

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMERCE AND TOURISM
Senator Gruters, Chair
Senator Torres, Vice Chair

MEETING DATE: Monday, April 8, 2019
TIME: 1:30—3:30 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator Gruters, Chair; Senator Torres, Vice Chair; Senators Hutson, Stewart, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 334 Innovation, Industry, and Technology / Brandes (Compare CS/CS/CS/H 397)	Professional Regulation; Requiring certain boards and entities within the Divisions of Certified Public Accounting, Professions, or Real Estate of the Department of Business and Professional Regulation to use a specified process for the review of an applicant's criminal record to determine the applicant's eligibility for certain licenses; prohibiting the conviction, plea, adjudication, or sentencing of a crime before a specified date from being used as grounds for the denial of certain licenses, etc. IT 03/12/2019 Fav/CS CM 04/08/2019 Fav/CS AP RC	Fav/CS Yeas 5 Nays 0
2	CS/SB 1638 Infrastructure and Security / Lee (Compare CS/CS/H 725, CS/CS/H 1053, S 660, S 7090)	Commercial Motor Vehicles; Revising regulations applicable to owners and drivers of commercial motor vehicles; exempting persons who operate a commercial motor vehicle solely in intrastate commerce which does not transport hazardous materials in amounts that require placarding from certain requirements related to electronic logging devices and hours of service supporting documents until a specified date; deleting a limitation on a civil penalty for falsification of certain time records, etc. IS 03/26/2019 Not Considered IS 04/02/2019 Fav/CS CM 04/08/2019 Favorable RC	Favorable Yeas 5 Nays 0
3	CS/SB 1640 Innovation, Industry, and Technology / Albritton (Similar CS/CS/H 27, Compare CS/H 827, CS/S 616)	Deregulation of Professions and Occupations; Renaming the Board of Architecture and Interior Design as the Board of Architecture within the Department of Business and Professional Regulation; repealing provisions relating to hearings for persons or labor organizations denied licensure as a business agent; requiring the Department of Business and Professional Regulation or a board to seek reciprocal licensing agreements with other states under certain circumstances; repealing provisions relating to fees and local licensing requirements, etc. IT 04/02/2019 Fav/CS CM 04/08/2019 Fav/CS AP	Fav/CS Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Commerce and Tourism

Monday, April 8, 2019, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 1690 Banking and Insurance / Broxson (Identical CS/H 925)	Warranty Associations; Revising the basis for calculating the required assets in a home warranty association's premium reserve account; requiring that such reserve account be a separate auditable account for contracts in force in this state; prohibiting home warranties from excluding coverage because of the presence of rust or corrosion, except under certain circumstances; revising the basis for calculating the required assets in a service warranty association's premium reserve account, etc. BI 03/18/2019 Not Considered BI 03/25/2019 Fav/CS CM 04/08/2019 Favorable RC	Favorable Yeas 5 Nays 0
5	SB 882 Gruters	Restraints of Trade or Commerce; Revising the requirements for a contract that restricts or prohibits competition; redefining the term "legitimate business interest" to include only interests related to intellectual property, etc. CM 04/08/2019 Fav/CS JU RC	Fav/CS Yeas 5 Nays 0
6	CS/SB 1420 Community Affairs / Gruters (Similar H 777)	Insulation Products; Requiring manufacturers to provide certain testing data for approval of certain insulation products under the Florida Building Code; requiring the manufacturer to provide the testing data to certain persons upon request; specifying that evaluation reports may only be used for certain purposes, etc. CA 03/26/2019 Fav/CS CM 04/08/2019 Fav/CS RC	Fav/CS Yeas 5 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: CS/CS/SB 334

INTRODUCER: Commerce and Tourism, Innovation, Industry, and Technology Committee and Senator Brandes

SUBJECT: Professional Regulation

DATE: April 8, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>IT</u>	<u>Fav/CS</u>
2.	<u>Harmsen</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
3.	_____	_____	<u>AP</u>	_____
4.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 334 limits the grounds for denial of licensure relating to an applicant's criminal history in specific professions regulated by the Department of Business and Professional Regulation (DBPR), and implements related application and review processes. The processes apply to applications for licensure by barbers, cosmetologists, cosmetology specialists (i.e., hair braiders, hair wrappers, and body wrappers), certain construction professionals, and septic tank contractors, all regulated by the DBPR.

The process limits the period during which an agency may consider criminal history as an impairment to licensure to 5 years from the date of the criminal conviction and permits a person to apply for specific licenses while under criminal confinement or supervision. The DBPR may consider specific crimes relating to sexual offenses, forcible felonies (e.g., murder, robbery, or arson), and those that relate to the applicant's good moral character.

By October 1, 2019, the DBPR must gather and publicly post lists of crimes that do or do not serve as a basis for denial of licensure, and other pertinent information. The DBPR or its applicable board must maintain these lists with current information.

The bill takes effect October 1, 2019.

II. Present Situation:

Licensing Determinations and Criminal History

Section 112.011, F.S., outlines general guidelines for considering criminal convictions during licensure determinations. Generally, a person may be denied a professional license based on his or her prior conviction of a crime if the crime was a felony or first-degree misdemeanor that is directly related to the standards determined by the regulatory authority to be necessary and reasonably related to the protection of the public health, safety, and welfare for the specific profession for which the license is sought.¹ (Emphasis added.) Notwithstanding any law to the contrary, a state agency may not deny an application for a license based solely on the applicant's lack of civil rights.²

Department of Business and Professional Regulation

Licensure, Generally

The DBPR has twelve divisions that are tasked with the licensure and general regulation of several professions and businesses in Florida.³ Fifteen boards and programs exist within the Division of Professions,⁴ two boards exist within the Division of Real Estate,⁵ and one board exists in the Division of Certified Public Accounting.⁶

Sections 455.203 and 455.213, F.S., establish the DBPR's general licensing authority, including its authority to charge license fees and license renewal fees. Each board within the DBPR must determine by rule the amount of license fees for each profession, based on estimates of the required revenue to implement the regulatory laws affecting the profession.⁷ When a person is authorized to engage in a profession or occupation in Florida, the DBPR issues a "permit, registration, certificate, or license" to the licensee.⁸

¹ Section 112.011(1)(b), F.S. *See also, e.g., State ex rel. Sbordy v. Rowlett*, 138 Fla. 330, 190 So. 59, 63 (1939), holding that "the preservation of the public health is one of the duties of sovereignty and in a conflict between the right of a citizen to follow a profession and the right of a sovereignty to guard the health and welfare, it logically follows that the rights of the citizen to pursue his profession must yield to the power of the State to prescribe such restrictions and regulations as shall fully protect the people from ignorance, incapacity, deception, and fraud."

² Section 112.011(1)(c), F.S.

³ *See s. 20.165, F.S.*, creating the divisions of Administration; Alcoholic Beverages and Tobacco; Certified Public Accounting; Drugs, Devices, and Cosmetics; Florida Condominiums, Timeshares, and Mobile Homes; Hotels and Restaurants; Pari-mutuel Wagering; Professions; Real Estate; Regulation; Service Operations; and Technology.

⁴ Section 20.165(4)(a), F.S., establishes the following boards and programs which are noted with the implementing statutes: Board of Architecture and Interior Design, part I of ch. 481; Florida Board of Auctioneers, part VI of ch. 468; Barbers' Board, ch. 476; Florida Building Code Administrators and Inspectors Board, part XII of ch. 468; Construction Industry Licensing Board, part I of ch. 489; Board of Cosmetology, ch. 477; Electrical Contractors' Licensing Board, part II of ch. 489; Board of Employee Leasing Companies, part XI of ch. 468; Board of Landscape Architecture, part II of ch. 481; Board of Pilot Commissioners, ch. 310; Board of Professional Engineers, ch. 471; Board of Professional Geologists, ch. 492; Board of Veterinary Medicine, ch. 474; Home Inspection Services Licensing Program, part XV of ch. 468; and Mold-related Services Licensing Program, part XVI of ch. 468, F.S.

⁵ *See s. 20.165(4)(b), F.S.* Florida Real Estate Appraisal Board, created under part II of ch. 475, F.S., and Florida Real Estate Commission, created under part I of ch. 475, F.S.

⁶ *See s. 20.165(4)(c), F.S.*, which establishes the Board of Accountancy, created under ch. 473, F.S.

⁷ Section 455.219(1), F.S.

⁸ Section 455.01(4) and (5), F.S.

In Fiscal Year 2017-2018, there were 434,574 licensees in the Division of Professions,⁹ including:

- Barbers (22,119 active and 227 inactive);
- Cosmetologists (247,960 active and 1,568 inactive); and
- Construction industry contractors (75,089 active and 15,404 inactive).

Denial of Licensure

Chapter 455, F.S., provides the general powers of the DBPR and sets forth the procedural and administrative framework for all of the professional boards housed under the DBPR as well as the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation.¹⁰

The DBPR may regulate professions “only for the preservation of the health, safety, and welfare of the public under the police powers of the state.”¹¹ Regulation is required when:

- The potential for harming or endangering public health, safety, and welfare is recognizable and outweighs any anticompetitive impact that may result;
- The public is not effectively protected by other state statutes, local ordinances, federal legislation, or other means; and
- Less restrictive means of regulation are not available.¹²

However, “neither the department nor any board may create a regulation that has an unreasonable effect on job creation or job retention,” or a regulation that unreasonably restricts the ability of those who desire to engage in a profession or occupation to find employment.¹³

The DBPR or a pertinent regulatory board may deny an application for licensure based on the grounds set forth in s. 455.227(1), F.S., or in the profession’s practice act.¹⁴ Specifically, the DBPR or regulatory board may deny a licensure application for any person who was:

convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee’s profession.¹⁵ (Emphasis added.)

Section 455.227, F.S., does not specifically require the DBPR or the applicable regulatory board to consider the passage of time since the disqualifying criminal offense before denying or granting a license.

⁹ See Department of Business and Professional Regulation, *Annual Report, Fiscal Year 2017-2018*, 19, <http://www.myfloridalicense.com/DBPR/os/documents/ProfessionsAnnualReport2017-2018.pdf> (last visited April 5, 2019).

¹⁰ See ss. 455.01(6) and 455.203, F.S. The DBPR must also provide legal counsel for boards within the DBPR by contracting with the Department of Legal Affairs, by retaining private counsel, or by providing DBPR staff counsel. See s. 455.221(1), F.S.

¹¹ Section 455.201(2), F.S.

¹² Section 455.201(2), F.S.

¹³ Section 455.201(4)(b), F.S.

¹⁴ Section 455.227(2), F.S.

¹⁵ Section 455.227(1)(c), F.S.

Barbers

Barbers are regulated under ch. 476, F.S., by the Barber's Board within the DBPR. To be licensed as a barber, a person must be at least 16 years of age, satisfactorily complete a licensure examination, and pay the required application fee. In order to be eligible to sit for the licensure examination, a person must have held a license to practice barbering in another state for at least one year or have received a minimum of 1,200 hours of training.¹⁶

Chapter 476, F.S., does not provide a basis for denial of a license application based on a person's criminal background. However, a person may be denied a license application as a barber for any violation of s. 455.227, F.S., which authorizes the denial of a license on the basis of a criminal background related to the practice of, or the ability to practice, a licensee's profession.¹⁷

Cosmetologists

The Board of Cosmetology within the DBPR licenses and regulates cosmetologists, hair wrappers, hair braiders, nail specialists, facial specialists, full specialists,¹⁸ body wrappers, and related salons pursuant to ch. 477, F.S. The Board of Cosmetology processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the cosmetology industry.

A "cosmetologist" practices cosmetology¹⁹ in Florida under the authority of ch. 477, F.S.²⁰ Cosmetology is the "mechanical or chemical treatment of the head, face, and scalp for aesthetic rather than medical purposes, including [...] hair shampooing, hair cutting, hair arranging, hair coloring, permanent waving, and hair relaxing for compensation. The term also includes hair removal, including wax treatments, manicures, pedicures, and skin care services."²¹

To qualify for licensure as a cosmetologist, an applicant must be at least 16 years old, have a high school diploma, have submitted an application with the applicable fee and examination fee, and have either a license in another state or country for at least 1 year, or have received 1,200 hours of training including completion of an education at an approved cosmetology school or program. The applicant must also pass all parts of the licensure examination.²²

A nail specialist may complete manicures and pedicures. A full specialist may complete manicures, pedicures, and facials. To qualify for a specialist license, the applicant must be at least 16 years old or have a high school diploma, obtain a certificate of completion from an

¹⁶ See s. 476.114, F.S.

¹⁷ See s. 455.227(1)(c), F.S.

¹⁸ A specialist is any person who holds a specialty registration in one or more of the specialties registered under ch. 477, F.S. See, s. 477.013, F.S.

¹⁹ "Cosmetology" is "the mechanical or chemical treatment of the head, face, and scalp for aesthetic rather than medical purposes, including, but not limited to, hair shampooing, hair cutting, hair arranging, hair coloring, permanent waving, and hair relaxing for compensation. This term also includes performing hair removal, including wax treatments, manicures, pedicures, and skin care services." Section 477.013(4), F.S.

²⁰ Section 477.013(3), F.S.

²¹ Section 477.013(4), F.S.

²² Section 477.019(2), F.S.

approved specialty education program, and submit an application for registration with the DBPR with the registration fee.²³

The Board of Cosmetology may deny a cosmetology license or specialty registration application based on a person's criminal background. The board may deny a license or application for any violation of s. 455.227, F.S., which authorizes the denial of a license on the basis of a criminal background related to the practice of, or the ability to practice, a licensee's profession.²⁴

Construction Contracting Professionals

The Construction Industry Licensing Board (CILB) within the DBPR is responsible for licensing and regulating the construction industry in this state under part I of ch. 489, F.S.²⁵ The CILB is divided into two divisions with separate jurisdictions:

- Division I comprises the general contractor, building contractor, and residential contractor members of the CILB. Division I has jurisdiction over the regulation of general contractors, building contractors, and residential contractors.
- Division II comprises the roofing contractor, sheet metal contractor, air-conditioning contractor, mechanical contractor, pool contractor, plumbing contractor, and underground utility and excavation contractor members of the CILB. Division II has jurisdiction over the regulation of roofing contractors, sheet metal contractors, class A, B, and C air-conditioning contractors, mechanical contractors, commercial pool/spa contractors, residential pool/spa contractors, swimming pool/spa servicing contractors, plumbing contractors, underground utility and excavation contractors, solar contractors, and pollutant storage systems contractors.

A specialty contractor's scope of work and responsibility is limited to a particular phase of construction as detailed in an administrative rule adopted by the CILB. Jurisdiction is dependent on the scope of work and whether Division I or Division II has jurisdiction over such work in accordance with the applicable administrative rule.²⁶

The Electrical Contractors' Licensing Board (ECLB) within the DBPR is responsible for licensing and regulating electrical contractors in Florida under part II of ch. 489, F.S.²⁷

Construction contractors under part I of ch. 489, F.S., and electrical contractors under part II of ch. 489, F.S., must satisfactorily complete a licensure examination before being licensed.²⁸

The CILB and ECLB may deny a license application for any person who it finds guilty of any of the grounds for discipline set forth in s. 455.227(1), F.S., or set forth in the profession's practice act.²⁹ Specifically, the CILB may deny a license application for any person who was convicted or

²³ Section 477.0201, F.S.

²⁴ See s 477.029(1)(h), F.S.

²⁵ See s. 489.107, F.S.

²⁶ For example, specialty swimming pool contractors have limited scopes of work for the construction of pools, spas, hot tub, and decorative or interactive water displays. See Fla. Admin. Code R. 61G4-15.032 (2016).

²⁷ Section 489.507, F.S.

²⁸ See ss. 489.113 and 489.516, F.S., respectively.

²⁹ Section 455.227(2), F.S.

found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of, or the ability to practice, a licensee's profession.³⁰ (Emphasis added).

The CILB and ECLB may also deny a registration application under s. 455.227, F.S., which authorizes the denial of a license on the basis of a criminal background related to the practice of, or the ability to practice, a profession.³¹

Master septic tank contractors and septic tank contractors are regulated by the DBPR under part III of ch. 489, F.S. Septic tank contractors must pass an examination and register with the DBPR before engaging in the occupation.³² A master septic tank contractor must have at least 3 years' experience as a registered septic tank contractor or a plumbing contractor certified under part I of ch. 489, F.S., who has provided septic tank contracting services for at least 3 years.

To be eligible for registration by the DBPR, master septic tank contractors and septic tank contractors must be of good moral character. In considering good moral character, the DBPR may consider any matter that has a substantial connection between the good moral character of the applicant and the professional responsibilities of a registered contractor, including, but not limited to:

the applicant being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of contracting or the ability to practice contracting...³³ (Emphasis added.)

The DBPR may also deny a registration application under s. 455.227, F.S., which authorizes the denial of a license on the basis of a criminal background related to the practice of, or the ability to practice, a profession.³⁴

Chapter 489, F.S., does not specifically require the DBPR, the CILB, or the ECLB to consider the passage of time since the disqualifying criminal offense before denying or granting a license or registration.

Department of Corrections

The Department of Corrections (DOC) indicates that it has limited funding for the provision of career and technical education.³⁵ The DOC employs full-time equivalent vocational teachers and contracts with community colleges and technical schools to provide instruction for vocational

³⁰ Sections 489.129(1)(b) and 489.553(1)(d), F.S., providing the disciplinary grounds for construction contractors and electrical contractors, respectively.

³¹ See s 477.029(1)(h), F.S.

³² Sections 489.552 and 489.553, F.S.

³³ Section 489.553(4)(a), F.S.

³⁴ See s 477.029(1)(h), F.S.

³⁵ The funding includes the legislative appropriation and supplemental funds provided through the Department of Education, Carl D. Perkins grant. Florida Department of Corrections, *SB 334 Agency Analysis* (Oct. 1, 2019) (on file with the Senate Committee on Innovation, Industry, and Technology).

certificates and industry-recognized certifications. State inmates currently have limited opportunities to participate in the following programs that require state certification or licensure:

- Commercial Driving, Class A and B General Knowledge Test: \$75.00 each (Department of Highway Safety and Motor Vehicles);
- Wastewater and Water Distribution System Operator application and exam: \$20.00 (Department of Environmental Protection);
- Cosmetology application and exam: \$63.50 (Department of Business and Professional Regulation);
- Barber application and exam: \$250.00 (Department of Business and Professional Regulation); and
- Certified Nursing Assistant: \$140.00 (Department of Health).³⁶

Construction Industry Licensing Board Membership

The CILB is comprised of 18 members who are appointed by the Governor and confirmed by the Senate. Members may not serve more than 2 consecutive 4-year terms or more than 11 years on the CILB.³⁷

The CILB membership consists of:

- Four general contractors,
- Three building or residential contractors, requiring at least one of each,
- One roofing contractor,
- One sheet metal contractor,
- One air conditioning contractor,
- One mechanical contractor,
- One pool contractor,
- One plumbing contractor,
- One underground utility and excavation contractor,
- Two consumer members who have never been a professional regulated by the CILB, and
- Two building officials from a municipality or county.

III. Effect of Proposed Changes:

The bill limits the grounds for denial of licensure relating to an applicant's criminal history in specific professions regulated by the DBPR and implements related application and review processes.

The license application review process in the bill applies to the following professions and occupations:

- Barbers;
- Cosmetologists and cosmetology specialists (i.e., hair braiders, hair wrappers, and body wrappers);

³⁶ *Id.*

³⁷ Section 489.107(1), F.S.

- Septic tank contractors; and
- Construction Professionals, which include:
 - Air-conditioning contractors;
 - Electrical contractors;
 - Mechanical contractors;
 - Plumbing contractors;
 - Pollutant storage systems contractors;
 - Roofing contractors;
 - Sheet metal contractors;
 - Solar contractors;
 - Swimming pool and spa contractors;
 - Underground utility and excavation contractors; and
 - Other specialty contractors.

Sections 1 and 3 amend s. 455.213 and s. 489.553, F.S., respectively, to limit the timeframe during which the DBPR may deny a license for certain professions on the basis of the criminal history to five years from the date of his or her criminal conviction.³⁸ However, the DBPR may deny an application based on an applicant’s criminal history, irrespective of its date, if the criminal history:

- Involves acts of sexual violence, as listed in s. 775.21(4)(a)1., or a forcible felony as defined in s. 776.08, F.S., (e.g., murder, robbery, arson, or the use or threat of physical violence) that also relate to the practice of the applicable profession; or
- Relates to the applicant’s good moral character.

These sections define a conviction as a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

Additionally, the bill permits a person to apply for specific licenses while under criminal confinement (incarceration) or supervision. In order to facilitate this part, the bill:

- Prohibits the DBPR from denying an application solely on the basis of the applicant’s current confinement or supervision;
- Explicitly precludes any additional fee for applications submitted while an applicant is confined or under supervision;
- Permits applicants who are incarcerated or under supervision to appear by teleconference or video conference at a meeting of a board or the agency for a hearing concerning the person’s license application;
- Requires the DOC to cooperate and coordinate with the board or department, as applicable, to facilitate the applicant’s appearance at the hearing in person, by teleconference, or by video conference, as appropriate; and
- Authorizes the licensing agency to stay its issuance of an approved license until the agency has verified the applicant’s lawful release from incarceration with the DOC.

Sections 1 and 3 also require each applicable board within the DBPR or the DBPR to compile and post on the DBPR’s website two lists: 1 of crimes that do not relate to the practice or one’s

³⁸ Section 921.0021(2), F.S., defines “conviction” under the “Criminal Punishment Code” in ch. 921, F.S., to mean “a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld.”

ability to practice the profession, and therefore do not constitute grounds for denial of licensure, a second of crimes that have been used as a basis for denial of a license in the past 2 years. These lists must be updated annually.

Beginning October 1, 2019, each board subject to this bill or the Department must establish 2 additional lists: 1 of crimes that were reported by an applicant on his or her application that did not lead to denial of the application, and a second of crimes that served as a basis for denial of a license in the past 2 years. These lists must include the date of the conviction, finding of guilt, plea, or adjudication entered, or the date of sentencing of the crime. The board must update these lists quarterly.

All of the boards' denials must be available to the public upon request.

Section 2 amends s. 489.107, F.S., to reduce the membership of the CILB to 10 members from 18. The CILB shall consist of:

- Two general contractors,
- Three contractors primarily engaged in business as a building or residential contractor,
 - One of which must be a building contractor, and
 - One of which must be a residential contractor,
- One roofing contractor,
- One mechanical contractor,
- One pool contractor,
- One plumbing contractor, and
- One underground utility and excavation contractor.

The bill removes the following members from the CILB: 2 general contractors, 1 sheet metal contractor, 1 air-conditioning contractor, 2 consumer members, and 2 building officials of a municipality or county.

Section 4 provides that the bill takes effect October 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Business and Professional Regulation indicates that implementation costs would be minimal.

The Department of Corrections indicated that teleconference equipment should be available for use at each institution. If an inmate is needed to appear in person, transportation costs would be minimal.³⁹

VI. Technical Deficiencies:

It is unclear how frequently applicable boards must update the list of crimes that, although reported by an applicant on his or her application, were not used as a basis for denial.

VII. Related Issues:

The DBPR states that it may be precluded from publishing certain information relating to an applicant's crime if the DBPR obtained that information from the Level II background check performed on the applicant. The agreements pursuant to which the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigations (FBI) perform Level II background checks for the DBPR limit the DBPR's ability to publish information obtained from the report, pursuant to the Privacy Act of 1974, Title 5 U.S.C., Section 552a, and Title 28, CFR, Section 50.12.⁴⁰

The definition of "conviction" in the bill excludes convictions that result from a plea of no contest (*nolo contendere*).

VIII. Statutes Affected:

This bill substantially amends sections 455.213, 489.107, and 489.553 of the Florida Statutes.

³⁹ Florida Department of Corrections, *SB 334 Agency Analysis*, (Oct. 1, 2019) (on file with the Senate Committee on Innovation, Industry, and Technology).

⁴⁰ Florida Department of Business and Professional Regulation, *HB 397 Agency Analysis*, 6 (March 5, 2019) (on file with the Senate Committee on Commerce and Tourism).

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Commerce and Tourism on April 8, 2019:

The CS:

- Increases the duration of time the DBPR may consider an applicant’s criminal history as a basis for denial of licensure from 3 to 5 years;
- Permits the DBPR to deny an application based on an applicant’s criminal history for any duration of time if the underlying crime relates to:
 - Sexual offenses or forcible felonies as listed in s. 775.21(4)(a)1., and 776.08, F.S., respectively, and the crime is also found to relate to the practice of the applicable profession; or
 - The applicant’s good moral character;
- Removes certified nursing assistants from the process created by the bill, preserving their current licensing scheme pursuant to ss. 464.203 and 400.211, F.S.;
- Clarifies the application of the licensing process created in the bill to septic tank contractors;
- Defines a “conviction” for purposes of the bill to include a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld;
- Requires the DBPR to compile and post a list of crimes that have been used as a basis for denial in the past 2 years (updated annually), and an ongoing list (updated quarterly) of crimes used as a basis for denial of licensure; and
- Reduces the membership of the Construction Industry Licensing Board from 18 to 10 members.

CS by Innovation, Industry, and Technology on March 12, 2019:

The CS requires Certified Nursing Assistant license applicants to qualify under s. 408.809, F.S., which requires pre-employment, level two background screening for specified persons, including employees of medical facilities.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2019	.	
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The Committee on Commerce and Tourism (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (3) through (12) of section 455.213, Florida Statutes, are redesignated as subsections (4) through (13), respectively, subsection (2) of that section is amended, and a new subsection (3) is added to that section, to read:

455.213 General licensing provisions.-



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11 (2) Before the issuance of any license, the department may
12 charge an initial license fee as determined by rule of the
13 applicable board or, if no such board exists, by rule of the
14 department. Upon receipt of the appropriate license fee, except
15 as provided in subsection (4) ~~(3)~~, the department shall issue a
16 license to any person certified by the appropriate board, or its
17 designee, or the department when there is no board, as having
18 met the applicable requirements imposed by law or rule. However,
19 an applicant who is not otherwise qualified for licensure is not
20 entitled to licensure solely based on a passing score on a
21 required examination. Upon a determination by the department
22 that it erroneously issued a license, or upon the revocation of
23 a license by the applicable board, or by the department when
24 there is no board, the licensee must surrender his or her
25 license to the department.

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

- 30 1. A barber under chapter 476;
31 2. A cosmetologist or cosmetology specialist under chapter
32 477; or
33 3. Any of the following construction professions under
34 chapter 489:
35 a. Air-conditioning contractor;
36 b. Electrical contractor;
37 c. Mechanical contractor;
38 d. Plumbing contractor;
39 e. Pollutant storage systems contractor;



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40 f. Roofing contractor;

41 g. Sheet metal contractor;

42 h. Solar contractor;

43 i. Swimming pool and spa contractor;

44 j. Underground utility and excavation contractor; and

45 k. Other specialty contractors.

46 (b)1. A conviction, or any other adjudication, for a crime
47 more than 5 years before the date the application is received by
48 the applicable board may not be grounds for denial of a license
49 specified in paragraph (a). For purposes of this paragraph, the
50 term "conviction" means a determination of guilt that is the
51 result of a plea or trial, regardless of whether adjudication is
52 withheld. This paragraph does not limit the applicable board
53 from considering an applicant's criminal history that includes a
54 crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time only
55 if such criminal history has been found to relate to the
56 practice of the applicable profession.

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

61 (c)1. A person may apply for a license before his or her
62 lawful release from confinement or supervision. The department
63 may not charge an applicant an additional fee for being confined
64 or under supervision. The applicable board may not deny an
65 application for a license solely on the basis of the applicant's
66 current confinement or supervision.

67 2. After a license application is approved, the applicable
68 board may stay the issuance of a license until the applicant is



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69 lawfully released from confinement or supervision and the
70 applicant notifies the applicable board of such release. The
71 applicable board must verify the applicant's release with the
72 Department of Corrections before it issues a license.

73 3. If an applicant is unable to appear in person due to his
74 or her confinement or supervision, the applicable board must
75 permit the applicant to appear by teleconference or video
76 conference, as appropriate, at any meeting of the applicable
77 board or other hearing by the agency concerning his or her
78 application.

79 4. If an applicant is confined or under supervision, the
80 Department of Corrections and the applicable board shall
81 cooperate and coordinate to facilitate the appearance of the
82 applicant at a board meeting or agency hearing in person, by
83 teleconference, or by video conference, as appropriate.

84 (d) Each applicable board shall compile a list of crimes
85 that, if committed and regardless of adjudication, do not relate
86 to the practice of the profession or the ability to practice the
87 profession and do not constitute grounds for denial of a
88 license. This list shall be made available on the department's
89 website and be updated annually. Beginning October 1, 2019, each
90 applicable board shall compile a list of crimes that although
91 reported by an applicant for licensure, were not used as a basis
92 for denial. The list must identify the crime reported and the
93 date of conviction, finding of guilt, plea, or adjudication
94 entered or the date of sentencing for each such license
95 application.

96 (e) Each applicable board shall compile a list of crimes
97 that have been used as a basis for denial of a license in the



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98 past 2 years, which shall be made available on the department's
99 website. Starting October 1, 2019, and updated quarterly
100 thereafter, the applicable board shall compile a list indicating
101 each crime used as a basis for denial. For each crime listed,
102 the applicable board must identify the date of conviction,
103 finding of guilt, plea, or adjudication entered, or date of
104 sentencing. Such denials shall be available to the public upon
105 request.

106 Section 2. Section 489.107, Florida Statutes, is amended to
107 read:

108 489.107 Construction Industry Licensing Board.—

109 (1) To carry out the provisions of this part, there is
110 created within the department the Construction Industry
111 Licensing Board. Members shall be appointed by the Governor,
112 subject to confirmation by the Senate. Members shall be
113 appointed for 4-year terms. A vacancy on the board shall be
114 filled for the unexpired portion of the term in the same manner
115 as the original appointment. No member shall serve more than two
116 consecutive 4-year terms or more than 11 years on the board.

117 (2) The board shall consist of 10 ~~18~~ members, of whom:

118 (a) Two ~~Four~~ are primarily engaged in business as general
119 contractors;

120 (b) Three are primarily engaged in business as building
121 contractors or residential contractors, however, at least one
122 building contractor and one residential contractor shall be
123 appointed;

124 (c) One is primarily engaged in business as a roofing
125 contractor;

126 ~~(d) One is primarily engaged in business as a sheet metal~~



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127 ~~contractor;~~
128 ~~(e) One is primarily engaged in business as an air-~~
129 ~~conditioning contractor;~~
130 (d)~~(f)~~ One is primarily engaged in business as a mechanical
131 contractor;
132 (e)~~(g)~~ One is primarily engaged in business as a pool
133 contractor;
134 (f)~~(h)~~ One is primarily engaged in business as a plumbing
135 contractor; and
136 (g)~~(i)~~ One is primarily engaged in business as an
137 underground utility and excavation contractor;
138 ~~(j) Two are consumer members who are not, and have never~~
139 ~~been, members or practitioners of a profession regulated by the~~
140 ~~board or members of any closely related profession; and~~
141 ~~(k) Two are building officials of a municipality or county.~~
142 (3) To be eligible to serve, each contractor member must
143 have been certified by the board to operate as a contractor in
144 the category with respect to which the member is appointed, be
145 actively engaged in the construction business, and have been so
146 engaged for a period of not less than 5 consecutive years before
147 the date of appointment. Each appointee must be a citizen and
148 resident of the state.
149 (4) The board shall be divided into two divisions, Division
150 I and Division II.
151 (a) Division I is comprised of the general contractor,
152 building contractor, and residential contractor members of the
153 board; ~~one of the members appointed pursuant to paragraph~~
154 ~~(2)(j); and one of the members appointed pursuant to paragraph~~
155 ~~(2)(k).~~ Division I has jurisdiction over the regulation of



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156 general contractors, building contractors, and residential
157 contractors.

158 (b) Division II is comprised of the roofing contractor,
159 ~~sheet metal contractor, air conditioning contractor,~~ mechanical
160 contractor, pool contractor, plumbing contractor, and
161 underground utility and excavation contractor members of the
162 board; ~~one of the members appointed pursuant to paragraph~~
163 ~~(2) (j); and one of the members appointed pursuant to paragraph~~
164 ~~(2) (k).~~ Division II has jurisdiction over the regulation of
165 contractors defined in s. 489.105(3) (d)-(p).

166 (c) Jurisdiction for the regulation of specialty
167 contractors defined in s. 489.105(3) (q) shall lie with the
168 division having jurisdiction over the scope of work of the
169 specialty contractor as defined by board rule.

170 (5) Three ~~Five~~ members of Division I constitute a quorum,
171 and three ~~five~~ members of Division II constitute a quorum. The
172 combined divisions shall meet together at such times as the
173 board deems necessary, but neither division, nor any committee
174 thereof, shall take action on any matter under the jurisdiction
175 of the other division. However, if either division is unable to
176 obtain a quorum for the purpose of conducting disciplinary
177 proceedings, it may request members of the other division, who
178 are otherwise qualified to serve on the division unable to
179 obtain a quorum, to join in its deliberations. Such additional
180 members shall vote and count toward a quorum only during those
181 disciplinary proceedings.

182 (6) The Construction Industry Licensing Board and the
183 Electrical Contractors' Licensing Board shall each appoint a
184 committee to meet jointly at least twice a year.



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185 Section 3. Subsections (7) through (10) are added to
186 section 489.553, Florida Statutes, to read:

187 489.553 Administration of part; registration
188 qualifications; examination.-

189 (7) Notwithstanding any other provision of law, a
190 conviction, or any other adjudication, for a crime more than 5
191 years before the date the application is received by the
192 department may not be grounds for denial of registration. For
193 purposes of this subsection, the term "conviction" means a
194 determination of guilt that is the result of a plea or trial,
195 regardless of whether adjudication is withheld. This subsection
196 does not limit a board from considering an applicant's criminal
197 history that includes any crime listed in s. 775.21(4)(a)1. or
198 s. 776.08 at any time only if such criminal history has been
199 found to relate to the practice of the applicable profession, or
200 any crime if it has been found to relate to good moral
201 character.

202 (8) (a) A person may apply to be registered before his or
203 her lawful release from confinement or supervision. The
204 department may not charge an applicant an additional fee for
205 being confined or under supervision. The department may not deny
206 an application for registration solely on the basis of the
207 applicant's current confinement or supervision.

208 (b) After a registration application is approved, the
209 department may stay the issuance of registration until the
210 applicant is lawfully released from confinement or supervision
211 and the applicant notifies the board of such release. The
212 department must verify the applicant's release with the
213 Department of Corrections before it registers such applicant.



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214 (c) If an applicant is unable to appear in person due to
215 his or her confinement or supervision, the department must
216 permit the applicant to appear by teleconference or video
217 conference, as appropriate, at any meeting or hearing by the
218 department concerning his or her application.

219 (d) If an applicant is confined or under supervision, the
220 Department of Corrections and the department shall cooperate and
221 coordinate to facilitate the appearance of the applicant at a
222 meeting or hearing in person, by teleconference, or by video
223 conference, as appropriate.

224 (9) The department shall compile a list of crimes that, if
225 committed and regardless of adjudication, do not relate to the
226 practice of the profession or the ability to practice the
227 profession and do not constitute grounds for denial of
228 registration. This list shall be made available on the
229 department's website and be updated annually. Beginning October
230 1, 2019, and updated quarterly thereafter, the department shall
231 add to this list such crimes that although reported by an
232 applicant for registration, were not used as a basis for denial
233 in the past 2 years. The list must identify the crime reported
234 and the date of conviction, plea, adjudication, or sentencing
235 for each such registration application.

236 (10) The department shall compile a list of crimes that
237 have been used as a basis for denial of registration in the past
238 2 years, which shall be made available on the department's
239 website. Beginning October 1, 2019, and updated quarterly
240 thereafter, the department shall add to this list each crime
241 used as a basis for denial. For each crime listed, the
242 department must identify the date of conviction, plea,



243 adjudication, or sentencing. Such denials shall be available to
244 the public upon request.

245 Section 4. This act shall take effect October 1, 2019.

246

247 ===== T I T L E A M E N D M E N T =====

248 And the title is amended as follows:

249 Delete everything before the enacting clause
250 and insert:

251 A bill to be entitled
252 An act relating to professional regulation; amending
253 s. 455.213, F.S.; requiring certain boards and
254 entities within the Divisions of Certified Public
255 Accounting, Professions, or Real Estate of the
256 Department of Business and Professional Regulation to
257 use a specified process for the review of an
258 applicant's criminal record to determine the
259 applicant's eligibility for certain licenses;
260 prohibiting the conviction of a crime before a
261 specified date from being grounds for the denial of
262 certain licenses; defining the term "conviction";
263 authorizing a person to apply for a license before his
264 or her lawful release from confinement or supervision;
265 prohibiting the department from charging an applicant
266 who is confined or under supervision an additional
267 fee; prohibiting a board from basing a denial of a
268 license application solely on the applicant's current
269 confinement or supervision; authorizing a board to
270 stay the issuance of an approved license under certain
271 circumstances; requiring a board to verify an



272 applicant's release with the Department of
273 Corrections; requiring the Department of Business and
274 Professional Regulation to allow certain applicants to
275 appear by teleconference or video conference at
276 certain meetings; requiring a board to provide certain
277 lists on its website specifying how certain crimes do
278 or do not affect an applicant's eligibility for
279 licensure; providing that certain information be
280 identified for the crimes on a certain list; requiring
281 such lists to be available to the public upon request;
282 amending s. 489.107, F.S.; revising the membership of
283 the Construction Industry Licensing Board; conforming
284 provisions to changes made by the act; amending s.
285 489.553, F.S.; prohibiting the conviction of a crime
286 before a specified date from being grounds for the
287 denial of registration under certain circumstances;
288 defining the term "conviction"; authorizing a person
289 to apply for registration before his or her lawful
290 release from confinement or supervision; prohibiting
291 the department from charging an applicant who is
292 confined or under supervision an additional fee;
293 prohibiting the department from basing the denial of
294 registration solely on the applicant's current
295 confinement or supervision; authorizing the board to
296 stay the issuance of an approved registration under
297 certain circumstances; requiring the department to
298 verify an applicant's release with the Department of
299 Corrections; requiring the Department of Business and
300 Professional Regulation to allow certain applicants to



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301 appear by teleconference or video conference at
302 certain meetings; requiring the department to provide
303 certain lists on its website specifying how certain
304 crimes do or do not affect an applicant's eligibility
305 for registration; providing that certain information
306 be identified for each crime on certain lists;
307 requiring such lists to be available to the public
308 upon request; providing an effective date.

By the Committee on Innovation, Industry, and Technology; and
Senator Brandes

580-02956-19

2019334c1

1 A bill to be entitled
2 An act relating to professional regulation; amending
3 s. 455.213, F.S.; requiring certain boards and
4 entities within the Divisions of Certified Public
5 Accounting, Professions, or Real Estate of the
6 Department of Business and Professional Regulation to
7 use a specified process for the review of an
8 applicant's criminal record to determine the
9 applicant's eligibility for certain licenses;
10 prohibiting the conviction, plea, adjudication, or
11 sentencing of a crime before a specified date from
12 being used as grounds for the denial of certain
13 licenses; authorizing a person to apply for a license
14 before his or her lawful release from confinement or
15 supervision; prohibiting the Department of Business
16 and Professional Regulation from imposing additional
17 fees on certain applicants; prohibiting certain boards
18 and entities from basing a denial of a license
19 application solely on the applicant's current
20 confinement or supervision; authorizing certain boards
21 and entities to stay the issuance of an approved
22 license under certain circumstances; requiring certain
23 boards and entities to verify an applicant's release
24 with the Department of Corrections; providing
25 requirements for the appearance of certain applicants
26 at certain meetings; requiring certain boards and
27 entities to compile, publish, and update lists that
28 specify how certain crimes affect an applicant's
29 eligibility for licensure; amending s. 464.203, F.S.;

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 prohibiting the conviction, plea, adjudication, or
31 sentencing of a crime before a specified date from
32 being used as grounds for the denial of certain
33 certifications; providing that conviction of a crime
34 which does not fall within a specified timeframe is
35 not grounds for the failure of a background screening;
36 authorizing a person to apply for certification before
37 his or her lawful release from confinement or
38 supervision; prohibiting the Department of Health from
39 imposing additional fees on certain applicants;
40 prohibiting the Board of Nursing from basing the
41 denial of a certification solely on the applicant's
42 current confinement or supervision; authorizing the
43 board to stay the issuance of an approved certificate
44 under certain circumstances; requiring the board to
45 verify an applicant's release with the Department of
46 Corrections; providing requirements for the appearance
47 of certain applicants at certain meetings; requiring
48 the board to compile and update lists that specify how
49 certain crimes affect an applicant's eligibility for
50 certification; amending s. 400.211, F.S.; conforming a
51 cross-reference; providing an effective date.

52
53 Be It Enacted by the Legislature of the State of Florida:

54
55 Section 1. Present subsections (3) through (12) of section
56 455.213, Florida Statutes, are redesignated as subsections (4)
57 through (13), respectively, subsection (2) of that section is
58 amended, and a new subsection (3) is added to that section, to

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59 read:

60 455.213 General licensing provisions.-

61 (2) Before the issuance of any license, the department may
 62 charge an initial license fee as determined by rule of the
 63 applicable board or, if no such board exists, by rule of the
 64 department. Upon receipt of the appropriate license fee, except
 65 as provided in subsection (4) (3), the department shall issue a
 66 license to any person certified by the appropriate board, or its
 67 designee, or the department when there is no board, as having
 68 met the applicable requirements imposed by law or rule. However,
 69 an applicant who is not otherwise qualified for licensure is not
 70 entitled to licensure solely based on a passing score on a
 71 required examination. Upon a determination by the department
 72 that it erroneously issued a license, or upon the revocation of
 73 a license by the applicable board, or by the department when
 74 there is no board, the licensee must surrender his or her
 75 license to the department.

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

80 1. A barber under chapter 476;81 2. A cosmetologist or cosmetology specialist under chapter
82 477; or83 3. Any of the following construction professionals under
84 chapter 489:85 a. Air-conditioning contractor;86 b. Commercial pool/spa contractor;87 c. Electrical contractor;

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88 d. Mechanical contractor;89 e. Plumbing contractor;90 f. Pollutant storage systems contractor;91 g. Residential swimming pool/spa contractor;92 h. Roofing contractor;93 i. Septic tank contractor;94 j. Sheet metal contractor;95 k. Solar contractor;96 l. Swimming pool/spa servicing contractor;97 m. Underground utility and excavation contractor; and98 n. Specialty contractor.

99 (b) The criminal history of an applicant for licensure in a
 100 profession specified in paragraph (a) may not be used as grounds
 101 for denial of the license if the date of conviction, plea, or
 102 adjudication, or the date of sentencing is more than 3 years
 103 before the date of application.

104 (c) 1. A person may apply for a license before his or her
 105 lawful release from confinement or supervision. The department
 106 may not charge such an applicant an additional fee related to
 107 such confinement or supervision. The applicable board may not
 108 deny an application for a license solely on the basis of the
 109 applicant's current confinement or supervision.

110 2. After a license application is approved, the applicable
 111 board may stay the issuance of a license until the applicant is
 112 lawfully released from confinement or supervision and the
 113 applicant notifies the board of such release. The applicable
 114 board shall verify the applicant's release with the Department
 115 of Corrections before it issues a license.

116 3. If an applicant is unable to appear in person due to his

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117 or her confinement or supervision, the applicable board must
 118 allow the applicant to appear by teleconference or video
 119 conference, as appropriate, at any meeting of the board or other
 120 hearing by the department concerning his or her application.

121 4. If an applicant is confined or under supervision, the
 122 Department of Corrections and the applicable board shall
 123 cooperate and coordinate to facilitate the appearance of the
 124 applicant at a board meeting or department hearing in person, by
 125 teleconference, or by video conference, as appropriate.

126 (d) By October 1, 2019, each applicable board shall compile
 127 and post on the department's website a list of crimes that, if
 128 committed and regardless of adjudication, do not relate to the
 129 practice of the profession or the ability to practice the
 130 profession and do not constitute grounds for denial of a
 131 license. This list must be updated annually by each applicable
 132 board. In addition, as of that date, each such board shall begin
 133 to compile separate lists of such crimes that, when reported by
 134 an applicant for licensure, were and were not used as a basis
 135 for denial in the past 2 years. The lists, which must be
 136 available on the department's website and updated at least
 137 quarterly by the applicable board, must identify for each such
 138 approval or denial of license the crime reported and the date of
 139 conviction, plea, adjudication, or sentencing.

140 Section 2. Present subsections (2) through (8) of section
 141 464.203, Florida Statutes, are redesignated as subsections (3)
 142 through (9), respectively, and a new subsection (2) is added to
 143 that section, to read:

144 464.203 Certified nursing assistants; certification
 145 requirement.—

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146 (2) (a) 1. Except as provided in ss. 408.809, 435.04, and
 147 456.0635, the criminal history of an applicant may not be used
 148 as grounds for denial of a certificate to practice as a
 149 certified nursing assistant if the date of conviction, plea,
 150 adjudication, or sentencing is more than 3 years before the date
 151 of the application.

152 2. Except as provided in ss. 408.809, 435.07(4), and
 153 456.0635, the criminal history of an applicant may not be used
 154 as grounds for failure of a required background screening if the
 155 date of conviction, plea, adjudication, or sentencing is more
 156 than 3 years before the date of the application.

157 (b) 1. A person may apply for a certificate to practice as a
 158 certified nursing assistant before his or her lawful release
 159 from confinement or supervision. The department may not charge
 160 such an applicant an additional fee related to such confinement
 161 or supervision. The board may not deny an application for a
 162 certificate solely on the basis of the person's current
 163 confinement or supervision.

164 2. After a certification application is approved, the board
 165 may stay the issuance of a certificate until the applicant is
 166 lawfully released from confinement or supervision and until the
 167 applicant notifies the board of such release. The board must
 168 verify the applicant's release with the Department of
 169 Corrections before it issues a certificate.

170 3. If an applicant is unable to appear in person due to his
 171 or her confinement or supervision, the board must allow the
 172 applicant to appear by teleconference or video conference, as
 173 appropriate, at any meeting of the board or other hearing by the
 174 department concerning his or her application.

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175 4. If an applicant is confined or under supervision, the
 176 Department of Corrections and the board shall cooperate and
 177 coordinate to facilitate the appearance of the applicant at a
 178 board meeting or department hearing in person, by
 179 teleconference, or by video conference, as appropriate.

180 (c) By October 1, 2019, the board shall compile and post on
 181 the department's website a list of crimes that, if committed and
 182 regardless of adjudication, do not relate to the practice of the
 183 profession or the ability to practice the profession and do not
 184 constitute grounds for denial of a certificate. This list must
 185 be updated annually by the board. In addition, as of that date,
 186 the board shall begin to compile separate lists of such crimes
 187 that, when reported by an applicant for licensure, were and were
 188 not used as a basis for denial in the past 2 years. The lists,
 189 which must be available on the department's website and updated
 190 at least quarterly by the board, must identify for each such
 191 approval or denial of license the crime reported and the date of
 192 conviction, plea, adjudication, or sentencing.

193 Section 3. Subsection (4) of section 400.211, Florida
 194 Statutes, is amended to read:

195 400.211 Persons employed as nursing assistants;
 196 certification requirement.—

197 (4) When employed by a nursing home facility for a 12-month
 198 period or longer, a nursing assistant, to maintain
 199 certification, shall submit to a performance review every 12
 200 months and must receive regular inservice education based on the
 201 outcome of such reviews. The inservice training must meet all of
 202 the following requirements:

203 (a) Be sufficient to ensure the continuing competence of

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204 nursing assistants and must meet the standard specified in s.
 205 464.203(8). ~~s. 464.203(7);~~

206 (b) Include, at a minimum:

- 207 1. Techniques for assisting with eating and proper feeding;
- 208 2. Principles of adequate nutrition and hydration;
- 209 3. Techniques for assisting and responding to the
- 210 cognitively impaired resident or the resident with difficult
- 211 behaviors;
- 212 4. Techniques for caring for the resident at the end-of-
- 213 life; and
- 214 5. Recognizing changes that place a resident at risk for
- 215 pressure ulcers and falls. ~~and~~

216 (c) Address areas of weakness as determined in nursing
 217 assistant performance reviews and may address the special needs
 218 of residents as determined by the nursing home facility staff.

219
 220 Costs associated with this training may not be reimbursed from
 221 additional Medicaid funding through interim rate adjustments.

222 Section 4. This act shall take effect October 1, 2019.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-8-19

Meeting Date

05/334

Bill Number (if applicable)

329180

Amendment Barcode (if applicable)

Topic CONSTRUCTION LICENSURE

Name CAM FENTRISS

Job Title LEGISLATIVE COUNSEL

Address 1400 VILLAGE SQ #3-243

Phone 850-222-2772

TALL FL 32312

Email AFENTRISS@AOL.COM

Speaking: For [] Against [x] Information []

Waive Speaking: In Support [] Against [x] (The Chair will read this information into the record.)

Representing FEA REFRIGERATION & AC CONTRACTORS ASSN

Appearing at request of Chair: Yes [] No [x]

Lobbyist registered with Legislature: Yes [x] No []

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

7/8/19

Meeting Date

334

Bill Number (if applicable)

329180

Amendment Barcode (if applicable)

Topic Professional Regulation

Name Evan Power

Job Title

Address 126 S. Monroe St

Phone (850) 517-1062

Tallahassee FL 32301

Email Evan@evanpowerconsulting.com

Speaking: For [] Against [x] Amendment Information []

Waive Speaking: In Support [] Against [] (The Chair will read this information into the record.)

Representing Building Officials Association of Florida

Appearing at request of Chair: Yes [] No []

Lobbyist registered with Legislature: Yes [x] No []

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/2019 Meeting Date

334 Bill Number (if applicable)

329180 Amendment Barcode (if applicable)

Topic Professional Regulation

Name Jeff Branch

Job Title Legislative Advocate

Address Street

Phone 701-3701

Tallahassee FL 32302 City State Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing Florida League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19 Meeting Date

SB334 Bill Number (if applicable)

Topic Professional Regulation

Amendment Barcode (if applicable)

Name Logan Padgett

Job Title Director of Communications and Public Affairs

Address Street 100 N Duval Street

Phone 850-386-3131

Tallahassee FL 32301 City State Zip

Email lpadgett@jamesmadison.org

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing The James Madison Institute

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/2019

Meeting Date

334

Bill Number (if applicable)

Topic Occupational Licensing

Amendment Barcode (if applicable)

Name Jorge Chamizo

Job Title Attorney

Address 108 South Monroe Street

Phone (800) 681-0024

Tallahassee, FL 32301

Email jorge@flapartners.com

Speaking: [X] For [] Against [] Information

Waive Speaking: [X] In Support [] Against (The Chair will read this information into the record.)

Representing FBA Action

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19

Meeting Date

SB 334

Bill Number (if applicable)

Topic Professional Regulation

Amendment Barcode (if applicable)

Name Demetrius Minor

Job Title Dir of Coalitions

Address

Phone

City State Zip

Email

Speaking: [] For [] Against [] Information

Waive Speaking: [X] In Support [] Against (The Chair will read this information into the record.)

Representing Americans For Prosperity

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

4/8/2019

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

334

Meeting Date

Bill Number (if applicable)

Topic PROFESSIONAL REGULATION

Amendment Barcode (if applicable)

Name Christian R. Camara -- Institute for Justice

Job Title Legislative Fellow

Address 901 N Glebe Road, Suite 900

Phone 305.721.1600

Street

Arlington

VA

22203

Email Christian@ChamberConsultantsFL.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Institute for Justice

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)



ANALYSIS

2019 AGENCY LEGISLATIVE BILL

AGENCY: Department of Business & Professional Regulation

BILL INFORMATION

BILL NUMBER:	CS/HB 397
BILL TITLE:	Professional Regulation
BILL SPONSOR:	Rep. Plakon
EFFECTIVE DATE:	10/1/19

COMMITTEES OF REFERENCE

- 1) Business & Professions Subcommittee
- 2) Health Quality Subcommittee
- 3) Commerce Committee
- 4) Click or tap here to enter text.
- 5) Click or tap here to enter text.

CURRENT COMMITTEE

Health Quality Subcommittee

SIMILAR BILLS

BILL NUMBER:	SB 334 (similar)
SPONSOR:	Sen. Brandes

PREVIOUS LEGISLATION

BILL NUMBER:	CS/HB 1041; CS/SB 1114
SPONSOR:	Rep. Plakon; Sen. Brandes
YEAR:	2018
LAST ACTION:	HB 1041: died in Reg. Inds., 3/10/18. SB 1114: died in Approps., 3/10/18

IDENTICAL BILLS

BILL NUMBER:	N/A
SPONSOR:	N/A

Is this bill part of an agency package?

No

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	March 4, 2019
LEAD AGENCY ANALYST:	Jeff Kelly, Deputy Director, Division of Professions
ADDITIONAL ANALYST(S):	Tom Coker, Technology Thomas Izzo, OGC Rules Tracy Dixon, Service Operations
LEGAL ANALYST:	Tom Thomas, Deputy General Counsel

FISCAL ANALYST:	Raleigh Close, AFM
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POLICY ANALYSIS

1. EXECUTIVE SUMMARY

The bill requires specific boards to use a specified process for reviewing an applicant's criminal record to determine eligibility for licensure and prohibits convictions for any crime more than five years prior to an application date as grounds for denial. The bill requires specific professional licensing boards to compile and update annually lists of crimes that do not relate to the practice of the profession and do not constitute grounds for license denial. Additionally, the bill requires specific boards to compile and post lists of crimes that have, and have not, disqualified applicants from licensure.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

Section 455.227(2), F.S., as well as the practice acts for each of the professions, provides a board, or the department where there is no board, the discretion to refuse to certify, or certify with restrictions, an application for a license on several grounds, including being convicted of a crime that relates to the practice of, or the ability to practice, a profession. A board, or the department where there is no board, reviews the criminal history of applicants on a case-by-case basis and such review is done in the interest of public health, safety, and welfare. Applicants for all professions are required to answer questions pertaining to their criminal history when submitting an application for licensure.

There are no statutory provisions or departmental rules that prohibit individuals from applying for licensure while they are still incarcerated or under some form of supervised release, nor are individuals charged any additional fees for applying for a license while still incarcerated or on supervised release.

2. EFFECT OF THE BILL:

Section 1

The bill amends s. 455.213, F.S., to prohibit convictions for crimes more than five years before the date of application being used as grounds for denials of the following licenses: barbers, cosmetologists or cosmetology specialists; air conditioning contractors; electrical contractors; mechanical contractors; plumbing contractors; pollutant storage systems contractors; roofing contractors; sheet metal contractors; solar contractors; swimming pool and spa servicing contractors; underground utility and excavation contractors; and other specialty contractors.

The bill further allows individuals to apply for licenses before their lawful release from confinement or supervision. The bill prohibits the boards for the aforementioned professions ("the boards") from charging applicants an additional fee for being confined or under supervision, or denying applications for licenses solely on the basis of applicants' current confinement or supervision. The bill authorizes the boards to stay the issuance of licenses until applicants notify the boards of their release, which the boards must verify with the Department of Corrections before licenses are issued.

If applicants are unable to appear in person due to confinement or supervision, the boards must permit such applicants to appear by teleconference or video conference, as appropriate, at any meeting of the board or other hearing by the agency concerning their applications. In doing so, the boards and the Department of Corrections shall cooperate and coordinate to facilitate the appearance of confined or supervised applicants at such a meeting or hearing.

The bill requires the boards to compile four lists that are to be available on the department's website and/or made available to the public upon request. First, the boards must compile lists of crimes that do not relate to the practice of the profession or the ability to practice the profession and therefore do not constitute grounds for denial of a license. This list must be updated annually.

