterinarian practices veterinary telehealth.

9505 (4) A veterinarian practicing veterinary telehealth:

9506 (e) Shall prescribe all drugs and medications in  
9507 accordance with all federal and state laws and the following  
9508 requirements:

9509 1. A veterinarian practicing veterinary telehealth may  
9510 order, prescribe, or make available medicinal drugs or drugs  
9511 specifically approved for use in animals by the United States  
9512 Food and Drug Administration, the use of which conforms to the  
9513 approved labeling. Prescriptions based solely on a telehealth  
9514 evaluation may be issued for up to 1 year ~~month~~ for products  
9515 labeled solely for flea and tick control and up to 14 days of  
9516 treatment for other animal drugs. Prescriptions based solely on  
9517 a telehealth evaluation may not be renewed without an in-person  
9518 examination.

9519 2. A veterinarian practicing veterinary telehealth may not  
9520 order, prescribe, or make available medicinal drugs or drugs as  
9521 defined in s. 465.003 approved by the United States Food and  
9522 Drug Administration for human use or compounded antibacterial,  
9523 antifungal, antiviral, or antiparasitic medications, unless the  
9524 veterinarian has conducted an in-person physical examination of  
9525 the animal or made medically appropriate and timely visits to

9526 | the premises where the animal is kept.

9527 |         3. A veterinarian may not use veterinary telehealth to  
 9528 | prescribe a controlled substance as defined in chapter 893  
 9529 | unless the veterinarian has conducted an in-person physical  
 9530 | examination of the animal or made medically appropriate and  
 9531 | timely visits within the past year to the premises where the  
 9532 | animal is kept.

9533 |         4. A veterinarian practicing veterinary telehealth may not  
 9534 | prescribe a drug or other medication for use on a horse engaged  
 9535 | in racing or training at a facility under the jurisdiction of  
 9536 | the Florida Gaming Control Commission or on a horse that is a  
 9537 | covered horse as defined in the federal Horseracing Integrity  
 9538 | and Safety Act, 15 U.S.C. ss. 3051 et seq.;

9539 |         **Section 286. Subsections (3) through (7) of section**  
 9540 | **475.17, Florida Statutes, are amended to read:**

9541 |         475.17 Qualifications for practice.—

9542 |         ~~(3)(a) The commission may prescribe a postlicensure~~  
 9543 | ~~education requirement in order for a person to maintain a valid~~  
 9544 | ~~sales associate's license, which shall not exceed 45 classroom~~  
 9545 | ~~hours of 50 minutes each, inclusive of examination, prior to the~~  
 9546 | ~~first renewal following initial licensure. If prescribed, this~~  
 9547 | ~~shall consist of one or more commission-approved courses which~~  
 9548 | ~~total at least 45 classroom hours on one or more subjects which~~  
 9549 | ~~include, but are not limited to, property management, appraisal,~~  
 9550 | ~~real estate finance, the economics of real estate management,~~

9551 ~~marketing, technology, sales and listing of properties, business~~  
9552 ~~office management, courses teaching practical real estate~~  
9553 ~~application skills, development of business plans, marketing of~~  
9554 ~~property, and time management. Required postlicensure education~~  
9555 ~~courses must be provided by an accredited college, university,~~  
9556 ~~or community college, by a career center, by a registered real~~  
9557 ~~estate school, or by a commission-approved sponsor.~~

9558 ~~(b) Satisfactory completion of the postlicensure education~~  
9559 ~~requirement is demonstrated by successfully meeting all~~  
9560 ~~standards established for the commission-prescribed or~~  
9561 ~~commission-approved institution or school. However, notice of~~  
9562 ~~satisfactory completion shall not be issued if the student has~~  
9563 ~~absences in excess of 10 percent of the required classroom hours~~  
9564 ~~or has not satisfactorily completed a timed distance learning~~  
9565 ~~course examination.~~

9566 ~~(c) The license of any sales associate who does not~~  
9567 ~~complete the postlicensure education requirement prior to the~~  
9568 ~~first renewal following initial licensure shall be considered~~  
9569 ~~null and void. Such person wishing to again operate as a real~~  
9570 ~~estate sales associate must requalify by satisfactorily~~  
9571 ~~completing the sales associate's prelicensure course and passing~~  
9572 ~~the state examination for licensure as a sales associate.~~

9573 ~~(d) A sales associate who is required to complete any~~  
9574 ~~postlicensure education requirement must complete any~~  
9575 ~~postlicensure education requirement and hold a current and valid~~

9576 ~~license in order to be eligible for licensure as a broker.~~

9577 ~~(4)(a) The commission may prescribe a postlicensure~~  
9578 ~~education requirement in order for a person to maintain a valid~~  
9579 ~~broker's license, which shall not exceed 60 classroom hours of~~  
9580 ~~50 minutes each, inclusive of examination, prior to the first~~  
9581 ~~renewal following initial licensure. If prescribed, this shall~~  
9582 ~~consist of one or more commission-approved courses which total~~  
9583 ~~at least 60 classroom hours on one or more subjects which~~  
9584 ~~include, but are not limited to, advanced appraisal, advanced~~  
9585 ~~property management, real estate marketing, business law,~~  
9586 ~~advanced real estate investment analyses, advanced legal~~  
9587 ~~aspects, general accounting, real estate economics,~~  
9588 ~~syndications, commercial brokerage, feasibility analyses,~~  
9589 ~~advanced real estate finance, residential brokerage, advanced~~  
9590 ~~marketing, technology, advanced business planning, time~~  
9591 ~~management, or real estate brokerage office operations. Required~~  
9592 ~~postlicensure education courses must be provided by an~~  
9593 ~~accredited college, university, or community college, by a~~  
9594 ~~career center, by a registered real estate school, or by a~~  
9595 ~~commission-approved sponsor.~~

9596 ~~(b) Satisfactory completion of the postlicensure education~~  
9597 ~~requirement is demonstrated by successfully meeting all~~  
9598 ~~standards established for the commission-prescribed or~~  
9599 ~~commission-approved institution or school. However, notice of~~  
9600 ~~satisfactory completion shall not be issued if the student has~~

9601 ~~absences in excess of 10 percent of the required classroom hours~~  
9602 ~~or has not satisfactorily completed a timed distance learning~~  
9603 ~~course examination.~~

9604 ~~(c) The license of any broker who does not complete the~~  
9605 ~~postlicensure education requirement prior to the first renewal~~  
9606 ~~following initial licensure shall be considered null and void.~~  
9607 ~~If the licensee wishes to operate as a sales associate, she or~~  
9608 ~~he may be issued a sales associate's license after providing~~  
9609 ~~proof that she or he has satisfactorily completed the 14-hour~~  
9610 ~~continuing education course within the 6 months following~~  
9611 ~~expiration of her or his broker's license. To operate as a~~  
9612 ~~broker, the licensee must requalify by satisfactorily completing~~  
9613 ~~the broker's prelicensure course and passing the state~~  
9614 ~~examination for licensure as a broker.~~

9615 ~~(5) (a) The commission may allow an additional 6-month~~  
9616 ~~period after the first renewal following initial licensure for~~  
9617 ~~completing the postlicensure education courses for sales~~  
9618 ~~associates and brokers who cannot, due to individual physical~~  
9619 ~~hardship, as defined by rule, complete the courses within the~~  
9620 ~~required time.~~

9621 ~~(b) Except as provided in subsection (4), sales associates~~  
9622 ~~and brokers are not required to meet the 14-hour continuing~~  
9623 ~~education requirement prior to the first renewal following~~  
9624 ~~initial licensure.~~

9625 ~~(c)1. A distance learning course or courses shall be~~

9626 ~~approved by the commission as an option to classroom hours as~~  
9627 ~~satisfactory completion of the postlicensure education course or~~  
9628 ~~courses as required by this section. The schools or sponsors~~  
9629 ~~authorized by this section have the option of providing~~  
9630 ~~classroom courses, distance learning courses, or both. However,~~  
9631 ~~satisfactory completion of a distance learning postlicensure~~  
9632 ~~education course or courses requires the satisfactory completion~~  
9633 ~~of a timed distance learning course examination. Such~~  
9634 ~~examination shall not be required to be monitored or given at a~~  
9635 ~~centralized location.~~

9636 ~~2. The commission shall provide for postlicensure~~  
9637 ~~education courses to be made available by correspondence or~~  
9638 ~~other suitable means to any person who, by reason of hardship,~~  
9639 ~~as defined by rule, cannot attend the place or places where~~  
9640 ~~courses are regularly conducted or does not have access to the~~  
9641 ~~distance learning courses.~~

9642 ~~(3)(6)~~ The postlicensure education requirements of this  
9643 section, and the education course requirements for one to become  
9644 initially licensed, do not apply to any applicant or licensee  
9645 who has received a 4-year degree, or higher, in real estate from  
9646 an accredited institution of higher education.

9647 ~~(4)(7)~~ The commission may not approve prelicensure or  
9648 postlicensure distance learning courses for brokers, broker  
9649 associates, and sales associates by correspondence methods,  
9650 except in instances of hardship pursuant to subparagraphs

9651 (2) (a) 3. and (5) (c) 2.

9652 **Section 287. Subsection (2) of section 475.175, Florida**  
9653 **Statutes, is amended to read:**

9654 475.175 Examinations.—

9655 (2) Each accredited college, university, community  
9656 college, or registered real estate school shall notify the  
9657 department ~~commission~~ of the names of all persons who have  
9658 satisfactorily completed the educational requirements provided  
9659 for in s. 475.17(2), ~~(3), and (4)~~ in a manner prescribed by the  
9660 department ~~commission~~. Furthermore, each such educational  
9661 institution shall provide to each person satisfactorily  
9662 completing the educational requirements provided for in s.  
9663 475.17(2), ~~(3), and (4)~~ a certificate as proof of such  
9664 satisfactory completion.

9665 **Section 288. Subsection (1) of section 475.180, Florida**  
9666 **Statutes, is amended to read:**

9667 475.180 Nonresident licenses.—

9668 (1) Notwithstanding the prelicensure requirements set  
9669 forth under ss. 475.17(2) and (3) ~~(6)~~ and 475.175, the  
9670 department ~~commission~~ in its discretion may enter into written  
9671 agreements with similar licensing authorities of other states,  
9672 territories, or jurisdictions of the United States or foreign  
9673 national jurisdictions to ensure for Florida licensees  
9674 nonresident licensure opportunities comparable to those afforded  
9675 to nonresidents by this section. Whenever the department

9676 ~~commission~~ determines that another jurisdiction does not offer  
 9677 nonresident licensure to Florida licensees substantially  
 9678 comparable to those afforded to licensees of that jurisdiction  
 9679 by this section, the department ~~commission~~ shall require  
 9680 licensees of that jurisdiction who apply for nonresident  
 9681 licensure to meet education, experience, and examination  
 9682 requirements substantially comparable to those required by that  
 9683 jurisdiction with respect to Florida licensees who seek  
 9684 nonresident licensure, not to exceed such requirements as  
 9685 prescribed in ss. 475.17(2) and (3) ~~(6)~~ and 475.175.

