



FLORIDA'S NEW LICENSING REQUIREMENTS

A BREAKDOWN OF
FLORIDA'S OCCUPATIONAL FREEDOM AND OPPORTUNITY ACT
AND ITS IMPACT ON THE CONSTRUCTION INDUSTRY

Presented by: Jason Lambert

FLORIDA'S OCCUPATIONAL FREEDOM AND OPPORTUNITY ACT

PURPOSE IS TO:

"ELIMINATE[] BARRIERS OF ENTRY TO CERTAIN PROFESSIONS LICENSED BY THE FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION (DPBR) BY ADDING ENDORSEMENT AND RECIPROCITY PROVISIONS, REMOVING SUPPLEMENTAL BUSINESS LICENSES AND CORRESPONDING LICENSE FEES, REDUCING LICENSURE EDUCATION REQUIREMENTS, AND ELIMINATING OTHER LICENSURE AND REGISTRATION REQUIREMENTS"

FLORIDA'S OCCUPATIONAL FREEDOM AND OPPORTUNITY ACT

- **CHANGES TO MANY PROFESSIONS FROM ARCHITECTS TO VETERINARIANS**
- **CONSTRUCTION INDUSTRY IS IMPACTED AS FOLLOWS:**
 - **GENERAL DBPR STATUTE (CH. 455)**
 - **BUILDING INSPECTORS (468.601-633)**
 - **HOME INSPECTORS (468.83-8325)**
 - **ENGINEERING (CH. 471)**
 - **ARCHITECTURE, INTERIOR DESIGN, AND LANDSCAPE ARCHITECTURE (CH. 481)**
 - **CONTRACTING (CH. 489)**

CHAPTER 455: BUSINESS AND PROFESSIONAL REGULATION: GENERAL PROVISIONS

455.213, FLORIDA STATUTES

- **ADDS A NEW SECTION (14) REQUIRING THE DBPR OR BOARDS CREATED UNDER IT TO ENTER IN RECIPROCAL LICENSING AGREEMENTS WITH OTHERS STATES IF THE PRACTICE ACT FOR THE PROFESSIONS PERMITS IT.**
- **MUST POST RECIPROCITY AGREEMENTS ON BOARD WEBSITE**
- **IF ANOTHER STATE'S LICENSING REQUIREMENTS ARE SUBSTANTIALLY EQUIVALENT OR STRICTER, THEN MUST ALSO BE POSTED ON THE BOARD WEBSITE**

CHAPTER 455: BUSINESS AND PROFESSIONAL REGULATION: GENERAL PROVISIONS

455.2278, FLORIDA STATUTES

- **BRAND NEW STATUTE**
- **PROHIBITS SUSPENSION OR REVOCATION OF LICENSE IF THE THE ONLY REASON FOR DOING SO IS DEFAULT OR DELINQUENCY ON STUDENT LOAN PAYMENTS OR SATISFACTION OF A WORK-CONDITIONAL SCHOLARSHIP**

CHAPTER 468, PART XII: BUILDING INSPECTORS

468.613, FLORIDA STATUTES

- **AMENDED TO ADD THE FOLLOWING**
- **WAIVES EXAMINATION, QUALIFICATION, EDUCATION, OR TRAINING REQUIREMENTS**
- **HAS HELD A VALID BUILDING ADMINISTRATOR, INSPECTOR, PLANS EXAMINER, OR EQUIVALENT IN ANOTHER STATE OR TERRITORY FOR AT LEAST 10 YEARS**
- **HAS PASSED AN APPLICABLE EXAM FROM THE INTERNATIONAL CODE COUNSEL**
- **APPLICATION MUST BE MADE WHILE OTHER LICENSE IS ACTIVE OR WITHIN 2 YEARS AFTER EXPIRATION**

CHAPTER 468, PART XV: HOME INSPECTORS

468.8314, FLORIDA STATUTES

- **AMENDED TO ADD THE FOLLOWING**
- **MUST MAINTAIN AT LEAST \$300,000 CGL POLICY**
- **HAS HELD A VALID HOME INSPECTION LICENSE FROM ANOTHER STATE FOR AT LEAST 10 YEARS**
- **APPLICATION MUST BE MADE WHILE OTHER LICENSE IS ACTIVE OR WITHIN 2 YEARS AFTER EXPIRATION**