Second, beginning on October 1, 2019, the boards are each required to compile lists of crimes that were not used as a basis for denial. Such lists must identify the crime reported and the date of conviction, finding of guilt, plea, or adjudication entered or the date of sentencing for each such license application.

Third, the boards shall also compile lists of crimes that have been used as a basis for denial of a license in the past two years.

Fourth, beginning on October 1, 2019, and updated quarterly thereafter, the boards shall each compile lists indicating each crime that was used as a basis for denial. For each crime listed, the board must identify the date of conviction, finding of guilt, plea, or adjudication entered, or date sentencing. Such denials shall be made available to the public upon request.

Section 2

The bill amends s. 464.203, F.S., which applies to the Department of Health and does not impact the Department of Business and Professional Regulation.

Section 3

The bill amends s. 489.553, F.S., which applies to the Department of Health and does not impact the Department of Business and Professional Regulation.

Section 4

The bill amends s. 400.211, F.S., which applies to the Department of Health and does not impact the Department of Business and Professional Regulation.

Section 5

Provides an effective date of October 1, 2019.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y N

If yes, explain:	N/A
Is the change consistent with the agency's core mission?	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Rule(s) impacted (provide references to F.A.C., etc.):	N/A

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	Unknown
Opponents and summary of position:	Unknown

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? Y N

If yes, provide a description:	The bill requires the boards to compile four lists that are to be available on the department's website and/or made available to the public upon request (please see descriptions above).
Date Due:	October 1, 2019, and updated annually, quarterly, or as necessary (please see descriptions above).
Bill Section Number(s):	Section 1

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? Y N

Board:	N/A
Board Purpose:	N/A
Who Appoints:	N/A
Changes:	N/A
Bill Section Number(s):	N/A

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y N

Revenues:	None
Expenditures:	None
Does the legislation increase local taxes or fees? If yes, explain.	N/A
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	N/A

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y N

Revenues:	None
Expenditures:	None anticipated.
Does the legislation contain a State Government appropriation?	No
If yes, was this appropriated last year?	N/A

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? Y N

Revenues:	N/A
Expenditures:	Indeterminate
Other:	N/A

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES? Y N

If yes, explain impact.	N/A
Bill Section Number:	N/A

TECHNOLOGY IMPACT

1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)? Y N

If yes, describe the anticipated impact to the agency including any fiscal impact.	N/A
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FEDERAL IMPACT

1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y N

If yes, describe the anticipated impact including any fiscal impact.	N/A
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ADDITIONAL COMMENTS

The department's top priority is to protect the health, safety and welfare of the citizens that conduct business with the licensees under the agency's jurisdiction. Some of the professions enumerated in the bill, particularly contractors, have access to private homes and businesses in fulfilling contracted scopes of work. In addition, contractors enter into contracts and accept deposits from consumers. The bill's exclusion of all convictions more than 5 years before the date of license application as a basis of license denial may allow individuals who have committed violent crimes, sex crimes, fraud, and related financial crimes to obtain a license without consideration of the severity of the crime or the potential risk to the public.

Bureau of Education and Testing: No impact.

Division of Service Operations: Although there will be no FTE impact to the division, the bill requires the department to compile and make publically available, lists that contain specific details of applicants' criminal records. The department's User Agreement with FDLE/FBI limits our ability to publish any information obtained through a Level II background check pursuant to the Privacy Act of 1974, Title 5, U.S.C., Section 552a, and Title 28, CFR, Section 50.12.

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:	<p>OGC: On lines 121 – 124, the bill defines the term "conviction" to mean "a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld." By limiting the definition to a "determination of guilt," the bill does not include convictions resulting from a plea of no contest (nolo contendere).</p> <p>OGC Rules: With regard to lines 147-166, the bill's proposed compliance date of October 1, 2019, may create significant hardships as the proposed time does not provide sufficient time for the department and the boards/commissions within its ambit to come into compliance. The bill does not specify whether the requisite lists of crimes as set forth in lines 119, 147, 153, 158, and 163 are intended to include state crimes, federal crimes, and/or crimes of another state or jurisdiction. Moreover, the bill's proposed requirement of establishing a bright-line list of disqualifying and non-disqualifying crimes would eliminate the agency's prosecutorial discretion with regard to reviewing an application on a case-by-case basis and weighing all facts under the totality-of-the-circumstances; such change in policy could also pose negative impacts to those applicants who may have been granted a license under the current model but not under the proposed system in the bill. Additionally, the bill does not define the term "if committed" in lines 147-148, and therefore it is unclear what the scope of review would be necessary for compliance purposes.</p> <p>Important to note, while the bill proposes each applicable board/commission of the agency to compile lists of disqualifying and non-disqualifying crimes and post them on the department's website, it is unclear from the bill if such action would constitute a "rule" under ch. 120, F.S., and therefore require rulemaking each year or whether rulemaking is not required, as the bill is silent on the conferral of any rulemaking authority. Conversely, the bill is silent on whether any failure to publish the proposed lists on the website would pose any adverse impact to the agency for purposes of ch. 120, F.S.</p> <p>Lastly, the current practice for determining licensure eligibility has been delegated to the agency from the boards/commissions, and thus, the agency generally has been in charge of determining an applicant's eligibility for licensure in most cases where criminal history is not patent on the face of the application. Based upon the aforementioned, however, it is unclear whether the new proposed obligations of compiling the list of crimes would be the responsibility of the agency or each applicable board/commission.</p>
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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: CS/SB 1638

INTRODUCER: Infrastructure and Security Committee and Senator Lee

SUBJECT: Commercial Motor Vehicles

DATE: April 5, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Proctor</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
2.	<u>McKay</u>	<u>McKay</u>	<u>CM</u>	<u>Favorable</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1638 revises numerous provisions relating to commercial motor vehicles (CMV). The bill:

- Updates various CMV regulations to address compatibility concerns with federal regulations;
- Removes exceptions regarding the visibility of headlamps and turn signals by waste collection vehicles under specified circumstances;
- Provides an effective date for certain requirements relating to the use of electronic logging devices and hours of service support documents;
- Removes language requiring intrastate CMVs that are not carrying hazardous materials to comply with certain federal regulations providing maximum drive time requirements;
- Removes a duplicative \$100 fine for falsifying hours of service records;
- Amends a provision to correct a federal regulations reference that allows a short-haul driver, not transporting hazardous materials requiring a placard, to be exempt from maintaining records of duty status;
- Conforms to federal regulation by adding the terms “gross vehicle weight rating” and “gross combined vehicle weight rating” for determining which vehicles, not transporting hazardous materials, meet the 26,001 pound threshold requirement for select intrastate commerce exemptions;
- Removes an exemption from federal regulations regarding transporting petroleum products due to the inclusion of flammable liquids that could require a hazardous material placard; and
- Requires charter buses operating interstate to register as apportionable vehicles.

The bill may have an indeterminate impact to the CMV industry associated with changes to the CMV regulations. In addition, failure to adopt statutory changes to comply with federal regulations may jeopardize federal funding for the state's motor carrier safety program.

II. Present Situation:

Federal Motor Carrier Safety Administration Compatibility

The primary mission of the Federal Motor Carrier Safety Administration (FMCSA), within the United States Department of Transportation, is to prevent commercial motor vehicle-related fatalities and injuries.¹ In 2007, the FMCSA presented to Florida a Motor Carrier Safety Assistance Program (MSCAP) review, which concluded that Florida Statutes have multiple compatibility concerns with federal CMV safety regulations.²

Section 316.003(13), F.S. defines "commercial motor vehicle" as any self-propelled or towed vehicle used on public highways in commerce to transport passengers or cargo, if such vehicle:

- Has a gross vehicle weight rating of 10,000 pounds or more;
- Is designed to transport more than 15 passengers, including the driver; or
- Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act³, as amended.

Section 316.302(1)(a), F.S., provides that all owners and drivers of CMVs operating on the state's public highways while engaged in interstate commerce are subject to the following parts of 49 C.F.R.:

- 382 Controlled Substance and Alcohol Use Testing;
- 385 Safety Fitness Procedures;
- 390 Federal Motor Carrier Safety Regulations; General;
- 391 Qualifications of Drivers and Longer Combination Vehicle Driver Instructors;
- 392 Driving of Commercial Motor Vehicles;
- 393 Parts and Accessories Necessary for Safe Operation;
- 395 Hours of Service for Drivers;
- 396 Inspection, Repair, and Maintenance; and
- 397 Transportation of Hazardous Materials; Driving and Parking Rules.

Section 316.302(1)(b), F.S., provides that, with certain exceptions, all owners or drivers of CMVs engaged in intrastate commerce are subject to the following parts of 49 C.F.R. except as it relates to the definition of bus, as those rules and regulations existed on December 31, 2012:

- 382 Controlled Substance and Alcohol Use Testing;
- 383 Commercial Driver's License Standards; Requirements and Testing;
- 385 Safety Fitness Procedures;
- 390 Federal Motor Carrier Safety Regulations; General;

¹ Federal Motor Carrier Safety Administration, available at: <https://www.fmcsa.dot.gov/mission/about-us> (last visited April 5, 2019).

² 2007 Florida State MSCAP Review (Copy on file with Senate Committee on Infrastructure and Security).

³ 49 U.S.C. ss. 1801 *et seq.*

- 391 Qualifications of Drivers and Longer Combination Vehicle Driver Instructors;
- 392 Driving of Commercial Motor Vehicles;
- 393 Parts and Accessories Necessary for Safe Operation;
- 395 Hours of Service for Drivers;
- 396 Inspection, Repair, and Maintenance; and
- 397 Transportation of Hazardous Materials; Driving and Parking Rules.

Federal regulations define “bus” as “any motor vehicle designed, constructed, and/or used for the transportation of passengers, including taxicabs.”⁴ In its 2007 review, the FMCSA found that Florida’s exemption for taxicabs was not compatible with federal regulations, which include taxicabs in the definition of “bus.”⁵

The FMCSA also found that the statutory provision exempting trucks transporting solid waste and recyclable materials with specified mechanisms operating at speeds of less than 20 miles per hour from certain lighting provisions is incompatible with federal regulations,⁶ which do not contain a similar exemption, and that federal regulations expressly prohibit lamps and reflectors from being obscured.⁷

Federal regulations provide that with some exceptions, CMV drivers are required to be at least 21 years of age.⁸ Federal regulations also provide maximum drive time requirements for property carrying vehicles.⁹ Section 316.302(2)(a), F.S., provides that a person operating a CMV solely in intrastate commerce and not transporting any hazardous material in amounts that require placarding¹⁰ is not required to comply with the above-referenced federal regulations.

Federal regulations provide hours of service rules for CMV drivers.¹¹ Florida law also provides that, except as provided in federal regulations, a person operating a CMV solely in intrastate commerce and not transporting any hazardous material may not drive:

- More than 12 hours following 10 consecutive hours off duty; or
- For any period after the end of the 16th hour after coming on duty following 10 consecutive hours off duty.¹²

These provisions do not apply to drivers of utility service vehicles.¹³

⁴ 49 C.F.R. s. 390.5T.

⁵ 2007 Florida State MSCAP Review, at p. 2.

⁶ 49 C.F.R. 393 Subpart B.

⁷ 2007 Florida State MSCAP Review, at p. 4.

⁸ 49 C.F.R. s. 391.11(b)(1).

⁹ 49 C.F.R. s. 395.3(a) and (b).

¹⁰ Placarding is required pursuant to 49 C.F.R. part 172. In this analysis, everywhere there is a discussion regarding the transportation of hazardous materials, it is assumed to be in amounts that require placarding.

¹¹ 49 C.F.R. s. 395.

¹² Section 316.302(2)(b), F.S.

¹³ 49 C.F.R. s. 395.2, defines “utility service vehicle” as any commercial motor vehicle:

(1) Used in the furtherance of repairing, maintaining, or operating any structures or any other physical facilities necessary for the delivery of public utility services, including the furnishing of electric, gas, water, sanitary sewer, telephone, and television cable or community antenna service;

Section 316.302(2)(c), F.S., specifies that, except as provided in the federal hours of service rules¹⁴, a person operating a CMV solely in intrastate commerce not transporting any hazardous material may not drive after having been on duty more than 70 hours in any period of seven consecutive days, or more than 80 hours in any period of eight consecutive days if the motor carrier operates every day of the week. Upon request of the Department of Highway Safety and Motor Vehicles (HSMV), motor carriers are required to furnish time records or other written verification so that the HSMV can determine compliance with the hours of service requirements. Falsification of time records is subject to a civil penalty not to exceed \$100.

Section 316.302(2)(d), F.S., provides that a person operating a CMV solely in intrastate commerce not transporting any hazardous material within a 150 air-mile radius is not required to comply with federal provisions regarding a driver's record of duty status¹⁵ if the requirements of certain federal rules regarding short-haul operations¹⁶ are met. If a driver is not released from duty within 12 hours after the driver arrives for duty, the motor carrier must maintain documentation of the driver's driving times throughout the duty period.

Section 316.302(2)(f), F.S., provides that a person who is operating a CMV having a declared gross vehicle weight of less than 26,001 pounds operating solely in intrastate commerce and who is not transporting hazardous materials or who is transporting petroleum products¹⁷ is exempt from s. 316.302(1), F.S. However, such person must comply with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

In its 2007 findings, the FMCSA determined that s. 316.302(2)(f), F.S., is not compatible with federal regulations since it exempts vehicles transporting petroleum products and the state definition of petroleum products includes liquids that could require placarding, while federal regulations do not allow drivers of vehicles requiring placarding to be exempt from applicable requirements.¹⁸

III. Effect of Proposed Changes:

The bill amends various provisions of ss. 316.302(1) and (2), F.S., addressing issues related to Florida's CMV regulations and their incompatibility with federal regulation.

(2) While engaged in any activity necessarily related to the ultimate delivery of such public utility services to consumers, including travel or movement to, from, upon, or between activity sites (including occasional travel or movement outside the service area necessitated by any utility emergency as determined by the utility provider); and

(3) Except for any occasional emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the vehicle is owned, leased, or rented by the utility.

¹⁴ 49 C.F.R. s. 395.1.

¹⁵ 49 C.F.R. 395.8.

¹⁶ 49 C.F.R. s. 395.1(e)(1)(iii) and (v) are various rules relating to short-haul operations.

¹⁷ Section 376.301(33), F.S., defines "petroleum product" as "any liquid fuel commodity made from petroleum, including, but not limited to, all forms of fuel known or sold as diesel fuel, kerosene, all forms of fuel known or sold as gasoline, and fuels containing a mixture of gasoline and other products, excluding liquefied petroleum gas and American Society for Testing and Materials grades no. 5 and no. 6 residual oils, bunker C residual oils, intermediate fuel oils used for marine bunkering with a viscosity of 30 and higher, asphalt oils, and petrochemical feedstocks."

¹⁸ 2007 Florida State MSCAP Review, at p. 3.

The bill amends s. 316.302(1)(a), F.S., to provide that all owners and drivers of commercial motor vehicle that are operated on the public highways of Florida while engaged in interstate commerce are subject to parts 383 and 386 of 49 C.F.R.

The bill amends s. 316.302(1)(b), F.S., removing the exception for the federal definition of a bus and updating the date of adoption to December 31, 2018, which updates the state law referencing the applicable federal rules applicable to intrastate CMVs.

The bill amends s. 316.302(1)(d), F.S., removing exceptions regarding headlamps and turn signals by waste collection vehicles under specified circumstances.

The bill creates s. 316.302(1)(e), F.S., providing that the requirement for electronic logging devices and hours of service support documents¹⁹ do not go into effect for motor carriers engaged in intrastate commerce, and not carrying hazardous materials in amounts requiring placarding, until December 31, 2019.

The bill amends s. 316.302(2)(a), F.S., no longer requiring intrastate CMVs that are not carrying hazardous materials to comply with certain federal regulations providing maximum drive time requirements. Therefore, these vehicles will not be required to comply with 49 C.F.R. 395.3, documenting the maximum driving time for operators of property carrying vehicles. These drivers continue to be subject to the maximum driving times required by state law.

The bill amends s. 316.302(2)(c), F.S., by removing the \$100 fine for falsifying hours of service records, because it is duplicative of the fine provided in the CMV penalties statute.²⁰

The bill amends s. 316.302(2)(d), F.S., to update and correct a reference to federal regulations, 49 C.F.R. 395.1(e)(1)(ii) and (iii)(A) and (C) and (v), that allow a short-haul driver, not transporting hazardous materials requiring a placard, to be exempt from maintaining documentation of the driver's driving times. In order to be exempt, a driver must return to the work reporting location and be released from work within 12 consecutive hours and have either 10 or 8 hours off.

The bill amends s. 316.302(2)(f), F.S., to remove specific exemptions from federal regulations for drivers transporting petroleum products due to the inclusion of flammable liquids that could require a hazardous material placard. The paragraph is also amended to refer to the federal criteria for the exemption: CMVs having a *gross vehicle weight*, *gross vehicle weight rating*, and *gross combined weight rating* of less than 26,001 pounds, instead of a declared gross vehicle weight.

The bill deletes s. 316.302(2)(j), F.S., removing the requirement that a qualified driver who operates a CMV in intrastate commerce only, and who does not transport hazardous materials in amounts that require placarding, be exempt from the diabetes requirement for medical examination of 49 C.F.R. part 391, subpart E, ss. 391.41(b)(3) and 391.41(c).

¹⁹ Electronic Logging Devices and Hours of Service Supporting Documents, 80 Fed. Reg. 78291 (Dec. 16, 2015), <https://www.federalregister.gov/documents/2015/12/16/2015-31336/electronic-logging-devices-and-hours-of-servicesupporting-documents> (last visited April 5, 2019).

²⁰ Section 316.3025(3)(b)1., F.S.

The effective date of the bill is October 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There is a potential impact to the CMV industry associated with changes to the CMV regulations contained in the bill; however, the impact is indeterminate at this time.

C. Government Sector Impact:

According to the FMCSA, failure to adopt regulations to comply with federal compatibility requirements by February 16, 2019, may jeopardize federal funding for the state's motor carrier safety program for federal fiscal year 2019.²¹ Federal funding for the

²¹ William A. Quade, Associate Administrator for Enforcement (Federal Motor Carrier Safety Administration), letter to Colonel Gene Spaulding, Director (Florida Highway Patrol), August 10, 2018 TS (on file with the Committee on Infrastructure and Security).

state's motor carrier safety program for Fiscal Year 2018-2019 totaled \$12,778,315, and when matched with state funds in the amount of \$2,254,997, totaled \$15,033,312.²²

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 316.302 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Infrastructure and Security on April 2, 2019:

- The CS makes a technical change to conform to federal requirements, using the word “and” instead of “or” in order to use gross vehicle weight, gross vehicle weight rating, and gross combined weight rating to determine eligibility for an exemption of certain federal requirements.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

²² Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, MCSAP funds, (February 7, 2019).

By the Committee on Infrastructure and Security; and Senator Lee

596-03788-19

20191638c1

A bill to be entitled

An act relating to commercial motor vehicles; amending s. 316.302, F.S.; revising regulations applicable to owners and drivers of commercial motor vehicles; exempting persons who operate a commercial motor vehicle solely in intrastate commerce which does not transport hazardous materials in amounts that require placarding from certain requirements related to electronic logging devices and hours of service supporting documents until a specified date; deleting a limitation on a civil penalty for falsification of certain time records; deleting a requirement that a motor carrier maintain certain documentation of driving times; extending an exemption from specified commercial motor vehicle requirements for a commercial vehicle having a certain gross vehicle weight rating and gross combined weight rating, under certain circumstances; deleting such exemption for a person transporting petroleum products; deleting an exemption from specified regulations relating to diabetes for certain drivers of commercial motor vehicles; providing an effective date.

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

Section 1. Subsection (1) and paragraphs (a), (c), (d), (f), and (j) of subsection (2) of section 316.302, Florida Statutes, are amended to read:
316.302 Commercial motor vehicles; safety regulations;

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transporters and shippers of hazardous materials; enforcement.—

(1) (a) All owners and drivers of commercial motor vehicles that are operated on the public highways of this state while engaged in interstate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 383, 385, 386, and 390-397.

(b) Except as otherwise provided in this section, all owners or drivers of commercial motor vehicles that are engaged in intrastate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 383, 385, 386, and 390-397, ~~with the exception of 49 C.F.R. s. 390.5 as it relates to the definition of bus,~~ as such rules and regulations existed on December 31, 2018 ~~2012~~.

(c) The emergency exceptions provided by 49 C.F.R. s. 392.82 also apply to communications by utility drivers and utility contractor drivers during a Level 1 activation of the State Emergency Operations Center, as provided in the Florida Comprehensive Emergency Management plan, or during a state of emergency declared by executive order or proclamation of the Governor.

(d) Except as provided in ~~s. 316.215(5), and except as provided in~~ s. 316.228 for rear overhang lighting and flagging requirements for intrastate operations, the requirements of this section supersede all other safety requirements of this chapter for commercial motor vehicles.

(e) A person who operates a commercial motor vehicle solely in intrastate commerce which does not transport hazardous materials in amounts that require placarding pursuant to 49 C.F.R. part 172 need not comply with the requirements of

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59 electronic logging devices and hours of service supporting
60 documents as provided in 49 C.F.R. parts 385, 386, 390, and 395
61 until December 31, 2019.

62 (2) (a) A person who operates a commercial motor vehicle
63 solely in intrastate commerce not transporting any hazardous
64 material in amounts that require placarding pursuant to 49
65 C.F.R. part 172 need not comply with 49 C.F.R. ss. 391.11(b) (1)
66 and 395.3 49 C.F.R. ss. 391.11(b) (1) and 395.3(a) and (b).

67 (c) Except as provided in 49 C.F.R. s. 395.1, a person who
68 operates a commercial motor vehicle solely in intrastate
69 commerce not transporting any hazardous material in amounts that
70 require placarding pursuant to 49 C.F.R. part 172 may not drive
71 after having been on duty more than 70 hours in any period of 7
72 consecutive days or more than 80 hours in any period of 8
73 consecutive days if the motor carrier operates every day of the
74 week. Thirty-four consecutive hours off duty shall constitute
75 the end of any such period of 7 or 8 consecutive days. This
76 weekly limit does not apply to a person who operates a
77 commercial motor vehicle solely within this state while
78 transporting, during harvest periods, any unprocessed
79 agricultural products or unprocessed food or fiber that is
80 subject to seasonal harvesting from place of harvest to the
81 first place of processing or storage or from place of harvest
82 directly to market or while transporting livestock, livestock
83 feed, or farm supplies directly related to growing or harvesting
84 agricultural products. Upon request of the Department of Highway
85 Safety and Motor Vehicles, motor carriers shall furnish time
86 records or other written verification to that department so that
87 the Department of Highway Safety and Motor Vehicles can

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88 determine compliance with this subsection. These time records
89 must be furnished to the Department of Highway Safety and Motor
90 Vehicles within 2 days after receipt of that department's
91 request. Falsification of such information is subject to a civil
92 penalty ~~not to exceed \$100. The provisions of~~ This paragraph
93 ~~does de~~ not apply to operators of farm labor vehicles operated
94 during a state of emergency declared by the Governor or operated
95 pursuant to s. 570.07(21) ~~or, and do not apply~~ to drivers of
96 utility service vehicles as defined in 49 C.F.R. s. 395.2.

97 (d) A person who operates a commercial motor vehicle solely
98 in intrastate commerce not transporting any hazardous material
99 in amounts that require placarding pursuant to 49 C.F.R. part
100 172 within a 150 air-mile radius of the location where the
101 vehicle is based need not comply with 49 C.F.R. s. 395.8, if the
102 requirements of 49 C.F.R. s. 395.1(e) (1) (ii), (iii) (A) and (C),
103 and (v) 49 C.F.R. s. 395.1(e) (1) (iii) and (v) are met. ~~If a~~
104 ~~driver is not released from duty within 12 hours after the~~
105 ~~driver arrives for duty, the motor carrier must maintain~~
106 ~~documentation of the driver's driving times throughout the duty~~
107 ~~period.~~

108 (f) A person who operates a commercial motor vehicle having
109 a ~~declared~~ gross vehicle weight, gross vehicle weight rating,
110 and gross combined weight rating of less than 26,001 pounds
111 solely in intrastate commerce and who is not transporting
112 hazardous materials in amounts that require placarding pursuant
113 to 49 C.F.R. part 172, ~~or who is transporting petroleum products~~
114 ~~as defined in s. 376.301,~~ is exempt from subsection (1).
115 However, such person must comply with 49 C.F.R. parts 382, 392,
116 and 393, and ~~with~~ 49 C.F.R. ss. 396.3(a) (1) and 396.9.

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117 ~~(j) A person who is otherwise qualified as a driver under~~
118 ~~49 C.F.R. part 391, who operates a commercial motor vehicle in~~
119 ~~intrastate commerce only, and who does not transport hazardous~~
120 ~~materials in amounts that require placarding pursuant to 49~~
121 ~~C.F.R. part 172, is exempt from the requirements of 49 C.F.R.~~
122 ~~part 391, subpart E, ss. 391.41(b)(3) and 391.43(e), relating to~~
123 ~~diabetes.~~

124 Section 2. This act shall take effect October 1, 2019.



The Florida Senate
Committee Agenda Request

To: Senator Joe Gruters, Chair
 Committee on Commerce and Tourism

Subject: Committee Agenda Request

Date: April 3, 2019

I respectfully request that **Senate Bill #1638**, relating to Commercial Motor Vehicles, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

 Senator Tom Lee
 Florida Senate, District 20

File signed original with committee office

S-020 (03/2004)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19 Meeting Date 1638 Bill Number (if applicable)

Topic _____ Amendment Barcode (if applicable) _____

Name ALIX MILLER

Job Title VICE PRESIDENT

Address 350 E College Ave Phone 850-222-9970

Jallahassce FL 32312 Email alix@fltrucking.org

Speaking: For Against Information Waive Speaking: In Support Against
 (The Chair will read this information into the record.)

Representing FLORIDA TRUCKING ASSOCIATION

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting. S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: CS/CS/SB 1640

INTRODUCER: Commerce and Tourism Committee, Innovation, Industry, and Technology Committee and Senator Albritton

SUBJECT: Deregulation of Professions and Occupations

DATE: April 8, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kraemer/Oxamendi</u>	<u>Imhof</u>	<u>IT</u>	<u>Fav/CS</u>
2.	<u>Harmsen</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1640 relates to businesses and professions regulated by the Department of Business and Professional Regulation. The bill deregulates the following professions by deleting license requirements for:

- Hair braiders, hair wrappers, and body wrappers;
- Nail polishers and makeup applicators; and
- Boxing announcers and timekeepers.

The bill partially deregulates the following businesses and professions by deleting license requirements, while maintaining some standards of practice and civil and criminal causes of action:

- Talent agents (that represent artists younger than age 18); and
- Labor organizations.

The bill deletes the requirement that a yacht and ship broker must have a separate license for each branch office. The bill eliminates the additional business or firm license required for the following professional licensees:

- Asbestos abatement consultants and contractors;
- Architects and interior designers;
- Engineers;

- Landscape architects; and
- Geologists.

The bill provides additional options for the following professionals, if licensed in another state, to qualify for a professional license in Florida:

- Barbers;
- Veterinarians;
- Construction and electrical contractors;
- Landscape architects;
- Geologists;
- Engineers;
- Certified public accountants;
- Mold services professionals;
- Home inspectors;
- Building code professionals; and
- Cosmetologists.

The bill revises the membership of the Florida Building Commission.

The bill will have a negative fiscal impact on state revenues from license fees collected by the Department of Business and Professional Regulation.

Except as otherwise expressly provided in the act, the bill takes effect on July 1, 2019.

II. Present Situation:

For ease of reference, the Present Situation for each section of CS/CS/SB 1640 is addressed in the Effect of Proposed Changes portion of this bill analysis. Background information about the Department of Business and Professional Regulation (the DBPR or Department) is provided below.

Organization of the Department of Business and Professional Regulation

Section 20.165, F.S., establishes the organizational structure of the DBPR, which has 12 divisions:

- Administration;
- Alcoholic Beverages and Tobacco;
- Certified Public Accounting;
- Drugs, Devices, and Cosmetics;
- Florida Condominiums, Timeshares, and Mobile Homes;
- Hotels and Restaurants;
- Pari-mutuel Wagering;
- Professions;
- Real Estate;
- Regulation;
- Service Operations; and

- Technology.

The Florida State Boxing Commission is assigned to the DBPR for administrative and fiscal accountability purposes only.¹ The DBPR also administers the Child Labor Law and Farm Labor Contractor Registration Law.²

Powers and Duties of the Department

Chapter 455, F.S., applies to the regulation of professions constituting “any activity, occupation, profession, or vocation regulated by the [DBPR] in the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation,”³ as well as the procedural and administrative framework for those divisions and all of the professional boards within the DBPR.⁴

The DBPR’s regulation of professions is to be undertaken “only for the preservation of the health, safety, and welfare of the public under the police powers of the state,”⁵ and regulation is required when:

- The potential for harming or endangering public health, safety, and welfare is recognizable and outweighs any anticompetitive impact that may result;
- The public is not effectively protected by other state statutes, local ordinances, federal legislation, or other means; and
- Less restrictive means of regulation are not available.⁶

However, “neither the department nor any board may create a regulation that has an unreasonable effect on job creation or job retention,” or a regulation that unreasonably restricts the ability of those who desire to engage in a profession or occupation to find employment.⁷

Department of Business and Professional Regulation Boards

Fifteen boards and programs exist in the Division of Professions,⁸ two boards in the Division of Real Estate,⁹ and one board in the Division of Certified Public Accounting.¹⁰

¹ Section 548.003(1), F.S.

² See Parts I and III of ch. 450, F.S.

³ See s. 455.01(6), F.S.

⁴ See s. 455.203, F.S. The DBPR must also provide legal counsel for boards within the DBPR by contracting with the Department of Legal Affairs, by retaining private counsel, or by staff counsel of the DBPR. See s. 455.221(1), F.S.

⁵ Section 455.201(2), F.S.

⁶ *Id.*

⁷ Section 455.201(4)(b), F.S.

⁸ Section 20.165(4)(a), F.S., establishes the following boards and programs which are noted with the implementing statutes: Board of Architecture and Interior Design, part I of ch. 481; Florida Board of Auctioneers, part VI of ch. 468; Barbers’ Board, ch. 476; Florida Building Code Administrators and Inspectors Board, part XII of ch. 468; Construction Industry Licensing Board, part I of ch. 489; Board of Cosmetology, ch. 477; Electrical Contractors’ Licensing Board, part II of ch. 489; Board of Employee Leasing Companies, part XI of ch. 468; Board of Landscape Architecture, part II of ch. 481; Board of Pilot Commissioners, ch. 310; Board of Professional Engineers, ch. 471; Board of Professional Geologists, ch. 492; Board of Veterinary Medicine, ch. 474; Home Inspection Services Licensing Program, part XV of ch. 468; and Mold-related Services Licensing Program, part XVI of ch. 468, F.S.

⁹ See s. 20.165(4)(b), F.S. Florida Real Estate Appraisal Board, created under part II of ch. 475, F.S., and Florida Real Estate Commission, created under part I of ch. 475, F.S.

¹⁰ See s. 20.165(4)(c), F.S., which establishes the Board of Accountancy, created under ch. 473, F.S.

Permitting, Registration, Licensing, and Certification

Sections 455.203 and 455.213, F.S., establish general licensing authority for the DBPR, including the authority to charge license fees and license renewal fees. Each board within the DBPR must determine by rule the amount of license fees for each profession, based on estimates of revenue required to implement the regulatory laws affecting the profession.¹¹

When a person is authorized to engage in a profession or occupation in Florida, the DBPR issues a license, which may be referred to as either a permit, registration, certificate, or license.¹² Those who are granted licenses are “licensees.”¹³

In Fiscal Year 2017-2018, the Division of Accountancy had 37,896 active licensees, the Division of Real Estate had 283,070 active licensees, and the Board of Professional Engineers had 64,219 licensees.¹⁴ In Fiscal Year 2017-2018, there were 434,642 active licensees in the Division of Professions,¹⁵ including:

- Architects and interior designers;
- Asbestos consultants and contractors;
- Athlete agents;
- Auctioneers;
- Barbers;
- Building code administrators and inspectors;
- Community association managers;
- Construction industry contractors;
- Cosmetologists;
- Electrical contractors;
- Employee leasing companies;
- Geologists;
- Home inspectors;
- Harbor pilots;
- Landscape architects;
- Mold-related services;
- Talent agencies; and
- Veterinarians.¹⁶

The Division of Florida Condominiums, Timeshares, and Mobile Homes (FCTMH) within the DBPR provides consumer protection for Florida residents living in regulated communities

¹¹ Section 455.219(1), F.S.

¹² Section 455.01(4), F.S.

¹³ Section 455.01(5), F.S.

¹⁴ See Department of Business and Professional Regulation, *Annual Report, Divisions of Professions, Certified Public Accounting, Real Estate, and Regulation, Fiscal Year 2017-2018*, (the “Professions Annual Report for FY 2017-2018) at <http://www.myfloridalicense.com/DBPR/os/documents/ProfessionsAnnualReport2017-2018.pdf>, 19-20 (last visited April 8, 2019)

¹⁵ Of the total 456,875 licensees in the Division of Professions, 22,233 are inactive. See *supra* note 14 at 20.

¹⁶ See *supra* note 14 at 19-20.

through education, complaint resolution, mediation and arbitration, and developer disclosure.¹⁷ The FCTMH has limited regulatory authority over the following business entities and individuals:

- Condominium associations under ch. 718, F.S.;
- Cooperative associations under ch. 719, F.S.;
- Florida mobile home parks and related associations under ch. 723, F.S.;
- Vacation units and timeshares under ch. 721, F.S.;
- Yacht and ship brokers and related business entities under ch. 326, F.S.; and
- Homeowner's associations under ch. 720, F.S. (jurisdiction is limited to arbitration of election and recall disputes).¹⁸

III. Effect of Proposed Changes:

Yacht and Ship Broker Branch Office Licenses

Present Situation:

Chapter 326, F.S., governs the licensing and regulation of yacht and ship brokers, salespersons, and related business organizations in the state. The Yacht and Ship Broker's Section, a unit of the FCTMH, processes license applications and responds to consumer complaints and inquiries by monitoring activities and compliance within the yacht brokerage industry.¹⁹

A person may not act as a yacht or ship broker or salesperson unless licensed under ch. 326, F.S.²⁰ Each yacht or shipbroker must maintain a principal place of business in Florida and may establish branch offices in Florida. A separate license must be maintained for each branch office.²¹ Applicants for a branch office license must pay a \$100 fee, and the branch license must be renewed every two years.²²

Effect of Proposed Changes:

Section 1 amends s. 326.004(13), F.S., by deleting the requirement that each branch office maintained by a yacht and ship broker obtain a separate license. The current provisions related to licensing for yacht brokers and salespeople are retained.

Labor Organizations

Present Situation:

Chapter 447, F.S., governs the licensing and regulation of labor organizations and related business agents in the state. The Division of Regulation within the DBPR processes license

¹⁷ See Department of Business and Professional Regulation, *Division of Florida Condominiums, Timeshares, and Mobile Homes*, <http://www.myfloridalicense.com/DBPR/condominiums-and-cooperatives/> (last visited April 8, 2019).

¹⁸ See s. 720.306(9)(c), F.S.

¹⁹ See Department of Business and Professional Regulation, *Yacht and Ship Brokers; Licensing and Enforcement*, <http://www.myfloridalicense.com/DBPR/yacht-and-ships/> (last visited April 8, 2019).

²⁰ Section 326.004(1), F.S.

²¹ Section 326.004(13), F.S.

²² See Fla. Admin. Code R. 61B-60.002 (2019) at <https://www.flrules.org/gateway/ChapterHome.asp?Chapter=61B-60> (last visited April 8, 2019).

applications and regulates the activities of labor unions and their officers, agents, organizers, and representatives.²³

A labor organization is:

[a]ny organization of employees or local or subdivision thereof, having within its membership residents of the state, whether incorporated or not, organized for the purpose of dealing with employers concerning hours of employment, rate of pay, working conditions, or grievances of any kind relating to employment and recognized as a unit of bargaining by one or more employers doing business in this state.²⁴

In Florida, labor organizations are required to register with the DBPR and their business agents must obtain a license.²⁵ Business agents are “[a]ny person, without regard to title, who shall, for a pecuniary or financial consideration, act or attempt to act for any labor organization in:

- Issuing membership or authorization cards, work permits, or any other evidence of rights granted or claimed in, or by, a labor organization; and
- Soliciting or receiving from any employer any right or privilege for employees.”²⁶

Applicants for a business agent license must pay a \$25 license fee and must meet a number of licensure requirements.²⁷ Labor organization applicants must pay an annual fee of \$1.²⁸

Effect of Proposed Changes:

Sections 2 through 10 amend ch. 447, F.S., by eliminating the registration and regulation of labor organizations and their business agents by the DBPR and the requirement that the Public Employees Relations Commission notify the DBPR of registrations and renewals of such organizations. Provisions relating to the right to work and strike,²⁹ recordkeeping,³⁰ rights of franchise for labor organizations,³¹ civil causes of action,³² criminal penalties,³³ and recognition of federal regulations³⁴ are not affected by the bill.

²³ Section 447.01, F.S., and see Department of Business and Professional Regulation, *Labor Organizations and Business Agents*, <http://www.myfloridalicense.com/DBPR/labor-organizations-and-business-agents/> (last visited April 8, 2019).

²⁴ Section 447.02(1), F.S.

²⁵ Sections 447.04(2) and 447.06, F.S.

²⁶ Section 447.02(2), F.S.

²⁷ Section 447.04(2), F.S. Requirements include submission of the applicant’s fingerprints and a statement of authority to act on behalf of a labor organization.

²⁸ Section 447.06(2), F.S.

²⁹ Section 447.13, F.S.

³⁰ Section 447.07, F.S.

³¹ Section 447.09, F.S.

³² Section 447.17, F.S.

³³ Section 447.14, F.S.

³⁴ Section 447.15, F.S.

Reciprocal Licensing by the Department of Business and Professional Regulation

Present Situation

Section 455.213, F.S., provides general licensing provisions for the DBPR. The DBPR or its applicable board may issue certain types of licenses by endorsement (reciprocity) to persons licensed in another state, if the other state's license qualification requirements are equal to or greater than, the profession's license qualification requirements in Florida.³⁵

Effect of Proposed Changes

Section 11 amends s. 455.213, F.S., to require the DBPR or board to enter into reciprocal licensing agreements with other states when permitted by the practice act for a profession. The bill requires the DBPR to post on its website existing reciprocity agreements with other states or to identify the states whose licensing requirements are substantially equivalent or more stringent than the licensing requirements in Florida.

Additionally, this section requires the DBPR to consult with the Department of Education to determine which apprentice programs could substitute for educational training requirements for licensure. The DBPR must submit a report on this subject to the Governor, Senate President, and Speaker of the House of Representatives by December 31, 2019.

Auctioneers

Present Situation

Auction businesses, auctioneers, and apprentice auctioneers are licensed and regulated by the Florida Board of Auctioneers within the DBPR in accordance with part VI of ch. 468, F.S. The board processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the auctioneering industry.³⁶ There were 2,422 active licensed auctioneers and auction businesses, and 25 disciplinary orders issued to auctioneers in the 2017-2018 fiscal year.³⁷

A license is required before any person can auction or offer to auction any property in this state, and the auctioneer practice act applies to all auctions in the state, with certain exceptions.³⁸

In order to qualify for licensure as an auctioneer, an applicant must:

- Be 18 years or older;
- Not have committed any act or offense in the state or any other jurisdiction which would constitute a basis for disciplinary action in Florida;
- Have held an apprentice license and have served as an apprentice for one year or more, or have completed a course of study, consisting of not less than 80 classroom hours of instruction, that meets standards adopted by the board; and

³⁵ See, for example, s. 477.019(6), F.S., relating to licensure by endorsement for a person licensed as a cosmetologist in another state.

³⁶ Department of Business and Professional Regulation, *Auctioneers—Board Information*, <http://www.myfloridalicense.com/DBPR/auctioneers/board-information/> (last visited April 8, 2019).

³⁷ *Supra* note 14 at 19 and 94.

³⁸ Sections 468.385(2) and 468.383, F.S.

- Pass the required examination.³⁹

The Florida Board of Auctioneers assesses a variety of fees for licensure as an auctioneer, including application fees (\$50), examination fees (\$250, plus \$10 payable to the testing service), initial license fees (\$150), and renewal fees (\$150).⁴⁰

Effect of Proposed Changes

Section 12 amends s. 468.385, F.S., to clarify that an auction business must be owned by an auctioneer who is licensed by the DBPR.

Section 66 amends s. 559.23(3), F.S., to delete the reference to licensed auctioneers in the context of persons who are exempt from compliance with requirements relating to fire and going-out-of-business sales and auctions. Under the bill, auctioneers are required to comply with the requirements in part III of ch. 559, F.S., which include obtaining a permit from the tax collector before publishing or conducting an auction.⁴¹

Talent Agencies

Present Situation

Chapter 468, Part VII, F.S., establishes regulations and licensure requirements for talent agencies. Talent agencies are licensed by the Division of Regulation within the DBPR. Talent agents represent and promote talent and performers to prospective employers. They may also handle contract negotiation and other business matters for clients.⁴² There were 320 licensed talent agencies and no disciplinary orders issued to talent agencies in the 2017- 2018 fiscal year.⁴³

Sections 468.403 and 468.405, F.S., provide licensure requirements, including proof of at least 1 year of direct experience in the talent agency business or specific related careers. A license application must be accompanied by affidavits of at least five reputable persons, other than artists, who have known or have been associated with the applicant for at least 3 years, stating that the applicant is a person of good moral character or, in the case of a corporation, has a reputation for fair dealing. Each application must also specify whether the agency, any person, or any owner of the agency is financially interested in any other business of a similar nature.

Talent agencies must pay an initial licensure application fee of \$300 and an initial license fee of \$400. Additionally, each talent agency must post a \$5,000 bond.⁴⁴ Licenses are renewed biennially.

³⁹ Section 468.385(6), F.S.

⁴⁰ See Fla. Admin. Code R. 61G2-3.001 (2019).

⁴¹ See s. 559.21, F.S., relating to the regulation of sales.

⁴² Section 468.401, F.S. See also, Department of Business and Professional Regulation, *Talent Agencies*, <http://www.myfloridalicense.com/DBPR/talent-agencies/> (last visited April 8, 2019).

⁴³ *Supra* note 14 at 19-20 and 94.

⁴⁴ Section 468.408, F.S.

Part VII of Chapter 468, F.S., also includes requirements for recordkeeping,⁴⁵ prohibitions on registration fees,⁴⁶ and contractual requirements.⁴⁷ Certain prohibited acts are crimes punishable as a second-degree misdemeanor or a third-degree felony and by revocation of the talent agency's license.⁴⁸ Additionally, owning or operating a talent agency without a license, or obtaining such license by means of fraud, misrepresentation or concealment constitutes a felony of the third degree.⁴⁹ Section 468.13(4), F.S., provides that a state attorney may seek appropriate relief for violations of s. 468.413(1), F.S.

Section 468.415, F.S., prohibits sexual misconduct by a talent agent and authorizes the DBPR to permanently revoke the license of any agent, owner, or operator of a talent agency who violates this prohibition. Such person is also permanently disqualified from licensure as an agent, owner, or operator of a talent agency.

Effect of Proposed Changes

Sections 13 through 16 amend part VII of ch. 468, F.S., to limit the license requirements for talent agencies. Under the bill, a talent agency is not required to be licensed if it does not represent an artist younger than 18 years of age. The bill retains all other requirements for talent agencies including the requirement to maintain a surety bond, and for the conduct of the profession, including record keeping requirements, prohibited acts, and criminal penalties for prohibitions that are unrelated to license requirements.

The bill creates subsection (12) of s. 468.412, F.S., to require employees of a talent agency to complete a level 1 background screening pursuant to s. 435.03, F.S.⁵⁰

The bill does not repeal the prohibition in s. 468.415, F.S., against sexual misconduct. Under the bill, violators are permanently prohibited from acting as an agent, owner, or operator of a Florida talent agency. However, if the violator is a person who is exempt from the license requirement because he or she does not represent an artist under 18 years of age, the bill does not provide a remedy or other penalty if such person is acting as an agent, owner, or operator of a Florida talent agency after being permanently barred from doing so. The criminal penalties in s. 468.413, F.S., for violations involving certain prohibited acts do not apply to the sexual misconduct prohibition in s. 468.415, F.S.

⁴⁵ Section 468.409, F.S.

⁴⁶ Section 468.410, F.S.

⁴⁷ See, e.g., sections 468.410(3), and 468.413(2)(f), F.S.

⁴⁸ Section 468.413, F.S. A third-degree felony is punishable by up to 5 years imprisonment and a \$5,000 fine. Sections 775.082(3)(e) and 775.083(1)(c), F.S.; A second-degree misdemeanor is punishable by no more than 60 days imprisonment and a \$500 fine. Sections 775.082(4)(b) and 775.083(1)(e), F.S.

⁴⁹ Section 468.413(1), F.S.

⁵⁰ A level 1 background screening under s. 435.03, F.S., includes criminal records checks through the Florida Department of Law Enforcement and the Dru Sjodin National Sex Offender Public Website, and may include local criminal records checks through local law enforcement agencies.

Employee Leasing Companies

Present Situation

Employee leasing is an arrangement where a leasing company assigns its employees to a client and allocates the direction of and control over the leased employees between the leasing company and the client, with exceptions.⁵¹ This is commonly referred to as a “temporary employment arrangement” or “temp job.”⁵² The Board of Employee Leasing Companies under the DBPR licenses and regulates employee leasing companies.⁵³ There were 941 licensed employee leasing companies and 92 disciplinary orders issued to employee leasing companies in the 2017-2018 fiscal year.⁵⁴

Section 468.524(4), F.S., requires a 1-year waiting period for re-application after an applicant for licensure as an employee leasing company is denied a license, or a licensee’s license is revoked. This mandatory delay does not apply to administrative denials or revocations if:

- The applicant or licensee has made an inadvertent error or omission on the application;
- The experience documented to the board was insufficient at the time of the previous application; or
- The DBPR is unable to complete the criminal background investigation because of insufficient information from the Florida Department of Law Enforcement, the Federal Bureau of Investigation, or any other applicable law enforcement agency.

Effect of Proposed Changes

Section 17 amends s. 468.524(4), F.S., to delete the 1-year mandatory delay for reapplication for applicants who were denied an employee leasing company license, but retains the delay for licensees who had their license revoked.

The bill deletes the exemptions to the 1-year restriction for reapplication for a license if the DBPR was unable to complete a criminal background investigation or the applicant was found ineligible for lack of good moral character. Under the bill, such persons would remain ineligible for licensure under part XI of ch. 468, F.S., for 1 year after revocation of a license.

Building Code Administrators and Inspectors

Present Situation

Building officials, inspectors, and plans examiners are regulated by part XII of ch. 468, F.S., and are regulated and licensed by the Florida Building Code Administrators and Inspectors Board (FBCAIB).⁵⁵ There were 8,265 licensed building code administrators and inspectors and there was one disciplinary order issued in the 2017-2018 fiscal year.⁵⁶

⁵¹ Section 468.520(4), F.S.

⁵² Michael Altiero, *PEO and Employee Leasing-What’s the Difference?* (Jan. 8, 2018), <https://www.extensigroup.com/blog/peo-and-employee-leasing-whats-the-difference> (last visited April 8, 2019).

⁵³ Section 468.522, F.S.

⁵⁴ *Supra* note 14 at 19 and 94.

⁵⁵ Section 468.605, F.S.

⁵⁶ *Supra* note 14 at 19 and 94.

A building code administrator, otherwise known as a building official, supervises building code activities, including plans review, enforcement, and inspection.⁵⁷

A building code inspector inspects construction that requires permits to determine compliance with building codes and state accessibility laws. An inspector's ability to practice is limited to the category or categories in which the inspector has been certified. The inspector categories are:

- Building inspector;
- Coastal construction inspector;
- Commercial electrical inspector;
- Residential electrical inspector;
- Mechanical inspector;
- Plumbing inspector;
- One and two family dwelling inspector; and
- Electrical inspector.⁵⁸

A plans examiner reviews plans submitted for building permits to determine design compliance with construction codes. A residential plans examiner determines if plans comply with applicable residential construction codes.⁵⁹ A plans examiner's ability to practice is limited to the categories in which he or she is certified. The plans examiner categories are: building plans examiner, plumbing plans examiner, mechanical plans examiner, and electrical plans examiner.⁶⁰

In order to become certified or licensed, building code administrators, inspectors, and plans examiners must pass the licensing exam required for the category sought.

In order to sit for the administrator exam, a person must be at least 18 years of age, be of good moral character, and meet one of the following eligibility requirements:⁶¹

- Have 10 years of combined experience as an architect, engineer, plans examiner, building code inspector, registered or certified contractor, or construction superintendent, with at least 5 years of such experience in supervisory positions; or
- Have a combination of no more than 5 years of postsecondary education in the field of construction or related field and at least 5 years of experience as an architect, engineer, plans examiner, building code inspector, registered or certified contractor, or construction superintendent; and completed training on ethics and Florida laws relating to administrators.

In order to sit for the plans examiner or inspector exam, a person must be at least 18 years of age, be of good moral character, and meet one of the following eligibility requirements:⁶²

- Have 4 to 5 years combined relevant education and experience, depending on how the applicant chooses to qualify;
- Complete an approved cross-training program and have at least 2 years of experience;
- Hold a standard certificate issued by the FBCAIB or a fire safety inspector license, and

⁵⁷ Section 468.603(1), F.S.

⁵⁸ Section 468.603(6), F.S.

⁵⁹ Section 468.603(8), F.S.

⁶⁰ Section 468.603(7), F.S.

⁶¹ Section 468.609(3), F.S.

⁶² Section 468.609(2), F.S.

- Have at least 5 years of relevant experience as an inspector or plans examiner;
- Have a minimum of 3 years of experience in inspection or plan review, and completed an inspector or plans examiner training program in the new category sought;
- Have a minimum of 5 years of experience in fire safety inspection, and completed a training program of not less than 200 hours in the new category sought;
- Complete an approved training program of not less than 300 hours in inspection or plans review; and a minimum of 2 years of experience in construction, inspection, plans review, fire code inspections and fire plans review of new buildings as a fire safety inspector; or
- Complete a 4-year internship certification program.

A person who is licensed in another state is eligible for a building code administrator, inspector, or plans examiner license by endorsement in Florida if they:⁶³ meet experience, educational, or training program requirements, complete the Florida principle and practice exam, and pass the relevant International Codes Council (ICC) exams for the category sought.

Effect of the Bill

Section 18 amends s. 468.613, F.S., to require the FBCAIB to waive examination, qualification, education, or training requirements, if an applicant is licensed in another state and the applicant:

- Is at least 18 years of age;
- Possesses good moral character;
- Has held a valid license to practice as a building code administrator, inspector, or plans examiner in another state or territory of the United States for at least 10 years before the date of application, and
- Successfully completes an applicable examination administered by the ICC.

Home Inspectors

Present Situation

Home inspectors are regulated by part XV of ch. 468, F.S., and are licensed by the Home Inspection Services Licensing Program within the DBPR. There were 7,503 licensed home inspectors and no disciplinary orders issued to home inspectors in the 2017-2018 fiscal year.⁶⁴

In order to obtain licensure as a home inspector, a person must have good moral character, carry liability insurance, complete a course study of at least 120 hours, and pass the required examination.⁶⁵

A person who is licensed in another state may be licensed by endorsement in Florida if he or she is of good moral character, holds a valid license to practice home inspection services in another state or territory of the United States whose educational requirements are substantially equivalent to Florida, and has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the Florida examination.⁶⁶The DBPR may not issue a license by

⁶³ Section 468.613, F.S.; and Fla. Admin. Code R. 61G19-6.0035(4) (2019).

⁶⁴ *Supra* note 14 at 19 and 94.

⁶⁵ Section 468.8313, F.S.

⁶⁶ Section 468.8414(3), F.S.

endorsement to any applicant who is under investigation in another state for any act that would constitute a violation of the practice act until the investigation is complete and disciplinary proceedings have been terminated.⁶⁷

Effect of Proposed Changes

Section 19 amends s. 468.8314(3), F.S., to provide an additional means for a home inspector applicant to qualify for licensure by endorsement if the applicant:

- Maintains a commercial general liability insurance policy in an amount of not less than \$300,000, as provided in s. 468.8322, F.S.; and
- Has held a valid license to practice home inspection services in another state or territory of the United States for at least 10 years before the date of application.

Mold-Related Services Professionals

Present Situation

Mold-related service professionals are regulated by part XVI of ch. 468, F.S., and licensed by the Mold-Related Services Licensing Program within the DBPR.⁶⁸ There were 4,521 mold-related services licensees and four disciplinary orders issued to mold-related services licensees in the 2017-2018 fiscal year.⁶⁹

To be licensed as a mold assessor or mold remediator, a person must:

- Be of good moral character;
- Have the required liability insurance; and
- Meet one of the following education requirements:
 - At least a 2-year associate of arts degree with certain course requirements, and a minimum of one year of experience; or
 - A high school diploma or the equivalent with a minimum of 4 years of experience.⁷⁰

A person licensed in another state may be licensed by endorsement in Florida if the person:⁷¹

- Is of good moral character;
- Holds required general liability insurance;
- Holds a valid license to practice as a mold assessor or mold remediator in another state or territory of the United States whose educational requirements are substantially equivalent to Florida; and
- Has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the Florida examination required by this part.

⁶⁷ Section 468.8314(3), F.S.

⁶⁸ Department of Business and Professional Regulation, *Mold-Related Services*, <http://www.myfloridalicense.com/DBPR/mold-related-services/> (last visited April 8, 2019).

⁶⁹ *Supra* note 14 at pp. 19 and 94.

⁷⁰ Section 468.8413(2), F.S.

⁷¹ Section 468.8414(3), (4), F.S.

Effect of Proposed Changes

Section 20 amends s. 468.8414(3), F.S., to permit an applicant to qualify for a license by endorsement if the person has held a license to practice as a mold assessor or mold remediator in another state or territory of the United States for at least 10 years before he or she submits an application for a Florida license.

Asbestos Abatement Business Organizations

Present Situation:

Chapter 469, F.S., governs the licensing and regulation of asbestos abatement professionals. The Asbestos Licensing Unit is a program located in the Division of Professions, which processes license applications and responds to consumer complaints and inquiries by monitoring activities and compliance within the asbestos abatement industry.⁷² There were 442 asbestos-related licensees and no disciplinary orders issued to asbestos-related services licensees in the 2017-2018 fiscal year.⁷³

A person must be a licensed asbestos contractor in order to conduct asbestos abatement work,⁷⁴ unless exempted.⁷⁵ A person must be a licensed asbestos consultant to conduct an asbestos survey, develop an operation and maintenance plan, monitor and evaluate asbestos abatement, or prepare asbestos abatement specifications.⁷⁶

Prerequisite qualifications for licensure as an asbestos consultant require that the applicant be actively licensed as an architect, professional engineer, or professional geologist; a diplomat of the American Board of Industrial Hygiene; designated as a Certified Safety Professional by the Board of Certified Safety Professionals.⁷⁷

If an applicant for licensure as an asbestos consultant or contractor intends to engage in consulting or contracting as a business organization, such as a corporation, or in any name other than the applicant's legal name, the individual applicant must apply for licensure under the fictitious name, or the business organization must apply through a qualifying agent.⁷⁸

Each licensed business organization must have a qualifying agent who is licensed under ch. 469, F.S., is qualified to supervise the enterprise, and is financially responsible.⁷⁹ If the business' sole qualifying agent terminates his or her affiliation with the business, it must become qualified by another qualifying agent within 60 days after the termination.⁸⁰ If the DBPR has granted a temporary license to the business organization's financially responsible officer (or other

⁷² Department of Business and Professional Regulation, *Asbestos Contractors and Consultants*, <http://www.myfloridalicense.com/DBPR/asbestos-contractors-and-consultants/> (last visited April 8, 2019).