9686 **Section 289. Subsection (1) of section 475.182, Florida**  
 9687 **Statutes, is amended to read:**

9688 475.182 Renewal of license; ~~continuing education.~~

9689 (1) ~~(a)~~ The department shall renew a license upon receipt  
 9690 of the renewal application and fee. ~~The renewal application for~~  
 9691 ~~an active license as broker, broker associate, or sales~~  
 9692 ~~associate shall include proof satisfactory to the commission~~  
 9693 ~~that the licensee has, since the issuance or renewal of her or~~  
 9694 ~~his current license, satisfactorily completed at least 14~~  
 9695 ~~classroom hours of 50 minutes each of a continuing education~~  
 9696 ~~course during each biennium of a license period, as prescribed~~  
 9697 ~~by the commission. Approval or denial of a specialty course must~~  
 9698 ~~be based on the extent to which the course content focuses on~~  
 9699 ~~real estate issues relevant to the modern practice of real~~  
 9700 ~~estate by a real estate licensee, including technology used in~~

9701 ~~the real estate industry. The commission may accept as a~~  
9702 ~~substitute for such continuing education course, on a classroom-~~  
9703 ~~hour-for-classroom-hour basis, any satisfactorily completed~~  
9704 ~~education course that the commission finds is adequate to~~  
9705 ~~educate licensees within the intent of this section, including~~  
9706 ~~an approved distance learning course. However, the commission~~  
9707 ~~may not require, for the purpose of satisfactorily completing an~~  
9708 ~~approved correspondence or distance learning course, a written~~  
9709 ~~examination that is to be taken at a centralized location and is~~  
9710 ~~to be monitored.~~

9711 ~~(b) The commission may accept as a substitute for 3~~  
9712 ~~classroom hours, one time per renewal cycle, attendance at one~~  
9713 ~~legal agenda session of the commission. In order to obtain~~  
9714 ~~credit, the licensee must notify the division at least 7 days in~~  
9715 ~~advance of his or her intent to attend. A licensee may not earn~~  
9716 ~~any continuing education credit for attending a legal agenda~~  
9717 ~~session of the commission as a party to a disciplinary action.~~

9718 **Section 290. Subsections (1), (2), and (4) of section**  
9719 **475.183, Florida Statutes, are amended to read:**

9720 475.183 Inactive status.—

9721 (1) A license which has become voluntarily inactive may be  
9722 renewed pursuant to s. 475.182 upon application to the  
9723 department. ~~The commission shall prescribe by rule continuing~~  
9724 ~~education requirements, not to exceed 12 classroom hours for~~  
9725 ~~each year the license was inactive, as a condition of renewing a~~

9726 ~~voluntarily inactive license. The commission shall substitute~~  
9727 ~~for such continuing education requirements, on a classroom-hour~~  
9728 ~~for-classroom-hour basis, any satisfactorily completed education~~  
9729 ~~course approved in the manner specified in s. 475.182(1). A~~  
9730 person whose license is voluntarily inactive and who renews the  
9731 license may elect to continue her or his voluntarily inactive  
9732 status.

9733 (2) ~~(a) A licensee may reactivate a license that has been~~  
9734 ~~involuntarily inactive for 12 months or less by satisfactorily~~  
9735 ~~completing at least 14 hours of a commission-prescribed~~  
9736 ~~continuing education course. Notwithstanding the provisions of~~  
9737 ~~s. 455.271, a licensee may reactivate a license that has been~~  
9738 ~~involuntarily inactive for more than 12 months but fewer than 24~~  
9739 ~~months by satisfactorily completing 28 hours of a commission-~~  
9740 ~~prescribed education course.~~

9741 ~~(b)~~ Any license that has been involuntarily inactive for  
9742 more than 2 years shall automatically expire. Once a license  
9743 expires, it becomes null and void without any further action by  
9744 the ~~commission or~~ department. Ninety days prior to expiration of  
9745 the license, the department shall give notice to the licensee.  
9746 The department ~~commission~~ shall prescribe by rule a fee not to  
9747 exceed \$100 for the late renewal of an involuntarily inactive  
9748 license. The department shall collect the current renewal fee  
9749 for each renewal period in which the license was involuntarily  
9750 inactive in addition to any applicable late renewal fee.

9751           (4) The department ~~commission~~ may reinstate the license of  
9752 an individual whose license has become void if the department  
9753 ~~commission~~ determines that the individual failed to comply  
9754 because of illness or economic hardship, as defined by rule. The  
9755 individual must apply to the department ~~commission~~ for  
9756 reinstatement within 6 months after the date that the license  
9757 becomes void. Such individual must ~~meet all continuing education~~  
9758 ~~requirements prescribed by law~~, pay appropriate licensing fees,  
9759 and otherwise be eligible for renewal of licensure under this  
9760 section.

9761           **Section 291. Paragraph (t) of subsection (1) of section**  
9762 **475.25, Florida Statutes, is amended to read:**

9763           475.25 Discipline.—

9764           (1) The commission may deny an application for licensure,  
9765 registration, or permit, or renewal thereof; may place a  
9766 licensee, registrant, or permittee on probation; may suspend a  
9767 license, registration, or permit for a period not exceeding 10  
9768 years; may revoke a license, registration, or permit; may impose  
9769 an administrative fine not to exceed \$5,000 for each count or  
9770 separate offense; and may issue a reprimand, and any or all of  
9771 the foregoing, if it finds that the licensee, registrant,  
9772 permittee, or applicant:

9773           (t) Has violated any standard of professional practice  
9774 adopted by rule of the department ~~Florida Real Estate Appraisal~~  
9775 ~~Board~~, including standards for the development or communication

9776 of a real estate appraisal, as approved and adopted by the  
9777 Appraisal Standards Board of the Appraisal Foundation, as  
9778 defined in s. 475.611. This paragraph does not apply to a real  
9779 estate broker or sales associate who, in the ordinary course of  
9780 business, performs a comparative market analysis, gives a broker  
9781 price opinion, or gives an opinion of value of real estate.  
9782 However, in no event may this comparative market analysis,  
9783 broker price opinion, or opinion of value of real estate be  
9784 referred to as an appraisal, as defined in s. 475.611.

9785 **Section 292. Paragraphs (k) through (dd) of subsection (1)**  
9786 **are redesignated as paragraphs (j) through (cc), respectively,**  
9787 **and present paragraphs (j), (p), (q), (z), and (aa) of**  
9788 **subsection (1) and subsection (2) of section 475.611, Florida**  
9789 **Statutes, are amended to read:**

9790 475.611 Definitions.—

9791 (1) As used in this part, the term:

9792 ~~(j) "Board" means the Florida Real Estate Appraisal Board~~  
9793 ~~established under s. 475.613.~~

9794 (o) ~~(p)~~ "Direct supervision" means the degree of  
9795 supervision required of a supervisory appraiser overseeing the  
9796 work of a registered trainee appraiser by which the supervisory  
9797 appraiser has control over and detailed professional knowledge  
9798 of the work being done. Direct supervision is achieved when a  
9799 registered trainee appraiser has regular direction, guidance,  
9800 and support from a supervisory appraiser who has the

9801 competencies as determined by rule of the department ~~board~~.

9802 (p) ~~(q)~~ "Evaluation" means a valuation permitted by any  
9803 federal financial institutions regulatory agency appraisal  
9804 regulations for transactions that do not require an appraisal,  
9805 as such valuations qualify for an applicable exemption under  
9806 federal law. The department ~~board~~ shall adopt rules, as  
9807 necessary, to define the term "evaluation" and the applicable  
9808 exemptions under federal law.

9809 (y) ~~(z)~~ "Supervisory appraiser" means a certified  
9810 residential appraiser or a certified general appraiser  
9811 responsible for the direct supervision of one or more registered  
9812 trainee appraisers and fully responsible for appraisals and  
9813 appraisal reports prepared by those registered trainee  
9814 appraisers. The department ~~board~~, by rule, shall determine the  
9815 responsibilities of a supervisory appraiser, the geographic  
9816 proximity required, the minimum qualifications and standards  
9817 required of a certified appraiser before she or he may act in  
9818 the capacity of a supervisory appraiser, and the maximum number  
9819 of registered trainee appraisers to be supervised by an  
9820 individual supervisory appraiser.

9821 (z) ~~(aa)~~ "Training" means the process of providing for and  
9822 making available to a registered trainee appraiser, under direct  
9823 supervision, a planned, prepared, and coordinated program, or  
9824 routine of instruction and education, in appraisal professional  
9825 and technical appraisal skills as determined by rule of the

9826 | department ~~board~~.

9827 |         (2) Wherever the word "operate" or "operating" appears in  
 9828 | this part with respect to a registered trainee appraiser,  
 9829 | registered appraisal management company, licensed appraiser, or  
 9830 | certified appraiser; in any order, rule, or regulation of the  
 9831 | department ~~board~~; in any pleading, indictment, or information  
 9832 | under this part; in any court action or proceeding; or in any  
 9833 | order or judgment of a court, it shall be deemed to mean the  
 9834 | commission of one or more acts described in this part as  
 9835 | constituting or defining a registered trainee appraiser,  
 9836 | registered appraisal management company, licensed appraiser, or  
 9837 | certified appraiser, not including, however, any of the  
 9838 | exceptions stated therein. A single act is sufficient to bring a  
 9839 | person within the meaning of this subsection, and each act, if  
 9840 | prohibited herein, constitutes a separate offense.

9841 |         **Section 293. Subsection (7) of section 475.612, Florida**  
 9842 | **Statutes, is amended to read:**

9843 |             475.612 Certification, licensure, or registration  
 9844 | required.—

9845 |         (7) Notwithstanding any other provision of law, an  
 9846 | appraiser may perform an evaluation of real property in  
 9847 | connection with a real estate-related financial transaction, as  
 9848 | defined by rule of the department ~~board~~, which is regulated by a  
 9849 | federal financial institutions regulatory agency. The appraiser  
 9850 | shall comply with the standards for evaluations imposed by the

9851 federal financial institutions regulatory agency and other  
9852 standards as prescribed by the department ~~board~~. However, an  
9853 evaluation may not be referred to or construed as an appraisal.

9854 **Section 294. Section 475.614, Florida Statutes, is amended**  
9855 **to read:**

9856 475.614 Power of department ~~board~~ to adopt rules and  
9857 decide questions of practice; requirements for protection of  
9858 appraiser's signature.—

9859 (1) The department ~~may board~~ ~~has authority to~~ adopt rules  
9860 ~~pursuant to ss. 120.536(1) and 120.54~~ to implement provisions of  
9861 law conferring duties upon it. The board may decide questions of  
9862 practice arising in the proceedings before it, having regard to  
9863 this section and the rules then in force.

9864 (2) The department ~~board~~ shall adopt rules specifying the  
9865 means by which an appraiser's signature may be affixed to an  
9866 appraisal report or other work performed by the appraiser. The  
9867 rules shall include requirements for protecting the security of  
9868 an appraiser's signature and prohibiting practices that may  
9869 discredit the use of an appraiser's signature to authenticate  
9870 the work performed by the appraiser.

9871 **Section 295. Section 475.6145, Florida Statutes, is**  
9872 **amended to read:**

9873 475.6145 Seal.—The department ~~board~~ shall adopt a seal by  
9874 which it shall authenticate its proceedings, records, and acts.  
9875 Copies of the proceedings, records, and acts of the board, and

9876 certificates purporting to relate the facts concerning such  
9877 proceedings, records, and acts, which are signed by the board  
9878 chair, the custodian of such records, or any other person  
9879 authorized to make such certification and which are  
9880 authenticated by such seal, shall be prima facie evidence of  
9881 such proceedings, records, and acts in all courts of this state.

9882 **Section 296. Section 475.6147, Florida Statutes, is**  
9883 **amended to read:**

9884 475.6147 Fees.—

9885 (1) (a) The department ~~board~~ by rule may establish fees to  
9886 be paid for application, licensing and renewal, certification  
9887 and recertification, registration and reregistration,  
9888 reinstatement, and recordmaking and recordkeeping.

9889 (b) The fee for initial application of an appraiser may  
9890 not exceed \$150, and the combined cost of the application and  
9891 examination may not exceed \$300. The initial certification,  
9892 registration, or license fee and the certification,  
9893 registration, or license renewal fee may not exceed \$150 for  
9894 each year of the duration of the certification, registration, or  
9895 license.

9896 (c) The fee for initial application of an appraisal  
9897 management company may not exceed \$150. The initial registration  
9898 and registration renewal fee may not exceed \$150 for each year  
9899 of the duration of the registration.

9900 (d) The department ~~board~~ may also establish by rule a late

9901 renewal penalty.

9902 (e) The department ~~board~~ shall establish fees which are  
9903 adequate to ensure its continued operation. Fees shall be based  
9904 on estimates made by the department of the revenue required to  
9905 implement this part and other provisions of law relating to the  
9906 regulation of real estate appraisers.