CHAPTER 471: ENGINEERING

471.015, FLORIDA STATUTES

- **CHANGES APPLY TO ENGINEERS SEEKING LICENSURE IN FLORIDA BY ENDORSEMENT**
- **HOLDING A PROFESSIONAL ENGINEER'S LICENSE FOR 10 YEARS IN ANOTHER STATE SATISFIES THE FUNDAMENTALS EXAMINATION REQUIREMENT**
- **REDUCTION FROM 15 YEARS TO 10**
- **ELIMINATES REQUIREMENT OF 20 CONTINUOUS PROFESSIONAL-LEVEL ENGINEERING EXPERIENCE**

CHAPTER 471: ENGINEERING

471.015, FLORIDA STATUTES

- **HOLDING A PROFESSIONAL ENGINEER'S LICENSE FOR 15 YEARS IN ANOTHER STATE SATISFIES THE FUNDAMENTALS EXAMINATION REQUIREMENT AND THE PRINCIPLES AND PRACTICES EXAMINATION REQUIREMENT**
- **REDUCTION FROM 25 YEARS TO 15**
- **ELIMINATES REQUIREMENT OF 30 CONTINUOUS PROFESSIONAL-LEVEL ENGINEERING EXPERIENCE**

CHAPTER 481: ARCHITECTURE, INTERIOR DESIGN, LANDSCAPE ARCHITECTURE

- **A SIGNIFICANT OVERHAUL OF THIS STATUTE, PARTICULARLY WITH REGARD TO THE PRACTICE OF INTERIOR DESIGN AND THE RELATIONSHIP BETWEEN INTERIOR DESIGN AND ARCHITECTURE**
- **REMOVES MUCH OF THE REGULATION OF INTERIOR DESIGN AND INTERIOR DECORATING**
- **ALLOWS MORE RECIPROCITY FOR LANDSCAPE ARCHITECTS**

CHAPTER 481, PART I: ARCHITECTURE, INTERIOR DESIGN

481.201, FLORIDA STATUTE

- **DELETES LEGISLATIVE INTENT WITH REGARD TO INTERIOR DESIGN**

CHAPTER 481, PART I: ARCHITECTURE, INTERIOR DESIGN

481.203, FLORIDA STATUTE

- **DELETES DEFINITION OF CERTIFICATE OF AUTHORIZATION, WHICH WAS DEFINED AS A CERTIFICATE ISSUED TO A CORPORATION OR PARTNERSHIP PRACTICING ARCHITECTURE OR INTERIOR DESIGN**
- **ADDS DEFINITION OF BUSINESS ORGANIZATION TO MEAN A PARTNERSHIP, LLC, CORPORATION, OR INDIVIDUAL OPERATING UNDER A FICTITIOUS NAME**

CHAPTER 481, PART I: ARCHITECTURE, INTERIOR DESIGN

481.203, FLORIDA STATUTE

- **DEFINITION OF REGISTERED INTERIOR DESIGN IS CHANGED TO REFERENCE A VALID CERTIFICATE OF REGISTRATION TO PRACTICE INTERIOR DESIGN RATHER THAN LICENSURE TO PRACTICE INTERIOR DESIGN**
- **DEFINITION OF CERTIFICATE OF REGISTRATION AMENDED TO INCLUDE LICENSE OR REGISTRATION ISSUES BY DEPARTMENT TO A PERSON TO PRACTICE ARCHITECTURE OR INTERIOR DESIGN**

CHAPTER 481, PART I: ARCHITECTURE, INTERIOR DESIGN

481.205, FLORIDA STATUTE

- **AMENDMENTS TO REFERENCE
REGISTRATION AND CERTIFICATES OF
REGISTRATION**
- **DELETION OF REFERENCES TO
UNLICENSED INTERIOR DESIGN**

CHAPTER 481, PART I: ARCHITECTURE, INTERIOR DESIGN

481.207, FLORIDA STATUTE

- **AMENDMENTS TO REFERENCE
REGISTRATION AND CERTIFICATES OF
REGISTRATION**
- **REDUCTION OF APPLICATION FEES FOR
INTERIOR DESIGNERS**