⁷³ *Supra* note 14 at 19 and 94.

⁷⁴ Section 469.003(3), F.S.

⁷⁵ Section 469.002, F.S., provides that in limited circumstances, certain governmental employees with required training may engage in asbestos abatement work solely for maintenance purposes.

⁷⁶ Section 469.003, F.S.

⁷⁷ Section 469.004(1), F.S.

⁷⁸ Section 469.006(2), F.S.

⁷⁹ *Id.*

⁸⁰ Section 469.006(3), F.S.

specified parties), the business organization may only complete work under its current contracts during the temporary licensure, and may not proceed with new contracts.⁸¹

Applicants for an asbestos abatement business license pay an application fee of \$300, an unlicensed activity fee of \$5, an initial licensure fee of \$250, and a biennial renewal fee of \$250.⁸²

Effect of Proposed Changes:

Sections 21 and 22 amend ss. 469.006 and 469.009, F.S., to remove the requirement for asbestos abatement licensees to obtain a separate license for their asbestos abatement business organization. If an applicant wants to practice under a firm that offers asbestos abatement services, the qualifying agent must apply and have the license issued in his or her name and note the business organization's name on the license. The qualifying agent must still be a licensee pursuant to ch. 469, F.S., and must prove he or she is qualified to supervise and is financially responsible.

The bill does not amend the responsibilities of licensees under ch. 469, F.S., or otherwise affect the obligations of asbestos abatement consultants or contractors.

Engineering

Present Situation

The practice of engineering is regulated by the Florida Board of Professional Engineers (FBPE). Unlike most professions regulated by the DBPR, the administrative, investigative, and prosecutorial services for the FBPE are not provided by the DBPR. The DBPR contracts with the Florida Engineers Management Corporation (FEMC), a non-profit corporation, to provide such services.⁸³ There were 64,219 licensed professional engineers and 30 disciplinary orders issued to professional engineers in the 2017-2018 fiscal year.⁸⁴

An engineering business organization must receive a certificate of authorization from the FEMC. Additionally, one or more of the business' principal officers or partners must be a licensed engineer. Applicants for an engineering business certificate of authorization must pay an application fee of \$100, an unlicensed activity fee of \$5, and a biennial renewal fee of \$125. The business is not required to fulfill any additional licensing or continuing requirements, e.g., inspection.⁸⁵

In order to be licensed as a professional engineer, a person must successfully pass two examinations: the fundamentals examination and the principles and practices examination. A candidate for the fundamentals examination, must first graduate from an approved engineering

⁸¹ *Id.*

⁸² See Fla. Admin. Code R. 61E1-3.001 (2019).

⁸³ Section 471.038(3), F.S.

⁸⁴ Florida Engineers Management Corp., *2017-2018 Florida Engineers Management Corp. Annual Report*, 2-3, available at: <https://fbpe.org/wp-content/uploads/2018/09/2017-2018-FEMC-Annual-Report.pdf> (Last visited April 8, 2019).

⁸⁵ Section 471.023, F.S.

curriculum of 4 years in an FBPE-approved school, college, or university, and have a record of 4 years of active engineering experience.⁸⁶

A professional engineer who is licensed in another state is eligible for licensure by endorsement in Florida if the person:⁸⁷

- Graduated from an FBPE-approved engineering program, passed a licensing examination that is substantially equivalent to the fundamentals examination and principles and practice examination, and satisfied the experience requirements; or
- Holds a valid license to practice engineering issued by another state or territory of the United States, if the criteria for issuance of the license were substantially the same as the licensure criteria that existed in this state at the time the license was issued.

The FBPE may deem an applicant who seeks licensure by endorsement to have passed a qualifying examination if the applicant has held a valid professional engineer's license in another state for 15 years and has had 20 years of continuous professional-level engineering experience.⁸⁸

The FBPE may also deem an applicant who seeks licensure by endorsement who has passed an examination substantially equivalent to the fundamentals examination and the principles and practices examination when such applicant has held a valid professional engineer's license in another state for 25 years and has had 30 years of continuous professional-level engineering experience.⁸⁹

Effect of Proposed Changes

Sections 23 through 26 amend ch. 471, F.S., to delete the requirement that an engineering business firm operate under a separate business license (certificate of authorization). The bill requires a licensed engineer to be responsible for the firm and to qualify the business organization with his or her individual license. The engineer must inform the DBPR of any change in the business relationship within 24 hours, and the business must obtain a replacement qualifying engineer within 60 days. The executive director or chair of the FBPE may authorize another registered engineer employed by the business organization to temporarily serve as its qualifying agent for no more than 60 days.

Section 26 amends s. 471.023(4), F.S., to require the qualifying agent for a business organization to provide notice to the DBPR if he or she begins to conduct business in his or her own name or with another business organization. The qualifying agent or the new business organization must submit the required application information.

The qualifying agent must ensure responsible supervising control of all projects of the business organization.

⁸⁶ Section 471.013, F.S.

⁸⁷ Section 471.015(3), F.S.

⁸⁸ Section 471.015(5), F.S.

⁸⁹ *Id.*

Section 25 amends s. 471.015(5), F.S., to reduce the number of years that a professional engineer must be licensed in another jurisdiction in order to be deemed to have passed the licensure examinations for a license by endorsement. If such applicant has been licensed in another jurisdiction for:

- 10 years, the applicant is deemed to have passed the fundamentals examination;
- 15 years, the applicant is deemed to have passed both the fundamental examination and the principles and practices examination.

Certified Public Accountants

Present Situation

The Board of Accountancy within the DBPR is charged with regulating the practice of public accountancy in Florida.⁹⁰ To be licensed as a certified public accountant, a person must:⁹¹

- Be of good moral character;
- Pass the licensure exam; and
- Have at least 150 semester hours of education, with a focus on accounting and business.

An applicant is eligible for a license by endorsement if he or she:⁹²

- Is of good moral character;
- Has completed 80 hours of continuing education if it has been at least 2 years since passing the licensing examination;⁹³ and either:
 - Is not licensed, but has otherwise met the licensing requirements and has passed a licensing examination that is substantially equivalent to the Florida examination; or
 - Holds a valid license to practice public accounting issued by another state or territory of the United States, if the criteria for issuance of such license are substantially equivalent to a Florida license or is otherwise permitted.

Effect of Proposed Changes

Section 27 amends s. 473.308, F.S., to delete the requirement that applicants for a license by endorsement who passed a licensing exam more than 2 years prior to the date of application must complete 80 hours of continuing education hours before they are eligible for such license.

Veterinary Medicine

Present Situation

Veterinary medical practice is regulated by ch. 474, F.S.. The Board of Veterinary Medicine licenses veterinarians.⁹⁴

⁹⁰ Department of Business and Professional Regulation, *Certified Public Accounting*, <http://www.myfloridalicense.com/DBPR/certified-public-accounting/> (last visited April 8, 2019).

⁹¹ Sections 473.308(2)-(5), F.S.

⁹² Section 468.8414(3), (4), F.S.

⁹³ Fla. Admin. Code R. 61H1-29.003 (2019).

⁹⁴ See ss. 474.204 through 474.2125, F.S., concerning the powers and duties of the board. See also, Department of Business and Professional Regulation, *Veterinary Medicine*, <http://www.myfloridalicense.com/DBPR/veterinary-medicine/> (last visited April 8, 2019).

To be licensed as a veterinarian, an applicant must:

- Graduate from a college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education (AVMAE); or from a college of veterinary medicine listed in the American Veterinary Medical Association Roster of Veterinary Colleges of the World (AVMARVC) and obtained a certificate from the Education Commission for Foreign Veterinary Graduates;
- Successfully complete the North American Veterinary Licensing Examination (NAVLE), or an examination determined by the board to be equivalent; and
- Pass an examination of the laws and rules governing the practice of veterinary medicine in Florida.⁹⁵

The Program for the Assessment of Veterinary Education Equivalence (PAVE) is a common alternative pathway for graduates of international, non-accredited programs to practice in the United States. PAVE evaluates such programs on behalf of participating American Association of Veterinary State Boards.⁹⁶

A person who is licensed in another state or country is eligible for licensure by endorsement in Florida, if the person has successfully completed an examination of the laws and rules governing the practice of veterinary medicine in Florida, and either:

- Holds a valid license to practice veterinary medicine in another jurisdiction of the United States for the 3 years immediately preceding the application for licensure, provided that the requirements for licensure are equivalent to or more stringent than a Florida license; or
- Has graduated from an AVMAE or AVMARVC program and has successfully completed an examination which is equivalent to or more stringent than the NAVLE.⁹⁷

The DBPR may not issue a license by endorsement to any applicant who is under investigation in any state, territory, or the District of Columbia for an act which would constitute a violation of the practice act until the investigation is complete and disciplinary proceedings have been terminated.⁹⁸

A “limited-service veterinary medical practice” means offering or providing limited types of veterinary services for a limited time at any location that has a primary purpose other than providing veterinary medical service at a permanent or mobile establishment. Such practice must provide veterinary medical services for privately owned animals that do not reside at that location,⁹⁹ and must obtain a permit and register each location where it holds a limited service clinic. A licensed veterinarian must supervise the limited practice.¹⁰⁰

⁹⁵ Fla. Admin. Code R. 61G18-11.002 (2019).

⁹⁶ American Association of Veterinary State Boards, *International Pathways*, at: <https://www.aavsb.org/pave/> (last visited April 8, 2019).

⁹⁷ Section 474.217(1), F.S.

⁹⁸ Section 474.217(2), F.S.

⁹⁹ Section 474.202(6), F.S.

¹⁰⁰ Section 474.215(7)-(8), F.S.

The Board of Veterinary Medicine establishes by rule minimum standards for the operation of limited service veterinary medical practices,¹⁰¹ which currently allows such practices to offer vaccinations, immunizations, and parasitic control services.¹⁰²

Effect of Proposed Changes

Sections 28 amends s. 474.202(6), F.S., to codify the current board rule allowing limited service veterinary practices to perform vaccinations, immunizations, and parasitic control, and authorizes those practices to perform microchipping.

Section 29 amends s. 474.207, F.S., to allow graduates of a veterinary medicine program recognized by the PAVE to be eligible for licensure as a veterinarian.

Section 30 amends s. 474.217, F.S., to allow an applicant for licensure by endorsement who has been licensed in a United States jurisdiction to qualify for a Florida license if the he or she has successfully passed a licensing examination that is equivalent to, or more stringent than, the NAVLE.

Barbering

Present Situation:

The term “barbering” in ch. 476, F.S., the Barbers’ Act, includes any of the following practices when done for payment by the public: shaving, cutting, trimming, coloring, shampooing, arranging, dressing, curling, or waving the hair or beard or applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical appliances.¹⁰³

An applicant for licensure as a barber must pass an examination. To be eligible to take the examination, the applicant must be at least 16 years old, pay the application fee, and have held an active valid license in another state for at least one year,¹⁰⁴ or have a minimum of 1,200 hours of training.¹⁰⁵

The Barbers’ Board is responsible for licensing and regulating barbers.¹⁰⁶ Additionally, the Barbers Board establish procedures by rule for a barber school or program to certify a person to take the licensure examination following completion of a minimum of 1,000 hours of training and for the licensure of such person who passes the examination. An applicant who passes the

¹⁰¹ Section 474.215(7), F.S.

¹⁰² Fla. Admin. Code R. 61G18-15.007 (2019).

¹⁰³ See s. 476.034(2), F.S. The term does not include those services when done for the treatment of disease or physical or mental ailments.

¹⁰⁴ See s. 476.144(5), F.S. Licensure by endorsement may also allow a practitioner holding an active license in another state or country to qualify for licensure in Florida.

¹⁰⁵ See s. 476.114(2), F.S.; requiring the training to include, but is not limited to, the completion of services directly related to the practice of barbering at a licensed school of barbering, a public school barbering program, or a government-operated barbering program in Florida.

¹⁰⁶ Department of Business and Professional Regulation, *Barbers*, <http://www.myfloridalicense.com/DBPR/barbers/> (last visited April 8, 2019). See, s. 476.144, F.S.

examination is deemed to have satisfied the full 1,200 hour training requirement; an applicant who fails the examination must complete the full 1,200 hour training requirement.¹⁰⁷

Alternatively, a person may apply for and receive a “restricted license” to practice barbering, which authorizes the licensee to practice only in areas in which he or she has demonstrated competency pursuant to rules of the Barbers’ Board.¹⁰⁸

Effect of Proposed Changes:

Section 31 amends s. 476.144(5), F.S., to require the Barbers’ Board to qualify for licensure by endorsement an applicant who holds a current active license to practice barbering in another state.

Nail and Facial Specialists, Hair Braiders; Hair Wrappers, and Body Wrappers

Present Situation:

Chapter 477, F.S., governs the licensure and regulation of cosmetologists, hair braiders, hair wrappers, nail specialists, facial specialists, full specialists, body wrappers and related salons in the state. The Board of Cosmetology, within the DBPR’s Division of Professions, processes license applications, reviews disciplinary cases, and conducts informal administrative hearings relating to licensure and discipline.¹⁰⁹ Individuals are prohibited from providing manicures, pedicures, nail painting services, or facials in Florida without a license.¹¹⁰

A “specialist” is “any person holding a specialty registration in one or more of the specialties registered under [ch. 477, F.S.]”¹¹¹ The term “specialty” is defined as “the practice of one or more of the following:

- Manicuring, or the cutting, polishing, tinting, coloring, cleansing, adding, or extending of the nails, and massaging of the hands. This term includes any procedure or process for the affixing of artificial nails, except those nails which may be applied solely by use of a simple adhesive;
- Pedicuring, or the shaping, polishing, tinting, or cleansing of the nails of the feet, and massaging or beautifying of the feet; or
- Facials, or the massaging or treating of the face or scalp with oils, creams, lotions, or other preparations, and skin care services.”¹¹²

A “cosmetologist” is person licensed to practice cosmetology,¹¹³ which is “the mechanical or chemical treatment of the head, face, and scalp for aesthetic rather than medical purposes, including, but not limited to, hair shampooing, hair cutting, hair arranging, hair coloring,

¹⁰⁷ See s. 476.114(2), F.S.

¹⁰⁸ See s. 476.144(6), F.S.

¹⁰⁹ See s. 477.015, F.S., and Department of Business and Professional Regulation, *Cosmetology*, <http://www.myfloridalicense.com/DBPR/cosmetology/> (last visited April 8, 2019).

¹¹⁰ See ss. 477.013(6) and 477.0201, F.S.

¹¹¹ See s. 477.013(5), F.S.

¹¹² See s. 477.013(6), F.S.

¹¹³ See s. 477.013(3), F.S.

permanent waving, and hair relaxing for compensation.” Cosmetology also includes hair removal, wax treatments, manicures, pedicures, and skin care services.”¹¹⁴

A nail specialist may complete manicures and pedicures, and a full specialist may complete manicures, pedicures, and facials.¹¹⁵ Manicures and pedicures, as a part of cosmetology services, are required to be provided in a licensed specialty salon or cosmetology salon.¹¹⁶ All cosmetology and specialty salons are subject to inspection by the DBPR.¹¹⁷

To qualify for a specialist or cosmetologist license, the applicant must be at least 16 years of age and obtain a certificate of completion from an approved specialty education program.¹¹⁸ The applicant must submit a specialist application for registration with the DBPR with a \$75 registration fee.¹¹⁹ The specialty education program requires 250 hours of training for a nail specialty; 260 hours of training for a facial specialty; and 500 hours of training for a full specialty.¹²⁰

The application of cosmetic products (makeup) by certain persons is exempted from ch. 477, F.S., under limited conditions, including application of such products in photography studio salons, in connection with certain retail sales, or during the production of qualified films.¹²¹ In addition, persons providing makeup in a theme park or entertainment complex to actors and others or the general public are exempt from licensing requirements.¹²²

“Hair braiding” is “the weaving or interweaving of natural human hair for compensation without cutting, coloring, permanent waving, relaxing, removing, or chemical treatment and does not include the use of hair extensions or wefts.”¹²³ While “hair wrapping” is the wrapping of manufactured materials around a strand or strands of human hair, for compensation, without cutting, coloring, permanent waving, relaxing, removing, weaving, chemically treating, braiding, using hair extensions, or performing any other service defined as cosmetology.¹²⁴

“Body wrapping” means “a treatment program that uses herbal wraps for the purposes of cleansing and beautifying the skin of the body, but does not include the application of oils, lotions, or other fluids to the body, except fluids contained in presoaked materials used in the wraps, or manipulation of the body’s superficial tissue, other than that arising from compression emanating from the wrap materials.”¹²⁵

¹¹⁴ See s. 477.013(4), F.S. A licensed cosmetologist is not required to register separately as a hair braider, hair wrapper, body wrapper, or specialist.

¹¹⁵ See s. 477.013(6), F.S.

¹¹⁶ See s. 477.0263, F.S. Under s. 477.0135(3), F.S., licensing is not required for a person whose occupation is confined solely to cutting, trimming, polishing, or cleansing fingernails of customers in an active, licensed barbershop, and who did so before October 1, 1985.

¹¹⁷ See s. 477.025(9), F.S.

¹¹⁸ See s. 477.0201, F.S.

¹¹⁹ Fla. Admin. Code R. 61G5-22 (2019) and s. 477.0201, F.S.

¹²⁰ Fla. Admin. Code R. 61G5-22 (2019).

¹²¹ See ss. 477.013(11), 477.0135(1)(f), and 477.0135(5), F.S.

¹²² See s. 477.0135(6), F.S.

¹²³ Section 477.013(9), F.S.

¹²⁴ Section 477.013(10), F.S.

¹²⁵ Section 477.013(11), F.S.

A person who wishes to practice as a hair braider, hair wrapper, or body wrapper must register with the DBPR, pay the \$25 registration fee; and

- For hair braiders, take a two-day board-approved 16-hour education course consisting of:
 - 5 hours of HIV/AIDS and other communicable diseases,
 - 5 hours of sanitation and sterilization,
 - 4 hours of disorders and diseases of the scalp, and
 - 2 hours of studies regarding laws affecting hair braiding.
- For hair wrappers, take a one-day board-approved 6-hour education course consisting of:
 - HIV/AIDS and other communicable diseases,
 - sanitation and sterilization,
 - disorders and diseases of the scalp, and studies regarding laws affecting hair wrapping.
- For body wrappers, take a two-day board-approved 12-hour education course consisting of:
 - HIV/AIDS and other communicable diseases,
 - Sanitation and sterilization,
 - Disorders and diseases of the skin, and
 - Laws affecting body wrapping.¹²⁶

Hair braiders, hair wrappers, and body wrappers are not required to complete continuing education as a condition for renewal of the registration.¹²⁷

In Florida, cosmetology and specialty salons must be licensed.¹²⁸ Such salons are inspected periodically by the DBPR, in accordance with sanitary standards set forth by the Board of Cosmetology.¹²⁹

Cosmetology services must be performed in a licensed cosmetology or specialty salon by a properly licensed professional,¹³⁰ except when services are performed in connection with:

- A special event by a properly licensed person who is employed by a licensed salon. Arrangements for the performance of such cosmetology services must be made through a licensed salon;¹³¹
- A client for reasons of ill health is unable to go to a licensed salon. Arrangements for the performance of such cosmetology services must be made through a licensed salon; or
- The motion picture, fashion photography, theatrical, or television industry; a photography studio salon; a manufacturer trade show demonstration; or an educational seminar.¹³²

¹²⁶See s. 477.0132, F.S. Courses for hair braiding, hair wrapping, and body wrapping generally cost between \$75 and \$250. Examples include: 1STOPCEU.com, <https://www.1stopceu.com/livezilla/knowledgebase.php?article=6332971e65219f8cdfc5d16d8b113c10> (last visited April 8, 2019); and JT's Beauty Shop, Inc., *Florida State Certified Courses (Theory)*, <http://www.jtbeautysalon.com/> (last visited April 8, 2019).

¹²⁷ Section 477.019(7)(b), F.S.

¹²⁸ Section 477.025(1), F.S.

¹²⁹ Section 477.025(9), F.S.; and Fla. Admin. Code R. Ch. 61G5-20 (2019).

¹³⁰ Section 477.0263(1), F.S.

¹³¹ A "special event" is defined as a wedding or fashion show in Fla. Admin. Code R. 61G5-20.0015(1) (2019).

¹³² Sections 477.0263(2) through (4), F.S.

Effect of Proposed Changes:

Section 32 amends s. 477.013(9), F.S., to expand the definition of “hair braiding” to include the weaving of natural human hair with commercial hair, and the use of hair extensions or wefts.¹³³ Under current law, the use of hair extensions or wefts is excluded from “hair braiding.”

Section 33 repeals s. 477.0132, F.S., eliminating registration requirements for hair braiding, hair wrapping, and body wrapping, and requirements that those registrants take specified courses approved by the Board of Cosmetology.

Additionally, the bill repeals s. 477.0132(2), F.S., which provides that:

- Hair braiding, hair wrapping, and body wrapping are not required to be practiced in a cosmetology salon or specialty salon; and
- Disposable implements must be used, or all implements must be sanitized in a disinfectant approved for hospital use or approved by the federal Environmental Protection Agency, when hair braiding, hair wrapping, or body wrapping is practiced outside a cosmetology salon, or specialty salon.

Section 34 amends s. 477.0135, F.S., to specifically exempt a person whose occupation or practice is confined solely to hair braiding, hair wrapping, body wrapping, applying polish to fingernails and toenails, or makeup application from license and registration requirements.

Section 35 amends s. 477.019(6), F.S., to delete the licensure by endorsement exemption for persons licensed in another state who received their license through an apprenticeship program.

Section 36 deletes the hair braider, hair wrapper, and body wrapper license fee provided in s. 477.026(1)(f), F.S.

Section 37 amends s. 477.0263(4), F.S., to delete the requirement that an appointment for a special event has to be made through a licensed salon. The bill permits a properly licensed professional to perform hair shampooing, hair cutting, and hair arranging outside of a salon.

Section 38 amends s. 477.0265, F.S., to delete a reference to body wrapping in a prohibition respecting the advertising of services.

Section 39 amends s. 477.029(1)(a), F.S., to delete the criminal penalty for hair braiders, hair wrappers, and body wrappers who offer or provide services without being licensed or registered.

Architecture and Interior Design***Present Situation:***

Chapter 481, Part I, F.S., governs the licensing and regulation of architects, interior designers, and related business organizations. The Board of Architecture and Interior Design, under the

¹³³ A “weft” of hair is a long curtain of hair that has a seam at the top and is found on wigs and hair extensions. See <https://www.voguewigs.com/what-is-a-weft.html> (last visited April 8, 2019).

DBPR's Division of Professions, processes license applications, reviews disciplinary cases, and conducts informal administrative hearings relating to licensure and discipline.¹³⁴

Licensees who act through a corporation, limited liability company, or partnership, and corporations, limited liability companies, or partnerships that act through licensees as their agent may offer architectural or interior design services.¹³⁵ However, an architecture or interior design business corporation, limited liability company, partnership, or a person practicing under a fictitious name who offers architecture or interior design services to the public must obtain a certificate of authorization in addition to the architect's or interior designer's license.¹³⁶

Applicants for an interior design license must pass a three-part national examination administered by the National Council for Interior Design Qualification (NCIDQ), at a cost of \$1,065, including the application fee. Requirements to sit for the NCIDQ, including education and experience requirements, mirror Florida's licensure prerequisites.¹³⁷ Interior designers are required to fulfill a minimum of 20 hours of continuing professional education every 2 years.¹³⁸

Applicants for an architecture business certificate of authorization or interior design business certificate of authorization must pay an application fee of \$100, an unlicensed activity fee of \$5, and a biennial renewal fee of \$125.¹³⁹ A business entity has no regulatory obligations other than to obtain licensure.

At least one principal officer or partner and all personnel who act on the business entity's behalf in the state must be registered interior designers. The initial license fee for a certificate of authorization is \$100 and the biennial renewal fee is \$125.¹⁴⁰

Florida is one of six U.S. states or territories requiring interior designers to be licensed. Approximately 20 other states allow only those persons meeting statutory requirements to hold themselves out as "registered interior designers."¹⁴¹

Effect of Proposed Changes:

Section 40 amends s. 481.203, F.S., to define a "business organization" for purposes of the licensing and regulation of architecture and interior design as a partnership, limited liability company, corporation, or individual operating under a fictitious name.

Section 41 amends s. 481.215, F.S., to reduce the continuing education requirement for interior designer license renewal from 20 to 16 hours every 2 years. The continuing education program must focus on public safety, application of federal, state, and local laws relating to accessibility standards, or any topic related to building occupants' health, safety, and welfare. The program

¹³⁴ See s. 481.205, F.S., relating to the authority of the Board of Architecture and Interior Design.

¹³⁵ Section 481.219(1), F.S.; such practice must comply with all the requirements in s. 481.219, F.S.

¹³⁶ Section 481.219(2)-(3), F.S.

¹³⁷ See <http://www.ncidq.org>

¹³⁸ Fla. Admin. Code R. 61G1021.001.

¹³⁹ See Fla. Admin. Code R. 61G1-17.001 and R. 61G1-17.002 (2019).

¹⁴⁰ Fla. Admin. Code R. 61G1-17.002 (2019).

¹⁴¹ Commercial Interior Design Association, *State Information*, <http://advocacy.iida.org/#interiordesignlaws> (last visited April 8, 2019).

must also be provided by an organization that is approved by the Board of Architecture and Interior Design.

Section 42 amends s. 481.219, F.S., to delete the requirement that architects and interior designers obtain a separate business license (certificate of authorization) in addition to an individual license. The bill provides that architects and interior designers must qualify their business organizations (and disclose operations under a fictitious name) through their individual licenses.

Architects and interior designers who act as qualifying agents must inform the DBPR of any change in their relationship with the qualified business, and if that qualifying agent is the business' only qualifying agent, the business has 60 days to hire a replacement qualifying architect. If a business does not have a qualifying agent, it may not engage in the practice of architecture, unless the executive director or chair of the Board of Architecture and Interior Design authorizes another registered architect or interior designer employed by the business organization to temporarily serve as its qualifying agent for no more than 60 days.

Sections 43 and 44 make technical, conforming changes to ss. 481.221 and 481.229, F.S., respectively.

Landscape Architecture Business Organization

Present Situation:

Part II of ch. 481, F.S., governs the licensing and regulation of landscape architects and related business organizations in Florida. The Board of Landscape Architecture, under the DBPR's Division of Professions, processes license applications, reviews disciplinary cases, and conducts informal administrative hearings relating to licensure and discipline.

A person may not knowingly practice landscape architecture¹⁴² unless he or she holds a license issued pursuant to part II of ch. 481, F.S.¹⁴³ A corporation or partnership may offer landscape architectural services to the public, subject to the provisions of part II of ch. 481, F.S., if:

- One or more of the principals of the corporation, or partners in the partnership, is a licensed landscape architect;
- One or more of the officers, directors, or owners of the corporation, or one of more of the partners of the partnership is a licensed landscape architect; and
- The corporation or partnership has been issued a certificate of authorization by the board.¹⁴⁴

¹⁴² The term "landscape architecture" includes but is not limited to the determination of building siting, drainage, and contouring of land and water forms, and other activities including design in connection with land development for the preservation, conservation, enhancement, or determination of proper land uses, natural features, or naturalistic and aesthetic values. See s. 481.303(6)(a)-(d), F.S., relating to the professional services included in landscape architecture.

¹⁴³ Section 481.323(1)(a), F.S.

¹⁴⁴ Section 481.319(1), F.S.

In order to be licensed as a landscape architect, a person must:

- Complete a landscape architecture degree program approved by the Landscape Architectural Accreditation Board, or have 6 years of practical experience, with some credit available for education credits;¹⁴⁵
- Pass the nationally recognized Landscape Architecture Registration Examination (LARE);¹⁴⁶ and
- Have 1 year of practical experience, not including any experience used to qualify to take the examination.¹⁴⁷

A person who is licensed in another state is eligible for a landscape architecture license by endorsement in Florida if they:¹⁴⁸

- Have graduated from an approved program or have related experience, have an additional year of practical experience, and have passed a licensing examination which is substantially equivalent to the LARE; or
- Hold a valid license to practice landscape architecture issued by another state or territory of the United States, if the criteria for issuance of such license were substantially identical to the licensure criteria which existed in Florida at the time the license was issued.

If an applicant for a license by endorsement has been licensed for at least 5 years in another jurisdiction without disciplinary history, the additional year of practical experience is not required.¹⁴⁹

A landscape architecture corporation or partnership may offer landscape architecture services if:

- One or more of the principals of the corporation, or partners in the partnership, is a licensed landscape architect; and
- The corporation or partnership has been issued a certificate of authorization by the board.¹⁵⁰

Applicants for a landscape architecture business certificate of authorization must pay an application fee and initial licensure fee of \$450, an unlicensed activity fee of \$5, and a biennial renewal fee of \$337.50.¹⁵¹ A business entity has no regulatory obligations other than to obtain licensure and notify the DBPR within one month of any change in the information contained in its license application.¹⁵²

Effect of Proposed Changes:

Sections 45 through 51 amend part II of ch. 481, F.S., to remove the requirement that landscape architects obtain a separate business license (certificate of authorization) in addition to an individual license. The bill provides that landscape architects must qualify their business organizations (and disclose operations under a fictitious name) through their individual licenses.

¹⁴⁵ Section 481.309(1)(b), F.S.

¹⁴⁶ Fla. Admin. Code R. 61G10-11.001 (2019).

¹⁴⁷ Section 481.310, F.S.

¹⁴⁸ Section 481.311(3), F.S.

¹⁴⁹ Fla. Admin. Code R. 61G10-11.004(2)(e) (2019).

¹⁵⁰ Section 481.319(1), F.S.

¹⁵¹ See Fla. Admin. Code R. 61G10-12.002 (2019).

¹⁵² See s. 481.319(4), F.S.

The bill repeals the DBPR's authority to issue a certificate of authorization to an applicant wishing to practice as a corporation or partnership offering landscape architectural services. Further, the bill repeals the Board of Landscape Architecture's ability to grant a temporary certificate of authorization for a business organization that is seeking to work on one project in Florida for a period not to exceed one year to an out-of-state corporation, partnership, or firm.

The bill provides that a corporation or partnership is permitted to offer landscape architectural services to the public, subject to the provisions of part II of ch. 481, F.S., if:

- One or more of the principals of the corporation, or partners in the partnership, and all of the personnel of the business organization who act in its behalf as landscape architects are registered landscape architects; and
- One or more of the officers, directors, or owners of the corporation, or one or more of the partners of the partnership is a registered landscape architect has applied to be the qualifying agent for the business organization.

Under the bill, landscape architects who qualify a business organization must inform the DBPR within 1 month after any change in the information in the license application for the qualified business. All landscape architects must notify the DBPR of termination of employment with a licensed business organization within one month after the termination.

Section 46 amends s. 481.310, F.S., to provide that an applicant who holds a bachelor's degree in a related field and a master's degree in landscape architecture does not have to demonstrate the required 1 year of practical experience in landscape architecture to qualify for licensure.

Section 47 amends s. 481.311(3), F.S., to provide that a person licensed in another state is also eligible for a license by endorsement if they have:

- Held a valid license to practice landscape architecture in another state or territory of the United States for at least 10 years before the date of application; and
- Successfully completed an examination that is equivalent to or more stringent than the LARE.

The bill also provides that an applicant who has met the requirements to be qualified for a license by endorsement, but has not successfully completed an examination that is equivalent to or more stringent than the LARE examination, may take the LARE without completing additional education requirements.

Section 48 amends s. 481.317(2), F.S., to delete the provision allowing the issuance of a temporary certificate of authorization.

Section 49 repeals s. 481.319(5), F.S., which provides that disciplinary action against a corporation or partnership to be administered similar to disciplinary action against a registered landscape architect. Under current law, practicing landscape architecture through a corporation or partnership does not relieve a landscape architect from personal liability for professional acts, unless otherwise agreed by contract.¹⁵³

¹⁵³ See s. 481.319(6), F.S., and s. 558.0035, F.S.

Section 50 amends s. 481.321, F.S., to require corporation or partnerships that practice landscape architecture to display the certificate number of at least one officer, director, owner, or partner who is a registered landscape architect on any of its displays or advertisements.

Section 51 makes a technical, conforming change to s. 481.329, F.S.

Construction Contractors

Present Situation

Construction contractors are regulated by part I of ch. 489, F.S., and licensed by the Construction Industry Licensing Board (CILB).

In order to become a construction contractor, an applicant for a license by examination must:¹⁵⁴

- Be of good moral character;
- Be at least 18 years of age;
- Successfully pass the certification examination; and
- Meet eligibility requirements according to a combination of education and experience as approved by the board, which must include at least one year of related experience.

If an applicant wishes to use test scores from a previous examination to qualify for another license type, the examination score used must be from a portion of the examination taken within four years from the date of the most recently passed portion of the examination.¹⁵⁵

A person who is licensed in another state is eligible for licensure by endorsement in Florida if the:

- Criteria for issuance of such license were substantially equivalent to Florida's current certification criteria; or
- State or territory has entered into a reciprocal agreement with the board for the recognition of contractor licenses issued in that state, based on criteria for the issuance of such licenses that are substantially equivalent to the criteria for certification in this state.¹⁵⁶

An unlicensed person may perform work that falls under the scope of contracting if it is casual, minor, or inconsequential in nature, and the aggregate contract price for all labor and materials is less than \$1,000, subject to certain requirements. This is generally called the "handyman exception." The "handyman exception" was enacted in 1979, and the contractual amount to fit within the exception has not been updated since.¹⁵⁷

Effect of Proposed Changes

Section 52 amends s. 489.103(9), F.S., to increase the maximum contract (for total labor and materials) price for the "handyman exception" from \$1,000 to \$2,500.

¹⁵⁴ Sections 489.111(2)(c)1. through 3., F.S.

¹⁵⁵ Fla. Admin. Code R. 61G4-16.005 (2019).

¹⁵⁶ Section 489.115(3), F.S.

¹⁵⁷ Section 489.103(9), F.S.

The bill clarifies that a licensure examination passage does not expire and may be used at any time to qualify for another license.

Sections 53 amends s. 489.111, F.S., to clarify that licensees must pass, not just take, the applicable licensure exam to become licensed in specific field of construction.

Section 54 amends s. 489.115(3), F.S., to allow an applicant to qualify for a license by endorsement if the applicant has:

- Held a valid license to practice the same type of construction contracting in another state or territory for at least 10 years before the date of application; and
- Complied with workers' compensation requirements, shown proof of financial health of their business organization, and submitted fingerprints.

Electrical Contractors

Present Situation

Electrical and alarm system contractors are regulated by part II of ch. 489, F.S., and licensed by the Electrical Contractors' Licensing Board (ECLB).

In order to become an electrical contractor or alarm system contractor, a person must submit an application to the DBPR and must:

- Be at least 18 years of age;
- Be of good moral character;
- Successfully pass the certification examination; and
- Meet eligibility requirements according to a combination of education and experience as approved by the ECLB.¹⁵⁸

Electrical contractors and burglar alarm contractors must complete 14 hours of continuing education each every 2 years for license renewal. Such continuing education must include at least 7 hours on technical subjects, 1 hour on workers' compensation, 1 hour on workplace safety, 1 hour on business practices, and for alarm system contractors and electrical contractors engaged in alarm system contracting, 2 hours on false alarm prevention.¹⁵⁹

A person who is licensed in another state is eligible for licensure by endorsement in Florida if the:

- Criteria for issuance of such license was substantially equivalent to Florida's current certification criteria; or
- State or territory has entered into a reciprocal agreement with the ECLB for the recognition of contractor licenses issued in that state, based on criteria for the issuance of such licenses that are substantially equivalent to the criteria for certification in Florida.

¹⁵⁸ Sections 489.511(1)(a) and (b), F.S.

¹⁵⁹ Section 489.517(4), F.S.

Only examinations from North Carolina, California, and Georgia have been found to be substantially similar to Florida's examination.¹⁶⁰

A "burglar alarm system agent" is a person who is employed by a licensed alarm system contractor or licensed electrical contractor and who has any of the following specific alarm system contracting duties: altering, installing, maintaining, moving, repairing, replacing, servicing, selling, or monitoring an intrusion or burglar alarm system for compensation.¹⁶¹

Before an electrical contractor or alarm system contractor may employ an agent, the agent must complete a minimum of 14 hours of training from an ECLB-approved provider, which includes basic alarm system electronics in addition to related training including CCTV and access control training, with at least two hours of training in the prevention of false alarms.¹⁶²

Effect of Proposed Changes

Section 55 amends s. 489.511(5), F.S., to allow an applicant to qualify for a license by endorsement if the applicant has:

- Held a valid license to practice electrical or alarm system contracting in another state or territory for at least 10 years before the date of application; and
- Complied with workers' compensation requirements, shown proof of financial health of their business organization, and is of good moral character.

Section 56 amends s. 489.517, F.S., to reduce continuing education electrical and alarm system contractors' biennial continuing education requirements from 14 to 7 hours. The bill also reduces the number of hours of continuing education that must be devoted to technical subjects from 7 hours to 1 hour.

Section 57 amends s. 489.518(1)(b), F.S., to allow a burglar alarm system agent to complete their required 14 hour training course within 90 days after employment by an electrical or alarm system contractor.

Professional Geology

Present Situation

A person must be licensed as a professional geologist by the Board of Professional Geologists to practice geology in Florida, which includes performing, or offering to perform, geological services, including consultation, investigation, evaluation, planning, and geologic mapping.¹⁶³

In order for a person licensed by another state as a professional geologist to be eligible for licensure by endorsement in Florida, an applicant must

- Be at least 18 years of age;

¹⁶⁰ DBPR, *Certified Electrical Contractor – Endorsement*, https://www.myfloridalicense.com/CheckListDetail.asp?SID=&xactCode=1023&clientCode=0801&XACT_DEFN_ID=3688 (last visited April 8, 2019).

¹⁶¹ Section 489.505(25), F.S.

¹⁶² Section 489.518(1)(b), F.S.

¹⁶³ Section 492.102(7), F.S.

- Not have committed any act or offense which would constitute the basis for disciplining a Florida professional geologist;
- Have graduated with a degree in in geology, or other degree acceptable to the board with at least 30 semester hours or 45 quarter hours of geological coursework;
- Have at least 5 years of professional geological work experience;
- Have an active license in good standing in a jurisdiction of the United States;
- Have passed an examination which has been approved by the board as substantially equivalent to or more stringent than those of Florida; and
- Have successfully passed the laws and rules examination.¹⁶⁴

However, the DBPR may not issue a license to any applicant who is under investigation in any jurisdiction for an offense which would constitute a violation of the practice act.¹⁶⁵

A firm, corporation, or partnership may offer geology services to the public, if the business organization has:

- Filed with the Board of Professional Geologists the name and license number of its affiliated licensed geologists;
- Been issued a certification of authorization by the DBPR;
- A license geologist dates, signs, and seals all final geological documents prepared or approved for the entity's use; and
- Files an application with the DBPR.¹⁶⁶

A professional geologist is not relieved of personal liability due to a licensed geologist practicing at the business organization.¹⁶⁷

Any change in the business operating relationship between the business organization and the qualifying geologist must be reported to the DBPR within 30 days.

Applicants for a geology business certificate of authorization must pay an application fee of \$350 and a biennial renewal fee of \$350.¹⁶⁸ There are no additional requirements on the business entity, such as an inspection requirement.

Effect of Proposed Changes

Sections 58 through 62 repeal all provisions that require a certificate of authorization to practice geology through a business organization. A professional geologist may continue to practice through a business organization.

The bill amends 492.108(1), F.S., to provide that a business organization is qualified by the licensed geologist who serves as its geologist of record. The bill requires the qualifying agent is to update the DBPR of any changes in the relationship between the agent and the business

¹⁶⁴ Section 492.105(1), F.S.

¹⁶⁵ Section 492.105(3), F.S.

¹⁶⁶ Section 492.111, F.S.

¹⁶⁷ *Id.*

¹⁶⁸ Fla. Admin. Code R. 61G16-3.001 (2019).

organization within 30 days of such change, but does not specifically require a qualifying agent to notify the DBPR of the initial formation of that relationship.

Section 59 amends s. 492.108(1), F.S., to allow a person licensed in another state to qualify for licensure by endorsement if the applicant has:

- A valid license to practice geology in another state, trust, territory, or possession of the United States for at least 10 years before the date of application; and
- Successfully completed a state, regional, national, or other examination that is equivalent to or more stringent than the Florida examination.

If the applicant has met the requirements for a license by endorsement but has not successfully completed an examination that is equivalent to or more stringent than the examination required by the board, the applicant may choose to take the examination required by the board.

State Boxing Commission

Present Situation:

Chapter 548, F.S., provides for the regulation of professional and amateur boxing, kickboxing,¹⁶⁹ and mixed martial arts¹⁷⁰ by the Florida State Boxing Commission (commission), which is assigned to the DBPR for administrative and fiscal purposes.¹⁷¹

The commission has exclusive jurisdiction over every boxing, kickboxing, and mixed martial arts match held in Florida¹⁷² which involves a professional.¹⁷³ Professional matches held in Florida must meet the requirements set forth in ch. 548, F.S., and the rules adopted by the commission.¹⁷⁴ Chapter 548, F.S. does not apply to certain professional or amateur “martial arts,” such as karate, aikido, judo, and kung fu; the term “martial arts” is distinct from and does not include “mixed martial arts.”¹⁷⁵

However, as to amateur matches, the commission’s jurisdiction is limited to the approval, disapproval, suspension of approval, and revocation of approval of all amateur sanctioning organizations for amateur boxing, kickboxing, and mixed martial arts matches held in Florida.¹⁷⁶ Amateur sanctioning organizations are business entities organized for sanctioning and supervising matches involving amateurs.¹⁷⁷ During Fiscal Year 2017-2018, of the 123 amateur events in Florida, the Division of Regulation in the DBPR conducted 37 checks for compliance

¹⁶⁹ The term “kickboxing” means the unarmed combat sport of fighting by striking with the fists, hands, feet, legs, or any combination, but does not include ground fighting techniques. *See* s. 548.002(12), F.S.

¹⁷⁰ The term “mixed martial arts” means the unarmed combat sport involving the use of a combination of techniques, including, but not limited to, grappling, kicking, striking, and using techniques from martial arts disciplines, including, but not limited to, boxing, kickboxing, Muay Thai, jujitsu, and wrestling. *See* s. 548.002(16), F.S.

¹⁷¹ *See* s. 548.003(1), F.S.

¹⁷² *See* s. 548.006(1), F.S.

¹⁷³ The term “professional” means a person who has “received or competed for a purse or other article of a value greater than \$50, either for the expenses of training or for participating in a match. *See* s. 548.002(19), F.S.

¹⁷⁴ *See* s. 548.006(4), F.S.

¹⁷⁵ *See* s. 548.007(6), F.S., and *see supra* note 170 for the definition of “mixed martial arts.”

¹⁷⁶ *See* s. 548.006(3), F.S.

¹⁷⁷ Section 548.002(2), F.S.

with health and safety standards and proper supervision of the events.¹⁷⁸ In Fiscal Year 2017-2018, the Division issued licenses to eight announcers and 13 timekeepers.¹⁷⁹

Under current law, certain persons providing certain services for a match involving a professional competing in a boxing, kickboxing, or mixed martial arts match must be licensed by the commission before directly or indirectly performing those services. Licensing is mandated for a participant, manager, trainer, second, timekeeper, referee, judge, announcer, physician, matchmaker, or promoter.¹⁸⁰

Effect of Proposed Changes:

Sections 63 and 64 amend ss. 548.003(2) and 548.017, F.S., respectively, to eliminate the licensure requirement for persons serving as timekeepers and announcers for a match involving a participant.

Florida Building Commission

Present Situation

In 2000, the Legislature authorized implementation of the first statewide Florida Building Code (Code), which replaced all local building codes.¹⁸¹

The Florida Building Commission (Commission) was created to implement the Code. The Commission, which is housed within the DBPR, is a 27-member technical body responsible for the development, maintenance, and interpretation of the Code. The Commission also approves products for statewide acceptance. Members are appointed by the Governor and confirmed by the Senate, and include design professionals, contractors, and government experts in the various disciplines covered by the Code. Members, who must be able to do business in the state and must be actively engaged in the designated profession, include the following:¹⁸²

- One architect;
- One structural engineer;
- One air-conditioning or mechanical contractor;
- One electrical contractor;
- One member from fire protection engineering or technology;
- One general contractor;
- One plumbing contractor;
- One roofing or sheet metal contractor;
- One residential contractor;

¹⁷⁸ See Department of Business and Professional Regulation, *Florida State Boxing Commission Annual Report, Fiscal Year 2017-2018*, p 5, available at: <http://www.myfloridalicense.com/dbpr/os/documents/Boxing17-18.pdf> (Last visited April 8, 2019).

¹⁷⁹ See Boxing Commission Annual Report, *supra* note 178 at 6.

¹⁸⁰ The term “participant” means a professional competing in a boxing, kickboxing, or mixed martial arts match. See s. 548.002, F.S., for the definitions of “participant,” “manager,” “second,” “judge,” “physician,” “matchmaker,” and “promoter.” The terms “trainer,” “timekeeper,” “referee,” and “announcer” are not defined in ch. 548, F.S.

¹⁸¹ Chapter 2000-141, Laws of Fla.

¹⁸² Section 553.74, F.S.

- Three members who are municipal or district code enforcement officials, one of whom is also a fire marshal;
- One member who represents the Department of Financial Services;
- One member who is a county code enforcement official;
- One member of a Florida-based organization of persons with disabilities or a nationally chartered organization of persons with disabilities with chapters in the state;
- One member of the manufactured buildings industry;
- One mechanical or electrical engineer;
- One member who is a representative of a municipality or a charter county;
- One member of the building products manufacturing industry;
- One member who is a representative of the commercial building owners and managers industry;
- One member who is a representative of the insurance industry;
- One member who is a representative of public education;
- One member who is a swimming pool contractor;
- One member who is a representative of the green building industry and who is a third-party commission agent, a Florida board member of the United States Green Building Council or Green Building Initiative, a professional who is accredited under the International Green Construction Code (IGCC), or a professional who is accredited under Leadership in Energy and Environmental Design (LEED);
- One member who is a representative of a natural gas distribution system;
- One member who is a representative of the Department of Agriculture and Consumer Services' Office of Energy; and
- One member who is the chair.¹⁸³

The Commission has 11 Technical Advisory Committees (TAC) ranging from the building structural TAC to the swimming pool TAC.¹⁸⁴ TACs are made up of commission members and other parties who advise the commission on declaratory statements, proposed amendments, and any other areas of interest of the commission.¹⁸⁵

Effect of Proposed Changes

Section 65 amends s. 553.74, F.S., to reduce the number of members on the Commission from 27 members to 20 members, effective January 1, 2020. The bill:

- Requires the architect member to be licensed pursuant to ch. 481, F.S., with at least 5 years of experience in the design and construction of buildings containing Code designated Group R occupancy at or above 210 feet in height above the elevation of the lowest level of emergency services access;
- Includes the State Fire Marshal or designee who has expertise in fire suppression as a member; and

¹⁸³ The chair is appointed by the Governor.

¹⁸⁴ Department of Business and Professional Regulation, *Florida Building Code Online*, https://www.floridabuilding.org/c/c_commission.aspx (last visited on April 8, 2019).

¹⁸⁵ Department of Business and Professional Regulation, *Florida Building Code Standards- Program Committees*, <http://www.myfloridalicense.com/DBPR/building-codes-and-standards/program-committees/> (last visited on April 8, 2019), and Fla. Admin. Code R. 61G20-2.001 (2019).

- Allows the general contractor member to be a certified general contractor or a certified building contractor, and includes the Florida Home Builders Association in the list of associations that are encouraged to recommend a candidate for consideration as the member representing the contractor profession.

The bill removes the following types of members from the current membership of the Commission:

- One member from fire protection engineering or technology;
- One member who represents the Department of Financial Services;
- One member who is a county code enforcement official;
- One member who is a representative of a municipality or a charter county;
- One member who is a representative of the commercial building owners and managers industry;
- One member who is a representative of public education;
- One member who is a representative of the Department of Agriculture and Consumer Services' Office of Energy; and
- One member who is solely the chair.

Other Conforming Provisions

Section 67 amends s. 287.055, F.S., relating to the acquisition of professional services offered by “design-build firms” to state agencies, to delete the references to certified engineering and architectural business organizations, and to reference such business organizations as qualified rather than certified.

Effective Date

Except as otherwise expressly provided in the act, the bill takes effect on July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

The bill creates s. 648.412(12), F.S., to require employees of a talent agency to complete a level 1 background screening pursuant to s. 435.03, F.S. This provision requires employees of a talent agency to pay a fee associated with the processing of fingerprints

and the background screening by the Florida Department of Law Enforcement (FDLE).¹⁸⁶ The bill addresses additional subjects related to other professions regulated by the DBPR. To the extent the bill imposes a fee on the employees of a talent agency while addressing other subjects, the bill may be unconstitutional as a violation the single-subject requirement for the imposition, authorization, or raising of a state tax or fee under Article VII, section 19 of the Florida Constitution. Under that section, a “state tax or fee imposed, authorized, or raised under this section must be contained in a separate bill that contains no other subject.” A “fee” is defined by the Florida Constitution to mean “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”¹⁸⁷

E. Other Constitutional Issues:

The bill contains provisions that deal with eliminating or reducing regulations for several professions and occupations. The bill also revises the membership of the Florida Building Commission. The title of the bill is the “deregulation of professions and occupations.”

Article III, s. 6 of the State Constitution requires that a bill must pertain “to one subject and matter properly connected to the” title of the bill. Courts have interpreted this to mean that “[a] connection between a provision and the subject is proper (1) if [it] is natural or logical, or (2) if there is a reasonable explanation for how the provision is necessary to the subject, or tends to make effective or promote the objects and purposes of legislation included in the subject.”¹⁸⁸

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill eliminates license or registration costs for hair braiders, hair wrappers, body wrappers, talent agents, labor organizations, and timekeepers and announcers. The bill also increases from \$1,000 to \$2,500 the minimum cost of labor and materials for a construction handymen to qualify for the exemption from licensure requirements.

¹⁸⁶ The FDLE charges license applicants and other persons who are required by law to have a criminal history check a fee of \$37.25, which includes \$24 for the state criminal history check and \$13.25 for the federal criminal history check. *See* Florida Department of Law Enforcement, Criminal History Record Check Fee Schedule (Jan. 1, 2019), http://www.fdle.state.fl.us/Criminal-History-Records/Documents/Criminal-History-Fee-Chart_January2019.aspx (last visited April 8, 2019). There are also costs associated with services provided by vendors authorized to collect and submit fingerprints to the FDLE. *See* Department of Business and Professional Regulation, *FAQ's- How much does electronic fingerprinting cost?*, <http://www.myfloridalicense.com/DBPR/fingerprinting/#1509134325601-fbc04f87-5eb4> (last visited April 8, 2019).

¹⁸⁷ FLA. CONST. art. VII, s. 19(d)(1)

¹⁸⁸ *See, e.g., Franklin v. State*, 887 So. 2d 1063, 1078-79 (Fla. 2004); *Env'tl. Confed. of Sw. Fla. v. State*, 886 So. 2d 1013, 1018-19 (Fla. 1st DCA 2004).

The bill eliminates business license costs for architects and interior designers, asbestos contractors, landscape architects, and geologists. The bill deletes the requirement that yacht and ship brokers must have a separate license for each branch office.

The bill reduces pre-licensure and continuing education costs for architects, and electrical and alarm contractors. The DBPR states the specific pre-licensure and continuing education cost savings to these licensees are difficult to determine, but anticipates costs to be reduced by one-third to one-half of current fees.¹⁸⁹

The bill requires employees of a talent agency to incur costs related to completing a level 1 background screening pursuant to s. 435.03, F.S.¹⁹⁰

C. Government Sector Impact:

The DBPR anticipates a revenue reduction as a result of decreased collection of license and certification fees, especially relating to the deregulation of business licenses of affected professions. The DBPR will also see a reduction in expenditures related to the reduction in workload due to the deregulation under the bill.

The bill retains the regulation of talent agencies, but limits that regulation to agencies representing artists under age 18. The program is operating under a deficit. According to the DBPR:

Due to the small number of licensees, talent agencies do not generate sufficient funds to cover the Department's cost of regulation. The program was created in 1986. The Department issued the first licenses during Fiscal Year 1987-1988 at the statutory cap of \$400 per license. The program has operated in a deficit since that time. The Department anticipates that the deficit will continue.¹⁹¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

Sections 13 through 17 of the bill amend part VII of ch. 468, F.S., to limit the license requirements for talent agencies. Under the bill, a talent agency is not required to be licensed if it does not represent an artist younger than 18 years of age. The bill does not repeal the prohibition

¹⁸⁹ See Department of Business and Professional Regulation, *SB 827 Agency Analysis*, 14 (Mar. 31, 2019) (on file with Senate Committee on Innovation, Industries, and Technology).

¹⁹⁰ *Supra* note 193.

¹⁹¹ See Department of Business and Professional Regulation, *Divisions of Professions, Accounting, Real Estate and Regulation 2017-2018 Annual Report*, 23, <http://www.myfloridalicense.com/DBPR/os/documents/ProfessionsAnnualReport2017-2018.pdf> (last visited Apr. 9, 2019); and Talent Agents Operating Account information at page 87, showing a projected negative account balance of \$615,700 for the fiscal year ending June 30, 2019.

in s. 468.415, F.S., against sexual misconduct. Under the bill, a person who violates the prohibition against sexual misconduct in this section is permanently prohibited from acting as an agent, owner, or operator of a Florida talent agency. However, if the violator is a person who is exempt from the license requirement because he or she does not represent an artist under 18 years of age, the bill does not provide a remedy or other penalty if such a person is acting as an agent, owner, or operator of a Florida talent agency after being permanently barred from the profession. The existing criminal penalties in s. 648.413, F.S., for violation involving certain prohibited acts do not apply to the sexual misconduct prohibition in s. 468.415, F.S.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 287.055, 326.004, 447.02, 447.09, 447.305, 455.213, 468.385, 468.401, 468.408, 468.412, 468.415, 468.524, 468.613, 468.8314, 468.8414, 469.006, 469.009, 471.005, 471.011, 471.015, 471.023, 473.308, 474.202, 474.207, 474.217, 476.144, 477.013, 477.0135, 477.019, 477.026, 477.0263, 477.0265, 477.029, 481.203, 481.215, 481.219, 481.221, 481.229, 481.303, 481.310, 481.311, 481.317, 481.319, 481.321, 481.329, 489.103, 489.111, 489.115, 489.511, 489.517, 489.518, 492.104, 492.108, 492.111, 492.113, 492.115, 548.003, 548.017, 553.74, and 559.25.