9907 (2) Application and certification, registration, and  
9908 license fees shall be refunded upon a determination by the  
9909 department ~~board~~ that the state is not entitled to the fees or  
9910 that only a portion of the resources have been expended in the  
9911 processing of the application or shall be refunded if for any  
9912 other reason the application is not completely processed. The  
9913 department ~~board~~ shall implement this subsection by rule.

9914 **Section 297. Section 475.615, Florida Statutes, is amended**  
9915 **to read:**

9916 475.615 Qualifications for registration or certification.—

9917 (1) Any person desiring to act as a registered trainee  
9918 appraiser or as a certified appraiser must make application in  
9919 writing to the department in such form and detail as the  
9920 department ~~board~~ shall prescribe. Each applicant must be at  
9921 least 18 years of age and hold a high school diploma or its  
9922 equivalent.

9923 (2) The department ~~board~~ is authorized to waive or modify  
9924 any education, experience, or examination requirements  
9925 established in this part in order to conform with any such

9926 requirements established by the Appraiser Qualifications Board  
9927 of the Appraisal Foundation or any successor body recognized by  
9928 federal law, including any requirements adopted on December 9,  
9929 2011. The department ~~board~~ shall implement this section by rule.

9930 (3) Appropriate fees, as set forth in the rules of the  
9931 department ~~board~~ pursuant to s. 475.6147, and a set of  
9932 fingerprints must accompany all applications for registration or  
9933 certification. The fingerprints shall be forwarded to the  
9934 Division of Criminal Justice Information Systems within the  
9935 Department of Law Enforcement for processing to determine  
9936 whether the applicant has a criminal history record. The  
9937 fingerprints shall also be forwarded to the Federal Bureau of  
9938 Investigation to determine whether the applicant has a criminal  
9939 history record. The information obtained by the processing of  
9940 the fingerprints by the Department of Law Enforcement and the  
9941 Federal Bureau of Investigation shall be sent to the department  
9942 to determine whether the applicant is statutorily qualified for  
9943 registration or certification.

9944 (4) In the event that the applicant is currently a  
9945 registered trainee appraiser or a licensed or certified  
9946 appraiser and is making application to obtain a different status  
9947 of appraisal credential, should such application be received by  
9948 the department within 180 days prior to through 180 days after  
9949 the applicant's scheduled renewal, the charge for the  
9950 application shall be established by the rules of the department

9951 ~~board~~ pursuant to s. 475.6147.

9952 (5) At the time of filing an application for registration  
 9953 or certification, the applicant must sign a pledge indicating  
 9954 that upon becoming registered or certified, she or he will  
 9955 comply with the standards of professional practice established  
 9956 by rule of the department ~~board~~, including standards for the  
 9957 development or communication of a real estate appraisal, and  
 9958 must indicate in writing that she or he understands the types of  
 9959 misconduct for which disciplinary proceedings may be initiated.  
 9960 The application expires 1 year after the date received by the  
 9961 department.

9962 (6) All applicants must be competent and qualified to make  
 9963 real estate appraisals with safety to those with whom they may  
 9964 undertake a relationship of trust and confidence and the general  
 9965 public. If any applicant has been denied registration,  
 9966 licensure, or certification, or has been disbarred, or the  
 9967 applicant's registration, license, or certificate to practice or  
 9968 conduct any regulated profession, business, or vocation has been  
 9969 revoked or suspended by this or any other state, any nation, or  
 9970 any possession or district of the United States, or any court or  
 9971 lawful agency thereof, because of any conduct or practices which  
 9972 would have warranted a like result under this part, or if the  
 9973 applicant has been guilty of conduct or practices in this state  
 9974 or elsewhere which would have been grounds for disciplining her  
 9975 or his registration, license, or certification under this part

9976 | had the applicant then been a registered trainee appraiser or a  
 9977 | licensed or certified appraiser, the applicant is deemed not to  
 9978 | be qualified unless the applicant has met the conditions adopted  
 9979 | by the Appraiser Qualifications Board of the Appraisal  
 9980 | Foundation on December 9, 2011, as prescribed by rule of the  
 9981 | department board and it appears to the department board that the  
 9982 | interest of the public is not likely to be endangered by the  
 9983 | granting of registration or certification.

9984 | (7) No applicant seeking to become registered or certified  
 9985 | under this part may be rejected solely by virtue of membership  
 9986 | or lack of membership in any particular appraisal organization.

9987 | **Section 298. Section 475.617, Florida Statutes, is amended**  
 9988 | **to read:**

9989 | 475.617 Education and experience requirements.—

9990 | (1) To be registered as a trainee appraiser, an applicant  
 9991 | must present evidence satisfactory to the department board that  
 9992 | she or he has successfully completed at least 100 hours of  
 9993 | approved qualifying education courses in subjects related to  
 9994 | real estate appraisal, which must include coverage of the  
 9995 | Uniform Standards of Professional Appraisal Practice, or its  
 9996 | equivalent, as established by rule of the department board, from  
 9997 | a nationally recognized or state-recognized appraisal  
 9998 | organization, career center, accredited community college,  
 9999 | college, or university, state or federal agency or commission,  
 10000 | or proprietary real estate school that holds a permit pursuant

10001 to s. 475.451. The department board may increase the required  
10002 number of hours to not more than 125 hours. All qualifying  
10003 education courses may be completed through in-person classroom  
10004 instruction or distance learning. A classroom hour is defined as  
10005 50 minutes out of each 60-minute segment. Past courses may be  
10006 approved on an hour-for-hour basis.

10007 (2) To be certified as a residential appraiser, an  
10008 applicant must present satisfactory evidence to the department  
10009 ~~board~~ that she or he has met the minimum education and  
10010 experience requirements prescribed by rule of the department  
10011 ~~board~~. The department board shall prescribe by rule education  
10012 and experience requirements that meet or exceed the following  
10013 real property appraiser qualification criteria adopted on  
10014 December 9, 2011, by the Appraiser Qualifications Board of the  
10015 Appraisal Foundation:

10016 (a) Has at least 2,500 hours of experience obtained over a  
10017 24-month period in real property appraisal as defined by rule.

10018 (b) Has successfully completed at least 200 classroom  
10019 hours, inclusive of examination, of approved qualifying  
10020 education courses in subjects related to real estate appraisal,  
10021 which must include a 15-hour National Uniform Standards of  
10022 Professional Appraisal Practice course, or its equivalent, as  
10023 established by rule of the department board, from a nationally  
10024 recognized or state-recognized appraisal organization, career  
10025 center, accredited community college, college, or university,

10026 state or federal agency or commission, or proprietary real  
10027 estate school that holds a permit pursuant to s. 475.451. All  
10028 qualifying education courses may be completed through in-person  
10029 classroom instruction or distance learning. A classroom hour is  
10030 defined as 50 minutes out of each 60-minute segment. Past  
10031 courses may be approved by the department board and substituted  
10032 on an hour-for-hour basis.

10033 (3) To be certified as a general appraiser, an applicant  
10034 must present evidence satisfactory to the department board that  
10035 she or he has met the minimum education and experience  
10036 requirements prescribed by rule of the department board. The  
10037 department board shall prescribe education and experience  
10038 requirements that meet or exceed the following real property  
10039 appraiser qualification criteria adopted on December 9, 2011, by  
10040 the Appraiser Qualifications Board of the Appraisal Foundation:

10041 (a) Has at least 3,000 hours of experience obtained over a  
10042 30-month period in real property appraisal as defined by rule.

10043 (b) Has successfully completed at least 300 classroom  
10044 hours, inclusive of examination, of approved qualifying  
10045 education courses in subjects related to real estate appraisal,  
10046 which must include a 15-hour National Uniform Standards of  
10047 Professional Appraisal Practice course, or its equivalent, as  
10048 established by rule of the department board, from a nationally  
10049 recognized or state-recognized appraisal organization, career  
10050 center, accredited community college, college, or university,

10051 state or federal agency or commission, or proprietary real  
10052 estate school that holds a permit pursuant to s. 475.451. All  
10053 qualifying education courses may be completed through in-person  
10054 classroom instruction or distance learning. A classroom hour is  
10055 defined as 50 minutes out of each 60-minute segment. Past  
10056 courses may be approved by the department ~~board~~ and substituted  
10057 on an hour-for-hour basis.

10058 (4) A distance learning course may be approved by the  
10059 department ~~board~~ as an option to classroom hours for  
10060 satisfactory completion of the academic courses required under  
10061 this section. The schools authorized by this section have the  
10062 option of providing classroom courses, distance learning  
10063 courses, or both.

10064 (a) A distance learning course must use a delivery method  
10065 that is certified or approved by a department-authorized ~~board-~~  
10066 ~~authorized~~ independent certifying organization.

10067 (b) A distance learning course intended for use as  
10068 academic education must include a written, closed-book final  
10069 examination. As used in this paragraph, the term "written"  
10070 refers to an exam that might be written on paper or administered  
10071 electronically on a computer workstation or other device. Oral  
10072 exams are not acceptable.

10073 (5) Each applicant must furnish, under oath, a detailed  
10074 statement of the experience for each year of experience she or  
10075 he claims. Upon request, the applicant shall furnish to the

10076 | department board, for its examination, copies of appraisal  
 10077 | reports or file memoranda to support the claim for experience.  
 10078 | Any appraisal report or file memoranda used to support a claim  
 10079 | for experience must be maintained by the applicant for no less  
 10080 | than 5 years after the date of certification.

10081 | (6) The department board may implement the provisions of  
 10082 | this section by rule.

10083 | **Section 299. Section 475.6171, Florida Statutes, is**  
 10084 | **amended to read:**

10085 | 475.6171 Issuance of registration or certification.—The  
 10086 | registration or certification of an applicant may be issued upon  
 10087 | receipt by the department board of the following:

10088 | (1) A complete application indicating compliance with  
 10089 | qualifications as specified in s. 475.615.

10090 | (2) Proof of successful course completion as specified in  
 10091 | s. 475.617.

10092 | (3) Proof of experience for certification as specified in  
 10093 | s. 475.617.

10094 | (4) If required, proof of passing a written examination as  
 10095 | specified in s. 475.616.

10096 | (5) The department board shall implement this section by  
 10097 | rule.

10098 | **Section 300. Subsection (1) of section 475.618, Florida**  
 10099 | **Statutes, is amended to read:**

10100 | 475.618 Renewal of registration, license, certification,

10101 or instructor permit; continuing education.—

10102 (1) (a) The department shall renew a registration, license,  
 10103 certification, or instructor permit upon receipt of the renewal  
 10104 application and proper fee. Such application shall include proof  
 10105 satisfactory to the department ~~board~~ that the individual has  
 10106 satisfactorily completed any continuing education that has been  
 10107 prescribed by the department ~~board~~.

10108 (b) A distance learning course or courses shall be  
 10109 approved by the department ~~board~~ as an option to classroom hours  
 10110 as satisfactory completion of the course or courses as required  
 10111 by this section. The schools authorized by this section have the  
 10112 option of providing classroom courses, distance learning  
 10113 courses, or both.

10114 (c) The department ~~board~~ may authorize independent  
 10115 certification organizations to certify or approve the delivery  
 10116 method of distance learning courses. Certification from such  
 10117 authorized organizations must be provided at the time a distance  
 10118 learning course is submitted to the department ~~board~~ by an  
 10119 accredited college, university, community college, career  
 10120 center, proprietary real estate school, or department-approved  
 10121 ~~board-approved~~ sponsor for content approval.

10122 **Section 301. Section 475.619, Florida Statutes, is amended**  
 10123 **to read:**

10124 475.619 Inactive status.—

10125 (1) A registration, license, or certification which has

10126 | become inactive may be renewed upon application to the  
 10127 | department. The department ~~board~~ shall prescribe by rule  
 10128 | continuing education requirements for each year the  
 10129 | registration, license, or certification was inactive, as a  
 10130 | condition of renewing an inactive registration, license, or  
 10131 | certification.