CHAPTER 481, PART I: ARCHITECTURE, INTERIOR DESIGN

481.209, FLORIDA STATUTE

- **PERSONS SEEKING TO BE REGISTERED INTERIOR DESIGNERS MUST PROVIDE WRITTEN PROOF OF PASSAGE OF THE COUNCIL FOR INTERIOR DESIGN QUALIFICATION EXAM**
- **CURRENTLY LICENSED INTERIOR DESIGNERS AS OF JULY 1, 2020 ARE ELIGIBLE TO OBTAIN A CERTIFICATE OF REGISTRATION**
- **DELETES INTERIOR DESIGN LICENSURE EXPERIENCE REQUIREMENTS**

CHAPTER 481, PART I: ARCHITECTURE, INTERIOR DESIGN

481.213, FLORIDA STATUTE

- **CHANGES TO REFERENCE REGISTRATION BY INTERIOR DESIGNERS**
- **ARCHITECTS LICENSED IN ANOTHER STATE WHO SEEK FLORIDA LICENSURE BY ENDORSEMENT MUST TAKE A 2 HOUR COURSE ON WIND MITIGATION TECHNIQUES**
- **A CERTIFICATE OF REGISTRATION IS NOT REQUIRED FOR THOSE SOLELY ENGAGED IN INTERIOR DECORATING OR INTERIOR DESIGN**

CHAPTER 481, PART I: ARCHITECTURE, INTERIOR DESIGN

481.2131, FLORIDA STATUTE

- **IF A BUILDING DEPARTMENT REQUIRES SEALED INTERIOR DESIGN DRAWINGS FOR PERMITTING, AN INTERIOR DESIGNER MUST INCLUDE A SEAL ISSUED BY THE DEPARTMENT**

CHAPTER 481, PART I: ARCHITECTURE, INTERIOR DESIGN

481.215 AND 481.217, FLORIDA STATUTES

- **CHANGES CONSISTENT WITH CHANGE TO
REGISTRATION FOR INTERIOR DESIGNERS
AS OPPOSED TO LICENSURE**

CHAPTER 481, PART I: ARCHITECTURE, INTERIOR DESIGN

481.219, FLORIDA STATUTES

- **CHANGES CERTIFICATION OF ARCHITECTURAL BUSINESSES TO QUALIFICATION OF THEM, SIMILAR TO QUALIFICATION OF CONSTRUCTION COMPANIES BY LICENSEHOLDERS**
- **NOTABLY, THE AMENDMENT STATES THAT IT DOES NOT PROHIBIT A BUSINESS ORGANIZATION FROM OFFERING DESIGN PROFESSIONAL SERVICES IF THE BUSINESS ORGANIZATION OTHERWISE MEETS THE REQUIREMENTS OF LAW**

CHAPTER 481, PART I: ARCHITECTURE, INTERIOR DESIGN

481.221, FLORIDA STATUTES

- **SEALS OF A BUSINESS ORGANIZATION
MUST INCLUDE THE LICESNSE NUMBER OF
THE ARCHITECT SERVING AS THE
QUALIFYING AGENT.**

CHAPTER 481, PART I: ARCHITECTURE, INTERIOR DESIGN

481.223, FLORIDA STATUTES

- **CHANGES TO PROHIBITIONS AND PENALTIES TO ACCOUNT FOR REGISTRATION OF INTERIOR DESIGNERS RATHER THAN LICENSURE**
- **NO RESTRICTION ON USE OF TERMS "INTERIOR DESIGNER" OR "INTERIOR DESIGN FIRM"**

CHAPTER 481, PART I: ARCHITECTURE, INTERIOR DESIGN

481.2251, FLORIDA STATUTES

- **CHANGES TO ACCOUNT FOR INTERIOR DESIGNERS NOW BEING REGISTERED INSTEAD OF LICENSED**

CHAPTER 481, PART I: ARCHITECTURE, INTERIOR DESIGN

481.229, FLORIDA STATUTES

- **CHAPTER 481 NO LONGER APPLIES TO
PEOPLE PERFORMING RESIDENTIAL
INTERIOR DESIGN OR INTERIOR
DECORATOR SERVICES**

CHAPTER 481, PART I: ARCHITECTURE, INTERIOR DESIGN

481.231, FLORIDA STATUTES

- **NOTHING IN THIS PART LIMITS SPECIFIC LOCAL CODES OR ORDINANCES THAT IS MORE RESTRICTIVE REGARDING THE SERVICES OF REGISTERED ARCHITECTS OR INTERIOR DESIGNERS**