This bill repeals the following sections of the Florida Statutes: 447.04, 447.041, 447.045, 447.06, 447.12, 447.16, and 477.0132.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes: (Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Commerce and Tourism on April 8, 2019:

- Requires the DBPR to consult with the Department of Education to determine which apprentice programs could substitute for educational training requirements for licensure and submit a report on the subject to the Governor, Senate President, and Speaker of the House of Representatives by December 31, 2019;
- Deletes most amendments to auctioneer licensing, preserving their current licensing scheme. However, the amendment clarifies that auction businesses must be owned by a Florida-licensed auctioneer;
- Deletes most amendments to interior designer licensing, preserving their current licensing scheme, but permits interior designer firms to operate without a business certification, if they employ a licensed interior designer in specific roles;
- Reduces interior designer licensee's continuing education requirement from 20 to 16 hours every 2 years;
- Deletes the examination waiver (based on completion of a 4-year degree in building construction or a related degree) for construction contractor applications;
- Requires a landscape architect applicant to have completed both a bachelor's degree in a related field and a master's degree in landscape architecture in order to waive the 1-year practical experience requirement;
- Retains the member representative of the green building industry on the Florida Building Commission;

- Requires the designee of the State Fire Marshall on the Florida Building Commission to have expertise in fire suppression; and
- Makes changes to the membership of the Florida Building Commission effective January 1, 2020.

CS by Innovation, Industry, and Technology on April 2, 2019:

The committee substitute:

- Amends s. 455.213(13), F.S., to require the DBPR (or a board) to enter into reciprocal licensing agreements with other states when it determines another state’s licensing and examination requirements are “substantially equivalent or more stringent” (instead of “substantially similar”) to Florida’s;
- Amends the definition of “talent agency” in s. 468.401(1), F.S., to limit license requirements for talent agencies that represent artists younger than 18 years old;
- Retains current law on the duties of the DBPR related to talent agency licensing, including eligibility requirements, associated fees, bonding, required notices, and recordkeeping by talent agencies;
- Creates s. 648.412(12), F.S., to require employees of a talent agency to undergo background screenings;
- Retains current law for talent agencies that represent artists under 18 years of age, and removes the following provisions from the bill related to the regulation of talent agencies: ss. 468.402, 468.403, 468.404, 468.405, 468.406, 468.407, 468.409, 468.410, 468.413, and 468.414, F.S.;
- Does not amend s. 476.114(2)(c)2., F.S., to reduce the minimum hours of training to qualify for a barber license and to specify training requirements.
- Does not amend s. 477.0201, F.S., to revise the training requirements for cosmetology specialists;
- Does not amend 477.019,(6), F.S., to delete the provision prohibiting the Board of Cosmetology from requiring proof of education from an applicant for endorsement that the other jurisdiction’s licensure requirements require 1,200 or more training hours and passage of a written examination; and
- Amends s. 553.74, F.S., to relating to the membership of the Florida Building Commission, to:
 - Remove the option of “electrical engineer” as an alternate for the electrical contractor board member;
 - Add the State Fire Marshal or designee as a member; and
 - Retains current law for a board member who is a “mechanical or electrical engineer,” who may be recommended by the Florida Engineering Society.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2019	.	
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	.	

The Committee on Commerce and Tourism (Albritton) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

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

(4) (a) The following boards and programs are established



- 11 within the Division of Professions:
- 12 1. Board of Architecture ~~and Interior Design~~, created under
 - 13 part I of chapter 481.
 - 14 2. Florida Board of Auctioneers, created under part VI of
 - 15 chapter 468.
 - 16 3. Barbers' Board, created under chapter 476.
 - 17 4. Florida Building Code Administrators and Inspectors
 - 18 Board, created under part XII of chapter 468.
 - 19 5. Construction Industry Licensing Board, created under
 - 20 part I of chapter 489.
 - 21 6. Board of Cosmetology, created under chapter 477.
 - 22 7. Electrical Contractors' Licensing Board, created under
 - 23 part II of chapter 489.
 - 24 8. Board of Employee Leasing Companies, created under part
 - 25 XI of chapter 468.
 - 26 9. Board of Landscape Architecture, created under part II
 - 27 of chapter 481.
 - 28 10. Board of Pilot Commissioners, created under chapter
 - 29 310.
 - 30 11. Board of Professional Engineers, created under chapter
 - 31 471.
 - 32 12. Board of Professional Geologists, created under chapter
 - 33 492.
 - 34 13. Board of Veterinary Medicine, created under chapter
 - 35 474.
 - 36 14. Home inspection services licensing program, created
 - 37 under part XV of chapter 468.
 - 38 15. Mold-related services licensing program, created under
 - 39 part XVI of chapter 468.



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40 Section 2. Subsection (13) of section 326.004, Florida
41 Statutes, is amended to read:

42 326.004 Licensing.—

43 (13) Each broker must maintain a principal place of
44 business in this state and may establish branch offices in the
45 state. ~~A separate license must be maintained for each branch~~
46 ~~office. The division shall establish by rule a fee not to exceed~~
47 ~~\$100 for each branch office license.~~

48 Section 3. Subsection (3) of section 447.02, Florida
49 Statutes, is amended to read:

50 447.02 Definitions.—The following terms, when used in this
51 chapter, shall have the meanings ascribed to them in this
52 section:

53 ~~(3) The term "department" means the Department of Business~~
54 ~~and Professional Regulation.~~

55 Section 4. Section 447.04, Florida Statutes, is repealed.

56 Section 5. Section 447.041, Florida Statutes, is repealed.

57 Section 6. Section 447.045, Florida Statutes, is repealed.

58 Section 7. Section 447.06, Florida Statutes, is repealed.

59 Section 8. Subsections (6) and (8) of section 447.09,
60 Florida Statutes, are amended to read:

61 447.09 Right of franchise preserved; penalties.—It shall be
62 unlawful for any person:

63 ~~(6) To act as a business agent without having obtained and~~
64 ~~possessing a valid and subsisting license or permit.~~

65 ~~(8) To make any false statement in an application for a~~
66 ~~license.~~

67 Section 9. Section 447.12, Florida Statutes, is repealed.

68 Section 10. Section 447.16, Florida Statutes, is repealed.



69 Section 11. Subsection (4) of section 447.305, Florida
70 Statutes, is amended to read:

71 447.305 Registration of employee organization.—

72 ~~(4) Notification of registrations and renewals of~~
73 ~~registration shall be furnished at regular intervals by the~~
74 ~~commission to the Department of Business and Professional~~
75 ~~Regulation.~~

76 Section 12. Subsections (13) and (14) are added to section
77 455.213, Florida Statutes, to read:

78 455.213 General licensing provisions.—

79 (13) The department or a board must enter into a reciprocal
80 licensing agreement with other states if the practice act within
81 the purview of this chapter permits such agreement. If a
82 reciprocal licensing agreement exists or if the department or
83 board has determined another state's licensing requirements or
84 examinations to be substantially equivalent or more stringent to
85 those under the practice act, the department or board must post
86 on its website which jurisdictions have such reciprocal
87 licensing agreements or substantially similar licenses.

88 (14) Notwithstanding any other law, the department, in
89 consultation with the applicable board and the Department of
90 Education, shall conduct a review of existing apprenticeship
91 programs registered under chapter 446 or with the United States
92 Department of Labor for each of the professions licensed under
93 parts XV and XVI of chapter 468 and chapters 476, 477, and 489
94 to determine which programs, if completed by an applicant, could
95 substitute for the required educational training otherwise
96 required for licensure. The department shall submit a report of
97 its findings and recommendations to the Governor, the President



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98 of the Senate, and the Speaker of the House of Representatives
99 by December 31, 2019.

100 Section 13. Paragraph (b) of subsection (7) of section
101 468.385, Florida Statutes, is amended to read:

102 468.385 Licenses required; qualifications; examination.—
103 (7)

104 (b) A ~~No~~ business may not shall auction or offer to auction
105 any property in this state unless it is owned by an auctioneer
106 who is licensed as an auction business by the department board
107 or is exempt from licensure under this act. Each application for
108 licensure must shall include the names of the owner and the
109 business, the business mailing address and location, and any
110 other information which the board may require. The owner of an
111 auction business shall report to the board within 30 days of any
112 change in this required information.

113 Section 14. Subsection (1) of section 468.401, Florida
114 Statutes, is amended to read:

115 468.401 Regulation of Talent agencies; definitions.—As used
116 in this part or any rule adopted pursuant hereto:

117 (1) "Talent agency" means any person who, for compensation,
118 engages in the occupation or business of procuring or attempting
119 to procure engagements for an artist who is younger than 18
120 years of age.

121 Section 15. Subsection (1) of section 468.408, Florida
122 Statutes, is amended to read:

123 468.408 Bond required.—

124 (1) An owner or operator of a ~~There shall be filed with the~~
125 ~~department for each~~ talent agency shall file license a bond in
126 the form of a surety by a reputable company engaged in the



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127 bonding business and authorized to do business in this state.
128 The bond shall be for the penal sum of \$5,000, with one or more
129 sureties to be approved by the department, and be conditioned
130 that the owner or operator of the talent agency applicant
131 conform to and not violate any of the duties, terms, conditions,
132 provisions, or requirements of this part.

133 (a) If any person is aggrieved by the misconduct of any
134 talent agency, the person may maintain an action in his or her
135 own name upon the bond of the agency in any court having
136 jurisdiction of the amount claimed. All such claims shall be
137 assignable, and the assignee shall be entitled to the same
138 remedies, upon the bond of the agency or otherwise, as the
139 person aggrieved would have been entitled to if such claim had
140 not been assigned. Any claim or claims so assigned may be
141 enforced in the name of such assignee.

142 (b) The bonding company shall notify the department of any
143 claim against such bond, and a copy of such notice shall be sent
144 to the talent agency against which the claim is made.

145 Section 16. Subsection (12) is added to section 468.412,
146 Florida Statutes, to read:

147 468.412 Talent agency regulations; prohibited acts.—

148 (12) Each employee of a talent agency must complete a level
149 1 background screening pursuant to s. 435.03.

150 Section 17. Section 468.415, Florida Statutes, is amended
151 to read:

152 468.415 Sexual misconduct in the operation of a talent
153 agency.—The talent agent-artist relationship is founded on
154 mutual trust. Sexual misconduct in the operation of a talent
155 agency means violation of the talent agent-artist relationship



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156 through which the talent agent uses the relationship to induce
157 or attempt to induce the artist to engage or attempt to engage
158 in sexual activity. Sexual misconduct is prohibited in the
159 operation of a talent agency. ~~If~~ Any agent, owner, or operator
160 of a ~~licensed~~ talent agency who commits ~~is found to have~~
161 ~~committed~~ sexual misconduct in the operation of a talent agency,
162 ~~the agency license shall be permanently revoked. Such agent,~~
163 ~~owner, or operator~~ shall be permanently prohibited from acting
164 ~~disqualified from present and future licensure as an agent,~~
165 owner, or operator of a Florida talent agency.

166 Section 18. Subsection (4) of section 468.524, Florida
167 Statutes, is amended to read:

168 468.524 Application for license.-

169 (4) ~~A~~ An applicant or licensee is ineligible to reapply for
170 a license for a period of 1 year following final agency action
171 on the ~~denial or~~ revocation of a license ~~applied for or~~ issued
172 under this part. This time restriction does not apply to
173 administrative ~~denials or~~ revocations entered because:

174 (a) The ~~applicant or~~ licensee has made an inadvertent error
175 or omission on the application;

176 (b) The experience documented to the board was insufficient
177 at the time of the previous application; or

178 ~~(c) The department is unable to complete the criminal~~
179 ~~background investigation because of insufficient information~~
180 ~~from the Florida Department of Law Enforcement, the Federal~~
181 ~~Bureau of Investigation, or any other applicable law enforcement~~
182 ~~agency;~~

183 (c)(d) The ~~applicant or~~ licensee has failed to submit
184 required fees. ~~;~~ ~~or~~



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185 ~~(c) An applicant or licensed employee leasing company has~~
186 ~~been deemed ineligible for a license because of the lack of good~~
187 ~~moral character of an individual or individuals when such~~
188 ~~individual or individuals are no longer employed in a capacity~~
189 ~~that would require their licensing under this part.~~

190 Section 19. Section 468.613, Florida Statutes, is amended
191 to read:

192 468.613 Certification by endorsement.—The board shall
193 examine other certification or training programs, as applicable,
194 upon submission to the board for its consideration of an
195 application for certification by endorsement. The board shall
196 waive its examination, qualification, education, or training
197 requirements, to the extent that such examination,
198 qualification, education, or training requirements of the
199 applicant are determined by the board to be comparable with
200 those established by the board. The board shall waive its
201 examination, qualification, education, or training requirements
202 if an applicant for certification by endorsement is at least 18
203 years of age; is of good moral character; has held a valid
204 building administrator, inspector, plans examiner, or the
205 equivalent, certification issued by another state or territory
206 of the United States for at least 10 years before the date of
207 application; and has successfully passed an applicable
208 examination administered by the International Codes Council.

209 Section 20. Subsection (3) of section 468.8314, Florida
210 Statutes, is amended to read:

211 468.8314 Licensure.—

212 (3) The department shall certify as qualified for a license
213 by endorsement an applicant who is of good moral character as



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214 determined in s. 468.8313, who maintains an insurance policy as
215 required by s. 468.8322, and who:

216 (a) Holds a valid license to practice home inspection
217 services in another state or territory of the United States,
218 whose educational requirements are substantially equivalent to
219 those required by this part; and has passed a national,
220 regional, state, or territorial licensing examination that is
221 substantially equivalent to the examination required by this
222 part; or

223 (b) Has held a valid license to practice home inspection
224 services issued by another state or territory of the United
225 States for at least 10 years before the date of application.

226 Section 21. Subsection (3) of section 468.8414, Florida
227 Statutes, is amended to read:

228 468.8414 Licensure.—

229 (3) The department shall certify as qualified for a license
230 by endorsement an applicant who is of good moral character, who
231 has the insurance coverage required under s. 468.8421, and who:

232 (a) Is qualified to take the examination as set forth in s.
233 468.8413 and has passed a certification examination offered by a
234 nationally recognized organization that certifies persons in the
235 specialty of mold assessment or mold remediation that has been
236 approved by the department as substantially equivalent to the
237 requirements of this part and s. 455.217; ~~or~~

238 (b) Holds a valid license to practice mold assessment or
239 mold remediation issued by another state or territory of the
240 United States if the criteria for issuance of the license were
241 substantially the same as the licensure criteria that is
242 established by this part as determined by the department; or



243 (c) Has held a valid license to practice as a mold assessor
244 or a mold remediator issued by another state or territory of the
245 United States for at least 10 years before the date of
246 application.

247 Section 22. Paragraphs (a) and (e) of subsection (2),
248 subsection (3), paragraph (b) of subsection (4), and subsection
249 (6) of section 469.006, Florida Statutes, are amended to read:

250 469.006 Licensure of business organizations; qualifying
251 agents.—

252 (2) (a) If the applicant proposes to engage in consulting or
253 contracting as a partnership, corporation, business trust, or
254 other legal entity, or in any name other than the applicant's
255 legal name, ~~the legal entity must apply for licensure through a~~
256 ~~qualifying agent or the individual applicant must~~ qualify ~~apply~~
257 ~~for licensure under the business organization fictitious name.~~

258 (e) ~~A The license, when issued upon application of a~~
259 ~~business organization,~~ must be in the name of the qualifying
260 agent ~~business organization,~~ and the name of the business
261 organization ~~qualifying agent~~ must be noted on the license
262 ~~thereon.~~ If there is a change in any information that is
263 required to be stated on the application, the qualifying agent
264 ~~business organization~~ shall, within 45 days after such change
265 occurs, mail the correct information to the department.

266 (3) The qualifying agent must ~~shall~~ be licensed under this
267 chapter in order for the business organization to be qualified
268 ~~licensed~~ in the category of the business conducted for which the
269 qualifying agent is licensed. If any qualifying agent ceases to
270 be affiliated with such business organization, the agent shall
271 so inform the department. In addition, if such qualifying agent



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272 is the only licensed individual affiliated with the business
273 organization, the business organization shall notify the
274 department of the termination of the qualifying agent and has
275 ~~shall have~~ 60 days after ~~from~~ the date of termination of the
276 qualifying agent's affiliation with the business organization ~~in~~
277 ~~which~~ to employ another qualifying agent. The business
278 organization may not engage in consulting or contracting until a
279 qualifying agent is employed, unless the department has granted
280 a temporary nonrenewable license to the financially responsible
281 officer, the president, the sole proprietor, a partner, or, in
282 the case of a limited partnership, the general partner, who
283 assumes all responsibilities of a primary qualifying agent for
284 the entity. This temporary license only allows ~~shall only allow~~
285 the entity to proceed with incomplete contracts.

286 (4)

287 (b) Upon a favorable determination by the department, after
288 investigation of the financial responsibility, credit, and
289 business reputation of the qualifying agent and the new business
290 organization, the department shall issue, without any
291 examination, a new license in the qualifying agent's business
292 ~~organization's~~ name, and the name of the business organization
293 ~~qualifying agent~~ shall be noted thereon.

294 (6) Each qualifying agent shall pay the department an
295 amount equal to the original fee for licensure ~~of a new business~~
296 ~~organization.~~ if the qualifying agent for a business
297 organization desires to qualify additional business
298 organizations. The department shall require the agent to
299 present evidence of supervisory ability and financial
300 responsibility of each such organization. Allowing a licensee to



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301 qualify more than one business organization must ~~shall~~ be
302 conditioned upon the licensee showing that the licensee has both
303 the capacity and intent to adequately supervise each business
304 organization. The department may ~~shall~~ not limit the number of
305 business organizations that ~~which~~ the licensee may qualify
306 except upon the licensee's failure to provide such information
307 as is required under this subsection or upon a finding that the
308 ~~such~~ information or evidence ~~as is~~ supplied is incomplete or
309 unpersuasive in showing the licensee's capacity and intent to
310 comply with the requirements of this subsection. A qualification
311 for an additional business organization may be revoked or
312 suspended upon a finding by the department that the licensee has
313 failed in the licensee's responsibility to adequately supervise
314 the operations of the business organization. Failure to
315 adequately supervise the operations of a business organization
316 is ~~shall be~~ grounds for denial to qualify additional business
317 organizations.

318 Section 23. Subsection (1) of section 469.009, Florida
319 Statutes, is amended to read:

320 469.009 License revocation, suspension, and denial of
321 issuance or renewal.—

322 (1) The department may revoke, suspend, or deny the
323 issuance or renewal of a license; reprimand, censure, or place
324 on probation any contractor, consultant, or financially
325 responsible officer, ~~or business organization~~; require financial
326 restitution to a consumer; impose an administrative fine not to
327 exceed \$5,000 per violation; require continuing education; or
328 assess costs associated with any investigation and prosecution
329 if the contractor or consultant, or business organization or



330 officer or agent thereof, is found guilty of any of the
331 following acts:

332 (a) Willfully or deliberately disregarding or violating the
333 health and safety standards of the Occupational Safety and
334 Health Act of 1970, the Construction Safety Act, the National
335 Emission Standards for Asbestos, the Environmental Protection
336 Agency Asbestos Abatement Projects Worker Protection Rule, the
337 Florida Statutes or rules promulgated thereunder, or any
338 ordinance enacted by a political subdivision of this state.

339 (b) Violating any provision of chapter 455.

340 (c) Failing in any material respect to comply with the
341 provisions of this chapter or any rule promulgated hereunder.

342 (d) Acting in the capacity of an asbestos contractor or
343 asbestos consultant under any license issued under this chapter
344 except in the name of the licensee as set forth on the issued
345 license.

346 (e) Proceeding on any job without obtaining all applicable
347 approvals, authorizations, permits, and inspections.

348 (f) Obtaining a license by fraud or misrepresentation.

349 (g) Being convicted or found guilty of, or entering a plea
350 of nolo contendere to, regardless of adjudication, a crime in
351 any jurisdiction which directly relates to the practice of
352 asbestos consulting or contracting or the ability to practice
353 asbestos consulting or contracting.

354 (h) Knowingly violating any building code, lifesafety code,
355 or county or municipal ordinance relating to the practice of
356 asbestos consulting or contracting.

357 (i) Performing any act which assists a person or entity in
358 engaging in the prohibited unlicensed practice of asbestos



359 consulting or contracting, if the licensee knows or has
360 reasonable grounds to know that the person or entity was
361 unlicensed.

362 (j) Committing mismanagement or misconduct in the practice
363 of contracting that causes financial harm to a customer.

364 Financial mismanagement or misconduct occurs when:

365 1. Valid liens have been recorded against the property of a
366 contractor's customer for supplies or services ordered by the
367 contractor for the customer's job; the contractor has received
368 funds from the customer to pay for the supplies or services; and
369 the contractor has not had the liens removed from the property,
370 by payment or by bond, within 75 days after the date of such
371 liens;

372 2. The contractor has abandoned a customer's job and the
373 percentage of completion is less than the percentage of the
374 total contract price paid to the contractor as of the time of
375 abandonment, unless the contractor is entitled to retain such
376 funds under the terms of the contract or refunds the excess
377 funds within 30 days after the date the job is abandoned; or

378 3. The contractor's job has been completed, and it is shown
379 that the customer has had to pay more for the contracted job
380 than the original contract price, as adjusted for subsequent
381 change orders, unless such increase in cost was the result of
382 circumstances beyond the control of the contractor, was the
383 result of circumstances caused by the customer, or was otherwise
384 permitted by the terms of the contract between the contractor
385 and the customer.

386 (k) Being disciplined by any municipality or county for an
387 act or violation of this chapter.



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388 (1) Failing in any material respect to comply with the
389 provisions of this chapter, or violating a rule or lawful order
390 of the department.

391 (m) Abandoning an asbestos abatement project in which the
392 asbestos contractor is engaged or under contract as a
393 contractor. A project may be presumed abandoned after 20 days if
394 the contractor terminates the project without just cause and
395 without proper notification to the owner, including the reason
396 for termination; if the contractor fails to reasonably secure
397 the project to safeguard the public while work is stopped; or if
398 the contractor fails to perform work without just cause for 20
399 days.

400 (n) Signing a statement with respect to a project or
401 contract falsely indicating that the work is bonded; falsely
402 indicating that payment has been made for all subcontracted
403 work, labor, and materials which results in a financial loss to
404 the owner, purchaser, or contractor; or falsely indicating that
405 workers' compensation and public liability insurance are
406 provided.

407 (o) Committing fraud or deceit in the practice of asbestos
408 consulting or contracting.

409 (p) Committing incompetency or misconduct in the practice
410 of asbestos consulting or contracting.

411 (q) Committing gross negligence, repeated negligence, or
412 negligence resulting in a significant danger to life or property
413 in the practice of asbestos consulting or contracting.

414 (r) Intimidating, threatening, coercing, or otherwise
415 discouraging the service of a notice to owner under part I of
416 chapter 713 or a notice to contractor under chapter 255 or part



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417 I of chapter 713.

418 (s) Failing to satisfy, within a reasonable time, the terms
419 of a civil judgment obtained against the licensee, or the
420 business organization qualified by the licensee, relating to the
421 practice of the licensee's profession.

422
423 For the purposes of this subsection, construction is considered
424 to be commenced when the contract is executed and the contractor
425 has accepted funds from the customer or lender.

426 Section 24. Subsection (13) of section 471.005, Florida
427 Statutes, is renumbered as subsection (3), and present
428 subsection (3) and subsection (8) of that section are amended to
429 read:

430 471.005 Definitions.—As used in this chapter, the term:

431 ~~(3) "Certificate of authorization" means a license to~~
432 ~~practice engineering issued by the management corporation to a~~
433 ~~corporation or partnership.~~

434 (8) "License" means the licensing of engineers ~~or~~
435 ~~certification of businesses~~ to practice engineering in this
436 state.

437 Section 25. Subsection (4) of section 471.011, Florida
438 Statutes, is amended to read:

439 471.011 Fees.—

440 ~~(4) The fee for a certificate of authorization shall not~~
441 ~~exceed \$125.~~

442 Section 26. Subsection (5) of section 471.015, Florida
443 Statutes, is amended to read:

444 471.015 Licensure.—

445 (5) (a) The board shall deem that an applicant who seeks



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446 licensure by endorsement has passed an examination substantially
447 equivalent to the fundamentals examination when such applicant
448 has held a valid professional engineer's license in another
449 state for 10 ~~15~~ years and has had ~~20~~ years of continuous
450 ~~professional-level engineering experience.~~

451 (b) The board shall deem that an applicant who seeks
452 licensure by endorsement has passed an examination substantially
453 equivalent to the fundamentals examination and the principles
454 and practices examination when such applicant has held a valid
455 professional engineer's license in another state for 15 ~~25~~ years
456 and has had ~~30~~ years of continuous ~~professional-level~~
457 ~~engineering experience.~~

458 Section 27. Section 471.023, Florida Statutes, is amended
459 to read:

460 471.023 Qualification Certification of business
461 organizations.—

462 (1) The practice of, or the offer to practice, engineering
463 by licensees or offering engineering services to the public
464 through a business organization, including a partnership,
465 corporation, business trust, or other legal entity or by a
466 business organization, including a corporation, partnership,
467 business trust, or other legal entity offering such services to
468 the public through licensees under this chapter as agents,
469 employees, officers, or partners is permitted only if the
470 business organization is qualified by an engineer licensed under
471 this chapter ~~possesses a certification issued by the management~~
472 ~~corporation pursuant to qualification by the board~~, subject to
473 the provisions of this chapter. One or more of the principal
474 officers of the business organization or one or more partners of



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475 the partnership and all personnel of the business organization
476 who act in its behalf as engineers in this state shall be
477 licensed as provided by this chapter. All final drawings,
478 specifications, plans, reports, or documents involving practices
479 licensed under this chapter which are prepared or approved for
480 the use of the business organization or for public record within
481 the state shall be dated and shall bear the signature and seal
482 of the licensee who prepared or approved them. Nothing in this
483 section shall be construed to mean that a license to practice
484 engineering shall be held by a business organization. Nothing
485 herein prohibits business organizations from joining together to
486 offer engineering services to the public, if each business
487 organization otherwise meets the requirements of this section.
488 No business organization shall be relieved of responsibility for
489 the conduct or acts of its agents, employees, or officers by
490 reason of its compliance with this section, nor shall any
491 individual practicing engineering be relieved of responsibility
492 for professional services performed by reason of his or her
493 employment or relationship with a business organization.

494 (2) For the purposes of this section, a ~~certificate of~~
495 ~~authorization shall be required for any~~ business organization or
496 other person practicing under a fictitious name, offering
497 engineering services to the public must be qualified by an
498 engineer licensed under this chapter. ~~However, when an~~
499 ~~individual is practicing engineering in his or her own given~~
500 ~~name, he or she shall not be required to be licensed under this~~
501 ~~section.~~

502 (3) Except as provided in s. 558.0035, the fact that a
503 licensed engineer practices through a business organization does



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504 not relieve the licensee from personal liability for negligence,
505 misconduct, or wrongful acts committed by him or her.

506 Partnerships and all partners shall be jointly and severally
507 liable for the negligence, misconduct, or wrongful acts
508 committed by their agents, employees, or partners while acting
509 in a professional capacity. Any officer, agent, or employee of a
510 business organization other than a partnership shall be
511 personally liable and accountable only for negligent acts,
512 wrongful acts, or misconduct committed by him or her or
513 committed by any person under his or her direct supervision and
514 control, while rendering professional services on behalf of the
515 business organization. The personal liability of a shareholder
516 or owner of a business organization, in his or her capacity as
517 shareholder or owner, shall be no greater than that of a
518 shareholder-employee of a corporation incorporated under chapter
519 607. The business organization shall be liable up to the full
520 value of its property for any negligent acts, wrongful acts, or
521 misconduct committed by any of its officers, agents, or
522 employees while they are engaged on its behalf in the rendering
523 of professional services.

524 ~~(4) Each certification of authorization shall be renewed~~
525 ~~every 2 years.~~ Each qualifying agent of a business organization
526 qualified certified under this section must notify the board
527 within 30 days ~~1 month~~ after any change in the information
528 contained in the application upon which the certification is
529 based.

530 (a) A qualifying agent who terminates an affiliation with a
531 qualified business organization shall notify the management
532 corporation of such termination within 24 hours. If such



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533 qualifying agent is the only qualifying agent for that business
534 organization, the business organization must be qualified by
535 another qualifying agent within 60 days after the termination.
536 Except as provided in paragraph (b), the business organization
537 may not engage in the practice of engineering until it is
538 qualified by another qualifying agent.

539 (b) In the event a qualifying agent ceases employment with
540 a qualified business organization and such qualifying agent is
541 the only licensed individual affiliated with the business
542 organization, the executive director of the management
543 corporation or the chair of the board may authorize another
544 licensee employed by the business organization to temporarily
545 serve as its qualifying agent for a period of no more than 60
546 days to proceed with incomplete contracts. The business
547 organization is not authorized to operate beyond such period
548 under this chapter absent replacement of the qualifying agent.

549 (c) A qualifying agent shall notify the department in
550 writing before engaging in the practice of engineering in the
551 licensee's name or in affiliation with a different business
552 organization.

553 ~~(5) Disciplinary action against a business organization~~
554 ~~shall be administered in the same manner and on the same grounds~~
555 ~~as disciplinary action against a licensed engineer.~~

556 Section 28. Subsection (7) of section 473.308, Florida
557 Statutes, is amended to read:

558 473.308 Licensure.—

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

561 (a) ~~1.~~ Is not licensed and has not been licensed in another



562 state or territory and who has met the requirements of this
563 section for education, work experience, and good moral character
564 and has passed a national, regional, state, or territorial
565 licensing examination that is substantially equivalent to the
566 examination required by s. 473.306; or and

567 ~~2. Has completed such continuing education courses as the~~
568 ~~board deems appropriate, within the limits for each applicable~~
569 ~~2-year period as set forth in s. 473.312, but at least such~~
570 ~~courses as are equivalent to the continuing education~~
571 ~~requirements for a Florida certified public accountant licensed~~
572 ~~in this state during the 2 years immediately preceding her or~~
573 ~~his application for licensure by endorsement; or~~

574 (b)1.a. Holds a valid license to practice public accounting
575 issued by another state or territory of the United States, if
576 the criteria for issuance of such license were substantially
577 equivalent to the licensure criteria that existed in this state
578 at the time the license was issued;

579 ~~2.b.~~ Holds a valid license to practice public accounting
580 issued by another state or territory of the United States but
581 the criteria for issuance of such license did not meet the
582 requirements of sub-subparagraph a.; has met the requirements of
583 this section for education, work experience, and good moral
584 character; and has passed a national, regional, state, or
585 territorial licensing examination that is substantially
586 equivalent to the examination required by s. 473.306; or

587 ~~3.c.~~ Has held ~~Holds~~ a valid license to practice public
588 accounting issued by another state or territory of the United
589 States for at least 10 years before the date of application; has
590 passed a national, regional, state, or territorial licensing



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591 examination that is substantially equivalent to the examination
592 required by s. 473.306; and has met the requirements of this
593 section for good moral character. ~~;~~ and

594 ~~2. Has completed continuing education courses that are~~
595 ~~equivalent to the continuing education requirements for a~~
596 ~~Florida certified public accountant licensed in this state~~
597 ~~during the 2 years immediately preceding her or his application~~
598 ~~for licensure by endorsement.~~

599 Section 29. Subsection (6) of section 474.202, Florida
600 Statutes, is amended to read:

601 474.202 Definitions.—As used in this chapter:

602 (6) "Limited-service veterinary medical practice" means
603 offering or providing veterinary services at any location that
604 has a primary purpose other than that of providing veterinary
605 medical service at a permanent or mobile establishment permitted
606 by the board; provides veterinary medical services for privately
607 owned animals that do not reside at that location; operates for
608 a limited time; and provides limited types of veterinary medical
609 services, including vaccinations or immunizations against
610 disease, preventative procedures for parasitic control, and
611 microchipping.

612 Section 30. Paragraph (b) of subsection (2) of section
613 474.207, Florida Statutes, is amended to read:

614 474.207 Licensure by examination.—

615 (2) The department shall license each applicant who the
616 board certifies has:

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



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620 2. Graduated from a college of veterinary medicine listed
621 in the American Veterinary Medical Association Roster of
622 Veterinary Colleges of the World and obtained a certificate from
623 the Education Commission for Foreign Veterinary Graduates or the
624 Program for the Assessment of Veterinary Education Equivalence.

625
626 The department shall not issue a license to any applicant who is
627 under investigation in any state or territory of the United
628 States or in the District of Columbia for an act which would
629 constitute a violation of this chapter until the investigation
630 is complete and disciplinary proceedings have been terminated,
631 at which time the provisions of s. 474.214 shall apply.

632 Section 31. Subsection (1) of section 474.217, Florida
633 Statutes, is amended to read:

634 474.217 Licensure by endorsement.—

635 (1) The department shall issue a license by endorsement to
636 any applicant who, upon applying to the department and remitting
637 a fee set by the board, demonstrates to the board that she or
638 he:

639 (a) Has demonstrated, in a manner designated by rule of the
640 board, knowledge of the laws and rules governing the practice of
641 veterinary medicine in this state; and

642 (b)1. ~~Either~~ Holds, and has held for the 3 years
643 immediately preceding the application for licensure, a valid,
644 active license to practice veterinary medicine in another state
645 of the United States, the District of Columbia, or a territory
646 of the United States, provided that the applicant has
647 successfully completed a state, regional, national, or other
648 examination that is equivalent to or more stringent than the



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649 ~~examination required by the board requirements for licensure in~~
650 ~~the issuing state, district, or territory are equivalent to or~~
651 ~~more stringent than the requirements of this chapter; or~~

652 2. Meets the qualifications of s. 474.207(2) (b) and has
653 successfully completed a state, regional, national, or other
654 examination which is equivalent to or more stringent than the
655 examination given by the department and has passed the board's
656 clinical competency examination or another clinical competency
657 examination specified by rule of the board.

658 Section 32. Subsection (5) of section 476.144, Florida
659 Statutes, is amended to read:

660 476.144 Licensure.—

661 (5) The board shall certify as qualified for licensure by
662 endorsement as a barber in this state an applicant who holds a
663 current active license to practice barbering in another state.

664 The board shall adopt rules specifying procedures for the
665 licensure by endorsement of practitioners desiring to be
666 licensed in this state who hold a current active license in
667 another ~~state or~~ country and who have met qualifications
668 substantially similar to, equivalent to, or greater than the
669 qualifications required of applicants from this state.

670 Section 33. Subsection (9) of section 477.013, Florida
671 Statutes, is amended to read:

672 477.013 Definitions.—As used in this chapter:

673 (9) "Hair braiding" means the weaving or interweaving of
674 natural human hair or commercial hair, including the use of hair
675 extensions or wefts, for compensation without cutting, coloring,
676 permanent waving, relaxing, removing, or chemical treatment ~~and~~
677 ~~does not include the use of hair extensions or wefts.~~



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678 Section 34. Section 477.0132, Florida Statutes, is
679 repealed.

680 Section 35. Subsections (7) through (11) are added to
681 section 477.0135, Florida Statutes, to read:

682 477.0135 Exemptions.—

683 (7) A license or registration is not required for a person
684 whose occupation or practice is confined solely to hair braiding
685 as defined in s. 477.013(9).

686 (8) A license or registration is not required for a person
687 whose occupation or practice is confined solely to hair wrapping
688 as defined in s. 477.013(10).

689 (9) A license or registration is not required for a person
690 whose occupation or practice is confined solely to body wrapping
691 as defined in s. 477.013(12).

692 (10) A license or registration is not required for a person
693 whose occupation or practice is confined solely to applying
694 polish to fingernails and toenails.

695 (11) A license or registration is not required for a person
696 whose occupation or practice is confined solely to makeup
697 application.

698 Section 36. Subsections (6) and (7) of section 477.019,
699 Florida Statutes, are amended to read:

700 477.019 Cosmetologists; qualifications; licensure;
701 supervised practice; license renewal; endorsement; continuing
702 education.—

703 (6) The board shall certify as qualified for licensure by
704 endorsement as a cosmetologist in this state an applicant who
705 holds a current active license to practice cosmetology in
706 another state. The board may not require proof of educational



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707 hours if the license was issued in a state that requires 1,200
708 or more hours of prelicensure education and passage of a written
709 examination. ~~This subsection does not apply to applicants who~~
710 ~~received their license in another state through an~~
711 ~~apprenticeship program.~~

712 (7) (a) The board shall prescribe by rule continuing
713 education requirements intended to ensure protection of the
714 public through updated training of licensees and registered
715 specialists, not to exceed 10 ~~16~~ hours biennially, as a
716 condition for renewal of a license or registration as a
717 specialist under this chapter. Continuing education courses
718 shall include, but not be limited to, the following subjects as
719 they relate to the practice of cosmetology: human
720 immunodeficiency virus and acquired immune deficiency syndrome;
721 Occupational Safety and Health Administration regulations;
722 workers' compensation issues; state and federal laws and rules
723 as they pertain to cosmetologists, cosmetology, salons,
724 specialists, specialty salons, and booth renters; chemical
725 makeup as it pertains to hair, skin, and nails; and
726 environmental issues. Courses given at cosmetology conferences
727 may be counted toward the number of continuing education hours
728 required if approved by the board.

729 ~~(b) Any person whose occupation or practice is confined~~
730 ~~solely to hair braiding, hair wrapping, or body wrapping is~~
731 ~~exempt from the continuing education requirements of this~~
732 ~~subsection.~~

733 (b) ~~(c)~~ The board may, by rule, require any licensee in
734 violation of a continuing education requirement to take a
735 refresher course or refresher course and examination in addition



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736 to any other penalty. The number of hours for the refresher
737 course may not exceed 48 hours.

738 Section 37. Paragraph (f) of subsection (1) of section
739 477.026, Florida Statutes, is amended to read:

740 477.026 Fees; disposition.—

741 (1) The board shall set fees according to the following
742 schedule:

743 ~~(f) For hair braiders, hair wrappers, and body wrappers,~~
744 ~~fees for registration shall not exceed \$25.~~

745 Section 38. Subsection (4) of section 477.0263, Florida
746 Statutes, is amended, and subsection (5) is added to that
747 section, to read:

748 477.0263 Cosmetology services to be performed in licensed
749 salon; exceptions.—

750 (4) Pursuant to rules adopted by the board, any cosmetology
751 or specialty service may be performed in a location other than a
752 licensed salon when the service is performed in connection with
753 a special event and is performed by a person ~~who is employed by~~
754 ~~a licensed salon and~~ who holds the proper license or specialty
755 registration. ~~An appointment for the performance of any such~~
756 ~~service in a location other than a licensed salon must be made~~
757 ~~through a licensed salon.~~

758 (5) Hair shampooing, hair cutting, and hair arranging may
759 be performed in a location other than a licensed salon when the
760 service is performed by a person who holds the proper license.

761 Section 39. Paragraph (f) of subsection (1) of section
762 477.0265, Florida Statutes, is amended to read:

763 477.0265 Prohibited acts.—

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



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765 (f) Advertise or imply that skin care services ~~or body~~
766 ~~wrapping~~, as performed under this chapter, have any relationship
767 to the practice of massage therapy as defined in s. 480.033(3),
768 except those practices or activities defined in s. 477.013.

769 Section 40. Paragraph (a) of subsection (1) of section
770 477.029, Florida Statutes, is amended to read:

771 477.029 Penalty.—

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

773 (a) Hold himself or herself out as a cosmetologist or
774 ~~specialist, hair wrapper, hair braider, or body wrapper~~ unless
775 duly licensed or registered, or otherwise authorized, as
776 provided in this chapter.

777 Section 41. Section 481.201, Florida Statutes, is amended
778 to read:

779 481.201 Purpose.—The primary legislative purpose for
780 enacting this part is to ensure that every architect practicing
781 in this state meets minimum requirements for safe practice. It
782 is the legislative intent that architects who fall below minimum
783 competency or who otherwise present a danger to the public shall
784 be prohibited from practicing in this state. ~~The Legislature~~
785 ~~further finds that it is in the interest of the public to limit~~
786 ~~the practice of interior design to interior designers or~~
787 ~~architects who have the design education and training required~~
788 ~~by this part or to persons who are exempted from the provisions~~
789 ~~of this part.~~

790 Section 42. Section 481.203, Florida Statutes, is amended
791 to read:

792 481.203 Definitions.—As used in this part, the term:

793 (1) ~~(3)~~ "Architect" or "registered architect" means a



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794 natural person who is licensed under this part to engage in the
795 practice of architecture.

796 (2)~~(6)~~ "Architecture" means the rendering or offering to
797 render services in connection with the design and construction
798 of a structure or group of structures which have as their
799 principal purpose human habitation or use, and the utilization
800 of space within and surrounding such structures. These services
801 include planning, providing preliminary study designs, drawings
802 and specifications, job-site inspection, and administration of
803 construction contracts.

804 (3)~~(1)~~ "Board" means the Board of Architecture ~~and Interior~~
805 ~~Design.~~

806 (4)~~(5)~~ "Business organization" means a partnership, a
807 limited liability company, a corporation, or an individual
808 operating under a fictitious name "~~Certificate of authorization~~"
809 ~~means a certificate issued by the department to a corporation or~~
810 ~~partnership to practice architecture or interior design.~~

811 (5)~~(4)~~ "Certificate of registration" means a license issued
812 by the department to a natural person to engage in the practice
813 of architecture or interior design.

814 (6)~~(13)~~ "Common area" means an area that is held out for
815 use by all tenants or owners in a multiple-unit dwelling,
816 including, but not limited to, a lobby, elevator, hallway,
817 laundry room, clubhouse, or swimming pool.

818 (7)~~(2)~~ "Department" means the Department of Business and
819 Professional Regulation.

820 (8)~~(14)~~ "Diversified interior design experience" means
821 experience which substantially encompasses the various elements
822 of interior design services set forth under the definition of



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823 "interior design" in subsection (10)~~(8)~~.

824 (9)~~(15)~~ "Interior decorator services" includes the
825 selection or assistance in selection of surface materials,
826 window treatments, wallcoverings, paint, floor coverings,
827 surface-mounted lighting, surface-mounted fixtures, and loose
828 furnishings not subject to regulation under applicable building
829 codes.

830 (10)~~(8)~~ "Interior design" means designs, consultations,
831 studies, drawings, specifications, and administration of design
832 construction contracts relating to nonstructural interior
833 elements of a building or structure. "Interior design" includes,
834 but is not limited to, reflected ceiling plans, space planning,
835 furnishings, and the fabrication of nonstructural elements
836 within and surrounding interior spaces of buildings. "Interior
837 design" specifically excludes the design of or the
838 responsibility for architectural and engineering work, except
839 for specification of fixtures and their location within interior
840 spaces. As used in this subsection, "architectural and
841 engineering interior construction relating to the building
842 systems" includes, but is not limited to, construction of
843 structural, mechanical, plumbing, heating, air-conditioning,
844 ventilating, electrical, or vertical transportation systems, or
845 construction which materially affects lifesafety systems
846 pertaining to firesafety protection such as fire-rated
847 separations between interior spaces, fire-rated vertical shafts
848 in multistory structures, fire-rated protection of structural
849 elements, smoke evacuation and compartmentalization, emergency
850 ingress or egress systems, and emergency alarm systems.

851 ~~(9) "Registered interior designer" or "interior designer"~~



852 ~~means a natural person who is licensed under this part.~~

853 (11)~~(10)~~ "Nonstructural element" means an element which
854 does not require structural bracing and which is something other
855 than a load-bearing wall, load-bearing column, or other load-
856 bearing element of a building or structure which is essential to
857 the structural integrity of the building.

858 (12)~~(11)~~ "Reflected ceiling plan" means a ceiling design
859 plan which is laid out as if it were projected downward and
860 which may include lighting and other elements.

861 (13)~~(16)~~ "Responsible supervising control" means the
862 exercise of direct personal supervision and control throughout
863 the preparation of documents, instruments of service, or any
864 other work requiring the seal and signature of a licensee under
865 this part.

866 (14)~~(12)~~ "Space planning" means the analysis, programming,
867 or design of spatial requirements, including preliminary space
868 layouts and final planning.

869 (15)~~(7)~~ "Townhouse" is a single-family dwelling unit not
870 exceeding three stories in height which is constructed in a
871 series or group of attached units with property lines separating
872 such units. Each townhouse shall be considered a separate
873 building and shall be separated from adjoining townhouses by the
874 use of separate exterior walls meeting the requirements for zero
875 clearance from property lines as required by the type of
876 construction and fire protection requirements; or shall be
877 separated by a party wall; or may be separated by a single wall
878 meeting the following requirements:

879 (a) Such wall shall provide not less than 2 hours of fire
880 resistance. Plumbing, piping, ducts, or electrical or other



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881 building services shall not be installed within or through the
882 2-hour wall unless such materials and methods of penetration
883 have been tested in accordance with the Standard Building Code.

884 (b) Such wall shall extend from the foundation to the
885 underside of the roof sheathing, and the underside of the roof
886 shall have at least 1 hour of fire resistance for a width not
887 less than 4 feet on each side of the wall.

888 (c) Each dwelling unit sharing such wall shall be designed
889 and constructed to maintain its structural integrity independent
890 of the unit on the opposite side of the wall.

891 Section 43. Subsection (1) and paragraph (a) of subsection
892 (3) of section 481.205, Florida Statutes, are amended to read:

893 481.205 Board of Architecture ~~and Interior Design.~~

894 (1) The Board of Architecture ~~and Interior Design~~ is
895 created within the Department of Business and Professional
896 Regulation. The board shall consist of seven ~~11~~ members. Five
897 members must be registered architects who have been engaged in
898 the practice of architecture for at least 5 years; ~~three members~~
899 ~~must be registered interior designers who have been offering~~
900 ~~interior design services for at least 5 years and who are not~~
901 ~~also registered architects;~~ and two ~~three~~ members must be
902 laypersons who are not, and have never been, architects,
903 ~~interior designers,~~ or members of any closely related profession
904 or occupation. At least one member of the board must be 60 years
905 of age or older.

906 (3) (a) Notwithstanding the provisions of ss. 455.225,
907 455.228, and 455.32, the duties and authority of the department
908 to receive complaints and investigate and discipline persons
909 licensed under this part, including the ability to determine



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910 legal sufficiency and probable cause; to initiate proceedings
911 and issue final orders for summary suspension or restriction of
912 a license pursuant to s. 120.60(6); to issue notices of
913 noncompliance, notices to cease and desist, subpoenas, and
914 citations; to retain legal counsel, investigators, or
915 prosecutorial staff in connection with the licensed practice of
916 architecture ~~and interior design~~; and to investigate and deter
917 the unlicensed practice of architecture ~~and interior design~~ as
918 provided in s. 455.228 are delegated to the board. All
919 complaints and any information obtained pursuant to an
920 investigation authorized by the board are confidential and
921 exempt from s. 119.07(1) as provided in s. 455.225(2) and (10).

922 Section 44. Section 481.207, Florida Statutes, is amended
923 to read:

924 481.207 Fees.—The board, by rule, may establish separate
925 fees for architects ~~and interior designers~~, to be paid for
926 applications, examination, reexamination, licensing and renewal,
927 delinquency, reinstatement, and recordmaking and recordkeeping.
928 The examination fee shall be in an amount that covers the cost
929 of obtaining and administering the examination and shall be
930 refunded if the applicant is found ineligible to sit for the
931 examination. The application fee is nonrefundable. The fee for
932 initial application and examination for architects ~~and interior~~
933 ~~designers~~ may not exceed \$775 plus the actual per applicant cost
934 to the department for purchase of the examination from the
935 National Council of Architectural Registration Boards ~~or the~~
936 ~~National Council of Interior Design Qualifications,~~
937 ~~respectively,~~ or similar national organizations. The biennial
938 renewal fee for architects may not exceed \$200. ~~The biennial~~



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939 ~~renewal fee for interior designers may not exceed \$500.~~ The
940 delinquency fee may not exceed the biennial renewal fee
941 established by the board for an active license. The board shall
942 establish fees that are adequate to ensure the continued
943 operation of the board and to fund the proportionate expenses
944 incurred by the department which are allocated to the regulation
945 of architects ~~and interior designers~~. Fees shall be based on
946 department estimates of the revenue required to implement this
947 part and the provisions of law with respect to the regulation of
948 architects ~~and interior designers~~.

949 Section 45. Section 481.209, Florida Statutes, is amended
950 to read:

951 481.209 Examinations.—

952 ~~(1)~~ A person desiring to be licensed as a registered
953 architect by initial examination shall apply to the department,
954 complete the application form, and remit a nonrefundable
955 application fee. The department shall license any applicant who
956 the board certifies:

957 ~~(a)~~ has passed the licensure examination prescribed by
958 board rule; and

959 ~~(b)~~ is a graduate of a school or college of architecture
960 with a program accredited by the National Architectural
961 Accreditation Board.

962 ~~(2)~~ A person desiring to be licensed as a registered
963 interior designer shall apply to the department for licensure.
964 The department shall administer the licensure examination for
965 interior designers to each applicant who has completed the
966 application form and remitted the application and examination
967 fees specified in s. 481.207 and who the board certifies:



968 ~~(a) Is a graduate from an interior design program of 5~~
969 ~~years or more and has completed 1 year of diversified interior~~
970 ~~design experience;~~

971 ~~(b) Is a graduate from an interior design program of 4~~
972 ~~years or more and has completed 2 years of diversified interior~~
973 ~~design experience;~~

974 ~~(c) Has completed at least 3 years in an interior design~~
975 ~~curriculum and has completed 3 years of diversified interior~~
976 ~~design experience; or~~

977 ~~(d) Is a graduate from an interior design program of at~~
978 ~~least 2 years and has completed 4 years of diversified interior~~
979 ~~design experience.~~

980 ~~Subsequent to October 1, 2000, for the purpose of having the~~
981 ~~educational qualification required under this subsection~~
982 ~~accepted by the board, the applicant must complete his or her~~
983 ~~education at a program, school, or college of interior design~~
984 ~~whose curriculum has been approved by the board as of the time~~
985 ~~of completion. Subsequent to October 1, 2003, all of the~~
986 ~~required amount of educational credits shall have been obtained~~
987 ~~in a program, school, or college of interior design whose~~
988 ~~curriculum has been approved by the board, as of the time each~~
989 ~~educational credit is gained. The board shall adopt rules~~
990 ~~providing for the review and approval of programs, schools, and~~
991 ~~colleges of interior design and courses of interior design study~~
992 ~~based on a review and inspection by the board of the curriculum~~
993 ~~of programs, schools, and colleges of interior design in the~~
994 ~~United States, including those programs, schools, and colleges~~
995 ~~accredited by the Foundation for Interior Design Education~~
996 ~~Research. The board shall adopt rules providing for the review~~



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997 ~~and approval of diversified interior design experience required~~
998 ~~by this subsection.~~

999 Section 46. Subsections (1) through (4) of section 481.213,
1000 Florida Statutes, are amended to read:

1001 481.213 Licensure.—

1002 (1) The department shall license any applicant who the
1003 board certifies is qualified for licensure and who has paid the
1004 initial licensure fee. ~~Licensure as an architect under this~~
1005 ~~section shall be deemed to include all the rights and privileges~~
1006 ~~of licensure as an interior designer under this section.~~

1007 (2) The board shall certify for licensure by examination
1008 any applicant who passes the prescribed licensure examination
1009 and satisfies the requirements of ss. 481.209 and 481.211, ~~for~~
1010 ~~architects, or the requirements of s. 481.209, for interior~~
1011 ~~designers.~~

1012 (3) The board shall certify as qualified for a license by
1013 endorsement as an architect ~~or as an interior designer~~ an
1014 applicant who:

1015 (a) Qualifies to take the prescribed licensure examination,
1016 and has passed the prescribed licensure examination or a
1017 substantially equivalent examination in another jurisdiction, as
1018 set forth in s. 481.209 for architects ~~or interior designers, as~~
1019 ~~applicable~~, and has satisfied the internship requirements set
1020 forth in s. 481.211 for architects;

1021 (b) Holds a valid license to practice architecture ~~or~~
1022 ~~interior design~~ issued by another jurisdiction of the United
1023 States, if the criteria for issuance of such license were
1024 substantially equivalent to the licensure criteria that existed
1025 in this state at the time the license was issued; ~~provided,~~



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1026 ~~however, that an applicant who has been licensed for use of the~~
1027 ~~title "interior design" rather than licensed to practice~~
1028 ~~interior design shall not qualify hereunder; or~~

1029 (c) Has passed the prescribed licensure examination and
1030 holds a valid certificate issued by the National Council of
1031 Architectural Registration Boards, and holds a valid license to
1032 practice architecture issued by another state or jurisdiction of
1033 the United States.

1034 (4) The board may refuse to certify any applicant who has
1035 violated any of the provisions of s. 481.223, or s. 481.225, ~~or~~
1036 ~~s. 481.2251~~, as applicable.

1037 Section 47. Section 481.2131, Florida Statutes, is amended
1038 to read:

1039 481.2131 Interior design; practice requirements; ~~disclosure~~
1040 ~~of compensation for professional services.-~~

1041 (1) ~~A registered interior designer is authorized to perform~~
1042 ~~"interior design" as defined in s. 481.203. Interior design~~
1043 ~~documents prepared by a registered interior designer shall~~
1044 ~~contain a statement that the document is not an architectural or~~
1045 ~~engineering study, drawing, specification, or design and is not~~
1046 ~~to be used for construction of any load-bearing columns, load-~~
1047 ~~bearing framing or walls of structures, or issuance of any~~
1048 ~~building permit, except as otherwise provided by law. Interior~~
1049 design documents that are prepared and sealed by an ~~a~~ registered
1050 interior designer must ~~may~~, if required by a permitting body, be
1051 accepted by the permitting body ~~be submitted~~ for the issuance of
1052 a building permit for interior construction excluding design of
1053 any structural, mechanical, plumbing, heating, air-conditioning,
1054 ventilating, electrical, or vertical transportation systems or



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1055 that materially affect lifesafety systems pertaining to
1056 firesafety protection such as fire-rated separations between
1057 interior spaces, fire-rated vertical shafts in multistory
1058 structures, fire-rated protection of structural elements, smoke
1059 evacuation and compartmentalization, emergency ingress or egress
1060 systems, and emergency alarm systems. Interior design documents
1061 submitted for the issuance of a building permit by an individual
1062 performing interior design services who is not a licensed
1063 architect must include written proof that such individual has
1064 successfully passed the qualification examination prescribed by
1065 either the National Council for Interior Design Qualifications
1066 or the California Council for Interior Design Certification. All
1067 drawings, plans, specifications, or reports prepared or issued
1068 by the interior designer and filed for public record shall bear
1069 the signature of the interior designer who prepared or approved
1070 the document and the date on which they were signed. The
1071 signature and date shall be evidence of the authenticity of that
1072 to which they are affixed. Final plans, specifications, or
1073 reports prepared or issued by an interior designer may be
1074 transmitted electronically and may be electronically signed by
1075 the interior designer.

1076 (2) A license or registration is not required for a person
1077 whose occupation or practice is confined to interior design or
1078 interior decorator services ~~An interior designer shall, before~~
1079 ~~entering into a contract, verbal or written, clearly determine~~
1080 ~~the scope and nature of the project and the method or methods of~~
1081 ~~compensation. The interior designer may offer professional~~
1082 ~~services to the client as a consultant, specifier, or supplier~~
1083 ~~on the basis of a fee, percentage, or markup. The interior~~



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1084 ~~designer shall have the responsibility of fully disclosing to~~
1085 ~~the client the manner in which all compensation is to be paid.~~
1086 ~~Unless the client knows and agrees, the interior designer shall~~
1087 ~~not accept any form of compensation from a supplier of goods and~~
1088 ~~services in cash or in kind.~~

1089 Section 48. Subsections (3) and (5) of section 481.215,
1090 Florida Statutes, are amended to read:

1091 481.215 Renewal of license.—

1092 (3) ~~A~~ No license renewal may not ~~shall~~ be issued to an
1093 architect ~~or an interior designer~~ by the department until the
1094 licensee submits proof satisfactory to the department that,
1095 during the 2 years before ~~prior to~~ application for renewal, the
1096 licensee participated per biennium in not less than 20 hours of
1097 at least 50 minutes each per biennium of continuing education
1098 approved by the board. The board shall approve only continuing
1099 education that builds upon the basic knowledge of architecture
1100 ~~or interior design~~. The board may make exception from the
1101 requirements of continuing education in emergency or hardship
1102 cases.