10132 |         (2) Any registration, license, or certification which has  
 10133 | been inactive for more than 4 years shall automatically expire.  
 10134 | Once a registration, license, or certification expires, it  
 10135 | becomes null and void without any further action by the ~~board~~ or  
 10136 | department. Two years prior to the expiration of the  
 10137 | registration, license, or certification, the department shall  
 10138 | give notice by mail to the registered trainee, licensee, or  
 10139 | certificateholder at her or his last known address. The  
 10140 | department ~~board~~ shall prescribe by rule a fee not to exceed  
 10141 | \$100 for the late renewal of an inactive registration, license,  
 10142 | or certification. The department shall collect the current  
 10143 | renewal fee for each renewal period in which the registration,  
 10144 | license, or certification was inactive, in addition to any  
 10145 | applicable late renewal fee.

10146 |         (3) The department ~~board~~ shall adopt rules relating to  
 10147 | inactive registrations, licenses, and certifications and for the  
 10148 | renewal of such registrations, licenses, and certifications.

10149 |         **Section 302. Subsections (2) and (3) of section 475.621,**  
 10150 | **Florida Statutes, are amended to read:**

10151 475.621 Registry of licensed and certified appraisers;  
 10152 registry of appraisal management companies.—

10153 (2) The department shall collect from such individuals who  
 10154 perform or seek to perform appraisals in federally related  
 10155 transactions an annual fee as set by rule of, and transmitted  
 10156 to, the appraisal subcommittee. The department shall collect  
 10157 from such appraisal management companies that perform or seek to  
 10158 perform appraisal management services in covered transactions an  
 10159 annual fee set by rule of the department ~~board~~ and transmitted  
 10160 to the appraisal subcommittee.

10161 (3) Notwithstanding the prohibition against requiring  
 10162 registration of a federally regulated appraisal management  
 10163 company as provided in s. 475.6235(8)(b), the department ~~board~~  
 10164 shall establish a procedure to collect from a federally  
 10165 regulated appraisal management company an annual fee as set by  
 10166 rule of the department ~~board~~ and transmitted to the appraisal  
 10167 subcommittee.

10168 **Section 303. Section 475.6222, Florida Statutes, is**  
 10169 **amended to read:**

10170 475.6222 Supervision and training of registered trainee  
 10171 appraisers.—The primary or secondary supervisory appraiser of a  
 10172 registered trainee appraiser shall provide direct supervision  
 10173 and training to the registered trainee appraiser. The role and  
 10174 responsibility of the supervisory appraiser is determined by  
 10175 rule of the department ~~board~~.

10176           **Section 304. Subsections (3) and (4) of section 475.6235,**  
 10177 **Florida Statutes, are amended to read:**

10178           475.6235 Registration of appraisal management companies  
 10179 required; exemptions.—

10180           (3) Appropriate fees, as set forth in the rules of the  
 10181 department board pursuant to s. 475.6147, and a complete set of  
 10182 fingerprints for each person listed in paragraph (2)(f) must  
 10183 accompany all applications for registration. The fingerprints  
 10184 shall be forwarded to the Division of Criminal Justice  
 10185 Information Systems within the Department of Law Enforcement for  
 10186 purposes of processing the fingerprints to determine whether the  
 10187 person has a criminal history record. The fingerprints shall  
 10188 also be forwarded to the Federal Bureau of Investigation for  
 10189 purposes of processing the fingerprints to determine whether the  
 10190 person has a criminal history record. The information obtained  
 10191 by the processing of fingerprints by the Department of Law  
 10192 Enforcement and the Federal Bureau of Investigation shall be  
 10193 sent to the department for the purpose of determining whether  
 10194 the appraisal management company is statutorily qualified for  
 10195 registration.

10196           (4) At the time of filing an application for registration  
 10197 of an appraisal management company, each person listed in  
 10198 paragraph (2)(f) must sign a pledge to comply with applicable  
 10199 standards of professional practice established by rule of the  
 10200 department board, including standards for the development or

10201 communication of a real estate appraisal, and must indicate in  
 10202 writing that she or he understands the types of misconduct for  
 10203 which disciplinary proceedings may be initiated. The application  
 10204 expires 1 year after the date received.

10205 **Section 305. Section 475.624, Florida Statutes, is amended**  
 10206 **to read:**

10207 475.624 Discipline of appraisers.—The department ~~board~~ may  
 10208 deny an application for registration or certification of an  
 10209 appraiser; may investigate the actions of any appraiser  
 10210 registered, licensed, or certified under this part; may  
 10211 reprimand or impose an administrative fine not to exceed \$5,000  
 10212 for each count or separate offense against any such appraiser;  
 10213 and may revoke or suspend, for a period not to exceed 10 years,  
 10214 the registration, license, or certification of any such  
 10215 appraiser, or place any such appraiser on probation, if the  
 10216 department ~~board~~ finds that the registered trainee, licensee, or  
 10217 certificateholder:

10218 (1) Has violated any provision of this part or s.  
 10219 455.227(1); however, any appraiser registered, licensed, or  
 10220 certified under this part is exempt from s. 455.227(1)(i).

10221 (2) Has been guilty of fraud, misrepresentation,  
 10222 concealment, false promises, false pretenses, dishonest conduct,  
 10223 culpable negligence, or breach of trust in any business  
 10224 transaction in this state or any other state, nation, or  
 10225 territory; has violated a duty imposed upon her or him by law or

10226 | by the terms of a contract, whether written, oral, express, or  
 10227 | implied, in an appraisal assignment; has aided, assisted, or  
 10228 | conspired with any other person engaged in any such misconduct  
 10229 | and in furtherance thereof; or has formed an intent, design, or  
 10230 | scheme to engage in such misconduct and committed an overt act  
 10231 | in furtherance of such intent, design, or scheme. It is  
 10232 | immaterial to the guilt of the registered trainee appraiser or  
 10233 | licensed or certified appraiser that the victim or intended  
 10234 | victim of the misconduct has sustained no damage or loss; that  
 10235 | the damage or loss has been settled and paid after discovery of  
 10236 | the misconduct; or that such victim or intended victim was a  
 10237 | customer or a person in confidential relation with the  
 10238 | registered trainee appraiser or licensed or certified appraiser,  
 10239 | or was an identified member of the general public.

10240 |         (3) Has advertised services in a manner that is  
 10241 | fraudulent, false, deceptive, or misleading in form or content.

10242 |         (4) Has violated any provision of this part or any lawful  
 10243 | order or rule issued under this part or chapter 455.

10244 |         (5) Has been convicted or found guilty of, or entered a  
 10245 | plea of nolo contendere to, regardless of adjudication, a crime  
 10246 | in any jurisdiction that directly relates to the activities of a  
 10247 | registered trainee appraiser or licensed or certified appraiser  
 10248 | or that involves moral turpitude or fraudulent or dishonest  
 10249 | conduct. The record of a conviction certified or authenticated  
 10250 | in such form as admissible in evidence under the laws of the

10251 state shall be admissible as prima facie evidence of such guilt.

10252 (6) Has had a registration, license, or certification as  
 10253 an appraiser revoked, suspended, or otherwise acted against; has  
 10254 been disbarred; has had her or his registration, license, or  
 10255 certificate to practice or conduct any regulated profession,  
 10256 business, or vocation revoked or suspended by this or any other  
 10257 state, any nation, or any possession or district of the United  
 10258 States; or has had an application for such registration,  
 10259 licensure, or certification to practice or conduct any regulated  
 10260 profession, business, or vocation denied by this or any other  
 10261 state, any nation, or any possession or district of the United  
 10262 States.

10263 (7) Has become temporarily incapacitated from acting as an  
 10264 appraiser with safety to those in a fiduciary relationship with  
 10265 her or him because of drunkenness, use of drugs, or temporary  
 10266 mental derangement; however, suspension of a license,  
 10267 certification, or registration in such cases shall only be for  
 10268 the period of such incapacity.

10269 (8) Is confined in any county jail, postadjudication; is  
 10270 confined in any state or federal prison or mental institution;  
 10271 or, through mental disease or deterioration, can no longer  
 10272 safely be entrusted to deal with the public or in a confidential  
 10273 capacity.

10274 (9) Has failed to inform the department board ~~board~~ in writing  
 10275 within 30 days after pleading guilty or nolo contendere to, or

10276 | being convicted or found guilty of, any felony.

10277 |       (10) Has been found guilty, for a second time, of any  
 10278 | misconduct that warrants disciplinary action, or has been found  
 10279 | guilty of a course of conduct or practice that shows that she or  
 10280 | he is incompetent, negligent, dishonest, or untruthful to an  
 10281 | extent that those with whom she or he may sustain a confidential  
 10282 | relationship may not safely do so.

10283 |       (11) Has made or filed a report or record, either written  
 10284 | or oral, that the registered trainee appraiser or licensed or  
 10285 | certified appraiser knows to be false; has willfully failed to  
 10286 | file a report or record required by state or federal law; has  
 10287 | willfully impeded or obstructed such filing; or has induced  
 10288 | another person to impede or obstruct such filing. However, such  
 10289 | reports or records shall include only those that are signed or  
 10290 | presented in the capacity of a registered trainee appraiser or  
 10291 | licensed or certified appraiser.

10292 |       (12) Has obtained or attempted to obtain a registration,  
 10293 | license, or certification by means of knowingly making a false  
 10294 | statement, submitting false information, refusing to provide  
 10295 | complete information in response to an application question, or  
 10296 | engaging in fraud, misrepresentation, or concealment.

10297 |       (13) Has paid money or other valuable consideration,  
 10298 | except as required by this section, to any member or employee of  
 10299 | the department ~~board~~ to obtain a registration, license, or  
 10300 | certification under this section.

10301 (14) Has violated any standard of professional practice  
 10302 established by rule of the department ~~board~~, including standards  
 10303 for the development or communication of a real estate appraisal.

10304 (15) Has failed or refused to exercise reasonable  
 10305 diligence in developing an appraisal or preparing an appraisal  
 10306 report.

10307 (16) Has failed to communicate an appraisal without good  
 10308 cause.

10309 (17) Has accepted an appraisal assignment if the  
 10310 employment itself is contingent upon the appraiser reporting a  
 10311 predetermined result, analysis, or opinion or if the fee to be  
 10312 paid for the performance of the appraisal assignment is  
 10313 contingent upon the opinion, conclusion, or valuation reached  
 10314 upon the consequences resulting from the appraisal assignment.

10315 (18) Has failed to timely notify the department of any  
 10316 change in business location, or has failed to fully disclose all  
 10317 business locations from which she or he operates as a registered  
 10318 trainee appraiser or licensed or certified appraiser.

10319 **Section 306. Section 475.6245, Florida Statutes, is**  
 10320 **amended to read:**

10321 475.6245 Discipline of appraisal management companies.—

10322 (1) The department ~~board~~ may deny an application for  
 10323 registration or renewal registration of an appraisal management  
 10324 company; may investigate the actions of any appraisal management  
 10325 company registered under this part; may reprimand or impose an

10326 administrative fine not to exceed \$5,000 for each count or  
 10327 separate offense against any such appraisal management company;  
 10328 and may revoke or suspend, for a period not to exceed 10 years,  
 10329 the registration of any such appraisal management company, or  
 10330 place any such appraisal management company on probation, if the  
 10331 department board finds that the appraisal management company or  
 10332 any person listed in s. 475.6235(2) (f):

10333 (a) Has violated any provision of this part or s.  
 10334 455.227(1); however, any appraisal management company registered  
 10335 under this part is exempt from s. 455.227(1) (i).

10336 (b) Has been guilty of fraud, misrepresentation,  
 10337 concealment, false promises, false pretenses, dishonest conduct,  
 10338 culpable negligence, or breach of trust in any business  
 10339 transaction in this state or any other state, nation, or  
 10340 territory; has violated a duty imposed upon her or him by law or  
 10341 by the terms of a contract, whether written, oral, express, or  
 10342 implied, in an appraisal assignment; has aided, assisted, or  
 10343 conspired with any other person engaged in any such misconduct  
 10344 and in furtherance thereof; or has formed an intent, design, or  
 10345 scheme to engage in such misconduct and committed an overt act  
 10346 in furtherance of such intent, design, or scheme. It is  
 10347 immaterial to the guilt of the appraisal management company that  
 10348 the victim or intended victim of the misconduct has sustained no  
 10349 damage or loss; that the damage or loss has been settled and  
 10350 paid after discovery of the misconduct; or that such victim or

10351 | intended victim was a customer or a person in confidential  
 10352 | relation with the appraisal management company or was an  
 10353 | identified member of the general public.