CHAPTER 481, PART I: ARCHITECTURE, INTERIOR DESIGN

481.231, FLORIDA STATUTES

- **NOTHING IN THIS PART LIMITS SPECIFIC LOCAL CODES OR ORDINANCES THAT IS MORE RESTRICTIVE REGARDING THE SERVICES OF REGISTERED ARCHITECTS OR INTERIOR DESIGNERS**

CHAPTER 481, PART II: LANDSCAPE ARCHITECTURE

481.303, FLORIDA STATUTES

- **REMOVES DEFINITION OF CERTIFICATE OF AUTHORIZATION**

CHAPTER 481, PART II: LANDSCAPE ARCHITECTURE

481.310, FLORIDA STATUTES

- APPLICANTS WHO HAVE A MASTERS IN LANDSCAPE ARCHITECTURE AND A RELATED BACHELOR'S DEGREE ARE NO LONGER REQUIRED TO DEMONSTRATE 1 YEAR OF PRACTICAL EXPERIENCE PRIOR TO LICENSURE**

CHAPTER 481, PART II: LANDSCAPE ARCHITECTURE

481.311, FLORIDA STATUTES

- APPLICANTS FOR LICENSURE BY ENDORSEMENT CAN QUALIFY IF THEY HAVE HELD A VALID LANDSCAPE ARCHITECTURE LICENSE FOR 10 YEARS IN ANOTHER STATE AND HAVE COMPLETED AN EXAM THAT IS EQUIVALENT OR MORE STRINGENT THAN THE FLORIDA EXAM**
- THOSE WITH A 10 YEAR LICENSE ONLY, CAN TAKE THE FLORIDA EXAM WITHOUT COMPLETING ADDITIONAL EDUCATION REQUIREMENTS**
- MUST APPLY WHILE LICENSE IS ACTIVE OR WITHIN 2 YEARS OF EXPIRATION**

CHAPTER 481, PART II: LANDSCAPE ARCHITECTURE

481.313, FLORIDA STATUTES

- **LANDSCAPE ARCHITECTS CAN NOW RECEIVE CEU CREDIT FOR LANDSCAPE ARCHITECTURE CONTINUING EDUCATION SYSTEM COURSES, OR SIMILAR NATIONALLY RECOGNIZED CLEARING HOUSES FOR LANDSCAPE ARCHITECTURE CEUS**

CHAPTER 481, PART II: LANDSCAPE ARCHITECTURE

481.317, FLORIDA STATUTES

- **DELETION OF ABILITY OF OUT OF STATE LANDSCAPE ARCHITECTS TO RECEIVE TEMPORARY CERTIFICATES OF AUTHORIZATION TO WORK ON ONE SPECIFIED PROJECT NOT TO EXCEED A YEAR**

CHAPTER 481, PART II: LANDSCAPE ARCHITECTURE

481.319 AND 481.321, FLORIDA STATUTES

- **DELETION OF REFERENCES TO
CERTIFICATES OF AUTHORIZATION**

CHAPTER 489: CONTRACTING

489.103(9), FLORIDA STATUTES

- **LICENSE NO LONGER REQUIRED FOR WORK OF A CASUAL, MINOR, OR INCONSEQUENTIAL NATURE WHERE THE AGGREGATE CONTRACT PRICE IS LESS THAN \$2,500.00**
- **PREVIOUS DOLLAR LIMIT WAS \$1,000.00**
- **DOES NOT APPLY TO ATTEMPTS TO PERFORM LARGER WORK WITH MULTIPLE CONTRACTS UNDER \$2,5000.00 FOR THE PURPOSE OF EVADING LICENSING REQUIREMENTS**

CHAPTER 489: CONTRACTING

489.111(2), FLORIDA STATUTES

- ADDS THAT ANY APPLICANT WHO IS EXEMPT FROM EXAMINATION UNDER 489.113(1), FLORIDA STATUTES IS ELIGIBLE FOR LICENSURE
- THIS APPEARS TO BE A REFERENCE TO ANOTHER CHANGE TO CHAPTER 489