1103 ~~(5) The board shall require, by rule adopted pursuant to~~
1104 ~~ss. 120.536(1) and 120.54, a specified number of hours in~~
1105 ~~specialized or advanced courses, approved by the Florida~~
1106 ~~Building Commission, on any portion of the Florida Building~~
1107 ~~Code, adopted pursuant to part IV of chapter 553, relating to~~
1108 ~~the licensee's respective area of practice.~~

1109 Section 49. Subsection (1) of section 481.217, Florida
1110 Statutes, is amended to read:

1111 481.217 Inactive status.—

1112 (1) The board may prescribe by rule continuing education



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1113 requirements as a condition of reactivating a license. The rules
1114 may not require more than one renewal cycle of continuing
1115 education to reactivate a license for a registered architect ~~or~~
1116 ~~interior designer. For interior design, the board may approve~~
1117 ~~only continuing education that builds upon the basic knowledge~~
1118 ~~of interior design.~~

1119 Section 50. Section 481.219, Florida Statutes, is amended
1120 to read:

1121 481.219 Qualification of business organizations
1122 ~~certification of partnerships, limited liability companies, and~~
1123 ~~corporations.-~~

1124 (1) A licensee may ~~The practice of or the offer to practice~~
1125 ~~architecture or interior design by licensees through a qualified~~
1126 ~~business organization that offers~~ corporation, limited liability
1127 ~~company, or partnership offering architectural or interior~~
1128 ~~design services to the public, or by a corporation, limited~~
1129 ~~liability company, or partnership offering architectural or~~
1130 ~~interior design services to the public through licensees under~~
1131 ~~this part as agents, employees, officers, or partners, is~~
1132 ~~permitted, subject to the provisions of this section.~~

1133 (2) If a licensee or an applicant proposes to engage in the
1134 practice of architecture as a business organization, the
1135 licensee or applicant shall qualify the business organization
1136 upon approval of the board ~~For the purposes of this section, a~~
1137 ~~certificate of authorization shall be required for a~~
1138 ~~corporation, limited liability company, partnership, or person~~
1139 ~~practicing under a fictitious name, offering architectural~~
1140 ~~services to the public jointly or separately. However, when an~~
1141 ~~individual is practicing architecture in her or his own name,~~



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1142 ~~she or he shall not be required to be certified under this~~
1143 ~~section. Certification under this subsection to offer~~
1144 ~~architectural services shall include all the rights and~~
1145 ~~privileges of certification under subsection (3) to offer~~
1146 ~~interior design services.~~

1147 (3) (a) A business organization may not engage in the
1148 practice of architecture unless its qualifying agent is a
1149 registered architect under this part. A qualifying agent who
1150 terminates an affiliation with a qualified business organization
1151 shall immediately notify the department of such termination. If
1152 such qualifying agent is the only qualifying agent for that
1153 business organization, the business organization must be
1154 qualified by another qualifying agent within 60 days after the
1155 termination. Except as provided in paragraph (b), the business
1156 organization may not engage in the practice of architecture
1157 until it is qualified by another qualifying agent.

1158 (b) In the event a qualifying agent ceases employment with
1159 a qualified business organization, the executive director or the
1160 chair of the board may authorize another registered architect
1161 employed by the business organization to temporarily serve as
1162 its qualifying agent for a period of no more than 60 days. The
1163 business organization is not authorized to operate beyond such
1164 period under this chapter absent replacement of the qualifying
1165 agent who has ceased employment.

1166 (c) A qualifying agent shall notify the department in
1167 writing before engaging in the practice of architecture in her
1168 or his own name or in affiliation with a different business
1169 organization, and she or he or such business organization shall
1170 supply the same information to the department as required of



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1171 applicants under this part.

1172 ~~(3) For the purposes of this section, a certificate of~~
1173 ~~authorization shall be required for a corporation, limited~~
1174 ~~liability company, partnership, or person operating under a~~
1175 ~~fictitious name, offering interior design services to the public~~
1176 ~~jointly or separately. However, when an individual is practicing~~
1177 ~~interior design in her or his own name, she or he shall not be~~
1178 ~~required to be certified under this section.~~

1179 (4) All final construction documents and instruments of
1180 service which include drawings, specifications, plans, reports,
1181 or other papers or documents that involve ~~involving~~ the practice
1182 of architecture which are prepared or approved for the use of
1183 the business organization ~~corporation, limited liability~~
1184 ~~company, or partnership~~ and filed for public record within the
1185 state must ~~shall~~ bear the signature and seal of the licensee who
1186 prepared or approved them and the date on which they were
1187 sealed.

1188 ~~(5) All drawings, specifications, plans, reports, or other~~
1189 ~~papers or documents prepared or approved for the use of the~~
1190 ~~corporation, limited liability company, or partnership by an~~
1191 ~~interior designer in her or his professional capacity and filed~~
1192 ~~for public record within the state shall bear the signature and~~
1193 ~~seal of the licensee who prepared or approved them and the date~~
1194 ~~on which they were sealed.~~

1195 ~~(6) The department shall issue a certificate of~~
1196 ~~authorization to any applicant who the board certifies as~~
1197 ~~qualified for a certificate of authorization and who has paid~~
1198 ~~the fee set in s. 481.207.~~

1199 (5)(7) The board shall allow a licensee or ~~certify~~ an



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1200 applicant to qualify one or more business organizations as
1201 ~~qualified for a certificate of authorization to offer~~
1202 architectural ~~or interior design services, or to use a~~
1203 fictitious name to offer such services, if provided that:

1204 ~~(a) one or more of the principal officers of the~~
1205 ~~corporation or limited liability company, or one or more~~
1206 ~~partners of the partnership, and all personnel of the~~
1207 ~~corporation, limited liability company, or partnership who act~~
1208 ~~in its behalf in this state as architects, are registered as~~
1209 ~~provided by this part.~~ ~~or~~

1210 ~~(b) One or more of the principal officers of the~~
1211 ~~corporation or one or more partners of the partnership, and all~~
1212 ~~personnel of the corporation, limited liability company, or~~
1213 ~~partnership who act in its behalf in this state as interior~~
1214 ~~designers, are registered as provided by this part.~~

1215 ~~(8) The department shall adopt rules establishing a~~
1216 ~~procedure for the biennial renewal of certificates of~~
1217 ~~authorization.~~

1218 ~~(9) The department shall renew a certificate of~~
1219 ~~authorization upon receipt of the renewal application and~~
1220 ~~biennial renewal fee.~~

1221 ~~(6)~~~~(10)~~ Each qualifying agent who qualifies a business
1222 organization ~~partnership, limited liability company, and~~
1223 ~~corporation certified under this section shall notify the~~
1224 ~~department within 30 days~~ after ~~of~~ any change in the information
1225 contained in the application upon which the qualification
1226 ~~certification~~ is based. Any registered architect ~~or interior~~
1227 ~~designer~~ who qualifies the business organization shall ensure
1228 ~~corporation, limited liability company, or partnership as~~



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1229 ~~provided in subsection (7) shall be responsible for ensuring~~
1230 responsible supervising control of projects of the business
1231 organization entity and shall notify the department of the ~~upon~~
1232 termination of her or his employment with a business
1233 organization qualified partnership, limited liability company,
1234 ~~or corporation certified~~ under this section ~~shall notify the~~
1235 ~~department of the termination~~ within 30 days after such
1236 termination.

1237 ~~(7)(11)~~ A business organization is not ~~No corporation,~~
1238 ~~limited liability company, or partnership shall be~~ relieved of
1239 responsibility for the conduct or acts of its agents, employees,
1240 or officers by reason of its compliance with this section.
1241 However, except as provided in s. 558.0035, the architect who
1242 signs and seals the construction documents and instruments of
1243 service is ~~shall be~~ liable for the professional services
1244 performed, ~~and the interior designer who signs and seals the~~
1245 ~~interior design drawings, plans, or specifications shall be~~
1246 ~~liable for the professional services performed.~~

1247 ~~(12)~~ ~~Disciplinary action against a corporation, limited~~
1248 ~~liability company, or partnership shall be administered in the~~
1249 ~~same manner and on the same grounds as disciplinary action~~
1250 ~~against a registered architect or interior designer,~~
1251 ~~respectively.~~

1252 ~~(8)(13)~~ Nothing in This section may not shall be construed
1253 to mean that a certificate of registration to practice
1254 architecture ~~or interior design~~ must shall be held by a business
1255 organization ~~corporation, limited liability company, or~~
1256 ~~partnership. Nothing in This section does not prohibit a~~
1257 business organization from offering ~~prohibits corporations,~~



1258 ~~limited liability companies, and partnerships from joining~~
1259 ~~together to offer architectural or, engineering, interior~~
1260 ~~design, surveying and mapping, and landscape architectural~~
1261 ~~services, or any combination of such services, to the public if~~
1262 ~~the business organization, provided that each corporation,~~
1263 ~~limited liability company, or partnership otherwise meets the~~
1264 requirements of law.

1265 ~~(14) Corporations, limited liability companies, or~~
1266 ~~partnerships holding a valid certificate of authorization to~~
1267 ~~practice architecture shall be permitted to use in their title~~
1268 ~~the term "interior designer" or "registered interior designer."~~

1269 Section 51. Subsections (4), (6), (8), (10), (11), and (12)
1270 of section 481.221, Florida Statutes, are renumbered as
1271 subsections (3), (4), (5), (6), (7), and (8), respectively, and
1272 present subsections (3), (5), (7), (9), (10), (11), and (12) of
1273 that section are amended to read:

1274 481.221 Seals; display of certificate number; permitting
1275 requirements.-

1276 ~~(3) The board shall adopt a rule prescribing the distinctly~~
1277 ~~different seals to be used by registered interior designers~~
1278 ~~holding valid certificates of registration. Each registered~~
1279 ~~interior designer shall obtain a seal as prescribed by the~~
1280 ~~board, and all drawings, plans, specifications, or reports~~
1281 ~~prepared or issued by the registered interior designer and being~~
1282 ~~filed for public record shall bear the signature and seal of the~~
1283 ~~registered interior designer who prepared or approved the~~
1284 ~~document and the date on which they were sealed. The signature,~~
1285 ~~date, and seal shall be evidence of the authenticity of that to~~
1286 ~~which they are affixed. Final plans, specifications, or reports~~



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1287 ~~prepared or issued by a registered interior designer may be~~
1288 ~~transmitted electronically and may be signed by the registered~~
1289 ~~interior designer, dated, and sealed electronically with the~~
1290 ~~seal in accordance with ss. 668.001-668.006.~~

1291 ~~(5) No registered interior designer shall affix, or permit~~
1292 ~~to be affixed, her or his seal or signature to any plan,~~
1293 ~~specification, drawing, or other document which depicts work~~
1294 ~~which she or he is not competent or licensed to perform.~~

1295 ~~(7) No registered interior designer shall affix her or his~~
1296 ~~signature or seal to any plans, specifications, or other~~
1297 ~~documents which were not prepared by her or him or under her or~~
1298 ~~his responsible supervising control or by another registered~~
1299 ~~interior designer and reviewed, approved, or modified and~~
1300 ~~adopted by her or him as her or his own work according to rules~~
1301 ~~adopted by the board.~~

1302 ~~(9) Studies, drawings, specifications, and other related~~
1303 ~~documents prepared by a registered interior designer in~~
1304 ~~providing interior design services shall be of a sufficiently~~
1305 ~~high standard to clearly and accurately indicate all essential~~
1306 ~~parts of the work to which they refer.~~

1307 ~~(6)(10) Each registered architect must or interior~~
1308 ~~designer, and each corporation, limited liability company, or~~
1309 ~~partnership holding a certificate of authorization, shall~~
1310 ~~include her or his license ~~its certificate~~ number in any~~
1311 ~~newspaper, telephone directory, or other advertising medium used~~
1312 ~~by the registered licensee ~~architect, interior designer,~~~~
1313 ~~corporation, limited liability company, or partnership. Each~~
1314 ~~business organization must include the license number of the~~
1315 ~~registered architect who serves as the qualifying agent for that~~



1316 business organization in any newspaper, telephone directory, or
1317 other advertising medium used by the business organization. A
1318 business organization is not required to display the license
1319 numbers of other registered architects employed by the business
1320 organization ~~A corporation, limited liability company, or~~
1321 ~~partnership is not required to display the certificate number of~~
1322 ~~individual registered architects or interior designers employed~~
1323 ~~by or working within the corporation, limited liability company,~~
1324 ~~or partnership.~~

1325 (7) ~~(11)~~ When the certificate of registration of a
1326 registered architect ~~or interior designer~~ has been revoked or
1327 suspended by the board, the registered architect ~~or interior~~
1328 ~~designer~~ shall surrender her or his seal to the secretary of the
1329 board within a period of 30 days after the revocation or
1330 suspension has become effective. If the certificate of the
1331 registered architect ~~or interior designer~~ has been suspended for
1332 a period of time, her or his seal shall be returned to her or
1333 him upon expiration of the suspension period.

1334 (8) ~~(12)~~ A person may not sign and seal by any means any
1335 final plan, specification, or report after her or his
1336 certificate of registration has expired or is suspended or
1337 revoked. A registered architect ~~or interior designer~~ whose
1338 certificate of registration is suspended or revoked shall,
1339 within 30 days after the effective date of the suspension or
1340 revocation, surrender her or his seal to the executive director
1341 of the board and confirm in writing to the executive director
1342 the cancellation of the registered architect's ~~or interior~~
1343 ~~designer's~~ electronic signature in accordance with ss. 668.001-
1344 668.006. When a registered architect's ~~or interior designer's~~



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1345 certificate of registration is suspended for a period of time,
1346 her or his seal shall be returned upon expiration of the period
1347 of suspension.

1348 Section 52. Section 481.222, Florida Statutes, is amended
1349 to read:

1350 481.222 Architects performing building code inspection
1351 services.—Notwithstanding any other provision of law, a person
1352 who is currently licensed to practice as an architect under this
1353 part may provide building code inspection services described in
1354 s. 468.603(5) and (8) to a local government or state agency upon
1355 its request, without being certified by the Florida Building
1356 Code Administrators and Inspectors Board under part XII of
1357 chapter 468. With respect to the performance of such building
1358 code inspection services, the architect is subject to the
1359 disciplinary guidelines of this part and s. 468.621(1)(c)-(h).
1360 Any complaint processing, investigation, and discipline that
1361 arise out of an architect's performance of building code
1362 inspection services shall be conducted by the Board of
1363 Architecture ~~and Interior Design~~ rather than the Florida
1364 Building Code Administrators and Inspectors Board. An architect
1365 may not perform plans review as an employee of a local
1366 government upon any job that the architect or the architect's
1367 company designed.

1368 Section 53. Section 481.223, Florida Statutes, is amended
1369 to read:

1370 481.223 Prohibitions; penalties; injunctive relief.—

1371 (1) A person may not knowingly:

1372 (a) Practice architecture unless the person is an architect
1373 or a registered architect; however, a licensed architect who has



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1374 been licensed by the board and who chooses to relinquish or not
1375 to renew his or her license may use the title "Architect,
1376 Retired" but may not otherwise render any architectural
1377 services.

1378 ~~(b) Practice interior design unless the person is a~~
1379 ~~registered interior designer unless otherwise exempted herein;~~
1380 ~~however, an interior designer who has been licensed by the board~~
1381 ~~and who chooses to relinquish or not to renew his or her license~~
1382 ~~may use the title "Interior Designer, Retired" but may not~~
1383 ~~otherwise render any interior design services.~~

1384 ~~(b)(e) Use the name or title "architect," or "registered~~
1385 ~~architect," or "interior designer" or "registered interior~~
1386 ~~designer," or words to that effect, when the person is not then~~
1387 ~~the holder of a valid license issued pursuant to this part.~~

1388 ~~(c)(d) Present as his or her own the license of another.~~

1389 ~~(d)(e) Give false or forged evidence to the board or a~~
1390 ~~member thereof.~~

1391 ~~(e)(f) Use or attempt to use an architect or interior~~
1392 ~~designer license that has been suspended, revoked, or placed on~~
1393 ~~inactive or delinquent status.~~

1394 ~~(f)(g) Employ unlicensed persons to practice architecture~~
1395 ~~or interior design.~~

1396 ~~(g)(h) Conceal information relative to violations of this~~
1397 ~~part.~~

1398 (2) Any person who violates any provision of subsection (1)
1399 commits a misdemeanor of the first degree, punishable as
1400 provided in s. 775.082 or s. 775.083.

1401 (3) (a) Notwithstanding chapter 455 or any other law to the
1402 contrary, an affected person may maintain an action for



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1403 injunctive relief to restrain or prevent a person from violating
1404 paragraph (1) (a) or paragraph (1) (b), ~~or paragraph (1) (c)~~. The
1405 prevailing party is entitled to actual costs and attorney's
1406 fees.

1407 (b) For purposes of this subsection, the term "affected
1408 person" means a person directly affected by the actions of a
1409 person suspected of violating paragraph (1) (a) or paragraph
1410 (1) (b), ~~or paragraph (1) (c)~~ and includes, but is not limited to,
1411 the department, any person who received services from the
1412 alleged violator, or any private association composed primarily
1413 of members of the profession the alleged violator is practicing
1414 or offering to practice or holding himself or herself out as
1415 qualified to practice.

1416 Section 54. Section 481.2251, Florida Statutes, is
1417 repealed.

1418 Section 55. Subsections (5) through (8) of section 481.229,
1419 Florida Statutes, are amended to read:

1420 481.229 Exceptions; exemptions from licensure.-

1421 ~~(5) (a) Nothing contained in this part shall prevent a~~
1422 ~~registered architect or a partnership, limited liability~~
1423 ~~company, or corporation holding a valid certificate of~~
1424 ~~authorization to provide architectural services from performing~~
1425 ~~any interior design service or from using the title "interior~~
1426 ~~designer" or "registered interior designer."~~

1427 ~~(b) Notwithstanding any other provision of this part, all~~
1428 ~~persons licensed as architects under this part shall be~~
1429 ~~qualified for interior design licensure upon submission of a~~
1430 ~~completed application for such license and a fee not to exceed~~
1431 ~~\$30. Such persons shall be exempt from the requirements of s.~~



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1432 ~~481.209(2). For architects licensed as interior designers,~~
1433 ~~satisfaction of the requirements for renewal of licensure as an~~
1434 ~~architect under s. 481.215 shall be deemed to satisfy the~~
1435 ~~requirements for renewal of licensure as an interior designer~~
1436 ~~under that section. Complaint processing, investigation, or~~
1437 ~~other discipline-related legal costs related to persons licensed~~
1438 ~~as interior designers under this paragraph shall be assessed~~
1439 ~~against the architects' account of the Regulatory Trust Fund.~~

1440 ~~(c) Notwithstanding any other provision of this part, any~~
1441 ~~corporation, partnership, or person operating under a fictitious~~
1442 ~~name which holds a certificate of authorization to provide~~
1443 ~~architectural services shall be qualified, without fee, for a~~
1444 ~~certificate of authorization to provide interior design services~~
1445 ~~upon submission of a completed application therefor. For~~
1446 ~~corporations, partnerships, and persons operating under a~~
1447 ~~fictitious name which hold a certificate of authorization to~~
1448 ~~provide interior design services, satisfaction of the~~
1449 ~~requirements for renewal of the certificate of authorization to~~
1450 ~~provide architectural services under s. 481.219 shall be deemed~~
1451 ~~to satisfy the requirements for renewal of the certificate of~~
1452 ~~authorization to provide interior design services under that~~
1453 ~~section.~~

1454 ~~(6) This part shall not apply to:~~

1455 ~~(a) A person who performs interior design services or~~
1456 ~~interior decorator services for any residential application,~~
1457 ~~provided that such person does not advertise as, or represent~~
1458 ~~himself or herself as, an interior designer. For purposes of~~
1459 ~~this paragraph, "residential applications" includes all types of~~
1460 ~~residences, including, but not limited to, residence buildings,~~



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1461 ~~single family homes, multifamily homes, townhouses, apartments,~~
1462 ~~condominiums, and domestic outbuildings appurtenant to one-~~
1463 ~~family or two family residences. However, "residential~~
1464 ~~applications" does not include common areas associated with~~
1465 ~~instances of multiple-unit dwelling applications.~~

1466 ~~(b) An employee of a retail establishment providing~~
1467 ~~"interior decorator services" on the premises of the retail~~
1468 ~~establishment or in the furtherance of a retail sale or~~
1469 ~~prospective retail sale, provided that such employee does not~~
1470 ~~advertise as, or represent himself or herself as, an interior~~
1471 ~~designer.~~

1472 ~~(7) Nothing in this part shall be construed as authorizing~~
1473 ~~or permitting an interior designer to engage in the business of,~~
1474 ~~or to act as, a contractor within the meaning of chapter 489,~~
1475 ~~unless registered or certified as a contractor pursuant to~~
1476 ~~chapter 489.~~

1477 ~~(5)(8)~~ A manufacturer of commercial food service equipment
1478 or the manufacturer's representative, distributor, or dealer or
1479 an employee thereof, who prepares designs, specifications, or
1480 layouts for the sale or installation of such equipment is exempt
1481 from licensure as an architect ~~or interior designer~~, if:

1482 (a) The designs, specifications, or layouts are not used
1483 for construction or installation that may affect structural,
1484 mechanical, plumbing, heating, air conditioning, ventilating,
1485 electrical, or vertical transportation systems.

1486 (b) The designs, specifications, or layouts do not
1487 materially affect lifesafety systems pertaining to firesafety
1488 protection, smoke evacuation and compartmentalization, and
1489 emergency ingress or egress systems.



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1490 (c) Each design, specification, or layout document prepared
1491 by a person or entity exempt under this subsection contains a
1492 statement on each page of the document that the designs,
1493 specifications, or layouts are not architectural, ~~interior~~
1494 ~~design,~~ or engineering designs, specifications, or layouts and
1495 not used for construction unless reviewed and approved by a
1496 licensed architect or engineer.

1497 Section 56. Subsection (1) of section 481.231, Florida
1498 Statutes, is amended to read:

1499 481.231 Effect of part locally.—

1500 (1) ~~Nothing in~~ This part does not ~~shall be construed to~~
1501 ~~repeal, amend, limit, or otherwise affect any specific provision~~
1502 ~~of any local building code or zoning law or ordinance that has~~
1503 ~~been duly adopted, now or hereafter enacted, which is more~~
1504 ~~restrictive, with respect to the services of registered~~
1505 ~~architects or registered interior designers, than the provisions~~
1506 ~~of this part; provided, however, that a licensed architect shall~~
1507 ~~be deemed licensed as an interior designer for purposes of~~
1508 ~~offering or rendering interior design services to a county,~~
1509 ~~municipality, or other local government or political~~
1510 ~~subdivision.~~

1511 Section 57. Section 481.303, Florida Statutes, is amended
1512 to read:

1513 481.303 Definitions.—As used in this chapter, the term:

1514 (1) "Board" means the Board of Landscape Architecture.

1515 (2) ~~(4)~~ "Certificate of registration" means a license issued
1516 by the department to a natural person to engage in the practice
1517 of landscape architecture.

1518 (3) ~~(2)~~ "Department" means the Department of Business and



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1519 Professional Regulation.

1520 ~~(5) "Certificate of authorization" means a license issued~~
1521 ~~by the department to a corporation or partnership to engage in~~
1522 ~~the practice of landscape architecture.~~

1523 (4)~~(6)~~ "Landscape architecture" means professional
1524 services, including, but not limited to, the following:

1525 (a) Consultation, investigation, research, planning,
1526 design, preparation of drawings, specifications, contract
1527 documents and reports, responsible construction supervision, or
1528 landscape management in connection with the planning and
1529 development of land and incidental water areas, including the
1530 use of Florida-friendly landscaping as defined in s. 373.185,
1531 where, and to the extent that, the dominant purpose of such
1532 services or creative works is the preservation, conservation,
1533 enhancement, or determination of proper land uses, natural land
1534 features, ground cover and plantings, or naturalistic and
1535 aesthetic values;

1536 (b) The determination of settings, grounds, and approaches
1537 for and the siting of buildings and structures, outdoor areas,
1538 or other improvements;

1539 (c) The setting of grades, shaping and contouring of land
1540 and water forms, determination of drainage, and provision for
1541 storm drainage and irrigation systems where such systems are
1542 necessary to the purposes outlined herein; and

1543 (d) The design of such tangible objects and features as are
1544 necessary to the purpose outlined herein.

1545 (5)~~(7)~~ "Landscape design" means consultation for and
1546 preparation of planting plans drawn for compensation, including
1547 specifications and installation details for plant materials,



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1548 soil amendments, mulches, edging, gravel, and other similar
1549 materials. Such plans may include only recommendations for the
1550 conceptual placement of tangible objects for landscape design
1551 projects. Construction documents, details, and specifications
1552 for tangible objects and irrigation systems shall be designed or
1553 approved by licensed professionals as required by law.

1554 ~~(6)~~⁽³⁾ "Registered landscape architect" means a person who
1555 holds a license to practice landscape architecture in this state
1556 under the authority of this act.

1557 Section 58. Section 481.310, Florida Statutes, is amended
1558 to read:

1559 481.310 Practical experience requirement.—Beginning October
1560 1, 1990, every applicant for licensure as a registered landscape
1561 architect shall demonstrate, prior to licensure, 1 year of
1562 practical experience in landscape architectural work. An
1563 applicant who holds a master of landscape architecture degree
1564 and a bachelor's degree in a related field is not required to
1565 demonstrate 1 year of practical experience in landscape
1566 architectural work to obtain licensure. The board shall adopt
1567 rules providing standards for the required experience. An
1568 applicant who qualifies for examination pursuant to s.
1569 481.309(1)(b)1. may obtain the practical experience after
1570 completing the required professional degree. Experience used to
1571 qualify for examination pursuant to s. 481.309(1)(b)2. may not
1572 be used to satisfy the practical experience requirement under
1573 this section.

1574 Section 59. Subsections (5) and (6) of section 481.311,
1575 Florida Statutes, are renumbered as subsections (4) and (5),
1576 respectively, and subsection (3) and present subsection (4) of



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1577 that section are amended, to read:

1578 481.311 Licensure.—

1579 (3) The board shall certify as qualified for a license by
1580 endorsement an applicant who:

1581 (a) Qualifies to take the examination as set forth in s.
1582 481.309; and has passed a national, regional, state, or
1583 territorial licensing examination which is substantially
1584 equivalent to the examination required by s. 481.309; ~~or~~

1585 (b) Holds a valid license to practice landscape
1586 architecture issued by another state or territory of the United
1587 States, if the criteria for issuance of such license were
1588 substantially identical to the licensure criteria which existed
1589 in this state at the time the license was issued; or-

1590 (c) Has held a valid license to practice landscape
1591 architecture in another state or territory of the United States
1592 for at least 10 years before the date of application and has
1593 successfully completed a state, regional, national, or other
1594 examination that is equivalent to or more stringent than the
1595 examination required by the board, subject to subsection (5). An
1596 applicant who has met the requirements to be qualified for a
1597 license by endorsement except for successful completion of an
1598 examination that is equivalent to or more stringent than the
1599 examination required by the board may take the examination
1600 required by the board without completing additional education
1601 requirements.

1602 ~~(4) The board shall certify as qualified for a certificate~~
1603 ~~of authorization any applicant corporation or partnership who~~
1604 ~~satisfies the requirements of s. 481.319.~~

1605 Section 60. Subsection (2) of section 481.317, Florida



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1606 Statutes, is amended to read:

1607 481.317 Temporary certificates.—

1608 ~~(2) Upon approval by the board and payment of the fee set~~
1609 ~~in s. 481.307, the department shall grant a temporary~~
1610 ~~certificate of authorization for work on one specified project~~
1611 ~~in this state for a period not to exceed 1 year to an out-of-~~
1612 ~~state corporation, partnership, or firm, provided one of the~~
1613 ~~principal officers of the corporation, one of the partners of~~
1614 ~~the partnership, or one of the principals in the fictitiously~~
1615 ~~named firm has obtained a temporary certificate of registration~~
1616 ~~in accordance with subsection (1).~~

1617 Section 61. Section 481.319, Florida Statutes, is amended
1618 to read:

1619 481.319 Corporate and partnership practice of landscape
1620 architecture; ~~certificate of authorization.~~—

1621 (1) The practice of or offer to practice landscape
1622 architecture by registered landscape architects registered under
1623 this part through a corporation or partnership offering
1624 landscape architectural services to the public, or through a
1625 corporation or partnership offering landscape architectural
1626 services to the public through individual registered landscape
1627 architects as agents, employees, officers, or partners, is
1628 permitted, subject to the provisions of this section, if:

1629 (a) One or more of the principal officers of the
1630 corporation, or partners of the partnership, and all personnel
1631 of the corporation or partnership who act in its behalf as
1632 landscape architects in this state are registered landscape
1633 architects; and

1634 (b) One or more of the officers, one or more of the



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1635 directors, one or more of the owners of the corporation, or one
1636 or more of the partners of the partnership is a registered
1637 landscape architect; ~~and~~

1638 ~~(c) The corporation or partnership has been issued a~~
1639 ~~certificate of authorization by the board as provided herein.~~

1640 (2) All documents involving the practice of landscape
1641 architecture which are prepared for the use of the corporation
1642 or partnership shall bear the signature and seal of a registered
1643 landscape architect.

1644 (3) A landscape architect applying to practice in the name
1645 of a ~~An applicant~~ corporation must ~~shall~~ file with the
1646 department the names and addresses of all officers and board
1647 members of the corporation, including the principal officer or
1648 officers, duly registered to practice landscape architecture in
1649 this state and, also, of all individuals duly registered to
1650 practice landscape architecture in this state who shall be in
1651 responsible charge of the practice of landscape architecture by
1652 the corporation in this state. A landscape architect applying to
1653 practice in the name of a ~~An applicant~~ partnership must ~~shall~~
1654 file with the department the names and addresses of all partners
1655 of the partnership, including the partner or partners duly
1656 registered to practice landscape architecture in this state and,
1657 also, of an individual or individuals duly registered to
1658 practice landscape architecture in this state who shall be in
1659 responsible charge of the practice of landscape architecture by
1660 said partnership in this state.

1661 (4) Each landscape architect qualifying a partnership or
1662 ~~and corporation licensed~~ under this part must ~~shall~~ notify the
1663 department within 1 month after ~~of~~ any change in the information



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1664 contained in the application upon which the license is based.
1665 Any landscape architect who terminates her or his ~~or her~~
1666 employment with a partnership or corporation licensed under this
1667 part shall notify the department of the termination within 1
1668 month after such termination.

1669 ~~(5) Disciplinary action against a corporation or~~
1670 ~~partnership shall be administered in the same manner and on the~~
1671 ~~same grounds as disciplinary action against a registered~~
1672 ~~landscape architect.~~

1673 (5)~~(6)~~ Except as provided in s. 558.0035, the fact that a
1674 registered landscape architect practices landscape architecture
1675 through a corporation or partnership as provided in this section
1676 does not relieve the landscape architect from personal liability
1677 for her or his ~~or her~~ professional acts.

1678 Section 62. Subsection (5) of section 481.321, Florida
1679 Statutes, is amended to read:

1680 481.321 Seals; display of certificate number.—

1681 (5) Each registered landscape architect must ~~and each~~
1682 ~~corporation or partnership holding a certificate of~~
1683 ~~authorization shall~~ include her or his ~~its~~ certificate number in
1684 any newspaper, telephone directory, or other advertising medium
1685 used by the registered landscape architect, corporation, or
1686 partnership. A corporation or partnership must ~~is not required~~
1687 ~~to~~ display the certificate number ~~numbers~~ of at least one
1688 officer, director, owner, or partner who is a individual
1689 registered landscape architect ~~architects~~ employed by or
1690 practicing with the corporation or partnership.

1691 Section 63. Subsection (5) of section 481.329, Florida
1692 Statutes, is amended to read:



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1693 481.329 Exceptions; exemptions from licensure.-

1694 (5) This part does not prohibit any person from engaging in
1695 the practice of landscape design, as defined in s. 481.303
1696 ~~481.303(7)~~, or from submitting for approval to a governmental
1697 agency planting plans that are independent of, or a component
1698 of, construction documents that are prepared by a Florida-
1699 registered professional. Persons providing landscape design
1700 services shall not use the title, term, or designation
1701 "landscape architect," "landscape architectural," "landscape
1702 architecture," "L.A.," "landscape engineering," or any
1703 description tending to convey the impression that she or he is a
1704 landscape architect unless she or he is registered as provided
1705 in this part.

1706 Section 64. Subsection (9) of section 489.103, Florida
1707 Statutes, is amended to read:

1708 489.103 Exemptions.—This part does not apply to:

1709 (9) Any work or operation of a casual, minor, or
1710 inconsequential nature in which the aggregate contract price for
1711 labor, materials, and all other items is less than \$2,500
1712 ~~\$1,000~~, but this exemption does not apply:

1713 (a) If the construction, repair, remodeling, or improvement
1714 is a part of a larger or major operation, whether undertaken by
1715 the same or a different contractor, or in which a division of
1716 the operation is made in contracts of amounts less than \$2,500
1717 ~~\$1,000~~ for the purpose of evading this part or otherwise.

1718 (b) To a person who advertises that he or she is a
1719 contractor or otherwise represents that he or she is qualified
1720 to engage in contracting.

1721 Section 65. Subsection (2) of section 489.111, Florida



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1722 Statutes, is amended to read:
1723 489.111 Licensure by examination.—
1724 (2) A person shall be eligible for licensure by examination
1725 if the person:
1726 (a) Is 18 years of age;
1727 (b) Is of good moral character; and
1728 (c) Meets eligibility requirements according to one of the
1729 following criteria:
1730 1. Has received a baccalaureate degree from an accredited
1731 4-year college in the appropriate field of engineering,
1732 architecture, or building construction and has 1 year of proven
1733 experience in the category in which the person seeks to qualify.
1734 For the purpose of this part, a minimum of 2,000 person-hours
1735 shall be used in determining full-time equivalency.
1736 2. Has a total of at least 4 years of active experience as
1737 a worker who has learned the trade by serving an apprenticeship
1738 as a skilled worker who is able to command the rate of a
1739 mechanic in the particular trade or as a foreman who is in
1740 charge of a group of workers and usually is responsible to a
1741 superintendent or a contractor or his or her equivalent,
1742 provided, however, that at least 1 year of active experience
1743 shall be as a foreman.
1744 3. Has a combination of not less than 1 year of experience
1745 as a foreman and not less than 3 years of credits for any
1746 accredited college-level courses; has a combination of not less
1747 than 1 year of experience as a skilled worker, 1 year of
1748 experience as a foreman, and not less than 2 years of credits
1749 for any accredited college-level courses; or has a combination
1750 of not less than 2 years of experience as a skilled worker, 1



1751 year of experience as a foreman, and not less than 1 year of
1752 credits for any accredited college-level courses. All junior
1753 college or community college-level courses shall be considered
1754 accredited college-level courses.

1755 4.a. An active certified residential contractor is eligible
1756 to receive a certified building contractor license after passing
1757 or having previously passed ~~take~~ the building contractors'
1758 examination if he or she possesses a minimum of 3 years of
1759 proven experience in the classification in which he or she is
1760 certified.

1761 b. An active certified residential contractor is eligible
1762 to receive a certified general contractor license after passing
1763 or having previously passed ~~take~~ the general contractors'
1764 examination if he or she possesses a minimum of 4 years of
1765 proven experience in the classification in which he or she is
1766 certified.

1767 c. An active certified building contractor is eligible to
1768 receive a certified general contractor license after passing or
1769 having previously passed ~~take~~ the general contractors'
1770 examination if he or she possesses a minimum of 4 years of
1771 proven experience in the classification in which he or she is
1772 certified.

1773 5.a. An active certified air-conditioning Class C
1774 contractor is eligible to receive a certified air-conditioning
1775 Class B contractor license after passing or having previously
1776 passed ~~take~~ the air-conditioning Class B contractors'
1777 examination if he or she possesses a minimum of 3 years of
1778 proven experience in the classification in which he or she is
1779 certified.



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1780 b. An active certified air-conditioning Class C contractor
1781 is eligible to receive a certified air-conditioning Class A
1782 contractor license after passing or having previously passed
1783 ~~take~~ the air-conditioning Class A contractors' examination if he
1784 or she possesses a minimum of 4 years of proven experience in
1785 the classification in which he or she is certified.

1786 c. An active certified air-conditioning Class B contractor
1787 is eligible to receive a certified air-conditioning Class A
1788 contractor license after passing or having previously passed
1789 ~~take~~ the air-conditioning Class A contractors' examination if he
1790 or she possesses a minimum of 1 year of proven experience in the
1791 classification in which he or she is certified.

1792 6.a. An active certified swimming pool servicing contractor
1793 is eligible to receive a certified residential swimming pool
1794 contractor license after passing or having previously passed
1795 ~~take~~ the residential swimming pool contractors' examination if
1796 he or she possesses a minimum of 3 years of proven experience in
1797 the classification in which he or she is certified.

1798 b. An active certified swimming pool servicing contractor
1799 is eligible to receive a certified commercial swimming pool
1800 contractor license after passing or having previously passed
1801 ~~take~~ the swimming pool commercial contractors' examination if he
1802 or she possesses a minimum of 4 years of proven experience in
1803 the classification in which he or she is certified.

1804 c. An active certified residential swimming pool contractor
1805 is eligible to receive a certified commercial swimming pool
1806 contractor license after passing or having previously passed
1807 ~~take~~ the commercial swimming pool contractors' examination if he
1808 or she possesses a minimum of 1 year of proven experience in the



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1809 classification in which he or she is certified.

1810 d. An applicant is eligible to receive a certified swimming
1811 pool/spa servicing contractor license after passing or having
1812 previously passed ~~take~~ the swimming pool/spa servicing
1813 contractors' examination if he or she has satisfactorily
1814 completed 60 hours of instruction in courses related to the
1815 scope of work covered by that license and approved by the
1816 Construction Industry Licensing Board by rule and has at least 1
1817 year of proven experience related to the scope of work of such a
1818 contractor.

1819 Section 66. Subsection (3) of section 489.115, Florida
1820 Statutes, is amended to read:

1821 489.115 Certification and registration; endorsement;
1822 reciprocity; renewals; continuing education.—

1823 (3) The board shall certify as qualified for certification
1824 by endorsement any applicant who:

1825 (a) Meets the requirements for certification as set forth
1826 in this section; has passed a national, regional, state, or
1827 United States territorial licensing examination that is
1828 substantially equivalent to the examination required by this
1829 part; and has satisfied the requirements set forth in s.
1830 489.111;

1831 (b) Holds a valid license to practice contracting issued by
1832 another state or territory of the United States, if the criteria
1833 for issuance of such license were substantially equivalent to
1834 Florida's current certification criteria; ~~or~~

1835 (c) Holds a valid, current license to practice contracting
1836 issued by another state or territory of the United States, if
1837 the state or territory has entered into a reciprocal agreement



1838 with the board for the recognition of contractor licenses issued
1839 in that state, based on criteria for the issuance of such
1840 licenses that are substantially equivalent to the criteria for
1841 certification in this state; or

1842 (d) Has held a valid, current license to practice
1843 contracting issued by another state or territory for at least 10
1844 years before the date of application and is applying for the
1845 same or similar license in this state, subject to subsections
1846 (5)-(9).

1847 Section 67. Subsection (5) of section 489.511, Florida
1848 Statutes, is amended to read:

1849 489.511 Certification; application; examinations;
1850 endorsement.—

1851 (5) The board shall certify as qualified for certification
1852 by endorsement any individual applying for certification who:

1853 (a) Meets the requirements for certification as set forth
1854 in this section; has passed a national, regional, state, or
1855 United States territorial licensing examination that is
1856 substantially equivalent to the examination required by this
1857 part; and has satisfied the requirements set forth in s.

1858 489.521; ~~or~~

1859 (b) Holds a valid license to practice electrical or alarm
1860 system contracting issued by another state or territory of the
1861 United States, if the criteria for issuance of such license was
1862 substantially equivalent to the certification criteria that
1863 existed in this state at the time the certificate was issued; or

1864 (c) Has held a valid, current license to practice
1865 electrical or alarm system contracting issued by another state
1866 or territory for at least 10 years before the date of



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1867 application and is applying for the same or similar license in
1868 this state, subject to ss. 489.510 and 489.521(3)(a), and
1869 subparagraph (1)(b)1.

1870 Section 68. Subsection (3) and paragraph (b) of subsection
1871 (4) of section 489.517, Florida Statutes, are amended to read:

1872 489.517 Renewal of certificate or registration; continuing
1873 education.—

1874 (3) Each certificateholder or registrant shall provide
1875 proof, in a form established by rule of the board, that the
1876 certificateholder or registrant has completed at least 7 ~~14~~
1877 classroom hours of at least 50 minutes each of continuing
1878 education courses during each biennium since the issuance or
1879 renewal of the certificate or registration. The board shall by
1880 rule establish criteria for the approval of continuing education
1881 courses and providers and may by rule establish criteria for
1882 accepting alternative nonclassroom continuing education on an
1883 hour-for-hour basis.

1884 (4)

1885 (b) Of the 7 ~~14~~ classroom hours of continuing education
1886 required, at least 1 hour ~~7 hours~~ must be on technical subjects,
1887 1 hour on workers' compensation, 1 hour on workplace safety, 1
1888 hour on business practices, and for alarm system contractors and
1889 electrical contractors engaged in alarm system contracting, 2
1890 hours on false alarm prevention.

1891 Section 69. Paragraph (b) of subsection (1) of section
1892 489.518, Florida Statutes, is amended to read:

1893 489.518 Alarm system agents.—

1894 (1) A licensed electrical or alarm system contractor may
1895 not employ a person to perform the duties of a burglar alarm



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1896 system agent unless the person:

1897 (b) Has successfully completed a minimum of 14 hours of
1898 training within 90 days after employment, to include basic alarm
1899 system electronics in addition to related training including
1900 CCTV and access control training, with at least 2 hours of
1901 training in the prevention of false alarms. Such training shall
1902 be from a board-approved provider, and the employee or applicant
1903 for employment shall provide proof of successful completion to
1904 the licensed employer. The board shall by rule establish
1905 criteria for the approval of training courses and providers and
1906 may by rule establish criteria for accepting alternative
1907 nonclassroom education on an hour-for-hour basis. The board
1908 shall approve providers that conduct training in other than the
1909 English language. The board shall establish a fee for the
1910 approval of training providers or courses, not to exceed \$60.
1911 Qualified employers may conduct training classes for their
1912 employees, with board approval.

1913 Section 70. Section 492.104, Florida Statutes, is amended,
1914 to read:

1915 492.104 Rulemaking authority.—The Board of Professional
1916 Geologists has authority to adopt rules pursuant to ss.
1917 120.536(1) and 120.54 to implement this chapter. Every licensee
1918 shall be governed and controlled by this chapter and the rules
1919 adopted by the board. The board is authorized to set, by rule,
1920 fees for application, examination, ~~certificate of authorization,~~
1921 late renewal, initial licensure, and license renewal. These fees
1922 may ~~should~~ not exceed the cost of implementing the application,
1923 examination, initial licensure, and license renewal or other
1924 administrative process and shall be established as follows:



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1925 (1) The application fee shall not exceed \$150 and shall be
1926 nonrefundable.

1927 (2) The examination fee shall not exceed \$250, and the fee
1928 may be apportioned to each part of a multipart examination. The
1929 examination fee shall be refundable in whole or part if the
1930 applicant is found to be ineligible to take any portion of the
1931 licensure examination.

1932 (3) The initial license fee shall not exceed \$100.

1933 (4) The biennial renewal fee shall not exceed \$150.

1934 ~~(5) The fee for a certificate of authorization shall not~~
1935 ~~exceed \$350 and the fee for renewal of the certificate shall not~~
1936 ~~exceed \$350.~~

1937 ~~(5)~~(6) The fee for reactivation of an inactive license may
1938 ~~shall~~ not exceed \$50.

1939 ~~(6)~~(7) The fee for a provisional license may ~~shall~~ not
1940 exceed \$400.

1941 ~~(7)~~(8) The fee for application, examination, and licensure
1942 for a license by endorsement is ~~shall be~~ as provided in this
1943 section for licenses in general.

1944 Section 71. Subsection (1) of section 492.108, Florida
1945 Statutes, is amended to read:

1946 492.108 Licensure by endorsement; requirements; fees.-

1947 (1) The department shall issue a license by endorsement to
1948 any applicant who, upon applying to the department and remitting
1949 an application fee, has been certified by the board that he or
1950 she:

1951 (a) Has met the qualifications for licensure in s.

1952 492.105(1) (b)-(e) and:-

1953 1.~~(b)~~ Is the holder of an active license in good standing



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1954 in a state, trust, territory, or possession of the United
1955 States.

1956 2.(e) Was licensed through written examination in at least
1957 one state, trust, territory, or possession of the United States,
1958 the examination requirements of which have been approved by the
1959 board as substantially equivalent to or more stringent than
1960 those of this state, and has received a score on such
1961 examination which is equal to or greater than the score required
1962 by this state for licensure by examination.

1963 3.(d) Has taken and successfully passed the laws and rules
1964 portion of the examination required for licensure as a
1965 professional geologist in this state.

1966 (b) Has held a valid license to practice geology in another
1967 state, trust, territory, or possession of the United States for
1968 at least 10 years before the date of application and has
1969 successfully completed a state, regional, national, or other
1970 examination that is equivalent to or more stringent than the
1971 examination required by the department. If such applicant has
1972 met the requirements for a license by endorsement except
1973 successful completion of an examination that is equivalent to or
1974 more stringent than the examination required by the board, such
1975 applicant may take the examination required by the board.

1976 Section 72. Section 492.111, Florida Statutes, is amended
1977 to read:

1978 492.111 Practice of professional geology by a firm,
1979 corporation, or partnership; ~~certificate of authorization.~~—The
1980 practice of, or offer to practice, professional geology by
1981 individual professional geologists licensed under the provisions
1982 of this chapter through a firm, corporation, or partnership



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1983 offering geological services to the public through individually
1984 licensed professional geologists as agents, employees, officers,
1985 or partners thereof is permitted subject to the provisions of
1986 this chapter, if ~~provided that~~:

1987 (1) At all times that it offers geological services to the
1988 public, the firm, corporation, or partnership is qualified by
1989 ~~has on file with the department the name and license number of~~
1990 one or more individuals who hold a current, active license as a
1991 professional geologist in the state and are serving as a
1992 geologist of record for the firm, corporation, or partnership. A
1993 geologist of record may be any principal officer or employee of
1994 such firm or corporation, or any partner or employee of such
1995 partnership, who holds a current, active license as a
1996 professional geologist in this state, or any other Florida-
1997 licensed professional geologist with whom the firm, corporation,
1998 or partnership has entered into a long-term, ongoing
1999 relationship, as defined by rule of the board, to serve as one
2000 of its geologists of record. ~~It shall be the responsibility of~~
2001 ~~the firm, corporation, or partnership and~~ The geologist of
2002 record shall ~~to~~ notify the department of any changes in the
2003 relationship or identity of that geologist of record within 30
2004 days after such change.

2005 ~~(2) The firm, corporation, or partnership has been issued a~~
2006 ~~certificate of authorization by the department as provided in~~
2007 ~~this chapter. For purposes of this section, a certificate of~~
2008 ~~authorization shall be required of any firm, corporation,~~
2009 ~~partnership, association, or person practicing under a~~
2010 ~~fictitious name and offering geological services to the public;~~
2011 ~~except that, when an individual is practicing professional~~



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2012 ~~geology in her or his own name, she or he shall not be required~~
2013 ~~to obtain a certificate of authorization under this section.~~
2014 ~~Such certificate of authorization shall be renewed every 2~~
2015 ~~years.~~

2016 (2)~~(3)~~ All final geological papers or documents involving
2017 the practice of the profession of geology which have been
2018 prepared or approved for the use of such firm, corporation, or
2019 partnership, for delivery to any person for public record with
2020 the state, shall be dated and bear the signature and seal of the
2021 professional geologist or professional geologists who prepared
2022 or approved them.

2023 (3)~~(4)~~ Except as provided in s. 558.0035, the fact that a
2024 licensed professional geologist practices through a corporation
2025 or partnership does not relieve the registrant from personal
2026 liability for negligence, misconduct, or wrongful acts committed
2027 by her or him. The partnership and all partners are jointly and
2028 severally liable for the negligence, misconduct, or wrongful
2029 acts committed by their agents, employees, or partners while
2030 acting in a professional capacity. Any officer, agent, or
2031 employee of a corporation is personally liable and accountable
2032 only for negligent acts, wrongful acts, or misconduct committed
2033 by her or him or committed by any person under her or his direct
2034 supervision and control, while rendering professional services
2035 on behalf of the corporation. The personal liability of a
2036 shareholder of a corporation, in her or his capacity as
2037 shareholder, may be no greater than that of a shareholder-
2038 employee of a corporation incorporated under chapter 607. The
2039 corporation is liable up to the full value of its property for
2040 any negligent acts, wrongful acts, or misconduct committed by



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2041 any of its officers, agents, or employees while they are engaged
2042 on behalf of the corporation in the rendering of professional
2043 services.

2044 ~~(5) The firm, corporation, or partnership desiring a~~
2045 ~~certificate of authorization shall file with the department an~~
2046 ~~application therefor, upon a form to be prescribed by the~~
2047 ~~department, accompanied by the required application fee.~~

2048 ~~(6) The department may refuse to issue a certificate of~~
2049 ~~authorization if any facts exist which would entitle the~~
2050 ~~department to suspend or revoke an existing certificate of~~
2051 ~~authorization or if the department, after giving persons~~
2052 ~~involved a full and fair hearing, determines that any of the~~
2053 ~~officers or directors of said firm or corporation, or partners~~
2054 ~~of said partnership, have violated the provisions of s. 492.113.~~

2055 Section 73. Subsection (4) of section 492.113, Florida
2056 Statutes, is amended to read:

2057 492.113 Disciplinary proceedings.—

2058 (4) The department shall reissue the license of a
2059 disciplined professional geologist ~~or business~~ upon
2060 certification by the board that the disciplined person has
2061 complied with ~~all of~~ the terms and conditions set forth in the
2062 final order.

2063 Section 74. Section 492.115, Florida Statutes, is amended
2064 to read:

2065 492.115 Roster of licensed professional geologists.—A
2066 roster showing the names and places of business or residence of
2067 all licensed professional geologists and all properly qualified
2068 firms, corporations, or partnerships practicing holding
2069 ~~certificates of authorization to practice professional geology~~



2070 in the state shall be prepared annually by the department. A
2071 copy of this roster must be made available to ~~shall be~~
2072 ~~obtainable by~~ each licensed professional geologist and each
2073 firm, corporation, or partnership qualified by a professional
2074 geologist holding a certificate of authorization, and copies
2075 thereof shall be placed on file with the department.

2076 Section 75. Paragraph (i) of subsection (2) of section
2077 548.003, Florida Statutes, is amended to read:

2078 548.003 Florida State Boxing Commission.—

2079 (2) The Florida State Boxing Commission, as created by
2080 subsection (1), shall administer the provisions of this chapter.
2081 The commission has authority to adopt rules pursuant to ss.
2082 120.536(1) and 120.54 to implement the provisions of this
2083 chapter and to implement each of the duties and responsibilities
2084 conferred upon the commission, including, but not limited to:

2085 ~~(i) Designation and duties of a knockdown timekeeper.~~

2086 Section 76. Subsection (1) of section 548.017, Florida
2087 Statutes, is amended to read:

2088 548.017 Participants, managers, and other persons required
2089 to have licenses.—

2090 (1) A participant, manager, trainer, second, ~~timekeeper,~~
2091 referee, judge, ~~announcer,~~ physician, matchmaker, or promoter
2092 must be licensed before directly or indirectly acting in such
2093 capacity in connection with any match involving a participant. A
2094 physician approved by the commission must be licensed pursuant
2095 to chapter 458 or chapter 459, must maintain an unencumbered
2096 license in good standing, and must demonstrate satisfactory
2097 medical training or experience in boxing, or a combination of
2098 both, to the executive director before working as the ringside



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2099 physician.

2100 Section 77. Paragraph (d) of subsection (1) of section

2101 553.5141, Florida Statutes, is amended to read:

2102 553.5141 Certifications of conformity and remediation

2103 plans.—

2104 (1) For purposes of this section:

2105 (d) "Qualified expert" means:

2106 1. An engineer licensed pursuant to chapter 471.

2107 2. A certified general contractor licensed pursuant to

2108 chapter 489.

2109 3. A certified building contractor licensed pursuant to

2110 chapter 489.

2111 4. A building code administrator licensed pursuant to

2112 chapter 468.

2113 5. A building inspector licensed pursuant to chapter 468.

2114 6. A plans examiner licensed pursuant to chapter 468.

2115 7. An interior designer who has passed the qualification

2116 examination prescribed by either the National Council for

2117 Interior Design Qualifications or the California Council for

2118 Interior Design Certification ~~licensed pursuant to chapter 481.~~

2119 8. An architect licensed pursuant to chapter 481.

2120 9. A landscape architect licensed pursuant to chapter 481.

2121 10. Any person who has prepared a remediation plan related

2122 to a claim under Title III of the Americans with Disabilities

2123 Act, 42 U.S.C. s. 12182, that has been accepted by a federal

2124 court in a settlement agreement or court proceeding, or who has

2125 been qualified as an expert in Title III of the Americans with

2126 Disabilities Act, 42 U.S.C. s. 12182, by a federal court.

2127 Section 78. Effective January 1, 2020, subsection (1) of



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2128 section 553.74, Florida Statutes, is amended to read:

2129 553.74 Florida Building Commission.—

2130 (1) The Florida Building Commission is created and located
2131 within the Department of Business and Professional Regulation
2132 for administrative purposes. Members are appointed by the
2133 Governor subject to confirmation by the Senate. The commission
2134 is composed of 20 ~~27~~ members, consisting of the following
2135 members:

2136 (a) One architect licensed pursuant to chapter 481 with at
2137 least 5 years of experience in the design and construction of
2138 buildings containing Florida Building Code designated Group R
2139 occupancy at or above 210 feet in height above the elevation of
2140 the lowest level of emergency services access ~~registered to~~
2141 ~~practice in this state and actively engaged in the profession.~~
2142 ~~The American Institute of Architects, Florida Section, is~~
2143 ~~encouraged to recommend a list of candidates for consideration.~~

2144 (b) One structural engineer registered to practice in this
2145 state and actively engaged in the profession. The Florida
2146 Engineering Society is encouraged to recommend a list of
2147 candidates for consideration.

2148 (c) One air-conditioning or mechanical contractor certified
2149 to do business in this state and actively engaged in the
2150 profession. The Florida Air Conditioning Contractors
2151 Association, the Florida Refrigeration and Air Conditioning
2152 Contractors Association, and the Mechanical Contractors
2153 Association of Florida are encouraged to recommend a list of
2154 candidates for consideration.

2155 (d) One electrical contractor certified to do business in
2156 this state and actively engaged in the profession. The Florida



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2157 Association of Electrical Contractors and the National
2158 Electrical Contractors Association, Florida Chapter, are
2159 encouraged to recommend a list of candidates for consideration.

2160 ~~(e) One member from fire protection engineering or~~
2161 ~~technology who is actively engaged in the profession. The~~
2162 ~~Florida Chapter of the Society of Fire Protection Engineers and~~
2163 ~~the Florida Fire Marshals and Inspectors Association are~~
2164 ~~encouraged to recommend a list of candidates for consideration.~~

2165 (e) ~~(f)~~ One certified general contractor or one certified
2166 building contractor certified to do business in this state and
2167 actively engaged in the profession. The Associated Builders and
2168 Contractors of Florida, the Florida Associated General
2169 Contractors Council, the Florida Home Builders Association, and
2170 the Union Contractors Association are encouraged to recommend a
2171 list of candidates for consideration.