10354 | (c) Has advertised services in a manner that is  
 10355 | fraudulent, false, deceptive, or misleading in form or content.

10356 | (d) Has violated any provision of this part or any lawful  
 10357 | order or rule issued under this part or chapter 455.

10358 | (e) Has been convicted or found guilty of, or entered a  
 10359 | plea of nolo contendere to, regardless of adjudication, a crime  
 10360 | in any jurisdiction that directly relates to the activities of  
 10361 | an appraisal management company or that involves moral turpitude  
 10362 | or fraudulent or dishonest conduct. The record of a conviction  
 10363 | certified or authenticated in such form as admissible in  
 10364 | evidence under the laws of the state shall be admissible as  
 10365 | prima facie evidence of such guilt.

10366 | (f) Has had a registration, license, or certification as  
 10367 | an appraiser or a registration as an appraisal management  
 10368 | company revoked, suspended, or otherwise acted against; has been  
 10369 | disbarred; has had her or his registration, license, or  
 10370 | certificate to practice or conduct any regulated profession,  
 10371 | business, or vocation revoked or suspended by this or any other  
 10372 | state, any nation, or any possession or district of the United  
 10373 | States; or has had an application for such registration,  
 10374 | licensure, or certification to practice or conduct any regulated  
 10375 | profession, business, or vocation denied by this or any other

10376 state, any nation, or any possession or district of the United  
10377 States.

10378 (g) Has become temporarily incapacitated from acting as an  
10379 appraisal management company with safety to those in a fiduciary  
10380 relationship with her or him because of drunkenness, use of  
10381 drugs, or temporary mental derangement; however, suspension of a  
10382 registration in such cases shall only be for the period of such  
10383 incapacity.

10384 (h) Is confined in any county jail, postadjudication; is  
10385 confined in any state or federal prison or mental institution;  
10386 or, through mental disease or deterioration, can no longer  
10387 safely be entrusted to deal with the public or in a confidential  
10388 capacity.

10389 (i) Has failed to inform the department board in writing  
10390 within 30 days after pleading guilty or nolo contendere to, or  
10391 being convicted or found guilty of, any felony.

10392 (j) Has been found guilty, for a second time, of any  
10393 misconduct that warrants disciplinary action, or has been found  
10394 guilty of a course of conduct or practice that shows that she or  
10395 he is incompetent, negligent, dishonest, or untruthful to an  
10396 extent that those with whom she or he may sustain a confidential  
10397 relationship may not safely do so.

10398 (k) Has made or filed a report or record, either written  
10399 or oral, that the appraisal management company knows to be  
10400 false; has willfully failed to file a report or record required

10401 by state or federal law; has willfully impeded or obstructed  
 10402 such filing; or has induced another person to impede or obstruct  
 10403 such filing. However, such reports or records shall include only  
 10404 those that are signed or presented in the capacity of an  
 10405 appraisal management company.

10406 (l) Has obtained or attempted to obtain a registration,  
 10407 license, or certification by means of knowingly making a false  
 10408 statement, submitting false information, refusing to provide  
 10409 complete information in response to an application question, or  
 10410 engaging in fraud, misrepresentation, or concealment.

10411 (m) Has paid money or other valuable consideration, except  
 10412 as required by this section, to any member or employee of the  
 10413 department board ~~board~~ to obtain a registration, license, or  
 10414 certification under this section.

10415 (n) Has instructed an appraiser to violate any standard of  
 10416 professional practice established by rule of the department  
 10417 ~~board~~, including standards for the development or communication  
 10418 of a real estate appraisal or other provision of the Uniform  
 10419 Standards of Professional Appraisal Practice.

10420 (o) Has engaged in the development of an appraisal or the  
 10421 preparation of an appraisal report, unless the appraisal  
 10422 management company is owned or controlled by certified  
 10423 appraisers.

10424 (p) Has failed to communicate an appraisal without good  
 10425 cause.

10426 (q) Has accepted an appraisal assignment if the employment  
10427 itself is contingent upon the appraisal management company  
10428 reporting a predetermined result, analysis, or opinion or if the  
10429 fee to be paid for the performance of the appraisal assignment  
10430 is contingent upon the opinion, conclusion, or valuation reached  
10431 upon the consequences resulting from the appraisal assignment.

10432 (r) Has failed to timely notify the department of any  
10433 change in principal business location as an appraisal management  
10434 company.

10435 (s) Has influenced or attempted to influence the  
10436 development, reporting, or review of an appraisal through  
10437 coercion, extortion, collusion, compensation, inducement,  
10438 intimidation, bribery, or any other means, including, but not  
10439 limited to:

10440 1. Withholding or threatening to withhold timely payment  
10441 for an appraisal, unless such nonpayment is based upon specific  
10442 quality or other service issues that constitute noncompliance  
10443 with the appraisal engagement agreement.

10444 2. Withholding or threatening to withhold future business  
10445 from an appraiser.

10446 3. Promising future business, promotions, or increased  
10447 compensation for an appraiser, whether the promise is express or  
10448 implied.

10449 4. Conditioning a request for appraisal services or the  
10450 payment of an appraisal fee, salary, or bonus upon the opinion,

10451 conclusion, or valuation to be reached or upon a preliminary  
 10452 estimate or opinion requested from an appraiser.

10453 5. Requesting that an appraiser provide an estimated,  
 10454 predetermined, or desired valuation in an appraisal report or  
 10455 provide estimated values or comparable sales at any time before  
 10456 the appraiser's completion of appraisal services.

10457 6. Providing to an appraiser an anticipated, estimated,  
 10458 encouraged, or desired value for a subject property or a  
 10459 proposed or target amount to be loaned to the borrower, except  
 10460 that a copy of the sales contract for purchase transactions may  
 10461 be provided.

10462 7. Providing to an appraiser, or any person related to the  
 10463 appraiser, stock or other financial or nonfinancial benefits.

10464 8. Allowing the removal of an appraiser from an appraiser  
 10465 panel without prior written notice to the appraiser.

10466 9. Obtaining, using, or paying for a second or subsequent  
 10467 appraisal or ordering an automated valuation model in connection  
 10468 with a mortgage financing transaction unless there is a  
 10469 reasonable basis to believe that the initial appraisal was  
 10470 flawed or tainted and such basis is clearly and appropriately  
 10471 noted in the loan file, or unless such appraisal or automated  
 10472 valuation model is issued pursuant to a bona fide prefunding or  
 10473 postfunding appraisal review or quality control process.

10474 10. Any other act or practice that impairs or attempts to  
 10475 impair an appraiser's independence, objectivity, or

10476 impartiality.

10477 (t) Has altered, modified, or otherwise changed a  
10478 completed appraisal report submitted by an appraiser to an  
10479 appraisal management company.

10480 (u) Has employed, contracted with, or otherwise retained  
10481 an appraiser whose registration, license, or certification is  
10482 suspended or revoked to perform appraisal services or appraisal  
10483 management services.

10484 (v) Has required or attempted to require an appraiser to  
10485 sign any indemnification agreement that would require the  
10486 appraiser to hold harmless the appraisal management company or  
10487 its owners, agents, employees, or independent contractors from  
10488 any liability, damage, loss, or claim arising from the services  
10489 performed by the appraisal management company or its owners,  
10490 agents, employees, or independent contractors and not the  
10491 services performed by the appraiser.

10492 (w) Has required or attempted to require a client to sign  
10493 any indemnification agreement that would require the client to  
10494 hold harmless the appraisal management company or its owners,  
10495 agents, or employees from any liability, damage, loss, or claim  
10496 arising from the services performed by an appraiser.

10497 (2) The department ~~board~~ may reprimand an appraisal  
10498 management company, conditionally or unconditionally suspend or  
10499 revoke any registration of an appraisal management company  
10500 issued under this part, or impose administrative fines not to

10501 exceed \$5,000 for each count or separate offense against any  
 10502 such appraisal management company if the department ~~board~~  
 10503 determines that the appraisal management company is attempting  
 10504 to perform, has performed, or has attempted to perform any of  
 10505 the following acts:

10506 (a) Committing any act in violation of this part.

10507 (b) Violating any rule adopted by the department ~~board~~  
 10508 under this part.

10509 (c) Obtaining a registration of an appraisal management  
 10510 company by fraud, misrepresentation, or deceit.

10511 (3) This section does not prohibit an appraisal management  
 10512 company from requesting an appraiser to:

10513 (a) Provide additional information about the basis of a  
 10514 valuation, including consideration of additional comparable  
 10515 data; or

10516 (b) Correct objective factual errors in an appraisal  
 10517 report.

10518 **Section 307. Section 475.625, Florida Statutes, is amended**  
 10519 **to read:**

10520 475.625 Final orders.—The department ~~board~~ may publish and  
 10521 distribute, in such manner and form as it may prescribe, any of  
 10522 its final orders or decisions made under this section, after  
 10523 they become final by lapse of time or upon affirmance on appeal,  
 10524 or opinions of appellate courts for the guidance of appraisers,  
 10525 appraiser users, and the public. The department ~~board~~ may also

10526 | publish or withhold from publication the names and addresses of  
 10527 | any parties concerned. This section shall not be construed to  
 10528 | affect compliance with chapter 119.

10529 | **Section 308. Paragraphs (c), (d), and (e) of subsection**  
 10530 | **(1) of section 475.626, Florida Statutes, are amended to read:**

10531 | 475.626 Violations and penalties.—

10532 | (1) A person may not:

10533 | (c) Make any false affidavit or affirmation intended for  
 10534 | use as evidence by or before the department ~~board~~ or any member  
 10535 | thereof, or by any of its authorized representatives, nor may  
 10536 | any person give false testimony under oath or affirmation to or  
 10537 | before the department ~~board~~ or any member thereof in any  
 10538 | proceeding authorized by this section.

10539 | (d) Fail or refuse to appear at the time and place  
 10540 | designated in a subpoena issued with respect to a violation of  
 10541 | this section, unless such failure to appear is the result of  
 10542 | facts or circumstances that are sufficient to excuse appearance  
 10543 | in response to a subpoena from the circuit court; nor may a  
 10544 | person who is present before the department ~~board or a member~~  
 10545 | ~~thereof~~ or one of its authorized representatives acting under  
 10546 | authority of this section refuse to be sworn or to affirm or  
 10547 | fail or refuse to answer fully any question propounded by the  
 10548 | department ~~board, the member,~~ or such representative, or by any  
 10549 | person by the authority of such officer or appointee.

10550 | (e) Obstruct or hinder in any manner the enforcement of

10551 | this section or the performance of any lawful duty by any person  
 10552 | acting under the authority of this section, or interfere with,  
 10553 | intimidate, or offer any bribe to any employee ~~member~~ of the  
 10554 | department ~~board or any of its employees~~ or any person who is,  
 10555 | or is expected to be, a witness in any investigation or  
 10556 | proceeding relating to a violation of this section.

10557 | **Section 309. Section 475.627, Florida Statutes, is amended**  
 10558 | **to read:**

10559 | 475.627 Appraisal course instructors.—

10560 | (1) Where the course or courses to be taught are  
 10561 | prescribed by the department ~~board~~ or approved precedent to  
 10562 | registration, licensure, certification, or renewal as a  
 10563 | registered trainee appraiser, licensed appraiser, or certified  
 10564 | residential appraiser, before commencing to instruct noncredit  
 10565 | college courses in a college, university, or community college,  
 10566 | or courses in a career center or proprietary real estate school,  
 10567 | a person must certify her or his competency by meeting one of  
 10568 | the following requirements:

10569 | (a) Hold a valid certification as a residential real  
 10570 | estate appraiser in this or any other state.

10571 | (b) Pass an appraiser instructor's examination which shall  
 10572 | test knowledge of residential appraisal topics.