CHAPTER 489: CONTRACTING

489.111(2), FLORIDA STATUTES

- **CHANGES TIME PERIOD FOR A CURRENT LICENSE HOLDER TO TAKE EXAM FOR A HIGHER LICENSE**
- **PREVIOUSLY A LICENSE HOLDER HAD TO HAVE A CERTAIN AMOUNT OF EXPERIENCE BEFORE HE/SHE COULD TAKE AN EXAM FOR A HIGHER LICENSE**
- **FOR EXAMPLE, A CERTIFIED RESIDENTIAL CONTRACTOR HAD TO WAIT 3 YEARS BEFORE TAKING THE CERTIFIED BUILDING CONTRACTORS' EXAM**
- **NOW, CAN TAKE THE EXAM AT ANY TIME, BUT STILL MUST HAVE 3 YEARS OF EXPERIENCE**

CHAPTER 489: CONTRACTING

489.111(2), FLORIDA STATUTES

- **APPLIES TO:**
 - **CRC TO CBC**
 - **CRC TO CGC**
 - **CBC TO CGC**
 - **CAC-C TO CAC-B**
 - **CAC-C TO CAC-A**
 - **CAC-B TO CAC-A**
 - **SP SERV TO CERT. RES. POOL**
 - **SP SERV TO CERT. COMM. POOL**
 - **CERT. RES. POOL TO CERT. COMM. POOL**

CHAPTER 489: CONTRACTING

489.113, FLORIDA STATUTES

- **ADDS THE FOLLOWING TO THE STATUTE:**
- **APPLICANTS WITH A 4-YEAR BACHELOR'S DEGREE IN BUILDING CONSTRUCTION, OR COMPARABLE DEGREE AS APPROVED BY RULE, AND A 3.0 GPA ONLY HAVE TO PASS THE BUSINESS AND FINANCE PORTION OF AN EXAMINATION**

CHAPTER 489: CONTRACTING

489.115, FLORIDA STATUTES

- ADDS THE FOLLOWING TO THE STATUTE:
- HAS HAD A VALID CONTRACTING LICENSE ISSUED BY ANOTHER STATE FOR 10 YEARS AND IS APPLYING FOR THE SAME OR A SIMILAR LICENSE
- BOARD CAN CONSIDER APPLICANT'S TECHNICAL COMPETENCE TO ENSURE APPLICANT CAN MEET WIND MITIGATION AND WATER INTRUSION STANDARDS
- APPLICATION MUST BE MADE WHEN THE EXSITING LICENSE IS ACTIVE OR WITHIN 2 YEARS OF EXPIRATION
- DIVISION I AND ROOFING CONTRACTORS MUST COMPLETE A 2 HOUR COURSE ON THE FLORIDA BUILDING CODE THAT INCLUDES WIND MITIGATION

CHAPTER 489: CONTRACTING

489.511, FLORIDA STATUTES

- ADDS THE FOLLOWING TO THE STATUTE:
- HAS HAD A VALID LICENSE FOR ELECTRICAL OR ALARM SYSTEM CONTRACTING ISSUED BY ANOTHER STATE FOR 10 YEARS AND IS APPLYING FOR THE SAME OR A SIMILAR LICENSE
- APPLICATION MUST BE MADE WHEN THE EXSITING LICENSE IS ACTIVE OR WITHIN 2 YEARS OF EXPIRATION
- MUST COMPLETE A 2 HOUR COURSE ON THE FLORIDA BUILDING CODE

CHAPTER 489: CONTRACTING

489.517, FLORIDA STATUTES

- **SPECIALTY CONTRACTORS AND ALARM SYSTEM CONTRACTORS MUST COMPLETE 7 HOURS OF CEU, DOWN FROM 14**
- **ELECTRICAL CONTRACTORS REQUIRED TO COMPLETE 11 HOURS OF CEU**

APPLICATION

- **WHILE SOME BOARD WEBSITES REFERENCE THE CHANGES, IT DOES NOT APPEAR THAT ANY REGULATIONS HAVE BEEN CHANGED AS A RESULT**

FLORIDA'S OCCUPATIONAL FREEDOM AND OPPORTUNITY ACT



JASON S. LAMBERT

PARTNER | TAMPA

(813) 543-9823

JASON.LAMBERT@DINSMORE.COM

Dinsmore