2172 (f) ~~(g)~~ One plumbing contractor licensed to do business in
2173 this state and actively engaged in the profession. The Florida
2174 Association of Plumbing, Heating, and Cooling Contractors is
2175 encouraged to recommend a list of candidates for consideration.

2176 (g) ~~(h)~~ One roofing or sheet metal contractor certified to
2177 do business in this state and actively engaged in the
2178 profession. The Florida Roofing, Sheet Metal, and Air
2179 Conditioning Contractors Association and the Sheet Metal and Air
2180 Conditioning Contractors' National Association are encouraged to
2181 recommend a list of candidates for consideration.

2182 (h) ~~(i)~~ One certified residential contractor licensed to do
2183 business in this state and actively engaged in the profession.
2184 The Florida Home Builders Association is encouraged to recommend
2185 a list of candidates for consideration.



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2186 (i)-(j) Three members who are municipal, county, or district
2187 codes enforcement officials, one of whom is also a fire
2188 official. The Building Officials Association of Florida and the
2189 Florida Fire Marshals and Inspectors Association are encouraged
2190 to recommend a list of candidates for consideration.

2191 (j) The State Fire Marshal or his or her designee who has
2192 expertise in fire suppression.

2193 ~~(k) One member who represents the Department of Financial~~
2194 ~~Services.~~

2195 ~~(l) One member who is a county codes enforcement official.~~
2196 ~~The Building Officials Association of Florida is encouraged to~~
2197 ~~recommend a list of candidates for consideration.~~

2198 (k)-(m) One member of a Florida-based organization of
2199 persons with disabilities or a nationally chartered organization
2200 of persons with disabilities with chapters in this state which
2201 complies with or is certified to be compliant with the
2202 requirements of the Americans with Disability Act of 1990, as
2203 amended.

2204 (l)-(n) One member of the manufactured buildings industry
2205 who is licensed to do business in this state and is actively
2206 engaged in the industry. The Florida Manufactured Housing
2207 Association is encouraged to recommend a list of candidates for
2208 consideration.

2209 (o) One mechanical or electrical engineer registered to
2210 practice in this state and actively engaged in the profession.
2211 The Florida Engineering Society is encouraged to recommend a
2212 list of candidates for consideration.

2213 ~~(p) One member who is a representative of a municipality or~~
2214 ~~a charter county. The Florida League of Cities and the Florida~~



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2215 ~~Association of Counties are encouraged to recommend a list of~~
2216 ~~candidates for consideration.~~

2217 (p)~~(q)~~ One member of the building products manufacturing
2218 industry who is authorized to do business in this state and is
2219 actively engaged in the industry. The Florida Building Material
2220 Association, the Florida Concrete and Products Association, and
2221 the Fenestration Manufacturers Association are encouraged to
2222 recommend a list of candidates for consideration.

2223 ~~(r) One member who is a representative of the building~~
2224 ~~owners and managers industry who is actively engaged in~~
2225 ~~commercial building ownership or management. The Building Owners~~
2226 ~~and Managers Association is encouraged to recommend a list of~~
2227 ~~candidates for consideration.~~

2228 (q)~~(s)~~ One member who is a representative of the insurance
2229 industry. The Florida Insurance Council is encouraged to
2230 recommend a list of candidates for consideration.

2231 ~~(t) One member who is a representative of public education.~~

2232 (r)~~(u)~~ One member who is a swimming pool contractor
2233 licensed to do business in this state and actively engaged in
2234 the profession. The Florida Swimming Pool Association and the
2235 United Pool and Spa Association are encouraged to recommend a
2236 list of candidates for consideration.

2237 (s)~~(v)~~ One member who is a representative of the green
2238 building industry and who is a third-party commission agent, a
2239 Florida board member of the United States Green Building Council
2240 or Green Building Initiative, a professional who is accredited
2241 under the International Green Construction Code (IGCC), or a
2242 professional who is accredited under Leadership in Energy and
2243 Environmental Design (LEED).



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2244 ~~(t)~~ ~~(w)~~ One member who is a representative of a natural gas
2245 distribution system and who is actively engaged in the
2246 distribution of natural gas in this state. The Florida Natural
2247 Gas Association is encouraged to recommend a list of candidates
2248 for consideration.

2249 ~~(x) One member who is a representative of the Department of~~
2250 ~~Agriculture and Consumer Services' Office of Energy. The~~
2251 ~~Commissioner of Agriculture is encouraged to recommend a list of~~
2252 ~~candidates for consideration.~~

2253 ~~(y) One member who shall be the chair.~~

2254 Section 79. Paragraph (c) of subsection (5) of section
2255 553.79, Florida Statutes, is amended to read:

2256 553.79 Permits; applications; issuance; inspections.-

2257 (5)

2258 (c) The architect or engineer of record may act as the
2259 special inspector provided she or he is on the Board of
2260 Professional Engineers' or the Board of Architecture's
2261 ~~Architecture and Interior Design's~~ list of persons qualified to
2262 be special inspectors. School boards may utilize employees as
2263 special inspectors provided such employees are on one of the
2264 professional licensing board's list of persons qualified to be
2265 special inspectors.

2266 Section 80. Subsection (7) of section 558.002, Florida
2267 Statutes, is amended to read:

2268 558.002 Definitions.-As used in this chapter, the term:

2269 (7) "Design professional" means a person, as defined in s.
2270 1.01, who is licensed in this state as an architect, interior
2271 ~~designer, a~~ landscape architect, an engineer, a surveyor, or a
2272 geologist.



2273 Section 81. Subsection (3) of section 559.25, Florida
2274 Statutes, is amended to read:

2275 559.25 Exemptions.—The provisions of this part shall not
2276 apply to or affect the following persons:

2277 ~~(3) Duly licensed auctioneers, selling at auction.~~

2278 Section 82. Paragraphs (h) and (k) of subsection (2) of
2279 section 287.055, Florida Statutes, are amended to read:

2280 287.055 Acquisition of professional architectural,
2281 engineering, landscape architectural, or surveying and mapping
2282 services; definitions; procedures; contingent fees prohibited;
2283 penalties.—

2284 (2) DEFINITIONS.—For purposes of this section:

2285 (h) A “design-build firm” means a partnership, corporation,
2286 or other legal entity that:

2287 1. Is certified under s. 489.119 to engage in contracting
2288 through a certified or registered general contractor or a
2289 certified or registered building contractor as the qualifying
2290 agent; or

2291 2. Is qualified ~~certified~~ under s. 471.023 to practice or
2292 to offer to practice engineering; qualified ~~certified~~ under s.
2293 481.219 to practice or to offer to practice architecture; or
2294 qualified ~~certified~~ under s. 481.319 to practice or to offer to
2295 practice landscape architecture.

2296 (k) A “design criteria professional” means a firm that is
2297 qualified ~~who holds a current certificate of registration~~ under
2298 chapter 481 to practice architecture or landscape architecture
2299 or a firm who holds a current certificate as a registered
2300 engineer under chapter 471 to practice engineering and who is
2301 employed by or under contract to the agency for the providing of



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2302 professional architect services, landscape architect services,
2303 or engineering services in connection with the preparation of
2304 the design criteria package.

2305 Section 83. Except as otherwise expressly provided in this
2306 act, this act shall take effect July 1, 2019.

2307
2308 ===== T I T L E A M E N D M E N T =====

2309 And the title is amended as follows:

2310 Delete everything before the enacting clause
2311 and insert:

2312 A bill to be entitled
2313 An act relating to the deregulation of professions and
2314 occupations; amending s. 20.165, F.S.; renaming the
2315 Board of Architecture and Interior Design as the Board
2316 of Architecture within the Department of Professional
2317 Regulation; amending s. 326.004, F.S.; deleting the
2318 requirement for a yacht broker to maintain a separate
2319 license for each branch office; deleting the
2320 requirement for the division to establish a fee;
2321 amending s. 447.02, F.S.; conforming provisions to
2322 changes made by the act; repealing s. 447.04, F.S.,
2323 relating to licensure and permit requirements for
2324 business agents; repealing s. 447.041, F.S., relating
2325 to hearings for persons or labor organizations denied
2326 licensure as a business agent; repealing s. 447.045,
2327 F.S., relating to confidential information obtained
2328 during the application process; repealing s. 447.06,
2329 F.S., relating to required registration of labor
2330 organizations; amending s. 447.09, F.S.; deleting



2331 certain prohibited actions relating to the right of
2332 franchise of a member of a labor organization;
2333 repealing s. 447.12, F.S., relating to registration
2334 fees; repealing s. 447.16, F.S., relating to
2335 applicability; amending s. 447.305, F.S.; deleting a
2336 provision that requires notification of registrations
2337 and renewals to the department; amending s. 455.213,
2338 F.S.; requiring the Department of Business and
2339 Professional Regulation or a board to seek reciprocal
2340 licensing agreements with other states under certain
2341 circumstances; providing requirements; requiring the
2342 department, in consultation with applicable
2343 professional boards and the Department of Education,
2344 to conduct a specified review of certain
2345 apprenticeship programs; requiring the Department of
2346 Business and Professional Regulation to submit a
2347 report to the Governor and the Legislature by a
2348 specified date; amending s. 468.385, F.S.; revising
2349 requirements relating to businesses auctioning or
2350 offering to auction property in this state; amending
2351 s. 468.401, F.S.; redefining the term "talent agency";
2352 amending s. 468.408, F.S.; conforming provisions to
2353 changes made by the act; amending s. 468.412, F.S.;
2354 requiring employees of talent agencies to complete
2355 level 1 background screenings; amending s. 468.415,
2356 F.S.; prohibiting any agent, owner, or operator who
2357 commits sexual misconduct in the operation of a talent
2358 agency from acting as an agent, owner, or operator of
2359 a Florida talent agency; amending s. 468.524, F.S.;



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2360 deleting specified exemptions from the time
2361 restriction for an employee leasing company to reapply
2362 for licensure; amending s. 468.613, F.S.; providing
2363 for waiver of specified requirements for certification
2364 under certain circumstances; amending s. 468.8314,
2365 F.S.; requiring an applicant for a license by
2366 endorsement to maintain a specified insurance policy;
2367 requiring the department to certify an applicant who
2368 holds a specified license issued by another state or
2369 territory of the United States under certain
2370 circumstances; amending s. 468.8414, F.S.; providing
2371 additional licensure requirements for mold
2372 remediators; amending s. 469.006, F.S.; providing
2373 additional licensure requirements for asbestos
2374 abatement consulting or contracting as a partnership,
2375 corporation, business trust, or other legal entity;
2376 amending s. 469.009, F.S.; conforming provisions to
2377 changes made by the act; amending s. 471.005, F.S.;
2378 revising definitions; amending s. 471.011, F.S.;
2379 conforming a provision to changes made by the act;
2380 amending s. 471.015, F.S.; revising licensure
2381 requirements for engineers who hold specified licenses
2382 in another state; amending s. 471.023, F.S.; providing
2383 requirements for qualification of a business
2384 organization; providing requirements for a qualifying
2385 agent; deleting the administration of disciplinary
2386 action against a business organization; amending s.
2387 473.308, F.S.; deleting continuing education
2388 requirements for license by endorsement for certified



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2389 public accountants; amending s. 474.202, F.S.;

2390 revising the definition of the term "limited-service

2391 veterinary medical practice" to include certain

2392 vaccinations or immunizations; amending s. 474.207,

2393 F.S.; revising education requirements for licensure by

2394 examination; amending s. 474.217, F.S.; requiring the

2395 Department of Business and Professional Regulation to

2396 issue a license by endorsement to certain applicants

2397 who successfully complete a specified examination;

2398 amending s. 476.144, F.S.; requiring the department to

2399 license an applicant who is licensed to practice

2400 barbering in another state; amending s. 477.013, F.S.;

2401 revising the definition of the term "hair braiding";

2402 repealing s. 477.0132, F.S., relating to registration

2403 for hair braiding, hair wrapping, and body wrapping;

2404 amending s. 477.0135, F.S.; providing additional

2405 exemptions from license or registration requirements

2406 for specified occupations or practices; amending s.

2407 477.019, F.S.; conforming provisions to changes made

2408 by the act; amending s. 477.026, F.S.; conforming

2409 provisions to changes made by the act; amending s.

2410 477.0263, F.S.; providing certain cosmetology services

2411 may be performed in a location other than a licensed

2412 salon under certain circumstances; amending ss.

2413 477.0265 and 477.029, F.S.; conforming provisions to

2414 changes made by the act; amending s. 481.201, F.S.;

2415 deleting legislative findings relating to the practice

2416 of interior design; amending s. 481.203, F.S.;

2417 revising definitions; amending s. 481.205, F.S.;



2418 renaming the Board of Architecture and Interior Design
2419 as the Board of Architecture; revising membership of
2420 the board; conforming provisions; amending ss.
2421 481.207, 481.209, and 481.213, F.S.; conforming
2422 provisions; amending s. 481.2131, F.S.; requiring
2423 certain interior designers to include proof of
2424 completed specified examination requirements when
2425 submitting documents for the issuance of a building
2426 permit; providing that a license or registration is
2427 not required for specified persons to practice;
2428 amending ss. 481.215 and 481.217, F.S.; conforming
2429 provisions to changes made by the act; amending s.
2430 481.219, F.S.; deleting provisions permitting the
2431 practice of or offer to practice interior design
2432 through certain business organizations; deleting
2433 provisions requiring certificates of authorization for
2434 certain business organizations offering interior
2435 design services to the public; requiring a licensee or
2436 applicant in the practice of architecture to qualify
2437 as a business organization; providing requirements;
2438 amending s. 481.221, F.S.; conforming provisions;
2439 requiring a registered architect or a qualifying agent
2440 for a business organization to display their license
2441 number in specified advertisements; providing an
2442 exception; amending ss. 481.222 and 481.223, F.S.;
2443 conforming provisions; repealing s. 481.2251, F.S.,
2444 relating to the practice and regulation of interior
2445 design, registration for interior designers, and
2446 disciplinary proceedings against registered interior



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2447 designers; amending ss. 481.229 and 481.231, F.S.;

2448 conforming provisions; amending s. 481.303, F.S.;

2449 deleting the definition of the term "certificate of

2450 authorization"; amending s. 481.310, F.S.; providing

2451 that an applicant who holds certain degrees is not

2452 required to demonstrate 1 year of practical experience

2453 for licensure; amending s. 481.311, F.S.; requiring

2454 the Board of Landscape Architecture to certify an

2455 applicant who holds a specified license issued by

2456 another state or territory of the United States under

2457 certain circumstances; conforming provisions; amending

2458 s. 481.317, F.S.; conforming provisions; amending s.

2459 481.319, F.S.; deleting the requirement for a

2460 certificate of authorization; authorizing landscape

2461 architects to practice through a corporation or

2462 partnership; amending s. 481.321, F.S.; requiring a

2463 landscape architect to display their certificate

2464 number in specified advertisements; amending s.

2465 481.329, F.S.; conforming a cross-reference; amending

2466 s. 489.103, F.S.; revising certain contract prices for

2467 exemption; amending s. 489.111, F.S.; revising

2468 provisions relating to eligibility for licensure;

2469 amending s. 489.115, F.S.; requiring the Construction

2470 Industry Licensing Board to certify any applicant who

2471 holds a specified license to practice contracting

2472 issued by another state or territory of the United

2473 States under certain circumstances; amending s.

2474 489.511, F.S.; requiring the board to certify as

2475 qualified for certification by endorsement any



2476 applicant who holds a specified license to practice
2477 electrical or alarm system contracting issued by
2478 another state or territory of the United States under
2479 certain circumstances; amending s. 489.517, F.S.;
2480 providing a reduction in certain continuing education
2481 hours required for registered contractors; amending s.
2482 489.518, F.S.; requiring a person to have completed a
2483 specified amount of training within a certain time
2484 period to perform the duties of an alarm system agent;
2485 amending s. 492.104, F.S.; conforming provisions to
2486 changes made by the act; amending s. 492.108, F.S.;
2487 requiring the department to issue a license by
2488 endorsement to any applicant who has held a specified
2489 license to practice geology in another state, trust,
2490 territory, or possession of the United States for a
2491 certain period of time; providing that an applicant
2492 may take the examination required by the board if they
2493 have not met the specified examination requirement;
2494 amending s. 492.111, F.S.; deleting the requirements
2495 for a certificate of authorization for a professional
2496 geologist; amending ss. 492.113 and 492.115, F.S.;
2497 conforming provisions; amending s. 548.003, F.S.;
2498 deleting the requirement that the Florida State Boxing
2499 Commission adopt rules relating to a knockdown
2500 timekeeper; amending s. 548.017, F.S.; deleting the
2501 licensure requirement for a timekeeper or an
2502 announcer; amending s. 553.5141, F.S.; conforming
2503 provisions to changes made by the act; amending s.
2504 553.74, F.S.; revising the membership and



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2505 qualifications of the Florida Building Commission;
2506 amending ss. 553.79, 558.002, 559.25, and 287.055,
2507 F.S.; conforming provisions to changes made by the
2508 act; providing effective dates.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2019	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Gruters) recommended the following:

1 **Senate Amendment to Amendment (300520) (with title**
2 **amendment)**

3
4 Delete lines 5 - 2272
5 and insert:

6 Section 1. Subsection (13) of section 326.004, Florida
7 Statutes, is amended to read:

8 326.004 Licensing.—

9 (13) Each broker must maintain a principal place of
10 business in this state and may establish branch offices in the



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11 state. ~~A separate license must be maintained for each branch~~
12 ~~office. The division shall establish by rule a fee not to exceed~~
13 ~~\$100 for each branch office license.~~

14 Section 2. Subsection (3) of section 447.02, Florida
15 Statutes, is amended to read:

16 447.02 Definitions.—The following terms, when used in this
17 chapter, shall have the meanings ascribed to them in this
18 section:

19 ~~(3) The term "department" means the Department of Business~~
20 ~~and Professional Regulation.~~

21 Section 3. Section 447.04, Florida Statutes, is repealed.

22 Section 4. Section 447.041, Florida Statutes, is repealed.

23 Section 5. Section 447.045, Florida Statutes, is repealed.

24 Section 6. Section 447.06, Florida Statutes, is repealed.

25 Section 7. Subsections (6) and (8) of section 447.09,
26 Florida Statutes, are amended to read:

27 447.09 Right of franchise preserved; penalties.—It shall be
28 unlawful for any person:

29 ~~(6) To act as a business agent without having obtained and~~
30 ~~possessing a valid and subsisting license or permit.~~

31 ~~(8) To make any false statement in an application for a~~
32 ~~license.~~

33 Section 8. Section 447.12, Florida Statutes, is repealed.

34 Section 9. Section 447.16, Florida Statutes, is repealed.

35 Section 10. Subsection (4) of section 447.305, Florida
36 Statutes, is amended to read:

37 447.305 Registration of employee organization.—

38 ~~(4) Notification of registrations and renewals of~~
39 ~~registration shall be furnished at regular intervals by the~~



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40 ~~commission to the Department of Business and Professional~~
41 ~~Regulation.~~

42 Section 11. Subsections (13) and (14) are added to section
43 455.213, Florida Statutes, to read:

44 455.213 General licensing provisions.—

45 (13) The department or a board must enter into a reciprocal
46 licensing agreement with other states if the practice act within
47 the purview of this chapter permits such agreement. If a
48 reciprocal licensing agreement exists or if the department or
49 board has determined another state's licensing requirements or
50 examinations to be substantially equivalent or more stringent to
51 those under the practice act, the department or board must post
52 on its website which jurisdictions have such reciprocal
53 licensing agreements or substantially similar licenses.

54 (14) Notwithstanding any other law, the department, in
55 consultation with the applicable board and the Department of
56 Education, shall conduct a review of existing apprenticeship
57 programs registered under chapter 446 or with the United States
58 Department of Labor for each of the professions licensed under
59 parts XV and XVI of chapter 468 and chapters 476, 477, and 489
60 to determine which programs, if completed by an applicant, could
61 substitute for the required educational training otherwise
62 required for licensure. The department shall submit a report of
63 its findings and recommendations to the Governor, the President
64 of the Senate, and the Speaker of the House of Representatives
65 by December 31, 2019.

66 Section 12. Paragraph (b) of subsection (7) of section
67 468.385, Florida Statutes, is amended to read:

68 468.385 Licenses required; qualifications; examination.—



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69 (7)

70 (b) A ~~No~~ business may not ~~shall~~ auction or offer to auction
71 any property in this state unless it is owned by an auctioneer
72 who is licensed as an auction business by the department board
73 or is exempt from licensure under this act. Each application for
74 licensure must ~~shall~~ include the names of the owner and the
75 business, the business mailing address and location, and any
76 other information which the board may require. The owner of an
77 auction business shall report to the board within 30 days of any
78 change in this required information.

79 Section 13. Subsection (1) of section 468.401, Florida
80 Statutes, is amended to read:

81 468.401 Regulation of talent agencies; definitions.—As used
82 in this part or any rule adopted pursuant hereto:

83 (1) "Talent agency" means any person who, for compensation,
84 engages in the occupation or business of procuring or attempting
85 to procure engagements for an artist who is younger than 18
86 years of age.

87 Section 14. Subsection (1) of section 468.408, Florida
88 Statutes, is amended to read:

89 468.408 Bond required.—

90 (1) An owner or operator of a ~~There shall be filed with the~~
91 ~~department for each~~ talent agency shall file ~~license~~ a bond in
92 the form of a surety by a reputable company engaged in the
93 bonding business and authorized to do business in this state.
94 The bond shall be for the penal sum of \$5,000, with one or more
95 sureties to be approved by the department, and be conditioned
96 that the owner or operator of the talent agency ~~applicant~~
97 conform to and not violate any of the duties, terms, conditions,



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98 provisions, or requirements of this part.

99 (a) If any person is aggrieved by the misconduct of any
100 talent agency, the person may maintain an action in his or her
101 own name upon the bond of the agency in any court having
102 jurisdiction of the amount claimed. All such claims shall be
103 assignable, and the assignee shall be entitled to the same
104 remedies, upon the bond of the agency or otherwise, as the
105 person aggrieved would have been entitled to if such claim had
106 not been assigned. Any claim or claims so assigned may be
107 enforced in the name of such assignee.

108 (b) The bonding company shall notify the department of any
109 claim against such bond, and a copy of such notice shall be sent
110 to the talent agency against which the claim is made.

111 Section 15. Subsection (12) is added to section 468.412,
112 Florida Statutes, to read:

113 468.412 Talent agency regulations; prohibited acts.—

114 (12) Each employee of a talent agency must complete a level
115 1 background screening pursuant to s. 435.03.

116 Section 16. Section 468.415, Florida Statutes, is amended
117 to read:

118 468.415 Sexual misconduct in the operation of a talent
119 agency.—The talent agent-artist relationship is founded on
120 mutual trust. Sexual misconduct in the operation of a talent
121 agency means violation of the talent agent-artist relationship
122 through which the talent agent uses the relationship to induce
123 or attempt to induce the artist to engage or attempt to engage
124 in sexual activity. Sexual misconduct is prohibited in the
125 operation of a talent agency. ~~If~~ Any agent, owner, or operator
126 of a ~~licensed~~ talent agency who commits ~~is found to have~~



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127 ~~committed~~ sexual misconduct in the operation of a talent agency,
128 ~~the agency license shall be permanently revoked. Such agent,~~
129 ~~owner, or operator shall be permanently prohibited from acting~~
130 ~~disqualified from present and future licensure as an agent,~~
131 ~~owner, or operator of a Florida talent agency.~~

132 Section 17. Subsection (4) of section 468.524, Florida
133 Statutes, is amended to read:

134 468.524 Application for license.—

135 (4) ~~A~~ An applicant or licensee is ineligible to reapply for
136 a license for a period of 1 year following final agency action
137 on the ~~denial or~~ revocation of a license ~~applied for or~~ issued
138 under this part. This time restriction does not apply to
139 administrative ~~denials or~~ revocations entered because:

140 (a) The ~~applicant or~~ licensee has made an inadvertent error
141 or omission on the application;

142 (b) The experience documented to the board was insufficient
143 at the time of the previous application; or

144 ~~(c) The department is unable to complete the criminal~~
145 ~~background investigation because of insufficient information~~
146 ~~from the Florida Department of Law Enforcement, the Federal~~
147 ~~Bureau of Investigation, or any other applicable law enforcement~~
148 ~~agency;~~

149 (c) ~~(d)~~ The ~~applicant or~~ licensee has failed to submit
150 required fees; ~~or~~

151 ~~(e) An applicant or licensed employee leasing company has~~
152 ~~been deemed ineligible for a license because of the lack of good~~
153 ~~moral character of an individual or individuals when such~~
154 ~~individual or individuals are no longer employed in a capacity~~
155 ~~that would require their licensing under this part.~~



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156 Section 18. Section 468.613, Florida Statutes, is amended
157 to read:

158 468.613 Certification by endorsement.—The board shall
159 examine other certification or training programs, as applicable,
160 upon submission to the board for its consideration of an
161 application for certification by endorsement. The board shall
162 waive its examination, qualification, education, or training
163 requirements, to the extent that such examination,
164 qualification, education, or training requirements of the
165 applicant are determined by the board to be comparable with
166 those established by the board. The board shall waive its
167 examination, qualification, education, or training requirements
168 if an applicant for certification by endorsement is at least 18
169 years of age; is of good moral character; has held a valid
170 building administrator, inspector, plans examiner, or the
171 equivalent, certification issued by another state or territory
172 of the United States for at least 10 years before the date of
173 application; and has successfully passed an applicable
174 examination administered by the International Codes Council.

175 Section 19. Subsection (3) of section 468.8314, Florida
176 Statutes, is amended to read:

177 468.8314 Licensure.—

178 (3) The department shall certify as qualified for a license
179 by endorsement an applicant who is of good moral character as
180 determined in s. 468.8313, who maintains an insurance policy as
181 required by s. 468.8322, and who:—

182 (a) Holds a valid license to practice home inspection
183 services in another state or territory of the United States,
184 whose educational requirements are substantially equivalent to



185 those required by this part; and has passed a national,
186 regional, state, or territorial licensing examination that is
187 substantially equivalent to the examination required by this
188 part; or

189 (b) Has held a valid license to practice home inspection
190 services issued by another state or territory of the United
191 States for at least 10 years before the date of application.

192 Section 20. Subsection (3) of section 468.8414, Florida
193 Statutes, is amended to read:

194 468.8414 Licensure.—

195 (3) The department shall certify as qualified for a license
196 by endorsement an applicant who is of good moral character, who
197 has the insurance coverage required under s. 468.8421, and who:

198 (a) Is qualified to take the examination as set forth in s.
199 468.8413 and has passed a certification examination offered by a
200 nationally recognized organization that certifies persons in the
201 specialty of mold assessment or mold remediation that has been
202 approved by the department as substantially equivalent to the
203 requirements of this part and s. 455.217; ~~or~~

204 (b) Holds a valid license to practice mold assessment or
205 mold remediation issued by another state or territory of the
206 United States if the criteria for issuance of the license were
207 substantially the same as the licensure criteria that is
208 established by this part as determined by the department; or

209 (c) Has held a valid license to practice as a mold assessor
210 or a mold remediator issued by another state or territory of the
211 United States for at least 10 years before the date of
212 application.

213 Section 21. Paragraphs (a) and (e) of subsection (2),



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214 subsection (3), paragraph (b) of subsection (4), and subsection
215 (6) of section 469.006, Florida Statutes, are amended to read:

216 469.006 Licensure of business organizations; qualifying
217 agents.—

218 (2) (a) If the applicant proposes to engage in consulting or
219 contracting as a partnership, corporation, business trust, or
220 other legal entity, or in any name other than the applicant's
221 legal name, the ~~legal entity must apply for licensure through a~~
222 ~~qualifying agent or the individual applicant must qualify apply~~
223 ~~for licensure under the business organization fictitious name.~~

224 (e) ~~A~~ The license, ~~when issued upon application of a~~
225 ~~business organization,~~ must be in the name of the qualifying
226 agent ~~business organization,~~ and the name of the business
227 organization ~~qualifying agent~~ must be noted on the license
228 ~~thereon~~. If there is a change in any information that is
229 required to be stated on the application, the qualifying agent
230 ~~business organization~~ shall, within 45 days after such change
231 occurs, mail the correct information to the department.

232 (3) The qualifying agent must ~~shall~~ be licensed under this
233 chapter in order for the business organization to be qualified
234 ~~licensed~~ in the category of the business conducted for which the
235 qualifying agent is licensed. If any qualifying agent ceases to
236 be affiliated with such business organization, the agent shall
237 so inform the department. In addition, if such qualifying agent
238 is the only licensed individual affiliated with the business
239 organization, the business organization shall notify the
240 department of the termination of the qualifying agent and has
241 ~~shall have~~ 60 days after ~~from~~ the date of termination of the
242 qualifying agent's affiliation with the business organization ~~in~~



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243 ~~which~~ to employ another qualifying agent. The business
244 organization may not engage in consulting or contracting until a
245 qualifying agent is employed, unless the department has granted
246 a temporary nonrenewable license to the financially responsible
247 officer, the president, the sole proprietor, a partner, or, in
248 the case of a limited partnership, the general partner, who
249 assumes all responsibilities of a primary qualifying agent for
250 the entity. This temporary license only allows ~~shall only allow~~
251 the entity to proceed with incomplete contracts.

252 (4)

253 (b) Upon a favorable determination by the department, after
254 investigation of the financial responsibility, credit, and
255 business reputation of the qualifying agent and the new business
256 organization, the department shall issue, without any
257 examination, a new license in the qualifying agent's business
258 ~~organization's~~ name, and the name of the business organization
259 ~~qualifying agent~~ shall be noted thereon.

260 (6) Each qualifying agent shall pay the department an
261 amount equal to the original fee for licensure ~~of a new business~~
262 ~~organization.~~ if the qualifying agent for a business
263 organization desires to qualify additional business
264 organizations. 7 The department shall require the agent to
265 present evidence of supervisory ability and financial
266 responsibility of each such organization. Allowing a licensee to
267 qualify more than one business organization must ~~shall~~ be
268 conditioned upon the licensee showing that the licensee has both
269 the capacity and intent to adequately supervise each business
270 organization. The department may ~~shall~~ not limit the number of
271 business organizations that ~~which~~ the licensee may qualify



272 except upon the licensee's failure to provide such information
273 as is required under this subsection or upon a finding that the
274 ~~such~~ information or evidence ~~as is~~ supplied is incomplete or
275 unpersuasive in showing the licensee's capacity and intent to
276 comply with the requirements of this subsection. A qualification
277 for an additional business organization may be revoked or
278 suspended upon a finding by the department that the licensee has
279 failed in the licensee's responsibility to adequately supervise
280 the operations of the business organization. Failure to
281 adequately supervise the operations of a business organization
282 is ~~shall be~~ grounds for denial to qualify additional business
283 organizations.

284 Section 22. Subsection (1) of section 469.009, Florida
285 Statutes, is amended to read:

286 469.009 License revocation, suspension, and denial of
287 issuance or renewal.—

288 (1) The department may revoke, suspend, or deny the
289 issuance or renewal of a license; reprimand, censure, or place
290 on probation any contractor, consultant, or financially
291 responsible officer, ~~or business organization~~; require financial
292 restitution to a consumer; impose an administrative fine not to
293 exceed \$5,000 per violation; require continuing education; or
294 assess costs associated with any investigation and prosecution
295 if the contractor or consultant, or business organization or
296 officer or agent thereof, is found guilty of any of the
297 following acts:

298 (a) Willfully or deliberately disregarding or violating the
299 health and safety standards of the Occupational Safety and
300 Health Act of 1970, the Construction Safety Act, the National



301 Emission Standards for Asbestos, the Environmental Protection
302 Agency Asbestos Abatement Projects Worker Protection Rule, the
303 Florida Statutes or rules promulgated thereunder, or any
304 ordinance enacted by a political subdivision of this state.

305 (b) Violating any provision of chapter 455.

306 (c) Failing in any material respect to comply with the
307 provisions of this chapter or any rule promulgated hereunder.

308 (d) Acting in the capacity of an asbestos contractor or
309 asbestos consultant under any license issued under this chapter
310 except in the name of the licensee as set forth on the issued
311 license.

312 (e) Proceeding on any job without obtaining all applicable
313 approvals, authorizations, permits, and inspections.

314 (f) Obtaining a license by fraud or misrepresentation.

315 (g) Being convicted or found guilty of, or entering a plea
316 of nolo contendere to, regardless of adjudication, a crime in
317 any jurisdiction which directly relates to the practice of
318 asbestos consulting or contracting or the ability to practice
319 asbestos consulting or contracting.

320 (h) Knowingly violating any building code, lifesafety code,
321 or county or municipal ordinance relating to the practice of
322 asbestos consulting or contracting.

323 (i) Performing any act which assists a person or entity in
324 engaging in the prohibited unlicensed practice of asbestos
325 consulting or contracting, if the licensee knows or has
326 reasonable grounds to know that the person or entity was
327 unlicensed.

328 (j) Committing mismanagement or misconduct in the practice
329 of contracting that causes financial harm to a customer.



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330 Financial mismanagement or misconduct occurs when:

331 1. Valid liens have been recorded against the property of a
332 contractor's customer for supplies or services ordered by the
333 contractor for the customer's job; the contractor has received
334 funds from the customer to pay for the supplies or services; and
335 the contractor has not had the liens removed from the property,
336 by payment or by bond, within 75 days after the date of such
337 liens;

338 2. The contractor has abandoned a customer's job and the
339 percentage of completion is less than the percentage of the
340 total contract price paid to the contractor as of the time of
341 abandonment, unless the contractor is entitled to retain such
342 funds under the terms of the contract or refunds the excess
343 funds within 30 days after the date the job is abandoned; or

344 3. The contractor's job has been completed, and it is shown
345 that the customer has had to pay more for the contracted job
346 than the original contract price, as adjusted for subsequent
347 change orders, unless such increase in cost was the result of
348 circumstances beyond the control of the contractor, was the
349 result of circumstances caused by the customer, or was otherwise
350 permitted by the terms of the contract between the contractor
351 and the customer.

352 (k) Being disciplined by any municipality or county for an
353 act or violation of this chapter.

354 (l) Failing in any material respect to comply with the
355 provisions of this chapter, or violating a rule or lawful order
356 of the department.

357 (m) Abandoning an asbestos abatement project in which the
358 asbestos contractor is engaged or under contract as a



359 contractor. A project may be presumed abandoned after 20 days if
360 the contractor terminates the project without just cause and
361 without proper notification to the owner, including the reason
362 for termination; if the contractor fails to reasonably secure
363 the project to safeguard the public while work is stopped; or if
364 the contractor fails to perform work without just cause for 20
365 days.

366 (n) Signing a statement with respect to a project or
367 contract falsely indicating that the work is bonded; falsely
368 indicating that payment has been made for all subcontracted
369 work, labor, and materials which results in a financial loss to
370 the owner, purchaser, or contractor; or falsely indicating that
371 workers' compensation and public liability insurance are
372 provided.

373 (o) Committing fraud or deceit in the practice of asbestos
374 consulting or contracting.

375 (p) Committing incompetency or misconduct in the practice
376 of asbestos consulting or contracting.

377 (q) Committing gross negligence, repeated negligence, or
378 negligence resulting in a significant danger to life or property
379 in the practice of asbestos consulting or contracting.

380 (r) Intimidating, threatening, coercing, or otherwise
381 discouraging the service of a notice to owner under part I of
382 chapter 713 or a notice to contractor under chapter 255 or part
383 I of chapter 713.

384 (s) Failing to satisfy, within a reasonable time, the terms
385 of a civil judgment obtained against the licensee, or the
386 business organization qualified by the licensee, relating to the
387 practice of the licensee's profession.



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For the purposes of this subsection, construction is considered to be commenced when the contract is executed and the contractor has accepted funds from the customer or lender.

Section 23. Subsection (13) of section 471.005, Florida Statutes, is renumbered as subsection (3), and present subsection (3) and subsection (8) of that section are amended to read:

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

~~(3) "Certificate of authorization" means a license to practice engineering issued by the management corporation to a corporation or partnership.~~

(8) "License" means the licensing of engineers ~~or certification of businesses~~ to practice engineering in this state.

Section 24. Subsection (4) of section 471.011, Florida Statutes, is amended to read:

471.011 Fees.—

~~(4) The fee for a certificate of authorization shall not exceed \$125.~~

Section 25. Subsection (5) of section 471.015, Florida Statutes, is amended to read:

471.015 Licensure.—

(5) (a) The board shall deem that an applicant who seeks licensure by endorsement has passed an examination substantially equivalent to the fundamentals examination when such applicant has held a valid professional engineer's license in another state for 10 ~~15~~ years and ~~has had 20 years of continuous professional-level engineering experience.~~



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417 (b) The board shall deem that an applicant who seeks
418 licensure by endorsement has passed an examination substantially
419 equivalent to the fundamentals examination and the principles
420 and practices examination when such applicant has held a valid
421 professional engineer's license in another state for 15 ~~25~~ years
422 ~~and has had 30 years of continuous professional-level~~
423 ~~engineering experience.~~

424 Section 26. Section 471.023, Florida Statutes, is amended
425 to read:

426 471.023 Qualification ~~Certification~~ of business
427 organizations.-

428 (1) The practice of, or the offer to practice, engineering
429 by licensees or offering engineering services to the public
430 through a business organization, including a partnership,
431 corporation, business trust, or other legal entity or by a
432 business organization, including a corporation, partnership,
433 business trust, or other legal entity offering such services to
434 the public through licensees under this chapter as agents,
435 employees, officers, or partners is permitted only if the
436 business organization is qualified by an engineer licensed under
437 this chapter ~~possesses a certification issued by the management~~
438 ~~corporation pursuant to qualification by the board~~, subject to
439 the provisions of this chapter. One or more of the principal
440 officers of the business organization or one or more partners of
441 the partnership and all personnel of the business organization
442 who act in its behalf as engineers in this state shall be
443 licensed as provided by this chapter. All final drawings,
444 specifications, plans, reports, or documents involving practices
445 licensed under this chapter which are prepared or approved for



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446 the use of the business organization or for public record within
447 the state shall be dated and shall bear the signature and seal
448 of the licensee who prepared or approved them. Nothing in this
449 section shall be construed to mean that a license to practice
450 engineering shall be held by a business organization. Nothing
451 herein prohibits business organizations from joining together to
452 offer engineering services to the public, if each business
453 organization otherwise meets the requirements of this section.
454 No business organization shall be relieved of responsibility for
455 the conduct or acts of its agents, employees, or officers by
456 reason of its compliance with this section, nor shall any
457 individual practicing engineering be relieved of responsibility
458 for professional services performed by reason of his or her
459 employment or relationship with a business organization.

460 (2) For the purposes of this section, a ~~certificate of~~
461 ~~authorization shall be required for any~~ business organization or
462 other person practicing under a fictitious name, offering
463 engineering services to the public must be qualified by an
464 engineer licensed under this chapter. ~~However, when an~~
465 ~~individual is practicing engineering in his or her own given~~
466 ~~name, he or she shall not be required to be licensed under this~~
467 ~~section.~~

468 (3) Except as provided in s. 558.0035, the fact that a
469 licensed engineer practices through a business organization does
470 not relieve the licensee from personal liability for negligence,
471 misconduct, or wrongful acts committed by him or her.
472 Partnerships and all partners shall be jointly and severally
473 liable for the negligence, misconduct, or wrongful acts
474 committed by their agents, employees, or partners while acting



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475 in a professional capacity. Any officer, agent, or employee of a
476 business organization other than a partnership shall be
477 personally liable and accountable only for negligent acts,
478 wrongful acts, or misconduct committed by him or her or
479 committed by any person under his or her direct supervision and
480 control, while rendering professional services on behalf of the
481 business organization. The personal liability of a shareholder
482 or owner of a business organization, in his or her capacity as
483 shareholder or owner, shall be no greater than that of a
484 shareholder-employee of a corporation incorporated under chapter
485 607. The business organization shall be liable up to the full
486 value of its property for any negligent acts, wrongful acts, or
487 misconduct committed by any of its officers, agents, or
488 employees while they are engaged on its behalf in the rendering
489 of professional services.

490 (4) ~~Each certification of authorization shall be renewed~~
491 ~~every 2 years.~~ Each qualifying agent of a business organization
492 qualified certified under this section must notify the board
493 within 30 days ~~1 month~~ after any change in the information
494 contained in the application upon which the certification is
495 based.

496 (a) A qualifying agent who terminates an affiliation with a
497 qualified business organization shall notify the management
498 corporation of such termination within 24 hours. If such
499 qualifying agent is the only qualifying agent for that business
500 organization, the business organization must be qualified by
501 another qualifying agent within 60 days after the termination.
502 Except as provided in paragraph (b), the business organization
503 may not engage in the practice of engineering until it is



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504 qualified by another qualifying agent.

505 (b) In the event a qualifying agent ceases employment with
506 a qualified business organization and such qualifying agent is
507 the only licensed individual affiliated with the business
508 organization, the executive director of the management
509 corporation or the chair of the board may authorize another
510 licensee employed by the business organization to temporarily
511 serve as its qualifying agent for a period of no more than 60
512 days to proceed with incomplete contracts. The business
513 organization is not authorized to operate beyond such period
514 under this chapter absent replacement of the qualifying agent.

515 (c) A qualifying agent shall notify the department in
516 writing before engaging in the practice of engineering in the
517 licensee's name or in affiliation with a different business
518 organization.

519 ~~(5) Disciplinary action against a business organization~~
520 ~~shall be administered in the same manner and on the same grounds~~
521 ~~as disciplinary action against a licensed engineer.~~

522 Section 27. Subsection (7) of section 473.308, Florida
523 Statutes, is amended to read:

524 473.308 Licensure.—

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

527 (a) ~~1.~~ Is not licensed and has not been licensed in another
528 state or territory and who has met the requirements of this
529 section for education, work experience, and good moral character
530 and has passed a national, regional, state, or territorial
531 licensing examination that is substantially equivalent to the
532 examination required by s. 473.306; or ~~and~~



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533 ~~2. Has completed such continuing education courses as the~~
534 ~~board deems appropriate, within the limits for each applicable~~
535 ~~2-year period as set forth in s. 473.312, but at least such~~
536 ~~courses as are equivalent to the continuing education~~
537 ~~requirements for a Florida certified public accountant licensed~~
538 ~~in this state during the 2 years immediately preceding her or~~
539 ~~his application for licensure by endorsement; or~~

540 (b)1.a. Holds a valid license to practice public accounting
541 issued by another state or territory of the United States, if
542 the criteria for issuance of such license were substantially
543 equivalent to the licensure criteria that existed in this state
544 at the time the license was issued;

545 ~~2.b.~~ Holds a valid license to practice public accounting
546 issued by another state or territory of the United States but
547 the criteria for issuance of such license did not meet the
548 requirements of sub-subparagraph a.; has met the requirements of
549 this section for education, work experience, and good moral
550 character; and has passed a national, regional, state, or
551 territorial licensing examination that is substantially
552 equivalent to the examination required by s. 473.306; or

553 ~~3.c.~~ Has held ~~Holds~~ a valid license to practice public
554 accounting issued by another state or territory of the United
555 States for at least 10 years before the date of application; has
556 passed a national, regional, state, or territorial licensing
557 examination that is substantially equivalent to the examination
558 required by s. 473.306; and has met the requirements of this
559 section for good moral character. ~~; and~~

560 ~~2. Has completed continuing education courses that are~~
561 ~~equivalent to the continuing education requirements for a~~



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562 ~~Florida certified public accountant licensed in this state~~
563 ~~during the 2 years immediately preceding her or his application~~
564 ~~for licensure by endorsement.~~

565 Section 28. Subsection (6) of section 474.202, Florida
566 Statutes, is amended to read:

567 474.202 Definitions.—As used in this chapter:

568 (6) "Limited-service veterinary medical practice" means
569 offering or providing veterinary services at any location that
570 has a primary purpose other than that of providing veterinary
571 medical service at a permanent or mobile establishment permitted
572 by the board; provides veterinary medical services for privately
573 owned animals that do not reside at that location; operates for
574 a limited time; and provides limited types of veterinary medical
575 services, including vaccinations or immunizations against
576 disease, preventative procedures for parasitic control, and
577 microchipping.

578 Section 29. Paragraph (b) of subsection (2) of section
579 474.207, Florida Statutes, is amended to read:

580 474.207 Licensure by examination.—

581 (2) The department shall license each applicant who the
582 board certifies has:

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

586 2. Graduated from a college of veterinary medicine listed
587 in the American Veterinary Medical Association Roster of
588 Veterinary Colleges of the World and obtained a certificate from
589 the Education Commission for Foreign Veterinary Graduates or the
590 Program for the Assessment of Veterinary Education Equivalence.



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591
592 The department shall not issue a license to any applicant who is
593 under investigation in any state or territory of the United
594 States or in the District of Columbia for an act which would
595 constitute a violation of this chapter until the investigation
596 is complete and disciplinary proceedings have been terminated,
597 at which time the provisions of s. 474.214 shall apply.

598 Section 30. Subsection (1) of section 474.217, Florida
599 Statutes, is amended to read:

600 474.217 Licensure by endorsement.—

601 (1) The department shall issue a license by endorsement to
602 any applicant who, upon applying to the department and remitting
603 a fee set by the board, demonstrates to the board that she or
604 he:

605 (a) Has demonstrated, in a manner designated by rule of the
606 board, knowledge of the laws and rules governing the practice of
607 veterinary medicine in this state; and

608 (b)1. ~~Either~~ Holds, and has held for the 3 years
609 immediately preceding the application for licensure, a valid,
610 active license to practice veterinary medicine in another state
611 of the United States, the District of Columbia, or a territory
612 of the United States, provided that the applicant has
613 successfully completed a state, regional, national, or other
614 examination that is equivalent to or more stringent than the
615 examination required by the board ~~requirements for licensure in~~
616 ~~the issuing state, district, or territory are equivalent to or~~
617 ~~more stringent than the requirements of this chapter; or~~

618 2. Meets the qualifications of s. 474.207(2) (b) and has
619 successfully completed a state, regional, national, or other



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620 examination which is equivalent to or more stringent than the
621 examination given by the department and has passed the board's
622 clinical competency examination or another clinical competency
623 examination specified by rule of the board.

624 Section 31. Subsection (5) of section 476.144, Florida
625 Statutes, is amended to read:

626 476.144 Licensure.—

627 (5) The board shall certify as qualified for licensure by
628 endorsement as a barber in this state an applicant who holds a
629 current active license to practice barbering in another state.

630 The board shall adopt rules specifying procedures for the
631 licensure by endorsement of practitioners desiring to be
632 licensed in this state who hold a current active license in
633 another ~~state or~~ country and who have met qualifications
634 substantially similar to, equivalent to, or greater than the
635 qualifications required of applicants from this state.

636 Section 32. Subsection (9) of section 477.013, Florida
637 Statutes, is amended to read:

638 477.013 Definitions.—As used in this chapter:

639 (9) "Hair braiding" means the weaving or interweaving of
640 natural human hair or commercial hair, including the use of hair
641 extensions or wefts, for compensation without cutting, coloring,
642 permanent waving, relaxing, removing, or chemical treatment ~~and~~
643 ~~does not include the use of hair extensions or wefts.~~

644 Section 33. Section 477.0132, Florida Statutes, is
645 repealed.

646 Section 34. Subsections (7) through (11) are added to
647 section 477.0135, Florida Statutes, to read:

648 477.0135 Exemptions.—



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649 (7) A license or registration is not required for a person
650 whose occupation or practice is confined solely to hair braiding
651 as defined in s. 477.013(9).

652 (8) A license or registration is not required for a person
653 whose occupation or practice is confined solely to hair wrapping
654 as defined in s. 477.013(10).

655 (9) A license or registration is not required for a person
656 whose occupation or practice is confined solely to body wrapping
657 as defined in s. 477.013(12).

658 (10) A license or registration is not required for a person
659 whose occupation or practice is confined solely to applying
660 polish to fingernails and toenails.

661 (11) A license or registration is not required for a person
662 whose occupation or practice is confined solely to makeup
663 application.

664 Section 35. Subsections (6) and (7) of section 477.019,
665 Florida Statutes, are amended to read:

666 477.019 Cosmetologists; qualifications; licensure;
667 supervised practice; license renewal; endorsement; continuing
668 education.—

669 (6) The board shall certify as qualified for licensure by
670 endorsement as a cosmetologist in this state an applicant who
671 holds a current active license to practice cosmetology in
672 another state. The board may not require proof of educational
673 hours if the license was issued in a state that requires 1,200
674 or more hours of prelicensure education and passage of a written
675 examination. ~~This subsection does not apply to applicants who~~
676 ~~received their license in another state through an~~
677 ~~apprenticeship program.~~



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678 (7) (a) The board shall prescribe by rule continuing
679 education requirements intended to ensure protection of the
680 public through updated training of licensees and registered
681 specialists, not to exceed 10 ~~16~~ hours biennially, as a
682 condition for renewal of a license or registration as a
683 specialist under this chapter. Continuing education courses
684 shall include, but not be limited to, the following subjects as
685 they relate to the practice of cosmetology: human
686 immunodeficiency virus and acquired immune deficiency syndrome;
687 Occupational Safety and Health Administration regulations;
688 workers' compensation issues; state and federal laws and rules
689 as they pertain to cosmetologists, cosmetology, salons,
690 specialists, specialty salons, and booth renters; chemical
691 makeup as it pertains to hair, skin, and nails; and
692 environmental issues. Courses given at cosmetology conferences
693 may be counted toward the number of continuing education hours
694 required if approved by the board.

695 ~~(b) Any person whose occupation or practice is confined~~
696 ~~solely to hair braiding, hair wrapping, or body wrapping is~~
697 ~~exempt from the continuing education requirements of this~~
698 ~~subsection.~~

699 (b) ~~(e)~~ The board may, by rule, require any licensee in
700 violation of a continuing education requirement to take a
701 refresher course or refresher course and examination in addition
702 to any other penalty. The number of hours for the refresher
703 course may not exceed 48 hours.

704 Section 36. Paragraph (f) of subsection (1) of section
705 477.026, Florida Statutes, is amended to read:

706 477.026 Fees; disposition.-



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707 (1) The board shall set fees according to the following
708 schedule:

709 ~~(f) For hair braiders, hair wrappers, and body wrappers,~~
710 ~~fees for registration shall not exceed \$25.~~

711 Section 37. Subsection (4) of section 477.0263, Florida
712 Statutes, is amended, and subsection (5) is added to that
713 section, to read:

714 477.0263 Cosmetology services to be performed in licensed
715 salon; exceptions.—

716 (4) Pursuant to rules adopted by the board, any cosmetology
717 or specialty service may be performed in a location other than a
718 licensed salon when the service is performed in connection with
719 a special event and is performed by a person ~~who is employed by~~
720 ~~a licensed salon and~~ who holds the proper license or specialty
721 registration. ~~An appointment for the performance of any such~~
722 ~~service in a location other than a licensed salon must be made~~
723 ~~through a licensed salon.~~

724 (5) Hair shampooing, hair cutting, and hair arranging may
725 be performed in a location other than a licensed salon when the
726 service is performed by a person who holds the proper license.

727 Section 38. Paragraph (f) of subsection (1) of section
728 477.0265, Florida Statutes, is amended to read:

729 477.0265 Prohibited acts.—

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

731 (f) Advertise or imply that skin care services ~~or body~~
732 ~~wrapping~~, as performed under this chapter, have any relationship
733 to the practice of massage therapy as defined in s. 480.033(3),
734 except those practices or activities defined in s. 477.013.

735 Section 39. Paragraph (a) of subsection (1) of section



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736 477.029, Florida Statutes, is amended to read:

737 477.029 Penalty.—

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

739 (a) Hold himself or herself out as a cosmetologist or
740 ~~specialist, hair wrapper, hair braider, or body wrapper~~ unless
741 duly licensed or registered, or otherwise authorized, as
742 provided in this chapter.

743 Section 40. Subsection (5) of section 481.203, Florida
744 Statutes, is amended to read:

745 481.203 Definitions.—As used in this part:

746 (5) “Business organization” means a partnership, a limited
747 liability company, a corporation, or an individual operating
748 under a fictitious name ~~“Certificate of authorization” means a~~
749 ~~certificate issued by the department to a corporation or~~
750 ~~partnership to practice architecture or interior design.~~

751 Section 41. Present subsection (4) of section 481.215,
752 Florida Statutes, is redesignated as subsection (6), a new
753 subsection (4) is added to that section, and subsections (3) and
754 (5) of that section are amended, to read:

755 481.215 Renewal of license.—

756 (3) A ~~No~~ license renewal may not ~~shall~~ be issued to an
757 architect ~~or an interior designer~~ by the department until the
758 licensee submits proof satisfactory to the department that,
759 during the 2 years before ~~prior to~~ application for renewal, the
760 licensee participated per biennium in not less than 20 hours of
761 at least 50 minutes each per biennium of continuing education
762 approved by the board. ~~The board shall approve only continuing~~
763 ~~education that builds upon the basic knowledge of architecture~~
764 ~~or interior design. The board may make exception from the~~



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765 ~~requirements of continuing education in emergency or hardship~~
766 ~~eases.~~

767 (4) The department may not issue a license renewal to an
768 interior designer until the licensee submits proof satisfactory
769 to the department that during the 2 years before the application
770 for renewal the licensee participated per biennium in not less
771 than 16 continuing education hours of at least 50 minutes each
772 of continuing education approved by the board. The licensee
773 shall provide documentation of successful completion of the
774 continuing education units from the board-approved providers
775 which focused on one or more of the following subjects:

776 (a) Public safety, including application of state and local
777 building codes and regulations.

778 (b) Application of federal, state, and local laws relating
779 to accessibility standards, including the Americans with
780 Disabilities Act.

781 (c) Any other topic related to the health, safety, and
782 welfare of building occupants.

783 (5) The board shall only approve continuing education that
784 builds upon the basic knowledge of architecture or interior
785 design. The board may make exceptions to the requirements of
786 continuing education in emergency or hardship cases. The board
787 shall require, by rule adopted pursuant to ss. 120.536(1) and
788 120.54, a specified number of hours in specialized or advanced
789 courses, approved by the Florida Building Commission, on any
790 portion of the Florida Building Code, adopted pursuant to part
791 IV of chapter 553, relating to the licensee's respective area of
792 practice.

793 Section 42. Section 481.219, Florida Statutes, is amended



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794 to read:

795 481.219 Qualification of business organizations
796 ~~certification of partnerships, limited liability companies, and~~
797 ~~corporations.-~~

798 (1) A licensee may ~~The practice of or the offer to practice~~
799 ~~architecture or interior design by licensees through a~~ qualified
800 business organization that offers ~~corporation, limited liability~~
801 ~~company, or partnership offering~~ architectural or interior
802 design services to the public, ~~or by a corporation, limited~~
803 ~~liability company, or partnership offering~~ architectural or
804 ~~interior design services to the public through licensees under~~
805 ~~this part as agents, employees, officers, or partners, is~~
806 ~~permitted,~~ subject to the provisions of this section.