10573 | (2) Where the course or courses to be taught are  
 10574 | prescribed by the department ~~board~~ or approved precedent to  
 10575 | registration, licensure, certification, or renewal as a

10576 registered trainee appraiser, licensed appraiser, or certified  
 10577 appraiser, before commencing to instruct noncredit college  
 10578 courses in a college, university, or community college, or  
 10579 courses in a career center or proprietary real estate school, a  
 10580 person must certify her or his competency by meeting one of the  
 10581 following requirements:

10582 (a) Hold a valid certification as a general real estate  
 10583 appraiser in this or any other state.

10584 (b) Pass an appraiser instructor's examination which shall  
 10585 test knowledge of residential and nonresidential appraisal  
 10586 topics.

10587 (3) Possession of a permit to teach prescribed or approved  
 10588 appraisal courses does not entitle the permitholder to teach any  
 10589 courses outside the scope of the permit.

10590 **Section 310. Section 475.628, Florida Statutes, is amended**  
 10591 **to read:**

10592 475.628 Professional standards for appraisers registered,  
 10593 licensed, or certified under this part.—

10594 (1) The department ~~board~~ shall adopt rules establishing  
 10595 standards of professional practice which meet or exceed  
 10596 nationally recognized standards of appraisal practice, including  
 10597 standards adopted by the Appraisal Standards Board of the  
 10598 Appraisal Foundation. Each appraiser registered, licensed, or  
 10599 certified under this part must comply with the rules. Statements  
 10600 on appraisal standards which may be issued for the purpose of

10601 clarification, interpretation, explanation, or elaboration  
 10602 through the Appraisal Foundation are binding on any appraiser  
 10603 registered, licensed, or certified under this part, upon  
 10604 adoption by rule of the department ~~board~~.

10605 (2) The department ~~board~~ may adopt rules establishing  
 10606 standards of professional practice other than standards adopted  
 10607 by the Appraisal Standards Board of the Appraisal Foundation for  
 10608 nonfederally related transactions. The department ~~board~~ shall  
 10609 require that when performing an appraisal or appraisal service  
 10610 for any purpose other than a federally related transaction, an  
 10611 appraiser must comply with the Ethics and Competency Rules of  
 10612 the standards adopted by the Appraisal Standards Board of the  
 10613 Appraisal Foundation, and other requirements as determined by  
 10614 rule of the department ~~board~~. An assignment completed using  
 10615 alternate standards does not satisfy the experience requirements  
 10616 under s. 475.617 unless the assignment complies with the  
 10617 standards adopted by the Appraisal Standards Board of the  
 10618 Appraisal Foundation.

10619 **Section 311. Section 475.629, Florida Statutes, is amended**  
 10620 **to read:**

10621 475.629 Retention of records.—An appraiser registered,  
 10622 licensed, or certified under this part shall prepare and retain  
 10623 a work file for each appraisal, appraisal review, or appraisal  
 10624 consulting assignment. An appraisal management company  
 10625 registered under this part shall prepare and retain an order

10626 file for each appraisal, appraisal review, or appraisal  
10627 consulting assignment. The work file and the order file shall be  
10628 retained for 5 years or the period specified in the Uniform  
10629 Standards of Professional Appraisal Practice, whichever is  
10630 greater. The work file must contain original or true copies of  
10631 any contracts engaging the appraiser's or appraisal management  
10632 company's services, appraisal reports, and supporting data  
10633 assembled and formulated by the appraiser or company in  
10634 preparing appraisal reports or engaging in appraisal management  
10635 services and all other data, information, and documentation  
10636 required by the standards for the development or communication  
10637 of a real estate appraisal as approved and adopted by the  
10638 Appraisal Standards Board of The Appraisal Foundation, as  
10639 established by rule of the department ~~board~~. The order file must  
10640 contain original or true copies of any contracts engaging the  
10641 appraiser's services, the appraisal reports, any engagement  
10642 materials or instructions from the client, and all other  
10643 documents required by the standards for the development or  
10644 communication of a real estate appraisal as approved and adopted  
10645 by the Appraisal Standards Board of The Appraisal Foundation, as  
10646 established by rule of the department ~~board~~. Notwithstanding the  
10647 foregoing, while general contracts and materials pertaining to  
10648 impaneling of an appraiser by an appraisal management company  
10649 shall be retained under this section, such contracts and  
10650 materials are not required to be maintained within the order

10651 file. Except as otherwise specified in the Uniform Standards of  
10652 Professional Appraisal Practice, the period for retention of the  
10653 records applicable to each engagement of the services of the  
10654 appraiser or appraisal management company runs from the date of  
10655 the submission of the appraisal report to the client. Appraisal  
10656 management companies shall also retain the company accounts,  
10657 correspondence, memoranda, papers, books, and other records in  
10658 accordance with administrative rules adopted by the department  
10659 ~~board~~. These records must be made available by the appraiser or  
10660 appraisal management company for inspection and copying by the  
10661 department upon reasonable notice to the appraiser or company.  
10662 If an appraisal has been the subject of or has served as  
10663 evidence for litigation, reports and records must be retained  
10664 for at least 2 years after the trial or the period specified in  
10665 the Uniform Standards of Professional Appraisal Practice,  
10666 whichever is greater.

10667 **Section 312. Section 475.630, Florida Statutes, is amended**  
10668 **to read:**

10669 475.630 Temporary practice.—

10670 (1) The department ~~board~~ shall recognize, on a temporary  
10671 basis, the license or certification of an appraiser issued by  
10672 another state, if:

10673 (a) The property to be appraised is part of a federally  
10674 related transaction.

10675 (b) The appraiser's business is of a temporary nature.

10676 (c) The appraiser registers with the department ~~board~~.

10677 (d) The person requesting recognition of a license or  
 10678 certification as an appraiser issued by another state is a  
 10679 nonresident of Florida.

10680 (2) In order to register with the department ~~board~~, the  
 10681 appraiser must:

10682 (a) Pay any required fee as established by rule.

10683 (b) Provide, or cause the state where the applicant may be  
 10684 licensed or certified to furnish, proof of licensure or  
 10685 certification along with the copies of the records of any  
 10686 disciplinary actions taken against the applicant's license or  
 10687 certification in that or other jurisdictions.

10688 (c) Agree in writing to cooperate with any investigation  
 10689 initiated under this part by promptly supplying such documents  
 10690 that any authorized representative of the department may  
 10691 request. If the department sends a notice by certified mail to  
 10692 the last known address of a nonresident appraiser to produce  
 10693 documents or to appear in conjunction with an investigation and  
 10694 the nonresident appraiser fails to comply with that request, the  
 10695 department ~~board~~ may impose on that nonresident appraiser any  
 10696 disciplinary action or penalty authorized under this part.

10697 (d) Sign a notarized statement that the applicant has read  
 10698 this section and all applicable rules and agrees to abide by  
 10699 these provisions in all appraisal activities.

10700 **Section 313. Section 475.631, Florida Statutes, is amended**

10701 **to read:**

10702 475.631 Nonresident licenses and certifications.—

10703 (1) Any resident state-certified appraiser who becomes a  
 10704 nonresident shall, within 60 days, notify the department ~~board~~  
 10705 of the change in residency and comply with nonresident  
 10706 requirements. Failure to notify and comply is a violation of the  
 10707 license law, subject to the penalties in s. 475.624.

10708 (2) All nonresident applicants, certified appraisers, and  
 10709 licensees shall comply with all requirements of department ~~board~~  
 10710 rules and this part.

10711 **Section 314. Section 475.613, Florida Statutes, is amended**

10712 **to read:**

10713 475.613 Authority of the department ~~Florida Real Estate~~  
 10714 ~~Appraisal Board.—~~

10715 ~~(1) There is created the Florida Real Estate Appraisal~~  
 10716 ~~Board, which shall consist of nine members appointed by the~~  
 10717 ~~Governor, subject to confirmation by the Senate. Four members of~~  
 10718 ~~the board must be real estate appraisers who have been engaged~~  
 10719 ~~in the general practice of appraising real property in this~~  
 10720 ~~state for at least 5 years immediately preceding appointment. In~~  
 10721 ~~appointing real estate appraisers to the board, while not~~  
 10722 ~~excluding other appraisers, the Governor shall give preference~~  
 10723 ~~to real estate appraisers who are not primarily engaged in real~~  
 10724 ~~estate brokerage or mortgage lending activities. One member of~~  
 10725 ~~the board must represent the appraisal management industry. One~~

10726 ~~member of the board must represent organizations that use~~  
10727 ~~appraisals for the purpose of eminent domain proceedings,~~  
10728 ~~financial transactions, or mortgage insurance. Three members of~~  
10729 ~~the board must represent the general public and may not be~~  
10730 ~~connected in any way with the practice of real estate appraisal.~~  
10731 ~~The appraiser members shall be as representative of the entire~~  
10732 ~~industry as possible, and membership in a nationally recognized~~  
10733 ~~or state-recognized appraisal organization may not be a~~  
10734 ~~prerequisite to membership on the board. To the extent possible,~~  
10735 ~~no more than two members of the board shall be primarily~~  
10736 ~~affiliated with any one particular national or state appraisal~~  
10737 ~~association. Two of the members must be licensed or certified~~  
10738 ~~residential real estate appraisers and two of the members must~~  
10739 ~~be certified general real estate appraisers at the time of their~~  
10740 ~~appointment.~~

10741 ~~(a) Members of the board shall be appointed for 4-year~~  
10742 ~~terms. Any vacancy occurring in the membership of the board~~  
10743 ~~shall be filled by appointment by the Governor for the unexpired~~  
10744 ~~term. Upon expiration of her or his term, a member of the board~~  
10745 ~~shall continue to hold office until the appointment and~~  
10746 ~~qualification of the member's successor. A member may not be~~  
10747 ~~appointed for more than two consecutive terms. The Governor may~~  
10748 ~~remove any member for cause.~~

10749 ~~(b) The headquarters for the board shall be in Orlando.~~

10750 ~~(c) The board shall meet at least once each calendar~~

10751 ~~quarter to conduct its business.~~

10752 ~~(d) The members of the board shall elect a chairperson at~~  
 10753 ~~the first meeting each year.~~

10754 ~~(e) Each member of the board is entitled to per diem and~~  
 10755 ~~travel expenses as set by legislative appropriation for each day~~  
 10756 ~~that the member engages in the business of the board.~~

10757 ~~(2)~~ The department ~~board~~ shall have, through its rules,  
 10758 full power to regulate the issuance of licenses, certifications,  
 10759 registrations, and permits; to discipline appraisers in any  
 10760 manner permitted under this section; to establish qualifications  
 10761 for licenses, certifications, registrations, and permits  
 10762 consistent with this section; to regulate approved courses; to  
 10763 establish standards for real estate appraisals; and to establish  
 10764 standards for and regulate supervisory appraisers.

10765 ~~(3) Notwithstanding s. 112.313, any member of the board~~  
 10766 ~~who is a licensed or certified real estate appraiser and who~~  
 10767 ~~holds an active appraiser instructor permit issued by the~~  
 10768 ~~department, to the extent authorized pursuant to such permit,~~  
 10769 ~~may offer, conduct, or teach any course prescribed or approved~~  
 10770 ~~by the board or the department.~~

10771 **Section 315. Subsections (2), (8), and (9) of section**  
 10772 **476.184, Florida Statutes, are amended, and subsection (11) is**  
 10773 **added to that section, to read:**

10774 476.184 Barbershop licensure; requirements; fee;  
 10775 inspection; license display.-

10776           (2) The department ~~board~~ shall adopt rules governing the  
 10777 licensure and operation of a barbershop and its facilities,  
 10778 personnel, safety and sanitary requirements, and the license  
 10779 application and granting process.

10780           (8) Renewal of license registration for barbershops shall  
 10781 be accomplished pursuant to rules adopted by the department  
 10782 ~~board~~. The department ~~board~~ is further authorized to adopt rules  
 10783 governing delinquent renewal of licenses and may impose penalty  
 10784 fees for delinquent renewal.