807 (2) If a licensee or an applicant proposes to engage in the
808 practice of architecture or interior design as a business
809 organization, the licensee or applicant shall qualify the
810 business organization upon approval of the board ~~For the~~
811 ~~purposes of this section, a certificate of authorization shall~~
812 ~~be required for a corporation, limited liability company,~~
813 ~~partnership, or person practicing under a fictitious name,~~
814 ~~offering architectural services to the public jointly or~~
815 ~~separately. However, when an individual is practicing~~
816 ~~architecture in her or his own name, she or he shall not be~~
817 ~~required to be certified under this section. Certification under~~
818 ~~this subsection to offer architectural services shall include~~
819 ~~all the rights and privileges of certification under subsection~~
820 ~~(3) to offer interior design services.~~

821 (3) (a) A business organization may not engage in the
822 practice of architecture unless its qualifying agent is a



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823 registered architect under this part. A business organization
824 may not engage in the practice of interior design unless its
825 qualifying agent is a registered architect or a registered
826 interior designer under this part. A qualifying agent who
827 terminates an affiliation with a qualified business organization
828 shall immediately notify the department of such termination. If
829 such qualifying agent is the only qualifying agent for that
830 business organization, the business organization must be
831 qualified by another qualifying agent within 60 days after the
832 termination. Except as provided in paragraph (b), the business
833 organization may not engage in the practice of architecture or
834 interior design until it is qualified by another qualifying
835 agent.

836 (b) In the event a qualifying agent ceases employment with
837 a qualified business organization, the executive director or the
838 chair of the board may authorize another registered architect or
839 interior designer employed by the business organization to
840 temporarily serve as its qualifying agent for a period of no
841 more than 60 days. The business organization is not authorized
842 to operate beyond such period under this chapter absent
843 replacement of the qualifying agent who has ceased employment.

844 (c) A qualifying agent shall notify the department in
845 writing before engaging in the practice of architecture or
846 interior design in her or his own name or in affiliation with a
847 different business organization, and she or he or such business
848 organization shall supply the same information to the department
849 as required of applicants under this part.

850 ~~(3) For the purposes of this section, a certificate of~~
851 ~~authorization shall be required for a corporation, limited~~



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852 ~~liability company, partnership, or person operating under a~~
853 ~~fictitious name, offering interior design services to the public~~
854 ~~jointly or separately. However, when an individual is practicing~~
855 ~~interior design in her or his own name, she or he shall not be~~
856 ~~required to be certified under this section.~~

857 (4) All final construction documents and instruments of
858 service which include drawings, specifications, plans, reports,
859 or other papers or documents that involve ~~involving~~ the practice
860 of architecture which are prepared or approved for the use of
861 the business organization ~~corporation, limited liability~~
862 ~~company, or partnership~~ and filed for public record within the
863 state must ~~shall~~ bear the signature and seal of the licensee who
864 prepared or approved them and the date on which they were
865 sealed.

866 ~~(5) All drawings, specifications, plans, reports, or other~~
867 ~~papers or documents prepared or approved for the use of the~~
868 ~~corporation, limited liability company, or partnership by an~~
869 ~~interior designer in her or his professional capacity and filed~~
870 ~~for public record within the state shall bear the signature and~~
871 ~~seal of the licensee who prepared or approved them and the date~~
872 ~~on which they were sealed.~~

873 ~~(6) The department shall issue a certificate of~~
874 ~~authorization to any applicant who the board certifies as~~
875 ~~qualified for a certificate of authorization and who has paid~~
876 ~~the fee set in s. 481.207.~~

877 ~~(5)-(7)~~ The board shall allow a licensee or ~~certify~~ an
878 applicant to qualify one or more business organizations ~~as~~
879 ~~qualified for a certificate of authorization to offer~~
880 architectural or interior design services, or to use a



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881 fictitious name to offer such services, if provided that:

882 (a) One or more of the principal officers of the
883 corporation or limited liability company, or one or more
884 partners of the partnership, and all personnel of the
885 corporation, limited liability company, or partnership who act
886 in its behalf in this state as architects, are registered as
887 provided by this part; or

888 (b) One or more of the principal officers of the
889 corporation or one or more partners of the partnership, and all
890 personnel of the corporation, limited liability company, or
891 partnership who act in its behalf in this state as interior
892 designers, are registered as provided by this part.

893 ~~(8) The department shall adopt rules establishing a
894 procedure for the biennial renewal of certificates of
895 authorization.~~

896 ~~(9) The department shall renew a certificate of
897 authorization upon receipt of the renewal application and
898 biennial renewal fee.~~

899 (6) ~~(10)~~ Each qualifying agent who qualifies a business
900 organization, partnership, limited liability company, or and
901 corporation certified under this section shall notify the
902 department within 30 days after ~~of~~ any change in the information
903 contained in the application upon which the qualification
904 ~~certification~~ is based. Any registered architect or interior
905 designer who qualifies the business organization shall ensure
906 ~~corporation, limited liability company, or partnership as~~
907 ~~provided in subsection (7) shall be responsible for ensuring~~
908 responsible supervising control of projects of the business
909 organization entity and shall notify the department of the upon



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910 termination of her or his employment with a business
911 organization qualified partnership, limited liability company,
912 or corporation certified under this section shall notify the
913 department of the termination within 30 days after such
914 termination.

915 (7) (11) A business organization is not No corporation,
916 limited liability company, or partnership shall be relieved of
917 responsibility for the conduct or acts of its agents, employees,
918 or officers by reason of its compliance with this section.
919 However, except as provided in s. 558.0035, the architect who
920 signs and seals the construction documents and instruments of
921 service is shall be liable for the professional services
922 performed, and the interior designer who signs and seals the
923 interior design drawings, plans, or specifications shall be
924 liable for the professional services performed.

925 (12) Disciplinary action against a corporation, limited
926 liability company, or partnership shall be administered in the
927 same manner and on the same grounds as disciplinary action
928 against a registered architect or interior designer,
929 respectively.

930 (8) (13) Nothing in This section may not shall be construed
931 to mean that a certificate of registration to practice
932 architecture or interior design must shall be held by a business
933 organization corporation, limited liability company, or
934 partnership. Nothing in This section does not prohibit a
935 business organization from offering prohibits corporations,
936 limited liability companies, and partnerships from joining
937 together to offer architectural, engineering, interior design,
938 surveying and mapping, and landscape architectural services, or



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939 any combination of such services, to the public if the business
940 organization, ~~provided that each corporation, limited liability~~
941 ~~company, or partnership~~ otherwise meets the requirements of law.

942 ~~(9)(14)~~ A business organization that is qualified by a
943 registered architect may ~~Corporations, limited liability~~
944 ~~companies, or partnerships holding a valid certificate of~~
945 ~~authorization to practice architecture shall be permitted to use~~
946 in their title the term "interior designer" or "registered
947 interior designer."

948 Section 43. Subsection (10) of section 481.221, Florida
949 Statutes, is amended to read:

950 481.221 Seals; display of certificate number.—

951 (10) Each registered architect or interior designer must,
952 ~~and each corporation, limited liability company, or partnership~~
953 ~~holding a certificate of authorization, shall include her or his~~
954 license its ~~certificate~~ number in any newspaper, telephone
955 directory, or other advertising medium used by the registered
956 licensee architect, interior designer, corporation, limited
957 liability company, or partnership. Each business organization
958 must include the license number of the registered architect or
959 interior designer who serves as the qualifying agent for that
960 business organization in any newspaper, telephone directory, or
961 other advertising medium used by the business organization, but
962 is not required to display the license numbers of other
963 registered architects or interior designers employed by the
964 business organization ~~A corporation, limited liability company,~~
965 ~~or partnership is not required to display the certificate number~~
966 ~~of individual registered architects or interior designers~~
967 ~~employed by or working within the corporation, limited liability~~



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968 ~~company, or partnership.~~

969 Section 44. Paragraphs (a) and (c) of subsection (5) of
970 section 481.229, Florida Statutes, are amended to read:

971 481.229 Exceptions; exemptions from licensure.—

972 (5) (a) This part does not prohibit ~~Nothing contained in~~
973 ~~this part shall prevent~~ a registered architect or a qualified
974 business organization ~~partnership, limited liability company, or~~
975 ~~corporation holding a valid certificate of authorization to~~
976 ~~provide architectural services~~ from performing any interior
977 design service or from using the title "interior designer" or
978 "registered interior designer."

979 (c) Notwithstanding any other provision of this part, a
980 registered architect or business organization qualified any
981 ~~corporation, partnership, or person operating under a fictitious~~
982 ~~name which holds a certificate of authorization to provide~~
983 architectural services must ~~shall~~ be qualified, without fee, ~~for~~
984 ~~a certificate of authorization to provide interior design~~
985 services upon submission of a completed application for
986 qualification therefor. ~~For corporations, partnerships, and~~
987 ~~persons operating under a fictitious name which hold a~~
988 ~~certificate of authorization to provide interior design~~
989 ~~services, satisfaction of the requirements for renewal of the~~
990 ~~certificate of authorization to provide architectural services~~
991 ~~under s. 481.219 shall be deemed to satisfy the requirements for~~
992 ~~renewal of the certificate of authorization to provide interior~~
993 ~~design services under that section.~~

994 Section 45. Section 481.303, Florida Statutes, is amended
995 to read:

996 481.303 Definitions.—As used in this chapter, the term:



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997 (1) "Board" means the Board of Landscape Architecture.
998 (2)~~(4)~~ "Certificate of registration" means a license issued
999 by the department to a natural person to engage in the practice
1000 of landscape architecture.
1001 (3)~~(2)~~ "Department" means the Department of Business and
1002 Professional Regulation.
1003 ~~(5) "Certificate of authorization" means a license issued~~
1004 ~~by the department to a corporation or partnership to engage in~~
1005 ~~the practice of landscape architecture.~~
1006 (4)~~(6)~~ "Landscape architecture" means professional
1007 services, including, but not limited to, the following:
1008 (a) Consultation, investigation, research, planning,
1009 design, preparation of drawings, specifications, contract
1010 documents and reports, responsible construction supervision, or
1011 landscape management in connection with the planning and
1012 development of land and incidental water areas, including the
1013 use of Florida-friendly landscaping as defined in s. 373.185,
1014 where, and to the extent that, the dominant purpose of such
1015 services or creative works is the preservation, conservation,
1016 enhancement, or determination of proper land uses, natural land
1017 features, ground cover and plantings, or naturalistic and
1018 aesthetic values;
1019 (b) The determination of settings, grounds, and approaches
1020 for and the siting of buildings and structures, outdoor areas,
1021 or other improvements;
1022 (c) The setting of grades, shaping and contouring of land
1023 and water forms, determination of drainage, and provision for
1024 storm drainage and irrigation systems where such systems are
1025 necessary to the purposes outlined herein; and



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1026 (d) The design of such tangible objects and features as are
1027 necessary to the purpose outlined herein.

1028 ~~(5)~~⁽⁷⁾ "Landscape design" means consultation for and
1029 preparation of planting plans drawn for compensation, including
1030 specifications and installation details for plant materials,
1031 soil amendments, mulches, edging, gravel, and other similar
1032 materials. Such plans may include only recommendations for the
1033 conceptual placement of tangible objects for landscape design
1034 projects. Construction documents, details, and specifications
1035 for tangible objects and irrigation systems shall be designed or
1036 approved by licensed professionals as required by law.

1037 ~~(6)~~⁽³⁾ "Registered landscape architect" means a person who
1038 holds a license to practice landscape architecture in this state
1039 under the authority of this act.

1040 Section 46. Section 481.310, Florida Statutes, is amended
1041 to read:

1042 481.310 Practical experience requirement.—Beginning October
1043 1, 1990, every applicant for licensure as a registered landscape
1044 architect shall demonstrate, prior to licensure, 1 year of
1045 practical experience in landscape architectural work. An
1046 applicant who holds a master of landscape architecture degree
1047 and a bachelor's degree in a related field is not required to
1048 demonstrate 1 year of practical experience in landscape
1049 architectural work to obtain licensure. The board shall adopt
1050 rules providing standards for the required experience. An
1051 applicant who qualifies for examination pursuant to s.
1052 481.309(1)(b)1. may obtain the practical experience after
1053 completing the required professional degree. Experience used to
1054 qualify for examination pursuant to s. 481.309(1)(b)2. may not



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1055 be used to satisfy the practical experience requirement under
1056 this section.

1057 Section 47. Subsections (5) and (6) of section 481.311,
1058 Florida Statutes, are renumbered as subsections (4) and (5),
1059 respectively, and subsection (3) and present subsection (4) of
1060 that section are amended, to read:

1061 481.311 Licensure.—

1062 (3) The board shall certify as qualified for a license by
1063 endorsement an applicant who:

1064 (a) Qualifies to take the examination as set forth in s.
1065 481.309; and has passed a national, regional, state, or
1066 territorial licensing examination which is substantially
1067 equivalent to the examination required by s. 481.309; ~~or~~

1068 (b) Holds a valid license to practice landscape
1069 architecture issued by another state or territory of the United
1070 States, if the criteria for issuance of such license were
1071 substantially identical to the licensure criteria which existed
1072 in this state at the time the license was issued; or-

1073 (c) Has held a valid license to practice landscape
1074 architecture in another state or territory of the United States
1075 for at least 10 years before the date of application and has
1076 successfully completed a state, regional, national, or other
1077 examination that is equivalent to or more stringent than the
1078 examination required by the board, subject to subsection (5). An
1079 applicant who has met the requirements to be qualified for a
1080 license by endorsement except for successful completion of an
1081 examination that is equivalent to or more stringent than the
1082 examination required by the board may take the examination
1083 required by the board without completing additional education



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1084 requirements.

1085 ~~(4) The board shall certify as qualified for a certificate~~
1086 ~~of authorization any applicant corporation or partnership who~~
1087 ~~satisfies the requirements of s. 481.319.~~

1088 Section 48. Subsection (2) of section 481.317, Florida
1089 Statutes, is amended to read:

1090 481.317 Temporary certificates.-

1091 ~~(2) Upon approval by the board and payment of the fee set~~
1092 ~~in s. 481.307, the department shall grant a temporary~~
1093 ~~certificate of authorization for work on one specified project~~
1094 ~~in this state for a period not to exceed 1 year to an out-of-~~
1095 ~~state corporation, partnership, or firm, provided one of the~~
1096 ~~principal officers of the corporation, one of the partners of~~
1097 ~~the partnership, or one of the principals in the fictitiously~~
1098 ~~named firm has obtained a temporary certificate of registration~~
1099 ~~in accordance with subsection (1).~~

1100 Section 49. Section 481.319, Florida Statutes, is amended
1101 to read:

1102 481.319 Corporate and partnership practice of landscape
1103 architecture; ~~certificate of authorization.-~~

1104 (1) The practice of or offer to practice landscape
1105 architecture by registered landscape architects registered under
1106 this part through a corporation or partnership offering
1107 landscape architectural services to the public, or through a
1108 corporation or partnership offering landscape architectural
1109 services to the public through individual registered landscape
1110 architects as agents, employees, officers, or partners, is
1111 permitted, subject to the provisions of this section, if:

1112 (a) One or more of the principal officers of the



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1113 corporation, or partners of the partnership, and all personnel
1114 of the corporation or partnership who act in its behalf as
1115 landscape architects in this state are registered landscape
1116 architects; and

1117 (b) One or more of the officers, one or more of the
1118 directors, one or more of the owners of the corporation, or one
1119 or more of the partners of the partnership is a registered
1120 landscape architect; ~~and~~

1121 ~~(c) The corporation or partnership has been issued a~~
1122 ~~certificate of authorization by the board as provided herein.~~

1123 (2) All documents involving the practice of landscape
1124 architecture which are prepared for the use of the corporation
1125 or partnership shall bear the signature and seal of a registered
1126 landscape architect.

1127 (3) A landscape architect applying to practice in the name
1128 of a ~~An applicant~~ corporation must ~~shall~~ file with the
1129 department the names and addresses of all officers and board
1130 members of the corporation, including the principal officer or
1131 officers, duly registered to practice landscape architecture in
1132 this state and, also, of all individuals duly registered to
1133 practice landscape architecture in this state who shall be in
1134 responsible charge of the practice of landscape architecture by
1135 the corporation in this state. A landscape architect applying to
1136 practice in the name of a ~~An applicant~~ partnership must ~~shall~~
1137 file with the department the names and addresses of all partners
1138 of the partnership, including the partner or partners duly
1139 registered to practice landscape architecture in this state and,
1140 also, of an individual or individuals duly registered to
1141 practice landscape architecture in this state who shall be in



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1142 responsible charge of the practice of landscape architecture by
1143 said partnership in this state.

1144 (4) Each landscape architect qualifying a partnership or
1145 ~~and corporation licensed~~ under this part must ~~shall~~ notify the
1146 department within 1 month after ~~of~~ any change in the information
1147 contained in the application upon which the license is based.
1148 Any landscape architect who terminates her or his ~~or her~~
1149 employment with a partnership or corporation licensed under this
1150 part shall notify the department of the termination within 1
1151 month after such termination.

1152 ~~(5) Disciplinary action against a corporation or~~
1153 ~~partnership shall be administered in the same manner and on the~~
1154 ~~same grounds as disciplinary action against a registered~~
1155 ~~landscape architect.~~

1156 (5) ~~(6)~~ Except as provided in s. 558.0035, the fact that a
1157 registered landscape architect practices landscape architecture
1158 through a corporation or partnership as provided in this section
1159 does not relieve the landscape architect from personal liability
1160 for her or his ~~or her~~ professional acts.

1161 Section 50. Subsection (5) of section 481.321, Florida
1162 Statutes, is amended to read:

1163 481.321 Seals; display of certificate number.—

1164 (5) Each registered landscape architect must ~~and each~~
1165 ~~corporation or partnership holding a certificate of~~
1166 ~~authorization shall~~ include her or his ~~its~~ certificate number in
1167 any newspaper, telephone directory, or other advertising medium
1168 used by the registered landscape architect, corporation, or
1169 partnership. A corporation or partnership must ~~is not required~~
1170 ~~to~~ display the certificate number ~~numbers~~ of at least one



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1171 officer, director, owner, or partner who is a individual
1172 registered landscape architect ~~architects~~ employed by or
1173 practicing with the corporation or partnership.

1174 Section 51. Subsection (5) of section 481.329, Florida
1175 Statutes, is amended to read:

1176 481.329 Exceptions; exemptions from licensure.—

1177 (5) This part does not prohibit any person from engaging in
1178 the practice of landscape design, as defined in s. 481.303
1179 ~~481.303(7)~~, or from submitting for approval to a governmental
1180 agency planting plans that are independent of, or a component
1181 of, construction documents that are prepared by a Florida-
1182 registered professional. Persons providing landscape design
1183 services shall not use the title, term, or designation
1184 "landscape architect," "landscape architectural," "landscape
1185 architecture," "L.A.," "landscape engineering," or any
1186 description tending to convey the impression that she or he is a
1187 landscape architect unless she or he is registered as provided
1188 in this part.

1189 Section 52. Subsection (9) of section 489.103, Florida
1190 Statutes, is amended to read:

1191 489.103 Exemptions.—This part does not apply to:

1192 (9) Any work or operation of a casual, minor, or
1193 inconsequential nature in which the aggregate contract price for
1194 labor, materials, and all other items is less than \$2,500
1195 ~~\$1,000~~, but this exemption does not apply:

1196 (a) If the construction, repair, remodeling, or improvement
1197 is a part of a larger or major operation, whether undertaken by
1198 the same or a different contractor, or in which a division of
1199 the operation is made in contracts of amounts less than \$2,500



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1200 ~~\$1,000~~ for the purpose of evading this part or otherwise.

1201 (b) To a person who advertises that he or she is a
1202 contractor or otherwise represents that he or she is qualified
1203 to engage in contracting.

1204 Section 53. Subsection (2) of section 489.111, Florida
1205 Statutes, is amended to read:

1206 489.111 Licensure by examination.—

1207 (2) A person shall be eligible for licensure by examination
1208 if the person:

1209 (a) Is 18 years of age;

1210 (b) Is of good moral character; and

1211 (c) Meets eligibility requirements according to one of the
1212 following criteria:

1213 1. Has received a baccalaureate degree from an accredited
1214 4-year college in the appropriate field of engineering,
1215 architecture, or building construction and has 1 year of proven
1216 experience in the category in which the person seeks to qualify.
1217 For the purpose of this part, a minimum of 2,000 person-hours
1218 shall be used in determining full-time equivalency.

1219 2. Has a total of at least 4 years of active experience as
1220 a worker who has learned the trade by serving an apprenticeship
1221 as a skilled worker who is able to command the rate of a
1222 mechanic in the particular trade or as a foreman who is in
1223 charge of a group of workers and usually is responsible to a
1224 superintendent or a contractor or his or her equivalent,
1225 provided, however, that at least 1 year of active experience
1226 shall be as a foreman.

1227 3. Has a combination of not less than 1 year of experience
1228 as a foreman and not less than 3 years of credits for any



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1229 accredited college-level courses; has a combination of not less
1230 than 1 year of experience as a skilled worker, 1 year of
1231 experience as a foreman, and not less than 2 years of credits
1232 for any accredited college-level courses; or has a combination
1233 of not less than 2 years of experience as a skilled worker, 1
1234 year of experience as a foreman, and not less than 1 year of
1235 credits for any accredited college-level courses. All junior
1236 college or community college-level courses shall be considered
1237 accredited college-level courses.

1238 4.a. An active certified residential contractor is eligible
1239 to receive a certified building contractor license after passing
1240 or having previously passed ~~take~~ the building contractors'
1241 examination if he or she possesses a minimum of 3 years of
1242 proven experience in the classification in which he or she is
1243 certified.

1244 b. An active certified residential contractor is eligible
1245 to receive a certified general contractor license after passing
1246 or having previously passed ~~take~~ the general contractors'
1247 examination if he or she possesses a minimum of 4 years of
1248 proven experience in the classification in which he or she is
1249 certified.

1250 c. An active certified building contractor is eligible to
1251 receive a certified general contractor license after passing or
1252 having previously passed ~~take~~ the general contractors'
1253 examination if he or she possesses a minimum of 4 years of
1254 proven experience in the classification in which he or she is
1255 certified.

1256 5.a. An active certified air-conditioning Class C
1257 contractor is eligible to receive a certified air-conditioning



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1258 Class B contractor license after passing or having previously
1259 passed ~~take~~ the air-conditioning Class B contractors'

1260 examination if he or she possesses a minimum of 3 years of
1261 proven experience in the classification in which he or she is
1262 certified.

1263 b. An active certified air-conditioning Class C contractor
1264 is eligible to receive a certified air-conditioning Class A
1265 contractor license after passing or having previously passed
1266 ~~take~~ the air-conditioning Class A contractors' examination if he
1267 or she possesses a minimum of 4 years of proven experience in
1268 the classification in which he or she is certified.

1269 c. An active certified air-conditioning Class B contractor
1270 is eligible to receive a certified air-conditioning Class A
1271 contractor license after passing or having previously passed
1272 ~~take~~ the air-conditioning Class A contractors' examination if he
1273 or she possesses a minimum of 1 year of proven experience in the
1274 classification in which he or she is certified.

1275 6.a. An active certified swimming pool servicing contractor
1276 is eligible to receive a certified residential swimming pool
1277 contractor license after passing or having previously passed
1278 ~~take~~ the residential swimming pool contractors' examination if
1279 he or she possesses a minimum of 3 years of proven experience in
1280 the classification in which he or she is certified.

1281 b. An active certified swimming pool servicing contractor
1282 is eligible to receive a certified commercial swimming pool
1283 contractor license after passing or having previously passed
1284 ~~take~~ the swimming pool commercial contractors' examination if he
1285 or she possesses a minimum of 4 years of proven experience in
1286 the classification in which he or she is certified.



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1287 c. An active certified residential swimming pool contractor
1288 is eligible to receive a certified commercial swimming pool
1289 contractor license after passing or having previously passed
1290 ~~take~~ the commercial swimming pool contractors' examination if he
1291 or she possesses a minimum of 1 year of proven experience in the
1292 classification in which he or she is certified.

1293 d. An applicant is eligible to receive a certified swimming
1294 pool/spa servicing contractor license after passing or having
1295 previously passed ~~take~~ the swimming pool/spa servicing
1296 contractors' examination if he or she has satisfactorily
1297 completed 60 hours of instruction in courses related to the
1298 scope of work covered by that license and approved by the
1299 Construction Industry Licensing Board by rule and has at least 1
1300 year of proven experience related to the scope of work of such a
1301 contractor.

1302 Section 54. Subsection (3) of section 489.115, Florida
1303 Statutes, is amended to read:

1304 489.115 Certification and registration; endorsement;
1305 reciprocity; renewals; continuing education.—

1306 (3) The board shall certify as qualified for certification
1307 by endorsement any applicant who:

1308 (a) Meets the requirements for certification as set forth
1309 in this section; has passed a national, regional, state, or
1310 United States territorial licensing examination that is
1311 substantially equivalent to the examination required by this
1312 part; and has satisfied the requirements set forth in s.
1313 489.111;

1314 (b) Holds a valid license to practice contracting issued by
1315 another state or territory of the United States, if the criteria



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1316 for issuance of such license were substantially equivalent to
1317 Florida's current certification criteria; ~~or~~

1318 (c) Holds a valid, current license to practice contracting
1319 issued by another state or territory of the United States, if
1320 the state or territory has entered into a reciprocal agreement
1321 with the board for the recognition of contractor licenses issued
1322 in that state, based on criteria for the issuance of such
1323 licenses that are substantially equivalent to the criteria for
1324 certification in this state; or

1325 (d) Has held a valid, current license to practice
1326 contracting issued by another state or territory for at least 10
1327 years before the date of application and is applying for the
1328 same or similar license in this state, subject to subsections
1329 (5) - (9).

1330 Section 55. Subsection (5) of section 489.511, Florida
1331 Statutes, is amended to read:

1332 489.511 Certification; application; examinations;
1333 endorsement.—

1334 (5) The board shall certify as qualified for certification
1335 by endorsement any individual applying for certification who:

1336 (a) Meets the requirements for certification as set forth
1337 in this section; has passed a national, regional, state, or
1338 United States territorial licensing examination that is
1339 substantially equivalent to the examination required by this
1340 part; and has satisfied the requirements set forth in s.
1341 489.521; ~~or~~

1342 (b) Holds a valid license to practice electrical or alarm
1343 system contracting issued by another state or territory of the
1344 United States, if the criteria for issuance of such license was



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1345 substantially equivalent to the certification criteria that
1346 existed in this state at the time the certificate was issued; or
1347 (c) Has held a valid, current license to practice
1348 electrical or alarm system contracting issued by another state
1349 or territory for at least 10 years before the date of
1350 application and is applying for the same or similar license in
1351 this state, subject to ss. 489.510 and 489.521(3) (a), and
1352 subparagraph (1) (b) 1.

1353 Section 56. Subsection (3) and paragraph (b) of subsection
1354 (4) of section 489.517, Florida Statutes, are amended to read:

1355 489.517 Renewal of certificate or registration; continuing
1356 education.—

1357 (3) Each certificateholder or registrant shall provide
1358 proof, in a form established by rule of the board, that the
1359 certificateholder or registrant has completed at least 7 ~~14~~
1360 classroom hours of at least 50 minutes each of continuing
1361 education courses during each biennium since the issuance or
1362 renewal of the certificate or registration. The board shall by
1363 rule establish criteria for the approval of continuing education
1364 courses and providers and may by rule establish criteria for
1365 accepting alternative nonclassroom continuing education on an
1366 hour-for-hour basis.

1367 (4)

1368 (b) Of the 7 ~~14~~ classroom hours of continuing education
1369 required, at least 1 hour ~~7 hours~~ must be on technical subjects,
1370 1 hour on workers' compensation, 1 hour on workplace safety, 1
1371 hour on business practices, and for alarm system contractors and
1372 electrical contractors engaged in alarm system contracting, 2
1373 hours on false alarm prevention.



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1374 Section 57. Paragraph (b) of subsection (1) of section
1375 489.518, Florida Statutes, is amended to read:

1376 489.518 Alarm system agents.—

1377 (1) A licensed electrical or alarm system contractor may
1378 not employ a person to perform the duties of a burglar alarm
1379 system agent unless the person:

1380 (b) Has successfully completed a minimum of 14 hours of
1381 training within 90 days after employment, to include basic alarm
1382 system electronics in addition to related training including
1383 CCTV and access control training, with at least 2 hours of
1384 training in the prevention of false alarms. Such training shall
1385 be from a board-approved provider, and the employee or applicant
1386 for employment shall provide proof of successful completion to
1387 the licensed employer. The board shall by rule establish
1388 criteria for the approval of training courses and providers and
1389 may by rule establish criteria for accepting alternative
1390 nonclassroom education on an hour-for-hour basis. The board
1391 shall approve providers that conduct training in other than the
1392 English language. The board shall establish a fee for the
1393 approval of training providers or courses, not to exceed \$60.
1394 Qualified employers may conduct training classes for their
1395 employees, with board approval.

1396 Section 58. Section 492.104, Florida Statutes, is amended,
1397 to read:

1398 492.104 Rulemaking authority.—The Board of Professional
1399 Geologists has authority to adopt rules pursuant to ss.
1400 120.536(1) and 120.54 to implement this chapter. Every licensee
1401 shall be governed and controlled by this chapter and the rules
1402 adopted by the board. The board is authorized to set, by rule,



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1403 fees for application, examination, ~~certificate of authorization,~~
1404 late renewal, initial licensure, and license renewal. These fees
1405 ~~may should~~ not exceed the cost of implementing the application,
1406 examination, initial licensure, and license renewal or other
1407 administrative process and shall be established as follows:

1408 (1) The application fee shall not exceed \$150 and shall be
1409 nonrefundable.

1410 (2) The examination fee shall not exceed \$250, and the fee
1411 may be apportioned to each part of a multipart examination. The
1412 examination fee shall be refundable in whole or part if the
1413 applicant is found to be ineligible to take any portion of the
1414 licensure examination.

1415 (3) The initial license fee shall not exceed \$100.

1416 (4) The biennial renewal fee shall not exceed \$150.

1417 ~~(5) The fee for a certificate of authorization shall not~~
1418 ~~exceed \$350 and the fee for renewal of the certificate shall not~~
1419 ~~exceed \$350.~~

1420 ~~(5)-(6)~~ The fee for reactivation of an inactive license may
1421 ~~shall~~ not exceed \$50.

1422 ~~(6)-(7)~~ The fee for a provisional license may shall not
1423 exceed \$400.

1424 ~~(7)-(8)~~ The fee for application, examination, and licensure
1425 for a license by endorsement is shall be as provided in this
1426 section for licenses in general.

1427 Section 59. Subsection (1) of section 492.108, Florida
1428 Statutes, is amended to read:

1429 492.108 Licensure by endorsement; requirements; fees.—

1430 (1) The department shall issue a license by endorsement to
1431 any applicant who, upon applying to the department and remitting



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1432 an application fee, has been certified by the board that he or
1433 she:

1434 (a) Has met the qualifications for licensure in s.
1435 492.105(1) (b)-(e) and:-

1436 1.-(b) Is the holder of an active license in good standing
1437 in a state, trust, territory, or possession of the United
1438 States.

1439 2.-(e) Was licensed through written examination in at least
1440 one state, trust, territory, or possession of the United States,
1441 the examination requirements of which have been approved by the
1442 board as substantially equivalent to or more stringent than
1443 those of this state, and has received a score on such
1444 examination which is equal to or greater than the score required
1445 by this state for licensure by examination.

1446 3.-(d) Has taken and successfully passed the laws and rules
1447 portion of the examination required for licensure as a
1448 professional geologist in this state.

1449 (b) Has held a valid license to practice geology in another
1450 state, trust, territory, or possession of the United States for
1451 at least 10 years before the date of application and has
1452 successfully completed a state, regional, national, or other
1453 examination that is equivalent to or more stringent than the
1454 examination required by the department. If such applicant has
1455 met the requirements for a license by endorsement except
1456 successful completion of an examination that is equivalent to or
1457 more stringent than the examination required by the board, such
1458 applicant may take the examination required by the board.

1459 Section 60. Section 492.111, Florida Statutes, is amended
1460 to read:



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1461 492.111 Practice of professional geology by a firm,
1462 corporation, or partnership; ~~certificate of authorization.~~—The
1463 practice of, or offer to practice, professional geology by
1464 individual professional geologists licensed under the provisions
1465 of this chapter through a firm, corporation, or partnership
1466 offering geological services to the public through individually
1467 licensed professional geologists as agents, employees, officers,
1468 or partners thereof is permitted subject to the provisions of
1469 this chapter, if ~~provided that~~:

1470 (1) At all times that it offers geological services to the
1471 public, the firm, corporation, or partnership is qualified by
1472 ~~has on file with the department the name and license number of~~
1473 one or more individuals who hold a current, active license as a
1474 professional geologist in the state and are serving as a
1475 geologist of record for the firm, corporation, or partnership. A
1476 geologist of record may be any principal officer or employee of
1477 such firm or corporation, or any partner or employee of such
1478 partnership, who holds a current, active license as a
1479 professional geologist in this state, or any other Florida-
1480 licensed professional geologist with whom the firm, corporation,
1481 or partnership has entered into a long-term, ongoing
1482 relationship, as defined by rule of the board, to serve as one
1483 of its geologists of record. ~~It shall be the responsibility of~~
1484 ~~the firm, corporation, or partnership and~~ The geologist of
1485 record shall ~~to~~ notify the department of any changes in the
1486 relationship or identity of that geologist of record within 30
1487 days after such change.

1488 ~~(2) The firm, corporation, or partnership has been issued a~~
1489 ~~certificate of authorization by the department as provided in~~



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1490 ~~this chapter. For purposes of this section, a certificate of~~
1491 ~~authorization shall be required of any firm, corporation,~~
1492 ~~partnership, association, or person practicing under a~~
1493 ~~fictitious name and offering geological services to the public;~~
1494 ~~except that, when an individual is practicing professional~~
1495 ~~geology in her or his own name, she or he shall not be required~~
1496 ~~to obtain a certificate of authorization under this section.~~
1497 ~~Such certificate of authorization shall be renewed every 2~~
1498 ~~years.~~

1499 (2)~~(3)~~ All final geological papers or documents involving
1500 the practice of the profession of geology which have been
1501 prepared or approved for the use of such firm, corporation, or
1502 partnership, for delivery to any person for public record with
1503 the state, shall be dated and bear the signature and seal of the
1504 professional geologist or professional geologists who prepared
1505 or approved them.

1506 (3)~~(4)~~ Except as provided in s. 558.0035, the fact that a
1507 licensed professional geologist practices through a corporation
1508 or partnership does not relieve the registrant from personal
1509 liability for negligence, misconduct, or wrongful acts committed
1510 by her or him. The partnership and all partners are jointly and
1511 severally liable for the negligence, misconduct, or wrongful
1512 acts committed by their agents, employees, or partners while
1513 acting in a professional capacity. Any officer, agent, or
1514 employee of a corporation is personally liable and accountable
1515 only for negligent acts, wrongful acts, or misconduct committed
1516 by her or him or committed by any person under her or his direct
1517 supervision and control, while rendering professional services
1518 on behalf of the corporation. The personal liability of a



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1519 shareholder of a corporation, in her or his capacity as
1520 shareholder, may be no greater than that of a shareholder-
1521 employee of a corporation incorporated under chapter 607. The
1522 corporation is liable up to the full value of its property for
1523 any negligent acts, wrongful acts, or misconduct committed by
1524 any of its officers, agents, or employees while they are engaged
1525 on behalf of the corporation in the rendering of professional
1526 services.

1527 ~~(5) The firm, corporation, or partnership desiring a~~
1528 ~~certificate of authorization shall file with the department an~~
1529 ~~application therefor, upon a form to be prescribed by the~~
1530 ~~department, accompanied by the required application fee.~~

1531 ~~(6) The department may refuse to issue a certificate of~~
1532 ~~authorization if any facts exist which would entitle the~~
1533 ~~department to suspend or revoke an existing certificate of~~
1534 ~~authorization or if the department, after giving persons~~
1535 ~~involved a full and fair hearing, determines that any of the~~
1536 ~~officers or directors of said firm or corporation, or partners~~
1537 ~~of said partnership, have violated the provisions of s. 492.113.~~

1538 Section 61. Subsection (4) of section 492.113, Florida
1539 Statutes, is amended to read:

1540 492.113 Disciplinary proceedings.—

1541 (4) The department shall reissue the license of a
1542 disciplined professional geologist ~~or business~~ upon
1543 certification by the board that the disciplined person has
1544 complied with ~~all of~~ the terms and conditions set forth in the
1545 final order.

1546 Section 62. Section 492.115, Florida Statutes, is amended
1547 to read:



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1548 492.115 Roster of licensed professional geologists.—A
1549 roster showing the names and places of business or residence of
1550 all licensed professional geologists and all properly qualified
1551 firms, corporations, or partnerships practicing holding
1552 ~~certificates of authorization to practice~~ professional geology
1553 in the state shall be prepared annually by the department. A
1554 copy of this roster must be made available to ~~shall be~~
1555 ~~obtainable by~~ each licensed professional geologist and each
1556 firm, corporation, or partnership qualified by a professional
1557 geologist holding a certificate of authorization, and copies
1558 thereof shall be placed on file with the department.

1559 Section 63. Paragraph (i) of subsection (2) of section
1560 548.003, Florida Statutes, is amended to read:

1561 548.003 Florida State Boxing Commission.—

1562 (2) The Florida State Boxing Commission, as created by
1563 subsection (1), shall administer the provisions of this chapter.
1564 The commission has authority to adopt rules pursuant to ss.
1565 120.536(1) and 120.54 to implement the provisions of this
1566 chapter and to implement each of the duties and responsibilities
1567 conferred upon the commission, including, but not limited to:

1568 ~~(i) Designation and duties of a knockdown timekeeper.~~

1569 Section 64. Subsection (1) of section 548.017, Florida
1570 Statutes, is amended to read:

1571 548.017 Participants, managers, and other persons required
1572 to have licenses.—

1573 (1) A participant, manager, trainer, second, ~~timekeeper,~~
1574 referee, judge, ~~announcer,~~ physician, matchmaker, or promoter
1575 must be licensed before directly or indirectly acting in such
1576 capacity in connection with any match involving a participant. A



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1577 physician approved by the commission must be licensed pursuant
1578 to chapter 458 or chapter 459, must maintain an unencumbered
1579 license in good standing, and must demonstrate satisfactory
1580 medical training or experience in boxing, or a combination of
1581 both, to the executive director before working as the ringside
1582 physician.

1583 Section 65. Effective January 1, 2020, subsection (1) of
1584 section 553.74, Florida Statutes, is amended to read:

1585 553.74 Florida Building Commission.—

1586 (1) The Florida Building Commission is created and located
1587 within the Department of Business and Professional Regulation
1588 for administrative purposes. Members are appointed by the
1589 Governor subject to confirmation by the Senate. The commission
1590 is composed of 20 ~~27~~ members, consisting of the following
1591 members:

1592 (a) One architect licensed pursuant to chapter 481 with at
1593 least 5 years of experience in the design and construction of
1594 buildings containing Florida Building Code designated Group R
1595 occupancy at or above 210 feet in height above the elevation of
1596 the lowest level of emergency services access ~~registered to~~
1597 ~~practice in this state and actively engaged in the profession.~~
1598 ~~The American Institute of Architects, Florida Section, is~~
1599 ~~encouraged to recommend a list of candidates for consideration.~~

1600 (b) One structural engineer registered to practice in this
1601 state and actively engaged in the profession. The Florida
1602 Engineering Society is encouraged to recommend a list of
1603 candidates for consideration.

1604 (c) One air-conditioning or mechanical contractor certified
1605 to do business in this state and actively engaged in the



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1606 profession. The Florida Air Conditioning Contractors
1607 Association, the Florida Refrigeration and Air Conditioning
1608 Contractors Association, and the Mechanical Contractors
1609 Association of Florida are encouraged to recommend a list of
1610 candidates for consideration.

1611 (d) One electrical contractor certified to do business in
1612 this state and actively engaged in the profession. The Florida
1613 Association of Electrical Contractors and the National
1614 Electrical Contractors Association, Florida Chapter, are
1615 encouraged to recommend a list of candidates for consideration.

1616 ~~(e) One member from fire protection engineering or~~
1617 ~~technology who is actively engaged in the profession. The~~
1618 ~~Florida Chapter of the Society of Fire Protection Engineers and~~
1619 ~~the Florida Fire Marshals and Inspectors Association are~~
1620 ~~encouraged to recommend a list of candidates for consideration.~~

1621 (e)~~(f)~~ One certified general contractor or one certified
1622 building contractor certified to do business in this state and
1623 actively engaged in the profession. The Associated Builders and
1624 Contractors of Florida, the Florida Associated General
1625 Contractors Council, the Florida Home Builders Association, and
1626 the Union Contractors Association are encouraged to recommend a
1627 list of candidates for consideration.

1628 (f)~~(g)~~ One plumbing contractor licensed to do business in
1629 this state and actively engaged in the profession. The Florida
1630 Association of Plumbing, Heating, and Cooling Contractors is
1631 encouraged to recommend a list of candidates for consideration.

1632 (g)~~(h)~~ One roofing or sheet metal contractor certified to
1633 do business in this state and actively engaged in the
1634 profession. The Florida Roofing, Sheet Metal, and Air



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1635 Conditioning Contractors Association and the Sheet Metal and Air
1636 Conditioning Contractors' National Association are encouraged to
1637 recommend a list of candidates for consideration.

1638 ~~(h)~~~~(i)~~ One certified residential contractor licensed to do
1639 business in this state and actively engaged in the profession.
1640 The Florida Home Builders Association is encouraged to recommend
1641 a list of candidates for consideration.

1642 ~~(i)~~~~(j)~~ Three members who are municipal, county, or district
1643 codes enforcement officials, one of whom is also a fire
1644 official. The Building Officials Association of Florida and the
1645 Florida Fire Marshals and Inspectors Association are encouraged
1646 to recommend a list of candidates for consideration.

1647 (j) The State Fire Marshal or his or her designee who has
1648 expertise in fire suppression.

1649 ~~(k) One member who represents the Department of Financial~~
1650 ~~Services.~~

1651 ~~(l) One member who is a county codes enforcement official.~~
1652 ~~The Building Officials Association of Florida is encouraged to~~
1653 ~~recommend a list of candidates for consideration.~~

1654 ~~(k)~~~~(m)~~ One member of a Florida-based organization of
1655 persons with disabilities or a nationally chartered organization
1656 of persons with disabilities with chapters in this state which
1657 complies with or is certified to be compliant with the
1658 requirements of the Americans with Disability Act of 1990, as
1659 amended.

1660 ~~(l)~~~~(n)~~ One member of the manufactured buildings industry
1661 who is licensed to do business in this state and is actively
1662 engaged in the industry. The Florida Manufactured Housing
1663 Association is encouraged to recommend a list of candidates for



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1664 consideration.

1665 (o) One mechanical or electrical engineer registered to
1666 practice in this state and actively engaged in the profession.
1667 The Florida Engineering Society is encouraged to recommend a
1668 list of candidates for consideration.

1669 ~~(p) One member who is a representative of a municipality or~~
1670 ~~a charter county. The Florida League of Cities and the Florida~~
1671 ~~Association of Counties are encouraged to recommend a list of~~
1672 ~~candidates for consideration.~~

1673 (p)~~(q)~~ One member of the building products manufacturing
1674 industry who is authorized to do business in this state and is
1675 actively engaged in the industry. The Florida Building Material
1676 Association, the Florida Concrete and Products Association, and
1677 the Fenestration Manufacturers Association are encouraged to
1678 recommend a list of candidates for consideration.

1679 ~~(r) One member who is a representative of the building~~
1680 ~~owners and managers industry who is actively engaged in~~
1681 ~~commercial building ownership or management. The Building Owners~~
1682 ~~and Managers Association is encouraged to recommend a list of~~
1683 ~~candidates for consideration.~~

1684 (q)~~(s)~~ One member who is a representative of the insurance
1685 industry. The Florida Insurance Council is encouraged to
1686 recommend a list of candidates for consideration.

1687 ~~(t) One member who is a representative of public education.~~

1688 (r)~~(u)~~ One member who is a swimming pool contractor
1689 licensed to do business in this state and actively engaged in
1690 the profession. The Florida Swimming Pool Association and the
1691 United Pool and Spa Association are encouraged to recommend a
1692 list of candidates for consideration.



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1693 (s)~~(v)~~ One member who is a representative of the green
1694 building industry and who is a third-party commission agent, a
1695 Florida board member of the United States Green Building Council
1696 or Green Building Initiative, a professional who is accredited
1697 under the International Green Construction Code (IGCC), or a
1698 professional who is accredited under Leadership in Energy and
1699 Environmental Design (LEED).

1700 (t)~~(w)~~ One member who is a representative of a natural gas
1701 distribution system and who is actively engaged in the
1702 distribution of natural gas in this state. The Florida Natural
1703 Gas Association is encouraged to recommend a list of candidates
1704 for consideration.

1705 ~~(x) One member who is a representative of the Department of
1706 Agriculture and Consumer Services' Office of Energy. The
1707 Commissioner of Agriculture is encouraged to recommend a list of
1708 candidates for consideration.~~

1709 ~~(y) One member who shall be the chair.~~

1710
1711 ===== T I T L E A M E N D M E N T =====

1712 And the title is amended as follows:

1713 Delete lines 2314 - 2506

1714 and insert:

1715 occupations; amending s. 326.004, F.S.; deleting the
1716 requirement for a yacht broker to maintain a separate
1717 license for each branch office; deleting the
1718 requirement for the division to establish a fee;
1719 amending s. 447.02, F.S.; conforming provisions to
1720 changes made by the act; repealing s. 447.04, F.S.,
1721 relating to licensure and permit requirements for



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1722 business agents; repealing s. 447.041, F.S., relating
1723 to hearings for persons or labor organizations denied
1724 licensure as a business agent; repealing s. 447.045,
1725 F.S., relating to confidential information obtained
1726 during the application process; repealing s. 447.06,
1727 F.S., relating to required registration of labor
1728 organizations; amending s. 447.09, F.S.; deleting
1729 certain prohibited actions relating to the right of
1730 franchise of a member of a labor organization;
1731 repealing s. 447.12, F.S., relating to registration
1732 fees; repealing s. 447.16, F.S., relating to
1733 applicability; amending s. 447.305, F.S.; deleting a
1734 provision that requires notification of registrations
1735 and renewals to the department; amending s. 455.213,
1736 F.S.; requiring the Department of Business and
1737 Professional Regulation or a board to seek reciprocal
1738 licensing agreements with other states under certain
1739 circumstances; providing requirements; requiring the
1740 department, in consultation with applicable
1741 professional boards and the Department of Education,
1742 to conduct a specified review of certain
1743 apprenticeship programs; requiring the Department of
1744 Business and Professional Regulation to submit a
1745 report to the Governor and the Legislature by a
1746 specified date; amending s. 468.385, F.S.; revising
1747 requirements relating to businesses auctioning or
1748 offering to auction property in this state; amending
1749 s. 468.401, F.S.; redefining the term "talent agency";
1750 amending s. 468.408, F.S.; conforming provisions to



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1751 changes made by the act; amending s. 468.412, F.S.;

1752 requiring employees of talent agencies to complete

1753 level 1 background screenings; amending s. 468.415,

1754 F.S.; prohibiting any agent, owner, or operator who

1755 commits sexual misconduct in the operation of a talent

1756 agency from acting as an agent, owner, or operator of

1757 a Florida talent agency; amending s. 468.524, F.S.;

1758 deleting specified exemptions from the time

1759 restriction for an employee leasing company to reapply

1760 for licensure; amending s. 468.613, F.S.; providing

1761 for waiver of specified requirements for certification

1762 under certain circumstances; amending s. 468.8314,

1763 F.S.; requiring an applicant for a license by

1764 endorsement to maintain a specified insurance policy;

1765 requiring the department to certify an applicant who

1766 holds a specified license issued by another state or

1767 territory of the United States under certain

1768 circumstances; amending s. 468.8414, F.S.; providing

1769 additional licensure requirements for mold

1770 remediators; amending s. 469.006, F.S.; providing

1771 additional licensure requirements for asbestos

1772 abatement consulting or contracting as a partnership,

1773 corporation, business trust, or other legal entity;

1774 amending s. 469.009, F.S.; conforming provisions to

1775 changes made by the act; amending s. 471.005, F.S.;

1776 revising definitions; amending s. 471.011, F.S.;

1777 conforming a provision to changes made by the act;

1778 amending s. 471.015, F.S.; revising licensure

1779 requirements for engineers who hold specified licenses



1780 in another state; amending s. 471.023, F.S.; providing
1781 requirements for qualification of a business
1782 organization; providing requirements for a qualifying
1783 agent; deleting the administration of disciplinary
1784 action against a business organization; amending s.
1785 473.308, F.S.; deleting continuing education
1786 requirements for license by endorsement for certified
1787 public accountants; amending s. 474.202, F.S.;
1788 revising the definition of the term "limited-service
1789 veterinary medical practice" to include certain
1790 vaccinations or immunizations; amending s. 474.207,
1791 F.S.; revising education requirements for licensure by
1792 examination; amending s. 474.217, F.S.; requiring the
1793 Department of Business and Professional Regulation to
1794 issue a license by endorsement to certain applicants
1795 who successfully complete a specified examination;
1796 amending s. 476.144, F.S.; requiring the department to
1797 license an applicant who is licensed to practice
1798 barbering in another state; amending s. 477.013, F.S.;
1799 revising the definition of the term "hair braiding";
1800 repealing s. 477.0132, F.S., relating to registration
1801 for hair braiding, hair wrapping, and body wrapping;
1802 amending s. 477.0135, F.S.; providing additional
1803 exemptions from license or registration requirements
1804 for specified occupations or practices; amending s.
1805 477.019, F.S.; conforming provisions to changes made
1806 by the act; amending s. 477.026, F.S.; conforming
1807 provisions to changes made by the act; amending s.
1808 477.0263, F.S.; providing certain cosmetology services



1809 may be performed in a location other than a licensed
1810 salon under certain circumstances; amending ss.
1811 477.0265 and 477.029, F.S.; conforming provisions to
1812 changes made by the act; amending s. 481.203, F.S.;
1813 revising definitions; amending s. 481.215, F.S.;
1814 conforming provisions to changes made by the act;
1815 revising requirements relating to the renewal of an
1816 interior designer license; specifying that the Board
1817 of Architecture and Interior Design shall only approve
1818 certain continuing education; providing exceptions;
1819 amending s. 481.219, F.S.; conforming provisions to
1820 changes made by the act; requiring certain licensees
1821 and applicants to qualify a business organization upon
1822 approval of the board; providing requirements for
1823 business organizations engaging in the practice of
1824 architecture or interior design and for the qualifying
1825 agents of such business organizations; revising
1826 construction; amending s. 481.221, F.S.; conforming
1827 provisions to changes made by the act; requiring a
1828 registered architect, an interior designer, and a
1829 business organization to display certain license
1830 numbers in specified advertisements; providing an
1831 exception; amending s. 481.229, F.S.; conforming
1832 provisions to changes made by the act; amending s.
1833 481.303, F.S.; deleting the definition of the term
1834 "certificate of authorization"; amending s. 481.310,
1835 F.S.; providing that an applicant who holds certain
1836 degrees is not required to demonstrate 1 year of
1837 practical experience for licensure; amending s.



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1838 481.311, F.S.; requiring the Board of Landscape
1839 Architecture to certify an applicant who holds a
1840 specified license issued by another state or territory
1841 of the United States under certain circumstances;
1842 conforming provisions to changes made by the act;
1843 amending s. 481.317, F.S.; conforming provisions to
1844 changes made by the act; amending s. 481.319, F.S.;
1845 deleting the requirement for a certificate of
1846 authorization; authorizing landscape architects to
1847 practice through a corporation or partnership;
1848 amending s. 481.321, F.S.; requiring a landscape
1849 architect to display their certificate number in
1850 specified advertisements; amending s. 481.329, F.S.;
1851 conforming a cross-reference; amending s. 489.103,
1852 F.S.; revising certain contract prices for exemption;
1853 amending s. 489.111, F.S.; revising provisions
1854 relating to eligibility for licensure; amending s.
1855 489.115, F.S.; requiring the Construction Industry
1856 Licensing Board to certify any applicant who holds a
1857 specified license to practice contracting issued by
1858 another state or territory of the United States under
1859 certain circumstances; amending s. 489.511, F.S.;
1860 requiring the board to certify as qualified for
1861 certification by endorsement any applicant who holds a
1862 specified license to practice electrical or alarm
1863 system contracting issued by another state or
1864 territory of the United States under certain
1865 circumstances; amending s. 489.517, F.S.; providing a
1866 reduction in certain continuing education hours



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1867 required for registered contractors; amending s.
1868 489.518, F.S.; requiring a person to have completed a
1869 specified amount of training within a certain time
1870 period to perform the duties of an alarm system agent;
1871 amending s. 492.104, F.S.; conforming provisions to
1872 changes made by the act; amending s. 492.108, F.S.;
1873 requiring the department to issue a license by
1874 endorsement to any applicant who has held a specified
1875 license to practice geology in another state, trust,
1876 territory, or possession of the United States for a
1877 certain period of time; providing that an applicant
1878 may take the examination required by the board if they
1879 have not met the specified examination requirement;
1880 amending s. 492.111, F.S.; deleting the requirements
1881 for a certificate of authorization for a professional
1882 geologist; amending ss. 492.113 and 492.115, F.S.;
1883 conforming provisions to changes made by the act;
1884 amending s. 548.003, F.S.; deleting the requirement
1885 that the Florida State Boxing Commission adopt rules
1886 relating to a knockdown timekeeper; amending s.
1887 548.017, F.S.; deleting the licensure requirement for
1888 a timekeeper or an announcer; amending s. 553.74,
1889 F.S.; revising the membership and qualifications of
1890 the Florida Building Commission; amending ss. 559.25
1891 and 287.055,

By the Committee on Innovation, Industry, and Technology; and
Senator Albritton

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1 A bill to be entitled
2 An act relating to the deregulation of professions and
3 occupations; amending s. 20.165, F.S.; renaming the
4 Board of Architecture and Interior Design as the Board
5 of Architecture within the Department of Business and
6 Professional Regulation; deleting a provision
7 establishing the Florida Board of Auctioneers;
8 amending s. 326.004, F.S.; deleting the requirement
9 for a yacht broker to maintain a separate license for
10 each branch office; deleting the requirement for the
11 division to establish a fee; amending s. 447.02, F.S.;
12 conforming provisions to changes made by the act;
13 repealing s. 447.04, F.S., relating to licensure and
14 permit requirements for business agents; repealing s.
15 447.041, F.S., relating to hearings for persons or
16 labor organizations denied licensure as a business
17 agent; repealing s. 447.045, F.S., relating to
18 confidential information obtained during the
19 application process; repealing s. 447.06, F.S.,
20 relating to required registration of labor
21 organizations; amending s. 447.09, F.S.; deleting
22 certain prohibited actions relating to the right of
23 franchise of a member of a labor organization;
24 repealing s. 447.12, F.S., relating to registration
25 fees; repealing s. 447.16, F.S., relating to
26 applicability; amending s. 447.305, F.S.; deleting a
27 provision that requires notification of registrations
28 and renewals to the department; amending s. 455.213,
29 F.S.; requiring the Department of Business and

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30 Professional Regulation or a board to seek reciprocal
31 licensing agreements with other states under certain
32 circumstances; providing requirements; repealing s.
33 468.381, F.S., relating to purpose; amending s.
34 468.382, F.S.; revising definitions; repealing s.
35 468.384, F.S., relating to the Florida Board of
36 Auctioneers; repealing s. 468.385, F.S., relating to
37 licensure requirements for the practice of
38 auctioneering; repealing s. 468.3851, F.S., relating
39 to licensure renewal; repealing s. 468.3852, F.S.,
40 relating to license reactivation; repealing s.
41 468.3855, F.S., relating to training requirements for
42 auctioneer apprenticeships; repealing s. 468.386,
43 F.S., relating to fees and local licensing
44 requirements; repealing s. 468.387, F.S., relating to
45 licensure by endorsement; amending s. 468.388, F.S.;
46 deleting certain requirements relating to auctioneer
47 licenses with regard to the conduct of an auction;
48 amending s. 468.389, F.S.; revising prohibited acts
49 and penalties; amending s. 468.391, F.S.; conforming
50 cross-references; repealing ss. 468.392, 468.393,
51 468.394, 468.395, 468.396, 468.397, 468.398, and
52 458.399, F.S., relating to the Auctioneer Recovery
53 Fund, surcharges and assessments on license fees,
54 payment of interest earned into the recovery fund,
55 recovery from the recovery fund, claims against a
56 single licensee in excess of a specified dollar
57 limitation and joinder of claims, payment of claims
58 from the recovery fund, suspension of a judgment

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59 debtor's license, and the expenditure of excess funds,
 60 respectively; amending s. 468.401, F.S.; redefining
 61 the term "talent agency"; amending s. 468.408, F.S.;
 62 conforming provisions to changes made by the act;
 63 amending s. 468.412, F.S.; requiring employees of
 64 talent agencies to complete level 1 background
 65 screenings; amending s. 468.415, F.S.; prohibiting any
 66 agent, owner, or operator who commits sexual
 67 misconduct in the operation of a talent agency from
 68 acting as an agent, owner, or operator of a Florida
 69 talent agency; amending s. 468.524, F.S.; deleting
 70 specified exemptions from the time restriction for an
 71 employee leasing company to reapply for licensure;
 72 amending s. 468.613, F.S.; providing for waiver of
 73 specified requirements for certification under certain
 74 circumstances; amending s. 468.8314, F.S.; requiring
 75 an applicant for a license by endorsement to maintain
 76 a specified insurance policy; requiring the department
 77 to certify an applicant who holds a specified license
 78 issued by another state or territory of the United
 79 States under certain circumstances; amending s.
 80 468.8414, F.S.; providing additional licensure
 81 requirements for mold remediators; amending s.
 82 469.006, F.S.; providing additional licensure
 83 requirements for asbestos abatement consulting or
 84 contracting as a partnership, corporation, business
 85 trust, or other legal entity; amending s. 469.009,
 86 F.S.; conforming provisions to changes made by the
 87 act; amending s. 471.005, F.S.; revising definitions;

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88 amending s. 471.011, F.S.; conforming a provision to
 89 changes made by the act; amending s. 471.015, F.S.;
 90 revising licensure requirements for engineers who hold
 91 specified licenses in another state; amending s.
 92 471.023, F.S.; providing requirements for
 93 qualification of a business organization; providing
 94 requirements for a qualifying agent; deleting the
 95 administration of disciplinary action against a
 96 business organization; amending s. 473.308, F.S.;
 97 deleting continuing education requirements for license
 98 by endorsement for certified public accountants;
 99 amending s. 474.202, F.S.; revising the definition of
 100 the term "limited-service veterinary medical practice"
 101 to include certain vaccinations or immunizations;
 102 amending s. 474.207, F.S.; revising education
 103 requirements for licensure by examination; amending s.
 104 474.217, F.S.; requiring the Department of Business
 105 and Professional Regulation to issue a license by
 106 endorsement to certain applicants who successfully
 107 complete a specified examination; amending s. 476.144,
 108 F.S.; requiring the department to license an applicant
 109 who is licensed to practice barbering in another
 110 state; amending s. 477.013, F.S.; revising the
 111 definition of the term "hair braiding"; repealing s.
 112 477.0132, F.S., relating to registration for hair
 113 braiding, hair wrapping, and body wrapping; amending
 114 s. 477.0135, F.S.; providing additional exemptions
 115 from license or registration requirements for
 116 specified occupations or practices; amending s.