10785           (9) The department ~~board~~ is authorized to adopt rules  
 10786 governing the operation and periodic inspection of barbershops  
 10787 licensed under this chapter.

10788           (11) (a) The department shall adopt rules governing the  
 10789 licensure, operation, and inspection of mobile barbershops,  
 10790 including their facilities, personnel, and safety and sanitary  
 10791 requirements.

10792           (b) Each mobile barbershop must comply with all licensure  
 10793 and operating requirements specified in this chapter, chapter  
 10794 455, or rules of the department that apply to barbershops at  
 10795 fixed locations, except to the extent that such requirements  
 10796 conflict with this subsection or rules adopted pursuant to this  
 10797 subsection.

10798           (c) A mobile barbershop must maintain a permanent business  
 10799 address, located in the inspection area of the local department  
 10800 office, at which records of appointments, itineraries, license

10801 numbers of employees, and vehicle identification numbers of the  
10802 licenseholder's mobile barbershop shall be kept and made  
10803 available for verification purposes by department personnel, and  
10804 at which correspondence from the department can be received.

10805 (d) To facilitate periodic inspections of a mobile  
10806 barbershop, before the beginning of each month each mobile  
10807 barbershop licenseholder must file with the department a written  
10808 monthly itinerary listing the locations where and the dates and  
10809 hours when the mobile barbershop will be operating.

10810 (e) The licenseholder must comply with all local laws and  
10811 ordinances regulating business establishments, with all  
10812 applicable requirements of the Americans with Disabilities Act  
10813 relating to accommodations for persons with disabilities, and  
10814 with all applicable requirements of the Occupational Safety and  
10815 Health Administration.

10816 **Section 316. Section 476.188, Florida Statutes, is amended**  
10817 **to read:**

10818 476.188 Barber services to be performed in a licensed  
10819 ~~registered~~ barbershop; exception.—

10820 (1) Barber services shall be performed only by licensed  
10821 barbers in licensed ~~registered~~ barbershops, except as otherwise  
10822 provided in this section.

10823 (2) Pursuant to rules established by the department board,  
10824 barber services may be performed by a licensed barber in a  
10825 location other than a licensed ~~registered~~ barbershop, including,

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10826 but not limited to, a nursing home, hospital, or residence, when  
10827 a client for reasons of ill health is unable to go to a licensed  
10828 ~~registered~~ barbershop. Arrangements for the performance of  
10829 barber services in a location other than a licensed ~~registered~~  
10830 barbershop may ~~shall~~ be made only through a licensed ~~registered~~  
10831 barbershop. However, a barber may shampoo, cut, or arrange hair  
10832 in a location other than a licensed ~~registered~~ barbershop  
10833 without such arrangements.

10834 (3) Any person who holds a valid barber's license in any  
10835 state or who is authorized to practice barbering in any country,  
10836 territory, or jurisdiction of the United States may perform  
10837 barber services in a location other than a licensed ~~registered~~  
10838 barbershop when such services are performed in connection with  
10839 the motion picture, fashion photography, theatrical, or  
10840 television industry; a manufacturer trade show demonstration; or  
10841 an educational seminar.

10842 (4) Pursuant to rules adopted by the department, the  
10843 practice of barbering may be performed in a location other than  
10844 a licensed barbershop when performed in connection with a  
10845 special event and by a person who holds the proper license.

10846 **Section 317. Section 481.213, Florida Statutes, is amended**  
10847 **to read:**

10848 481.213 Licensure and registration.—

10849 (1) The department shall license or register any applicant  
10850 who ~~the board certifies~~ is qualified for licensure or

10851 registration and who has paid the initial licensure or  
 10852 registration fee. Licensure as an architect under this section  
 10853 shall be deemed to include all the rights and privileges of  
 10854 registration as an interior designer under this section.

10855 (2) The department ~~board~~ shall certify for licensure ~~or~~  
 10856 ~~registration~~ by examination any applicant who passes the  
 10857 prescribed licensure or registration examination and satisfies  
 10858 the requirements of ss. 481.209 and 481.211, for architects, or  
 10859 the requirements of s. 481.209, for interior designers.

10860 (3) The department ~~board~~ shall certify as qualified for a  
 10861 license by endorsement as an architect or registration as a  
 10862 registered interior designer an applicant who:

10863 (a) Qualifies to take the prescribed licensure or  
 10864 registration examination, and has passed the prescribed  
 10865 licensure or registration examination or a substantially  
 10866 equivalent examination in another jurisdiction, as set forth in  
 10867 s. 481.209 for architects or registered interior designers, as  
 10868 applicable, and has satisfied the internship requirements set  
 10869 forth in s. 481.211 for architects;

10870 (b) Holds a valid license to practice architecture or a  
 10871 license, registration, or certification to practice interior  
 10872 design issued by another jurisdiction of the United States or a  
 10873 foreign jurisdiction, if the criteria for issuance of such  
 10874 license were substantially equivalent to the licensure criteria  
 10875 that existed in this state at the time the license was issued;

10876 or

10877 (c) Has passed the prescribed licensure examination and  
 10878 holds a valid certificate issued by the National Council of  
 10879 Architectural Registration Boards, and holds a valid license to  
 10880 practice architecture issued by another state or jurisdiction of  
 10881 the United States or a foreign jurisdiction.

10882  
 10883 An architect who is licensed in another state, another  
 10884 jurisdiction of the United States, or a foreign jurisdiction,  
 10885 who seeks qualification for licensure ~~license~~ by endorsement  
 10886 under this subsection must complete a 2-hour class approved by  
 10887 the department ~~board~~ on wind mitigation techniques.

10888 (4) The department ~~board~~ may refuse to certify any  
 10889 applicant who has violated any of the provisions of s. 481.223,  
 10890 s. 481.225, or s. 481.2251, as applicable.

10891 (5) The department ~~board~~ may refuse to certify any  
 10892 applicant who is under investigation in any jurisdiction for any  
 10893 act which would constitute a violation of this part or of  
 10894 chapter 455 until such time as the investigation is complete and  
 10895 disciplinary proceedings have been terminated.

10896 (6) The department ~~board~~ shall adopt rules to implement  
 10897 the provisions of this part relating to the examination,  
 10898 internship, and licensure of applicants.

10899 (7) For persons whose licensure requires satisfaction of  
 10900 the requirements of ss. 481.209 and 481.211, the board shall, by

10901 rule, establish qualifications for certification of such persons  
 10902 as special inspectors of threshold buildings, as defined in ss.  
 10903 553.71 and 553.79, and shall compile a list of persons who are  
 10904 certified. A special inspector is not required to meet standards  
 10905 for certification other than those established by the department  
 10906 ~~board~~, and the fee owner of a threshold building may not be  
 10907 prohibited from selecting any person certified by the board to  
 10908 be a special inspector. The department ~~board~~ shall develop  
 10909 minimum qualifications for the qualified representative of the  
 10910 special inspector who is authorized under s. 553.79 to perform  
 10911 inspections of threshold buildings on behalf of the special  
 10912 inspector.

10913 (8) A certificate of registration is not required for a  
 10914 person whose occupation or practice is confined to interior  
 10915 decorator services or for a person whose occupation or practice  
 10916 is confined to interior design as provided in this part.

10917 **Section 318. Subsections (1), (2), and (4) of section**  
 10918 **481.321, Florida Statutes, are amended to read:**

10919 481.321 Seals; display of certificate number.—

10920 (1) The department ~~board~~ shall prescribe, by rule, one or  
 10921 more forms of seals for use by a registered landscape architect  
 10922 who holds a valid certificate of registration. Each registered  
 10923 landscape architect shall obtain one seal in a form approved by  
 10924 rule of the department ~~board~~ and may, in addition, register her  
 10925 or his seal electronically in accordance with ss. 668.001-

10926 668.006. All final plans, specifications, or reports prepared or  
 10927 issued by the registered landscape architect and filed for  
 10928 public record shall be signed by the registered landscape  
 10929 architect, dated, and stamped or sealed electronically with her  
 10930 or his seal. The signature, date, and seal constitute evidence  
 10931 of the authenticity of that to which they are affixed. Final  
 10932 plans, specifications, or reports prepared or issued by a  
 10933 registered landscape architect may be transmitted electronically  
 10934 and may be signed by the registered landscape architect, dated,  
 10935 and sealed electronically with the seal in accordance with ss.  
 10936 668.001-668.006.

10937 (2) It is unlawful for any person to sign and seal by any  
 10938 means any final plan, specification, or report after her or his  
 10939 certificate of registration is expired, suspended, or revoked. A  
 10940 registered landscape architect whose certificate of registration  
 10941 is suspended or revoked shall, within 30 days after the  
 10942 effective date of the suspension or revocation, surrender her or  
 10943 his seal to the department ~~executive director of the board~~ and  
 10944 confirm in writing to the department ~~executive director~~ the  
 10945 cancellation of the landscape architect's electronic signature  
 10946 in accordance with ss. 668.001-668.006. When a landscape  
 10947 architect's certificate of registration is suspended for a  
 10948 period of time, her or his seal shall be returned upon  
 10949 expiration of the period of suspension.

10950 (4) ~~Nothing in~~ This part does not ~~shall~~ prohibit a

10951 registered landscape architect from filing plans of work defined  
 10952 under this part. A state agency or local government may not  
 10953 refuse to accept the seal of a landscape architect for any of  
 10954 the professional services delineated in s. 481.303(4),  
 10955 including, but not limited to, grading and drainage.

10956 **Section 319. Paragraph (b) of subsection (6), paragraph**  
 10957 **(1) of subsection (8), paragraphs (a) and (d) of subsection (9),**  
 10958 **and subsections (15) and (16) of section 499.012, Florida**  
 10959 **Statutes, are amended, to read:**

10960 499.012 Permit application requirements.—

10961 (6) A permit issued by the department is nontransferable.  
 10962 Each permit is valid only for the person or governmental unit to  
 10963 which it is issued and is not subject to sale, assignment, or  
 10964 other transfer, voluntarily or involuntarily; nor is a permit  
 10965 valid for any establishment other than the establishment for  
 10966 which it was originally issued.

10967 (b)1. An application for a new permit is required when a  
 10968 majority of the ownership or controlling interest of a permitted  
 10969 establishment is transferred or assigned or when a lessee agrees  
 10970 to undertake or provide services to the extent that legal  
 10971 liability for operation of the establishment will rest with the  
 10972 lessee. The application for the new permit must be made within  
 10973 30 days after ~~before~~ the date of the sale, transfer, assignment,  
 10974 or lease.

10975 2. A permittee that is authorized to distribute

10976 prescription drugs may transfer such drugs to the new owner or  
 10977 lessee under subparagraph 1. only after the new owner or lessee  
 10978 has been approved for a permit to distribute prescription drugs.

10979  
 10980 The department may revoke the permit of any person that fails to  
 10981 comply with the requirements of this subsection.

10982 (8) An application for a permit or to renew a permit for a  
 10983 prescription drug wholesale distributor or an out-of-state  
 10984 prescription drug wholesale distributor submitted to the  
 10985 department must include:

10986 (1) ~~The name of each of the applicant's designated~~  
 10987 ~~representatives as required by subsection (15), together with~~  
 10988 The personal information statement and fingerprints required  
 10989 pursuant to subsection (9) for each such person.

10990 (9) (a) Each person required by subsection (8) ~~or~~  
 10991 ~~subsection (15)~~ to provide a personal information statement and  
 10992 fingerprints shall provide the following information to the  
 10993 department on forms prescribed by the department:

- 10994 1. The person's places of residence for the past 7 years.
- 10995 2. The person's date and place of birth.
- 10996 3. The person's occupations, positions of employment, and  
 10997 offices held during the past 7 years.
- 10998 4. The principal business and address of any business,  
 10999 corporation, or other organization in which each such office of  
 11000 the person was held or in which each such occupation or position

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11001 of employment was carried on.

11002 5. Whether the person has been, during the past 7 years,  
11003 the subject of any proceeding for the revocation of any license  
11004 and, if so, the nature of the proceeding and the disposition of  
11005 the proceeding.

11006 6. Whether, during the past 7 years, the person has been  
11007 enjoined, temporarily or permanently, by a court of competent  
11008 jurisdiction from violating any federal or state law regulating  
11009 the possession, control, or distribution of prescription drugs,  
11010 together with details concerning any such event.

11011 7. A description of any involvement by the person with any  
11012 business, including any investments, other than the ownership of  
11013 stock in a publicly traded company or mutual fund, during the  
11014 past 4 years, which manufactured, administered, prescribed,  
11015 distributed, or stored pharmaceutical products and any lawsuits  
11016 in which such businesses were named as a party.

11017 8. A description of any felony criminal offense of which  
11018 the person, as an adult, was found guilty, regardless of whether  
11019 adjudication of guilt was withheld or whether the person pled  
11020 guilty or nolo contendere. A criminal offense committed in  
11021 another jurisdiction which would have been a felony in this  
11022 state must be reported. If the person indicates that a criminal  
11023 conviction is under appeal and submits a copy of the notice of  
11024 appeal of that criminal offense, the applicant must, within 15  
11025 days after the disposition of the appeal, submit to the

11026 department a copy of the final written order of disposition.

11027 9. A photograph of the person taken in the previous 180  
11028 days.

11029 10. A set of fingerprints for the person on a form and  
11030 under procedures specified by the department, together with  
11031 payment of an amount equal to the costs incurred by the  
11032 department for the criminal record check of the person.

11033 11. The name, address, occupation, and date and place of  
11034 birth for each member of the person's immediate family who is 18  
11035 years of age or older. As used in this subparagraph, the term  
11036 "member of the person's immediate family" includes the person's  
11037 spouse, children, parents, siblings, the spouses of the person's  
11038 children, and the spouses of the person's siblings.

11039 12. Any other relevant information that the department  
11040 requires.

11041 (d) For purposes of applying for renewal of a permit under  
11042 subsection (8) ~~or certification under subsection (15)~~, a person  
11043 may submit the following in lieu of satisfying the requirements  
11044 of paragraphs (a), (b), and (c):

11045 1. A photograph of the individual taken within 180 days;  
11046 and

11047 2. A copy of the personal information statement form most  
11048 recently submitted to the department and a certification under  
11049 oath, on a form specified by the department, that the individual  
11050 has reviewed the previously submitted personal information

11051 statement form and that the information contained therein  
11052 remains unchanged.

11053 ~~(15) (a) Each establishment that is issued an initial or~~  
11054 ~~renewal permit as a prescription drug wholesale distributor or~~  
11055 ~~an out-of-state prescription drug wholesale distributor must~~  
11056 ~~designate in writing to the department at least one natural~~  
11057 ~~person to serve as the designated representative of the~~  
11058 ~~wholesale distributor. Such person must have an active~~  
11059 ~~certification as a designated representative from the~~  
11060 ~~department.~~

11061 ~~(b) To be certified as a designated representative, a~~  
11062 ~~natural person must:~~

11063 ~~1. Submit an application on a form furnished by the~~  
11064 ~~department and pay the appropriate fees.~~

11065 ~~2. Be at least 18 years of age.~~

11066 ~~3. Have at least 2 years of verifiable full-time:~~

11067 ~~a. Work experience in a pharmacy licensed in this state or~~  
11068 ~~another state, where the person's responsibilities included, but~~  
11069 ~~were not limited to, recordkeeping for prescription drugs;~~

11070 ~~b. Managerial experience with a prescription drug~~  
11071 ~~wholesale distributor licensed in this state or in another~~  
11072 ~~state;~~

11073 ~~e. Managerial experience with the United States Armed~~  
11074 ~~Forces, where the person's responsibilities included, but were~~  
11075 ~~not limited to, recordkeeping, warehousing, distributing, or~~

11076 ~~other logistics services pertaining to prescription drugs;~~

11077 ~~d. Managerial experience with a state or federal~~  
11078 ~~organization responsible for regulating or permitting~~  
11079 ~~establishments involved in the distribution of prescription~~  
11080 ~~drugs, whether in an administrative or a sworn law enforcement~~  
11081 ~~capacity; or~~

11082 ~~e. Work experience as a drug inspector or investigator~~  
11083 ~~with a state or federal organization, whether in an~~  
11084 ~~administrative or a sworn law enforcement capacity, where the~~  
11085 ~~person's responsibilities related primarily to compliance with~~  
11086 ~~state or federal requirements pertaining to the distribution of~~  
11087 ~~prescription drugs.~~

11088 ~~4. Receive a passing score of at least 75 percent on an~~  
11089 ~~examination given by the department regarding federal laws~~  
11090 ~~governing distribution of prescription drugs and this part and~~  
11091 ~~the rules adopted by the department governing the wholesale~~  
11092 ~~distribution of prescription drugs. This requirement shall be~~  
11093 ~~effective 1 year after the results of the initial examination~~  
11094 ~~are mailed to the persons that took the examination. The~~  
11095 ~~department shall offer such examinations at least four times~~  
11096 ~~each calendar year.~~

11097 ~~5. Provide the department with a personal information~~  
11098 ~~statement and fingerprints pursuant to subsection (9).~~

11099 ~~(c) The department may deny an application for~~  
11100 ~~certification as a designated representative or may suspend or~~

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11101 ~~revoke a certification of a designated representative pursuant~~  
11102 ~~to s. 499.067.~~

11103 ~~(d) A designated representative:~~

11104 ~~1. Must be actively involved in and aware of the actual~~  
11105 ~~daily operation of the wholesale distributor.~~

11106 ~~2. Must be employed full time in a managerial position by~~  
11107 ~~the wholesale distributor.~~

11108 ~~3. Must be physically present at the establishment during~~  
11109 ~~normal business hours, except for time periods when absent due~~  
11110 ~~to illness, family illness or death, scheduled vacation, or~~  
11111 ~~other authorized absence.~~

11112 ~~4. May serve as a designated representative for only one~~  
11113 ~~wholesale distributor at any one time.~~

11114 ~~(e) A wholesale distributor must notify the department~~  
11115 ~~when a designated representative leaves the employ of the~~  
11116 ~~wholesale distributor. Such notice must be provided to the~~  
11117 ~~department within 10 business days after the last day of~~  
11118 ~~designated representative's employment with the wholesale~~  
11119 ~~distributor.~~

11120 ~~(f) A wholesale distributor may not operate under a~~  
11121 ~~prescription drug wholesale distributor permit or an out-of-~~  
11122 ~~state prescription drug wholesale distributor permit for more~~  
11123 ~~than 10 business days after the designated representative leaves~~  
11124 ~~the employ of the wholesale distributor, unless the wholesale~~  
11125 ~~distributor employs another designated representative and~~

11126 | ~~notifies the department within 10 business days of the identity~~  
11127 | ~~of the new designated representative.~~

11128 |       (15)~~(16)~~ A permit for a prescription drug manufacturer or  
11129 | a nonresident prescription drug manufacturer is subject to the  
11130 | requirements of s. 499.026.

11131 |       **Section 320. Subsection (9) of section 499.0121, Florida**  
11132 | **Statutes, is amended to read:**

11133 |       499.0121 Storage and handling of prescription drugs;  
11134 | recordkeeping.—The department shall adopt rules to implement  
11135 | this section as necessary to protect the public health, safety,  
11136 | and welfare. Such rules shall include, but not be limited to,  
11137 | requirements for the storage and handling of prescription drugs  
11138 | and for the establishment and maintenance of prescription drug  
11139 | distribution records.

11140 |       (9) RESPONSIBLE PERSONS.—Wholesale distributors must  
11141 | establish and maintain lists of officers, directors, managers,  
11142 | ~~designated representatives,~~ and other persons in charge of  
11143 | wholesale drug distribution, storage, and handling, including a  
11144 | description of their duties and a summary of their  
11145 | qualifications.

11146 |       **Section 321. Subsection (9) of section 499.041, Florida**  
11147 | **Statutes, is amended to read:**

11148 |       499.041 Schedule of fees for drug, device, and cosmetic  
11149 | applications and permits, product registrations, and free-sale  
11150 | certificates.—

11151 ~~(9) The department shall assess each person applying for~~  
 11152 ~~certification as a designated representative a fee of \$150, plus~~  
 11153 ~~the cost of processing the criminal history record check.~~

11154 **Section 322. Section 624.341, Florida Statutes, is created**  
 11155 **to read:**

11156 624.341 Authority of Department of Law Enforcement to  
 11157 accept fingerprints of, and exchange criminal history records  
 11158 with respect to, certain persons applying to the Office of  
 11159 Insurance Regulation.—

11160 (1) The Legislature finds that criminal activity of  
 11161 insurers poses a particular danger to the residents of this  
 11162 state. Floridians rely, in good faith, on the honest conduct of  
 11163 those who issue and manage insurance policies and other  
 11164 insurance instruments in this state. To safeguard this state's  
 11165 residents, the Legislature finds it necessary to ensure that  
 11166 incorporators, subscribers, officers, employees, contractors,  
 11167 stockholders, directors, owners, members, managers, or  
 11168 volunteers involved in the organization, operation, or  
 11169 management of any insurer that is authorized to sell insurance  
 11170 do not have a criminal background.

11171 (2) The Department of Law Enforcement shall accept and  
 11172 process fingerprints of incorporators, subscribers, officers,  
 11173 employees, contractors, stockholders, directors, owners,  
 11174 members, managers, or volunteers involved in the organization,  
 11175 operation, or management of:

11176 (a) Any insurer or proposed insurer transaction or  
11177 proposing to transact insurance in this state.

11178 (b) Any entity that is eligible to be examined or  
11179 investigated under s. 624.316.

11180 (3) Each person required to submit fingerprints to the  
11181 office must provide a full set of fingerprints to the office or  
11182 to a vendor, entity, or agency authorized under s. 943.053(13).  
11183 The office, vendor, entity, or agency shall forward the  
11184 fingerprints to the Department of Law Enforcement for state  
11185 processing, and the Department of Law Enforcement shall forward  
11186 the fingerprints to the Federal Bureau of Investigation for  
11187 national processing as provided in s. 624.34. Fees for state and  
11188 federal fingerprint processing must be borne by the person  
11189 submitting the fingerprints. The state cost for fingerprint  
11190 processing is as provided ins s. 943.053(3)(e).

11191 (4) The Department of Law Enforcement may, to the extent  
11192 authorized by federal law, exchange any state or federal  
11193 criminal history records with the office for the purpose of  
11194 issuance or continuation of a certificate of authority,  
11195 certification, or license to operate in this state.

11196 (5) Fingerprints must be submitted in accordance with  
11197 rules adopted by the commission.

11198 (a) Fingerprints may be submitted through a third-party  
11199 vendor authorized by the Department of Law Enforcement.

11200 (b) The Department of Law Enforcement shall conduct the

11201 state criminal history background check, and a federal criminal  
11202 history background check shall be conducted through the Federal  
11203 Bureau of Investigation.

11204 (c) All fingerprints submitted to the Department of Law  
11205 Enforcement must be submitted and entered into the statewide  
11206 automated biometric identification system established in s.  
11207 943.05(2) (b) and available for use in accordance with s.  
11208 943.05(2) (g) and (h).

11209 (d) The costs of fingerprint processing, including the  
11210 cost of retaining the fingerprints, must be borne by the person  
11211 subject to the background checks.

11212 (e) The office shall review the results of the state and  
11213 federal criminal history background checks and determine whether  
11214 the applicant meets the requirements for the certificate of  
11215 authority, certification, or license to operate in this state.

11216 (6) State criminal history records obtained through the  
11217 Department of Law Enforcement, federal criminal history records  
11218 obtained through the Federal Bureau of Investigation, and local  
11219 criminal history records obtained through local law enforcement  
11220 agencies must be used by the office for the purpose of issuance,  
11221 denial, suspension, or revocation of certificates of authority,  
11222 certifications, or licenses issued to operate in this state.

11223 **Section 323.** Except as otherwise expressly provided in  
11224 this act, this act shall take effect July 1, 2026.