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117 477.019, F.S.; conforming provisions to changes made
 118 by the act; amending s. 477.026, F.S.; conforming
 119 provisions to changes made by the act; amending s.
 120 477.0263, F.S.; providing certain cosmetology services
 121 may be performed in a location other than a licensed
 122 salon under certain circumstances; amending ss.
 123 477.0265 and 477.029, F.S.; conforming provisions to
 124 changes made by the act; amending s. 481.201, F.S.;
 125 deleting legislative findings relating to the practice
 126 of interior design; amending s. 481.203, F.S.;
 127 revising definitions; amending s. 481.205, F.S.;
 128 renaming the Board of Architecture and Interior Design
 129 as the Board of Architecture; revising membership of
 130 the board; conforming provisions; amending ss.
 131 481.207, 481.209, and 481.213, F.S.; conforming
 132 provisions; amending s. 481.2131, F.S.; requiring
 133 certain interior designers to include proof of
 134 completed specified examination requirements when
 135 submitting documents for the issuance of a building
 136 permit; providing that a license or registration is
 137 not required for specified persons to practice;
 138 amending ss. 481.215 and 481.217, F.S.; conforming
 139 provisions to changes made by the act; amending s.
 140 481.219, F.S.; deleting provisions permitting the
 141 practice of or offer to practice interior design
 142 through certain business organizations; deleting
 143 provisions requiring certificates of authorization for
 144 certain business organizations offering interior
 145 design services to the public; requiring a licensee or

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146 applicant in the practice of architecture to qualify
 147 as a business organization; providing requirements;
 148 amending s. 481.221, F.S.; conforming provisions;
 149 requiring a registered architect or a qualifying agent
 150 for a business organization to display their license
 151 number in specified advertisements; providing an
 152 exception; amending ss. 481.222 and 481.223, F.S.;
 153 conforming provisions; repealing s. 481.2251, F.S.,
 154 relating to the practice and regulation of interior
 155 design, registration for interior designers, and
 156 disciplinary proceedings against registered interior
 157 designers; amending ss. 481.229 and 481.231, F.S.;
 158 conforming provisions; amending s. 481.303, F.S.;
 159 deleting the definition of the term "certificate of
 160 authorization"; amending s. 481.310, F.S.; providing
 161 that an applicant who holds a specified degree is not
 162 required to demonstrate 1 year of practical experience
 163 for licensure; amending s. 481.311, F.S.; requiring
 164 the Board of Landscape Architecture to certify an
 165 applicant who holds a specified license issued by
 166 another state or territory of the United States under
 167 certain circumstances; conforming provisions; amending
 168 s. 481.317, F.S.; conforming provisions; amending s.
 169 481.319, F.S.; deleting the requirement for a
 170 certificate of authorization; authorizing landscape
 171 architects to practice through a corporation or
 172 partnership; amending s. 481.321, F.S.; requiring a
 173 landscape architect to display their certificate
 174 number in specified advertisements; amending s.

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175 481.329, F.S.; conforming a cross-reference; amending
 176 s. 489.103, F.S.; revising certain contract prices for
 177 exemption; amending s. 489.111, F.S.; providing that
 178 an applicant who is exempt from a specified
 179 examination is eligible for licensure; amending s.
 180 489.113, F.S.; providing that an applicant holding a
 181 specified degree does not have to pass a certain
 182 examination; amending s. 489.115, F.S.; requiring the
 183 Construction Industry Licensing Board to certify any
 184 applicant who holds a specified license to practice
 185 contracting issued by another state or territory of
 186 the United States under certain circumstances;
 187 amending s. 489.511, F.S.; requiring the board to
 188 certify as qualified for certification by endorsement
 189 any applicant who holds a specified license to
 190 practice electrical or alarm system contracting issued
 191 by another state or territory of the United States
 192 under certain circumstances; amending s. 489.517,
 193 F.S.; providing a reduction in certain continuing
 194 education hours required for registered contractors;
 195 amending s. 489.518, F.S.; requiring a person to have
 196 completed a specified amount of training within a
 197 certain time period to perform the duties of an alarm
 198 system agent; amending s. 492.104, F.S.; conforming
 199 provisions to changes made by the act; amending s.
 200 492.108, F.S.; requiring the department to issue a
 201 license by endorsement to any applicant who has held a
 202 specified license to practice geology in another
 203 state, trust, territory, or possession of the United

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204 States for a certain period of time; providing that an
 205 applicant may take the examination required by the
 206 board if they have not met the specified examination
 207 requirement; amending s. 492.111, F.S.; deleting the
 208 requirements for a certificate of authorization for a
 209 professional geologist; amending ss. 492.113 and
 210 492.115, F.S.; conforming provisions; amending s.
 211 548.003, F.S.; deleting the requirement that the
 212 Florida State Boxing Commission adopt rules relating
 213 to a knockdown timekeeper; amending s. 548.017, F.S.;
 214 deleting the licensure requirement for a timekeeper or
 215 an announcer; amending s. 553.5141, F.S.; conforming
 216 provisions to changes made by the act; amending s.
 217 553.74, F.S.; revising the membership and
 218 qualifications of the Florida Building Commission;
 219 amending ss. 553.79, 558.002, 559.25, and 287.055,
 220 F.S.; conforming provisions to changes made by the
 221 act; providing an effective date.

222
 223 Be It Enacted by the Legislature of the State of Florida:

224
 225 Section 1. Paragraph (a) of subsection (4) of section
 226 20.165, Florida Statutes, is amended to read:

227 20.165 Department of Business and Professional Regulation.—
 228 There is created a Department of Business and Professional
 229 Regulation.

230 (4)(a) The following boards and programs are established
 231 within the Division of Professions:

232 1. Board of Architecture ~~and Interior Design~~, created under

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233 part I of chapter 481.

234 ~~2. Florida Board of Auctioneers, created under part VI of~~

235 ~~chapter 468.~~

236 ~~2.3.~~ Barbers' Board, created under chapter 476.

237 ~~3.4.~~ Florida Building Code Administrators and Inspectors

238 Board, created under part XII of chapter 468.

239 ~~4.5.~~ Construction Industry Licensing Board, created under

240 part I of chapter 489.

241 ~~5.6.~~ Board of Cosmetology, created under chapter 477.

242 ~~6.7.~~ Electrical Contractors' Licensing Board, created under

243 part II of chapter 489.

244 ~~7.8.~~ Board of Employee Leasing Companies, created under

245 part XI of chapter 468.

246 ~~8.9.~~ Board of Landscape Architecture, created under part II

247 of chapter 481.

248 ~~9.10.~~ Board of Pilot Commissioners, created under chapter

249 310.

250 ~~10.11.~~ Board of Professional Engineers, created under

251 chapter 471.

252 ~~11.12.~~ Board of Professional Geologists, created under

253 chapter 492.

254 ~~12.13.~~ Board of Veterinary Medicine, created under chapter

255 474.

256 ~~13.14.~~ Home inspection services licensing program, created

257 under part XV of chapter 468.

258 ~~14.15.~~ Mold-related services licensing program, created

259 under part XVI of chapter 468.

260 Section 2. Subsection (13) of section 326.004, Florida

261 Statutes, is amended to read:

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262 326.004 Licensing.—

263 (13) Each broker must maintain a principal place of

264 business in this state and may establish branch offices in the

265 state. ~~A separate license must be maintained for each branch~~

266 ~~office. The division shall establish by rule a fee not to exceed~~

267 ~~\$100 for each branch office license.~~

268 Section 3. Subsection (3) of section 447.02, Florida

269 Statutes, is amended to read:

270 447.02 Definitions.—The following terms, when used in this

271 chapter, shall have the meanings ascribed to them in this

272 section:

273 ~~(3) The term "department" means the Department of Business~~

274 ~~and Professional Regulation.~~

275 Section 4. Section 447.04, Florida Statutes, is repealed.

276 Section 5. Section 447.041, Florida Statutes, is repealed.

277 Section 6. Section 447.045, Florida Statutes, is repealed.

278 Section 7. Section 447.06, Florida Statutes, is repealed.

279 Section 8. Subsections (6) and (8) of section 447.09,

280 Florida Statutes, are amended to read:

281 447.09 Right of franchise preserved; penalties.—It shall be

282 unlawful for any person:

283 ~~(6) To act as a business agent without having obtained and~~

284 ~~possessing a valid and subsisting license or permit.~~

285 ~~(8) To make any false statement in an application for a~~

286 ~~license.~~

287 Section 9. Section 447.12, Florida Statutes, is repealed.

288 Section 10. Section 447.16, Florida Statutes, is repealed.

289 Section 11. Subsection (4) of section 447.305, Florida

290 Statutes, is amended to read:

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291 447.305 Registration of employee organization.-

292 ~~(4) Notification of registrations and renewals of~~
 293 ~~registration shall be furnished at regular intervals by the~~
 294 ~~commission to the Department of Business and Professional~~
 295 ~~Regulation.~~

296 Section 12. Subsection (13) is added to section 455.213,
 297 Florida Statutes, to read:

298 455.213 General licensing provisions.-

299 (13) The department or a board must enter into a reciprocal
 300 licensing agreement with other states if the practice act within
 301 the purview of this chapter permits such agreement. If a
 302 reciprocal licensing agreement exists or if the department or
 303 board has determined another state's licensing requirements or
 304 examinations to be substantially equivalent or more stringent to
 305 those under the practice act, the department or board must post
 306 on its website which jurisdictions have such reciprocal
 307 licensing agreements or substantially similar licenses.

308 Section 13. Section 468.381, Florida Statutes, is repealed.

309 Section 14. Section 468.382, Florida Statutes, is amended
 310 to read:

311 468.382 Definitions.-As used in this act, the term:

312 ~~(1)-(8)~~ "Absolute auction" means an auction that requires no
 313 minimum opening bid that limits the sale other than to the
 314 highest bidder.

315 ~~(2)-(7)~~ "Agricultural product" means the natural products
 316 from a farm, nursery, grove, orchard, vineyard, garden, or
 317 apiary, including livestock, tobacco, and vegetables and
 318 includes those agricultural products as defined in chapter 618.

319 ~~(3)-(1)~~ "Auction business" means a sole proprietorship,

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320 partnership, or corporation which in the regular course of
 321 business arranges, manages, sponsors, advertises, promotes, or
 322 carries out auctions, employs auctioneers to conduct auctions in
 323 its facilities, or uses or allows the use of its facilities for
 324 auctions.

325 ~~(4)-(2)~~ "Auctioneer" means any person who conducts auctions
 326 within the state licensed pursuant to this part who holds a
 327 valid Florida auctioneer license.

328 ~~(3) "Apprentice" means any person who is being trained as~~
 329 ~~an auctioneer by a licensed auctioneer.~~

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

331 ~~(5) "Department" means the Department of Business and~~
 332 ~~Professional Regulation.~~

333 ~~(5)-(6)~~ "Livestock" means any animal included in the
 334 definition of "livestock" by s. 585.01 or s. 588.13.

335 Section 15. Section 468.384, Florida Statutes, is repealed.

336 Section 16. Section 468.385, Florida Statutes, is repealed.

337 Section 17. Section 468.3851, Florida Statutes, is
 338 repealed.

339 Section 18. Section 468.3852, Florida Statutes, is
 340 repealed.

341 Section 19. Section 468.3855, Florida Statutes, is
 342 repealed.

343 Section 20. Section 468.386, Florida Statutes, is repealed.

344 Section 21. Section 468.387, Florida Statutes, is repealed.

345 Section 22. Subsections (6) through (11) of section
 346 468.388, Florida Statutes, are renumbered as subsections (4)
 347 through (9), respectively, and present subsections (3), (4),
 348 (5), (9), (10), and (11) are amended to read:

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349 468.388 Conduct of an auction.-

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

353 ~~(4) Each auction must be conducted by an auctioneer who has~~
354 ~~an active license or by an apprentice who has an active~~
355 ~~apprentice auctioneer license and who has received prior written~~
356 ~~sponsor consent. Each auction must be conducted under the~~
357 ~~auspices of a licensed auction business. Any auctioneer or~~
358 ~~apprentice auctioneer conducting an auction, and any auction~~
359 ~~business under whose auspices such auction is held, shall be~~
360 ~~responsible for determining that any auctioneer, apprentice, or~~
361 ~~auction business with whom they are associated in conducting~~
362 ~~such auction has an active Florida auctioneer, apprentice, or~~
363 ~~auction business license.~~

364 (5) The principal auctioneer shall prominently display at
365 the auction site the licenses of the principal auctioneer, the
366 auction business, and any other licensed auctioneers or
367 apprentices who are actively participating in the auction. If
368 such a display is not practicable, then an oral announcement at
369 the beginning of the auction or a prominent written announcement
370 that these licenses are available for inspection at the auction
371 site must be made.

372 (7)(9) The auction business under which the auction is
373 conducted is responsible for all other aspects of the auction as
374 required by this part board rule. The auction business may
375 delegate in whole, or in part, different aspects of the auction
376 only to the extent that such delegation is permitted by law and
377 that such delegation will not impede the principal auctioneer's

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378 ability to ensure the proper conduct of his or her independent
379 responsibility for the auction. The auction business under whose
380 auspices the auction is conducted is responsible for ensuring
381 compliance as required by this part board rule.

382 (8)(10) (a) When settlement is not made immediately after an
383 auction, all sale proceeds received for another person must be
384 deposited in an escrow or trust account in an insured bank or
385 savings and loan association located in this state within 2
386 working days after the auction. A maximum of \$100 may be kept in
387 the escrow account for administrative purposes.

388 (b) Each auction business shall maintain, for not less than
389 2 years, a separate ledger showing the funds held for another
390 person deposited and disbursed by the auction business for each
391 auction. The escrow or trust account must be reconciled monthly
392 with the bank statement. A signed and dated record shall be
393 maintained for a 2-year period ~~and be available for inspection~~
394 ~~by the department or at the request of the board.~~

395 (c) Any interest which accrues to sale proceeds on deposit
396 shall be the property of the seller for whom the funds were
397 received unless the parties have agreed otherwise by written
398 agreement executed prior to the auction.

399 (d) Unless otherwise provided by written agreement executed
400 prior to the auction, funds received by an auctioneer or auction
401 business a licensee from the seller or his or her agent for
402 expenses, including advertising, must be expended for the
403 purposes advanced or refunded to the seller at the time of final
404 settlement. Any funds so received shall be maintained in an
405 escrow or trust account in an insured bank or savings and loan
406 association located in this state. However, this does not

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407 prohibit advanced payment of a flat fee.

408 ~~(11) (a) All advertising by an auctioneer or auction~~
 409 ~~business shall include the name and Florida license number of~~
 410 ~~such auctioneer and auction business. The term "advertising"~~
 411 ~~shall not include articles of clothing, directional signs, or~~
 412 ~~other promotional novelty items.~~

413 (9) (a) (b) No licensed auctioneer, apprentice, or auction
 414 business may disseminate or cause to be disseminated any
 415 advertisement or advertising which is false, deceptive,
 416 misleading, or untruthful. Any advertisement or advertising
 417 shall be deemed to be false, deceptive, misleading, or
 418 untruthful if it:

- 419 1. Contains misrepresentations of facts.
- 420 2. Is misleading or deceptive because, in its content or in
 421 the context in which it is presented, it makes only a partial
 422 disclosure of relevant facts.
- 423 3. Creates false or unjustified expectations of the
 424 services to be performed.
- 425 4. ~~Contains any representation or claim which the~~
 426 ~~advertising licensee fails to perform.~~
- 427 5. ~~Fails to include the name and license number of the~~
 428 ~~principal auctioneer and the auction business.~~
- 429 6. ~~Fails to include the name and license number of the~~
 430 ~~sponsor if an apprentice is acting as the principal auctioneer.~~
- 431 4.7- Advertises an auction as absolute without specifying
 432 any and all items to be sold with reserve or with minimum bids.
- 433 5.8- Fails to include the percentage amount of any buyer's
 434 premium or surcharge which is a condition to sale.
- 435 (b) (e) The provisions of this subsection apply to media

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436 exposure of any nature, regardless of whether it is in the form
 437 of paid advertising.

438 (c) (d) The auction business shall be responsible for the
 439 content of all advertising disseminated in preparation for an
 440 auction.

441 Section 23. Section 468.389, Florida Statutes, is amended
 442 to read:

443 468.389 Prohibited acts; penalties.—

444 ~~(1)~~ The following acts shall be grounds for a civil cause
 445 of action for damages against an auctioneer, auction business,
 446 or any owner or manager thereof or, in the case of corporate
 447 ownership, any substantial stockholder of the corporation owning
 448 the auction business the disciplinary activities provided in
 449 subsections (2) and (3):

450 (1) (a) A violation of any law relating to trade or commerce
 451 of this state or of the state in which an auction is conducted.

452 (2) (b) Misrepresentation of property for sale at auction or
 453 making false promises concerning the use, value, or condition of
 454 such property by an auctioneer or auction business or by anyone
 455 acting as an agent of or with the consent of the auctioneer or
 456 auction business.

457 (3) (e) Failure to account for or to pay or return, within a
 458 reasonable time not to exceed 30 days, money or property
 459 belonging to another which has come into the control of an
 460 auctioneer or auction business through an auction.

461 (4) (d) False, deceptive, misleading, or untruthful
 462 advertising.

463 (5) (e) Any conduct in connection with a sales transaction
 464 which demonstrates bad faith or dishonesty.

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465 ~~(6)(f)~~ Using or permitting the use of false bidders,
 466 cappers, or shills.
 467 ~~(g) Making any material false statement on a license~~
 468 ~~application.~~
 469 ~~(7)(h)~~ Commingling money or property of another person with
 470 his or her own. Every auctioneer and auction business shall
 471 maintain a separate trust or escrow account in an insured bank
 472 or savings and loan association located in this state in which
 473 shall be deposited all proceeds received for another person
 474 through an auction sale.
 475 ~~(8)(i)~~ Refusal or neglect of any auctioneer or other
 476 receiver of public moneys to pay the moneys so received into the
 477 State Treasury at the times and under the regulations prescribed
 478 by law.
 479 ~~(9)(j)~~ Violating a statute ~~or administrative rule~~
 480 regulating practice under this part ~~or a lawful disciplinary~~
 481 ~~order of the board or the department.~~
 482 ~~(k) Having a license to practice a comparable profession~~
 483 ~~revoked, suspended, or otherwise acted against by another state,~~
 484 ~~territory, or country.~~
 485 ~~(10)(l)~~ Being convicted or found guilty, regardless of
 486 adjudication, of a crime in any jurisdiction which directly
 487 relates to the practice or the ability to practice the
 488 profession of auctioneering.
 489 ~~(2) When the board finds any person guilty of any of the~~
 490 ~~prohibited acts set forth in subsection (1), it may enter an~~
 491 ~~order imposing one or more of the following penalties:~~
 492 ~~(a) Refusal to certify to the department an application for~~
 493 ~~licensure.~~

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494 ~~(b) Revocation or suspension of a license.~~
 495 ~~(c) Imposition of an administrative fine not to exceed~~
 496 ~~\$1,000 for each count or separate offense.~~
 497 ~~(d) Issuance of a reprimand.~~
 498 ~~(e) Placement of the auctioneer on probation for a period~~
 499 ~~of time and subject to conditions as the board may specify,~~
 500 ~~including requiring the auctioneer to successfully complete the~~
 501 ~~licensure examination.~~
 502 ~~(f) Requirement that the person in violation make~~
 503 ~~restitution to each consumer affected by that violation. Proof~~
 504 ~~of such restitution shall be a signed and notarized release~~
 505 ~~executed by the consumer or the consumer's estate.~~
 506 ~~(3)(a) Failure to pay a fine within a reasonable time, as~~
 507 ~~prescribed by board rule, may be grounds for disciplinary~~
 508 ~~action.~~
 509 ~~(b) The department may file for an injunction or bring any~~
 510 ~~other appropriate civil action against anyone who violates this~~
 511 ~~part.~~
 512 Section 24. Section 468.391, Florida Statutes, is amended
 513 to read:
 514 468.391 Penalty.—Any auctioneer, apprentice, or auction
 515 business or any owner or manager thereof, or, in the case of
 516 corporate ownership, any substantial stockholder of the
 517 corporation owning the auction business, who ~~operates without an~~
 518 ~~active license or violates s. 468.389(3), (5), (6), (7), or (8)~~
 519 ~~s. 468.389(1)(c), (e), (f), (h), or (i)~~ commits a felony of the
 520 third degree, punishable as provided in s. 775.082 or s.
 521 775.083.
 522 Section 25. Section 468.392, Florida Statutes, is repealed.

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523 Section 26. Section 468.393, Florida Statutes, is repealed.
 524 Section 27. Section 468.394, Florida Statutes, is repealed.
 525 Section 28. Section 468.395, Florida Statutes, is repealed.
 526 Section 29. Section 468.396, Florida Statutes, is repealed.
 527 Section 30. Section 468.397, Florida Statutes, is repealed.
 528 Section 31. Section 468.398, Florida Statutes, is repealed.
 529 Section 32. Section 468.399, Florida Statutes, is repealed.
 530 Section 33. Subsection (1) of section 468.401, Florida
 531 Statutes, is amended to read:
 532 468.401 Regulation of Talent agencies; definitions.—As used
 533 in this part or any rule adopted pursuant hereto:
 534 (1) "Talent agency" means any person who, for compensation,
 535 engages in the occupation or business of procuring or attempting
 536 to procure engagements for an artist who is younger than 18
 537 years of age.
 538 Section 34. Subsection (1) of section 468.408, Florida
 539 Statutes, is amended to read:
 540 468.408 Bond required.—
 541 (1) An owner or operator of a ~~There shall be filed with the~~
 542 ~~department for each~~ talent agency shall file license a bond in
 543 the form of a surety by a reputable company engaged in the
 544 bonding business and authorized to do business in this state.
 545 The bond shall be for the penal sum of \$5,000, with one or more
 546 sureties to be approved by the department, and be conditioned
 547 that the owner or operator of the talent agency applicant
 548 conform to and not violate any of the duties, terms, conditions,
 549 provisions, or requirements of this part.
 550 (a) If any person is aggrieved by the misconduct of any
 551 talent agency, the person may maintain an action in his or her

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552 own name upon the bond of the agency in any court having
 553 jurisdiction of the amount claimed. All such claims shall be
 554 assignable, and the assignee shall be entitled to the same
 555 remedies, upon the bond of the agency or otherwise, as the
 556 person aggrieved would have been entitled to if such claim had
 557 not been assigned. Any claim or claims so assigned may be
 558 enforced in the name of such assignee.
 559 (b) The bonding company shall notify the department of any
 560 claim against such bond, and a copy of such notice shall be sent
 561 to the talent agency against which the claim is made.
 562 Section 35. Subsection (12) is added to section 468.412,
 563 Florida Statutes, to read:
 564 468.412 Talent agency regulations; prohibited acts.—
 565 (12) Each employee of a talent agency must complete a level
 566 1 background screening pursuant to s. 435.03.
 567 Section 36. Section 468.415, Florida Statutes, is amended
 568 to read:
 569 468.415 Sexual misconduct in the operation of a talent
 570 agency.—The talent agent-artist relationship is founded on
 571 mutual trust. Sexual misconduct in the operation of a talent
 572 agency means violation of the talent agent-artist relationship
 573 through which the talent agent uses the relationship to induce
 574 or attempt to induce the artist to engage or attempt to engage
 575 in sexual activity. Sexual misconduct is prohibited in the
 576 operation of a talent agency. ~~If~~ Any agent, owner, or operator
 577 of a ~~licensed~~ talent agency who commits ~~is found to have~~
 578 ~~committed~~ sexual misconduct in the operation of a talent agency,
 579 ~~the agency license shall be permanently revoked. Such agent,~~
 580 ~~owner, or operator~~ shall be permanently prohibited from acting

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581 ~~disqualified from present and future licensure as an agent,~~
 582 ~~owner, or operator of a Florida talent agency.~~

583 Section 37. Subsection (4) of section 468.524, Florida
 584 Statutes, is amended to read:

585 468.524 Application for license.—

586 (4) ~~A An applicant or~~ licensee is ineligible to reapply for
 587 a license for a period of 1 year following final agency action
 588 on the ~~denial or~~ revocation of a license ~~applied for or~~ issued
 589 under this part. This time restriction does not apply to
 590 administrative ~~denials or~~ revocations entered because:

591 (a) The ~~applicant or~~ licensee has made an inadvertent error
 592 or omission on the application;

593 (b) The experience documented to the board was insufficient
 594 at the time of the previous application; or

595 ~~(c) The department is unable to complete the criminal~~
 596 ~~background investigation because of insufficient information~~
 597 ~~from the Florida Department of Law Enforcement, the Federal~~
 598 ~~Bureau of Investigation, or any other applicable law enforcement~~
 599 ~~agency;~~

600 ~~(c)(d) The applicant or~~ licensee has failed to submit
 601 ~~required fees, or~~

602 ~~(e) An applicant or licensed employee leasing company has~~
 603 ~~been deemed ineligible for a license because of the lack of good~~
 604 ~~moral character of an individual or individuals when such~~
 605 ~~individual or individuals are no longer employed in a capacity~~
 606 ~~that would require their licensing under this part.~~

607 Section 38. Section 468.613, Florida Statutes, is amended
 608 to read:

609 468.613 Certification by endorsement.—The board shall

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610 examine other certification or training programs, as applicable,
 611 upon submission to the board for its consideration of an
 612 application for certification by endorsement. The board shall
 613 waive its examination, qualification, education, or training
 614 requirements, to the extent that such examination,
 615 qualification, education, or training requirements of the
 616 applicant are determined by the board to be comparable with
 617 those established by the board. The board shall waive its
 618 examination, qualification, education, or training requirements
 619 if an applicant for certification by endorsement is at least 18
 620 years of age; is of good moral character; has held a valid
 621 building administrator, inspector, plans examiner, or the
 622 equivalent, certification issued by another state or territory
 623 of the United States for at least 10 years before the date of
 624 application; and has successfully passed an applicable
 625 examination administered by the International Codes Council.

626 Section 39. Subsection (3) of section 468.8314, Florida
 627 Statutes, is amended to read:

628 468.8314 Licensure.—

629 (3) The department shall certify as qualified for a license
 630 by endorsement an applicant who is of good moral character as
 631 determined in s. 468.8313, who maintains an insurance policy as
 632 required by s. 468.8322, and who:

633 (a) Holds a valid license to practice home inspection
 634 services in another state or territory of the United States,
 635 whose educational requirements are substantially equivalent to
 636 those required by this part; and has passed a national,
 637 regional, state, or territorial licensing examination that is
 638 substantially equivalent to the examination required by this

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639 part; or

640 (b) Has held a valid license to practice home inspection
 641 services issued by another state or territory of the United
 642 States for at least 10 years before the date of application.

643 Section 40. Subsection (3) of section 468.8414, Florida
 644 Statutes, is amended to read:

645 468.8414 Licensure.—

646 (3) The department shall certify as qualified for a license
 647 by endorsement an applicant who is of good moral character, who
 648 has the insurance coverage required under s. 468.8421, and who:

649 (a) Is qualified to take the examination as set forth in s.
 650 468.8413 and has passed a certification examination offered by a
 651 nationally recognized organization that certifies persons in the
 652 specialty of mold assessment or mold remediation that has been
 653 approved by the department as substantially equivalent to the
 654 requirements of this part and s. 455.217; ~~or~~

655 (b) Holds a valid license to practice mold assessment or
 656 mold remediation issued by another state or territory of the
 657 United States if the criteria for issuance of the license were
 658 substantially the same as the licensure criteria that is
 659 established by this part as determined by the department; or

660 (c) Has held a valid license to practice as a mold assessor
 661 or a mold remediator issued by another state or territory of the
 662 United States for at least 10 years before the date of
 663 application.

664 Section 41. Paragraphs (a) and (e) of subsection (2),
 665 subsection (3), paragraph (b) of subsection (4), and subsection
 666 (6) of section 469.006, Florida Statutes, are amended to read:

667 469.006 Licensure of business organizations; qualifying

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668 agents.—

669 (2) (a) If the applicant proposes to engage in consulting or
 670 contracting as a partnership, corporation, business trust, or
 671 other legal entity, or in any name other than the applicant's
 672 legal name, the ~~legal entity must apply for licensure through a~~
 673 ~~qualifying agent or the~~ individual applicant must qualify ~~apply~~
 674 ~~for licensure under the business organization fictitious name.~~

675 (e) ~~A~~ The license, ~~when issued upon application of a~~
 676 ~~business organization,~~ must be in the name of the qualifying
 677 agent ~~business organization,~~ and the name of the business
 678 organization ~~qualifying agent~~ must be noted on the license
 679 ~~thereon.~~ If there is a change in any information that is
 680 required to be stated on the application, the qualifying agent
 681 ~~business organization~~ shall, within 45 days after such change
 682 occurs, mail the correct information to the department.

683 (3) The qualifying agent ~~must~~ shall be licensed under this
 684 chapter in order for the business organization to be qualified
 685 ~~licensed~~ in the category of the business conducted for which the
 686 qualifying agent is licensed. If any qualifying agent ceases to
 687 be affiliated with such business organization, the agent shall
 688 so inform the department. In addition, if such qualifying agent
 689 is the only licensed individual affiliated with the business
 690 organization, the business organization shall notify the
 691 department of the termination of the qualifying agent and has
 692 ~~shall have~~ 60 days ~~after~~ from the date of termination of the
 693 qualifying agent's affiliation with the business organization ~~to~~
 694 ~~which~~ to employ another qualifying agent. The business
 695 organization may not engage in consulting or contracting until a
 696 qualifying agent is employed, unless the department has granted

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697 a temporary nonrenewable license to the financially responsible
 698 officer, the president, the sole proprietor, a partner, or, in
 699 the case of a limited partnership, the general partner, who
 700 assumes all responsibilities of a primary qualifying agent for
 701 the entity. This temporary license only allows ~~shall only allow~~
 702 the entity to proceed with incomplete contracts.

703 (4)

704 (b) Upon a favorable determination by the department, after
 705 investigation of the financial responsibility, credit, and
 706 business reputation of the qualifying agent and the new business
 707 organization, the department shall issue, without any
 708 examination, a new license in the qualifying agent's business
 709 ~~organization's~~ name, and the name of the business organization
 710 ~~qualifying agent~~ shall be noted thereon.

711 (6) Each qualifying agent shall pay the department an
 712 amount equal to the original fee for licensure ~~of a new business~~
 713 ~~organization~~, if the qualifying agent for a business
 714 organization desires to qualify additional business
 715 organizations. The department shall require the agent to
 716 present evidence of supervisory ability and financial
 717 responsibility of each such organization. Allowing a licensee to
 718 qualify more than one business organization must ~~shall~~ be
 719 conditioned upon the licensee showing that the licensee has both
 720 the capacity and intent to adequately supervise each business
 721 organization. The department may ~~shall~~ not limit the number of
 722 business organizations that ~~which~~ the licensee may qualify
 723 except upon the licensee's failure to provide such information
 724 as is required under this subsection or upon a finding that the
 725 ~~such~~ information or evidence ~~as is~~ supplied is incomplete or

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726 unpersuasive in showing the licensee's capacity and intent to
 727 comply with the requirements of this subsection. A qualification
 728 for an additional business organization may be revoked or
 729 suspended upon a finding by the department that the licensee has
 730 failed in the licensee's responsibility to adequately supervise
 731 the operations of the business organization. Failure to
 732 adequately supervise the operations of a business organization
 733 is ~~shall be~~ grounds for denial to qualify additional business
 734 organizations.

735 Section 42. Subsection (1) of section 469.009, Florida
 736 Statutes, is amended to read:

737 469.009 License revocation, suspension, and denial of
 738 issuance or renewal.—

739 (1) The department may revoke, suspend, or deny the
 740 issuance or renewal of a license; reprimand, censure, or place
 741 on probation any contractor, consultant, or financially
 742 responsible officer, ~~or business organization~~; require financial
 743 restitution to a consumer; impose an administrative fine not to
 744 exceed \$5,000 per violation; require continuing education; or
 745 assess costs associated with any investigation and prosecution
 746 if the contractor or consultant, or business organization or
 747 officer or agent thereof, is found guilty of any of the
 748 following acts:

749 (a) Willfully or deliberately disregarding or violating the
 750 health and safety standards of the Occupational Safety and
 751 Health Act of 1970, the Construction Safety Act, the National
 752 Emission Standards for Asbestos, the Environmental Protection
 753 Agency Asbestos Abatement Projects Worker Protection Rule, the
 754 Florida Statutes or rules promulgated thereunder, or any

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755 ordinance enacted by a political subdivision of this state.
 756 (b) Violating any provision of chapter 455.
 757 (c) Failing in any material respect to comply with the
 758 provisions of this chapter or any rule promulgated hereunder.
 759 (d) Acting in the capacity of an asbestos contractor or
 760 asbestos consultant under any license issued under this chapter
 761 except in the name of the licensee as set forth on the issued
 762 license.
 763 (e) Proceeding on any job without obtaining all applicable
 764 approvals, authorizations, permits, and inspections.
 765 (f) Obtaining a license by fraud or misrepresentation.
 766 (g) Being convicted or found guilty of, or entering a plea
 767 of nolo contendere to, regardless of adjudication, a crime in
 768 any jurisdiction which directly relates to the practice of
 769 asbestos consulting or contracting or the ability to practice
 770 asbestos consulting or contracting.
 771 (h) Knowingly violating any building code, lifesafety code,
 772 or county or municipal ordinance relating to the practice of
 773 asbestos consulting or contracting.
 774 (i) Performing any act which assists a person or entity in
 775 engaging in the prohibited unlicensed practice of asbestos
 776 consulting or contracting, if the licensee knows or has
 777 reasonable grounds to know that the person or entity was
 778 unlicensed.
 779 (j) Committing mismanagement or misconduct in the practice
 780 of contracting that causes financial harm to a customer.
 781 Financial mismanagement or misconduct occurs when:
 782 1. Valid liens have been recorded against the property of a
 783 contractor's customer for supplies or services ordered by the

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784 contractor for the customer's job; the contractor has received
 785 funds from the customer to pay for the supplies or services; and
 786 the contractor has not had the liens removed from the property,
 787 by payment or by bond, within 75 days after the date of such
 788 liens;
 789 2. The contractor has abandoned a customer's job and the
 790 percentage of completion is less than the percentage of the
 791 total contract price paid to the contractor as of the time of
 792 abandonment, unless the contractor is entitled to retain such
 793 funds under the terms of the contract or refunds the excess
 794 funds within 30 days after the date the job is abandoned; or
 795 3. The contractor's job has been completed, and it is shown
 796 that the customer has had to pay more for the contracted job
 797 than the original contract price, as adjusted for subsequent
 798 change orders, unless such increase in cost was the result of
 799 circumstances beyond the control of the contractor, was the
 800 result of circumstances caused by the customer, or was otherwise
 801 permitted by the terms of the contract between the contractor
 802 and the customer.
 803 (k) Being disciplined by any municipality or county for an
 804 act or violation of this chapter.
 805 (l) Failing in any material respect to comply with the
 806 provisions of this chapter, or violating a rule or lawful order
 807 of the department.
 808 (m) Abandoning an asbestos abatement project in which the
 809 asbestos contractor is engaged or under contract as a
 810 contractor. A project may be presumed abandoned after 20 days if
 811 the contractor terminates the project without just cause and
 812 without proper notification to the owner, including the reason

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813 for termination; if the contractor fails to reasonably secure
814 the project to safeguard the public while work is stopped; or if
815 the contractor fails to perform work without just cause for 20
816 days.

817 (n) Signing a statement with respect to a project or
818 contract falsely indicating that the work is bonded; falsely
819 indicating that payment has been made for all subcontracted
820 work, labor, and materials which results in a financial loss to
821 the owner, purchaser, or contractor; or falsely indicating that
822 workers' compensation and public liability insurance are
823 provided.

824 (o) Committing fraud or deceit in the practice of asbestos
825 consulting or contracting.

826 (p) Committing incompetency or misconduct in the practice
827 of asbestos consulting or contracting.

828 (q) Committing gross negligence, repeated negligence, or
829 negligence resulting in a significant danger to life or property
830 in the practice of asbestos consulting or contracting.

831 (r) Intimidating, threatening, coercing, or otherwise
832 discouraging the service of a notice to owner under part I of
833 chapter 713 or a notice to contractor under chapter 255 or part
834 I of chapter 713.

835 (s) Failing to satisfy, within a reasonable time, the terms
836 of a civil judgment obtained against the licensee, or the
837 business organization qualified by the licensee, relating to the
838 practice of the licensee's profession.

839
840 For the purposes of this subsection, construction is considered
841 to be commenced when the contract is executed and the contractor

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842 has accepted funds from the customer or lender.

843 Section 43. Subsection (13) of section 471.005, Florida
844 Statutes, is renumbered as subsection (3), and present
845 subsection (3) and subsection (8) of that section are amended to
846 read:

847 471.005 Definitions.—As used in this chapter, the term:

848 ~~(3) "Certificate of authorization" means a license to~~
849 ~~practice engineering issued by the management corporation to a~~
850 ~~corporation or partnership.~~

851 (8) "License" means the licensing of engineers ~~or~~
852 ~~certification of businesses~~ to practice engineering in this
853 state.

854 Section 44. Subsection (4) of section 471.011, Florida
855 Statutes, is amended to read:

856 471.011 Fees.—

857 ~~(4) The fee for a certificate of authorization shall not~~
858 ~~exceed \$125.~~

859 Section 45. Subsection (5) of section 471.015, Florida
860 Statutes, is amended to read:

861 471.015 Licensure.—

862 (5) (a) The board shall deem that an applicant who seeks
863 licensure by endorsement has passed an examination substantially
864 equivalent to the fundamentals examination when such applicant
865 has held a valid professional engineer's license in another
866 state for 10 ~~15~~ years ~~and has had 20 years of continuous~~
867 ~~professional-level engineering experience.~~

868 (b) The board shall deem that an applicant who seeks
869 licensure by endorsement has passed an examination substantially
870 equivalent to the fundamentals examination and the principles

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871 and practices examination when such applicant has held a valid
 872 professional engineer's license in another state for 15 25 years
 873 ~~and has had 30 years of continuous professional-level~~
 874 ~~engineering experience.~~

875 Section 46. Section 471.023, Florida Statutes, is amended
 876 to read:

877 471.023 Qualification Certification of business
 878 organizations.-

879 (1) The practice of, or the offer to practice, engineering
 880 by licensees or offering engineering services to the public
 881 through a business organization, including a partnership,
 882 corporation, business trust, or other legal entity or by a
 883 business organization, including a corporation, partnership,
 884 business trust, or other legal entity offering such services to
 885 the public through licensees under this chapter as agents,
 886 employees, officers, or partners is permitted only if the
 887 business organization is qualified by an engineer licensed under
 888 this chapter possesses a certification issued by the management
 889 ~~corporation pursuant to qualification by the board~~, subject to
 890 the provisions of this chapter. One or more of the principal
 891 officers of the business organization or one or more partners of
 892 the partnership and all personnel of the business organization
 893 who act in its behalf as engineers in this state shall be
 894 licensed as provided by this chapter. All final drawings,
 895 specifications, plans, reports, or documents involving practices
 896 licensed under this chapter which are prepared or approved for
 897 the use of the business organization or for public record within
 898 the state shall be dated and shall bear the signature and seal
 899 of the licensee who prepared or approved them. Nothing in this

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900 section shall be construed to mean that a license to practice
 901 engineering shall be held by a business organization. Nothing
 902 herein prohibits business organizations from joining together to
 903 offer engineering services to the public, if each business
 904 organization otherwise meets the requirements of this section.
 905 No business organization shall be relieved of responsibility for
 906 the conduct or acts of its agents, employees, or officers by
 907 reason of its compliance with this section, nor shall any
 908 individual practicing engineering be relieved of responsibility
 909 for professional services performed by reason of his or her
 910 employment or relationship with a business organization.

911 (2) For the purposes of this section, a ~~certificate of~~
 912 ~~authorization shall be required for any~~ business organization or
 913 other person practicing under a fictitious name, offering
 914 engineering services to the public must be qualified by an
 915 engineer licensed under this chapter. ~~However, when an~~
 916 ~~individual is practicing engineering in his or her own given~~
 917 ~~name, he or she shall not be required to be licensed under this~~
 918 ~~section.~~

919 (3) Except as provided in s. 558.0035, the fact that a
 920 licensed engineer practices through a business organization does
 921 not relieve the licensee from personal liability for negligence,
 922 misconduct, or wrongful acts committed by him or her.
 923 Partnerships and all partners shall be jointly and severally
 924 liable for the negligence, misconduct, or wrongful acts
 925 committed by their agents, employees, or partners while acting
 926 in a professional capacity. Any officer, agent, or employee of a
 927 business organization other than a partnership shall be
 928 personally liable and accountable only for negligent acts,

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 929 wrongful acts, or misconduct committed by him or her or
 930 committed by any person under his or her direct supervision and
 931 control, while rendering professional services on behalf of the
 932 business organization. The personal liability of a shareholder
 933 or owner of a business organization, in his or her capacity as
 934 shareholder or owner, shall be no greater than that of a
 935 shareholder-employee of a corporation incorporated under chapter
 936 607. The business organization shall be liable up to the full
 937 value of its property for any negligent acts, wrongful acts, or
 938 misconduct committed by any of its officers, agents, or
 939 employees while they are engaged on its behalf in the rendering
 940 of professional services.

941 ~~(4) Each certification of authorization shall be renewed~~
 942 ~~every 2 years.~~ Each qualifying agent of a business organization
 943 qualified certified under this section must notify the board
 944 within 30 days ~~1 month~~ after any change in the information
 945 contained in the application upon which the certification is
 946 based.

947 (a) A qualifying agent who terminates an affiliation with a
 948 qualified business organization shall notify the management
 949 corporation of such termination within 24 hours. If such
 950 qualifying agent is the only qualifying agent for that business
 951 organization, the business organization must be qualified by
 952 another qualifying agent within 60 days after the termination.
 953 Except as provided in paragraph (b), the business organization
 954 may not engage in the practice of engineering until it is
 955 qualified by another qualifying agent.

956 (b) In the event a qualifying agent ceases employment with
 957 a qualified business organization and such qualifying agent is

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 958 the only licensed individual affiliated with the business
 959 organization, the executive director of the management
 960 corporation or the chair of the board may authorize another
 961 licensee employed by the business organization to temporarily
 962 serve as its qualifying agent for a period of no more than 60
 963 days to proceed with incomplete contracts. The business
 964 organization is not authorized to operate beyond such period
 965 under this chapter absent replacement of the qualifying agent.

966 (c) A qualifying agent shall notify the department in
 967 writing before engaging in the practice of engineering in the
 968 licensee's name or in affiliation with a different business
 969 organization.

970 ~~(5) Disciplinary action against a business organization~~
 971 ~~shall be administered in the same manner and on the same grounds~~
 972 ~~as disciplinary action against a licensed engineer.~~

973 Section 47. Subsection (7) of section 473.308, Florida
 974 Statutes, is amended to read:

975 473.308 Licensure.—

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

978 (a) ~~1-~~ Is not licensed and has not been licensed in another
 979 state or territory and who has met the requirements of this
 980 section for education, work experience, and good moral character
 981 and has passed a national, regional, state, or territorial
 982 licensing examination that is substantially equivalent to the
 983 examination required by s. 473.306; or and

984 ~~2. Has completed such continuing education courses as the~~
 985 ~~board deems appropriate, within the limits for each applicable~~
 986 ~~2-year period as set forth in s. 473.312, but at least such~~

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987 ~~courses as are equivalent to the continuing education~~
 988 ~~requirements for a Florida certified public accountant licensed~~
 989 ~~in this state during the 2 years immediately preceding her or~~
 990 ~~his application for licensure by endorsement; or~~

991 (b)1.~~a~~. Holds a valid license to practice public accounting
 992 issued by another state or territory of the United States, if
 993 the criteria for issuance of such license were substantially
 994 equivalent to the licensure criteria that existed in this state
 995 at the time the license was issued;

996 ~~2.b~~. Holds a valid license to practice public accounting
 997 issued by another state or territory of the United States but
 998 the criteria for issuance of such license did not meet the
 999 requirements of sub-subparagraph a.; has met the requirements of
 1000 this section for education, work experience, and good moral
 1001 character; and has passed a national, regional, state, or
 1002 territorial licensing examination that is substantially
 1003 equivalent to the examination required by s. 473.306; or

1004 ~~3.e~~. Has held ~~Held~~ a valid license to practice public
 1005 accounting issued by another state or territory of the United
 1006 States for at least 10 years before the date of application; has
 1007 passed a national, regional, state, or territorial licensing
 1008 examination that is substantially equivalent to the examination
 1009 required by s. 473.306; and has met the requirements of this
 1010 section for good moral character, ~~and~~

1011 ~~2. Has completed continuing education courses that are~~
 1012 ~~equivalent to the continuing education requirements for a~~
 1013 ~~Florida certified public accountant licensed in this state~~
 1014 ~~during the 2 years immediately preceding her or his application~~
 1015 ~~for licensure by endorsement.~~

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1016 Section 48. Subsection (6) of section 474.202, Florida
 1017 Statutes, is amended to read:

1018 474.202 Definitions.—As used in this chapter:

1019 (6) "Limited-service veterinary medical practice" means
 1020 offering or providing veterinary services at any location that
 1021 has a primary purpose other than that of providing veterinary
 1022 medical service at a permanent or mobile establishment permitted
 1023 by the board; provides veterinary medical services for privately
 1024 owned animals that do not reside at that location; operates for
 1025 a limited time; and provides limited types of veterinary medical
 1026 services, including vaccinations or immunizations against
 1027 disease, preventative procedures for parasitic control, and
 1028 microchipping.

1029 Section 49. Paragraph (b) of subsection (2) of section
 1030 474.207, Florida Statutes, is amended to read:

1031 474.207 Licensure by examination.—

1032 (2) The department shall license each applicant who the
 1033 board certifies has:

1034 (b)1. Graduated from a college of veterinary medicine
 1035 accredited by the American Veterinary Medical Association
 1036 Council on Education; or

1037 2. Graduated from a college of veterinary medicine listed
 1038 in the American Veterinary Medical Association Roster of
 1039 Veterinary Colleges of the World and obtained a certificate from
 1040 the Education Commission for Foreign Veterinary Graduates or the
 1041 Program for the Assessment of Veterinary Education Equivalence.

1042
 1043 The department shall not issue a license to any applicant who is
 1044 under investigation in any state or territory of the United

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1045 States or in the District of Columbia for an act which would
 1046 constitute a violation of this chapter until the investigation
 1047 is complete and disciplinary proceedings have been terminated,
 1048 at which time the provisions of s. 474.214 shall apply.

1049 Section 50. Subsection (1) of section 474.217, Florida
 1050 Statutes, is amended to read:

1051 474.217 Licensure by endorsement.—

1052 (1) The department shall issue a license by endorsement to
 1053 any applicant who, upon applying to the department and remitting
 1054 a fee set by the board, demonstrates to the board that she or
 1055 he:

1056 (a) Has demonstrated, in a manner designated by rule of the
 1057 board, knowledge of the laws and rules governing the practice of
 1058 veterinary medicine in this state; and

1059 (b)1. ~~Either~~ Holds, and has held for the 3 years
 1060 immediately preceding the application for licensure, a valid,
 1061 active license to practice veterinary medicine in another state
 1062 of the United States, the District of Columbia, or a territory
 1063 of the United States, provided that the applicant has
 1064 successfully completed a state, regional, national, or other
 1065 examination that is equivalent to or more stringent than the
 1066 examination required by the board requirements for licensure in
 1067 the issuing state, district, or territory are equivalent to or
 1068 more stringent than the requirements of this chapter; or

1069 2. Meets the qualifications of s. 474.207(2)(b) and has
 1070 successfully completed a state, regional, national, or other
 1071 examination which is equivalent to or more stringent than the
 1072 examination given by the department and has passed the board's
 1073 clinical competency examination or another clinical competency

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1074 examination specified by rule of the board.

1075 Section 51. Subsection (5) of section 476.144, Florida
 1076 Statutes, is amended to read:

1077 476.144 Licensure.—

1078 (5) The board shall certify as qualified for licensure by
 1079 endorsement as a barber in this state an applicant who holds a
 1080 current active license to practice barbering in another state.
 1081 The board shall adopt rules specifying procedures for the
 1082 licensure by endorsement of practitioners desiring to be
 1083 licensed in this state who hold a current active license in
 1084 another ~~state or~~ country and who have met qualifications
 1085 substantially similar to, equivalent to, or greater than the
 1086 qualifications required of applicants from this state.

1087 Section 52. Subsection (9) of section 477.013, Florida
 1088 Statutes, is amended to read:

1089 477.013 Definitions.—As used in this chapter:

1090 (9) "Hair braiding" means the weaving or interweaving of
 1091 natural human hair or commercial hair, including the use of hair
 1092 extensions or wefts, for compensation without cutting, coloring,
 1093 permanent waving, relaxing, removing, or chemical treatment ~~and~~
 1094 ~~does not include the use of hair extensions or wefts.~~

1095 Section 53. Section 477.0132, Florida Statutes, is
 1096 repealed.

1097 Section 54. Subsections (7) through (11) are added to
 1098 section 477.0135, Florida Statutes, to read:

1099 477.0135 Exemptions.—

1100 (7) A license or registration is not required for a person
 1101 whose occupation or practice is confined solely to hair braiding
 1102 as defined in s. 477.013(9).

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1103 (8) A license or registration is not required for a person
 1104 whose occupation or practice is confined solely to hair wrapping
 1105 as defined in s. 477.013(10).

1106 (9) A license or registration is not required for a person
 1107 whose occupation or practice is confined solely to body wrapping
 1108 as defined in s. 477.013(12).

1109 (10) A license or registration is not required for a person
 1110 whose occupation or practice is confined solely to applying
 1111 polish to fingernails and toenails.

1112 (11) A license or registration is not required for a person
 1113 whose occupation or practice is confined solely to makeup
 1114 application.

1115 Section 55. Subsections (6) and (7) of section 477.019,
 1116 Florida Statutes, are amended to read:

1117 477.019 Cosmetologists; qualifications; licensure;
 1118 supervised practice; license renewal; endorsement; continuing
 1119 education.—

1120 (6) The board shall certify as qualified for licensure by
 1121 endorsement as a cosmetologist in this state an applicant who
 1122 holds a current active license to practice cosmetology in
 1123 another state. The board may not require proof of educational
 1124 hours if the license was issued in a state that requires 1,200
 1125 or more hours of prelicensure education and passage of a written
 1126 examination. ~~This subsection does not apply to applicants who~~
 1127 ~~received their license in another state through an~~
 1128 ~~apprenticeship program.~~

1129 (7) (a) The board shall prescribe by rule continuing
 1130 education requirements intended to ensure protection of the
 1131 public through updated training of licensees and registered

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1132 specialists, not to exceed 10 ~~16~~ hours biennially, as a
 1133 condition for renewal of a license or registration as a
 1134 specialist under this chapter. Continuing education courses
 1135 shall include, but not be limited to, the following subjects as
 1136 they relate to the practice of cosmetology: human
 1137 immunodeficiency virus and acquired immune deficiency syndrome;
 1138 Occupational Safety and Health Administration regulations;
 1139 workers' compensation issues; state and federal laws and rules
 1140 as they pertain to cosmetologists, cosmetology, salons,
 1141 specialists, specialty salons, and booth renters; chemical
 1142 makeup as it pertains to hair, skin, and nails; and
 1143 environmental issues. Courses given at cosmetology conferences
 1144 may be counted toward the number of continuing education hours
 1145 required if approved by the board.

1146 ~~(b) Any person whose occupation or practice is confined~~
 1147 ~~solely to hair braiding, hair wrapping, or body wrapping is~~
 1148 ~~exempt from the continuing education requirements of this~~
 1149 ~~subsection.~~

1150 (b)(e) The board may, by rule, require any licensee in
 1151 violation of a continuing education requirement to take a
 1152 refresher course or refresher course and examination in addition
 1153 to any other penalty. The number of hours for the refresher
 1154 course may not exceed 48 hours.

1155 Section 56. Paragraph (f) of subsection (1) of section
 1156 477.026, Florida Statutes, is amended to read:

1157 477.026 Fees; disposition.—

1158 (1) The board shall set fees according to the following
 1159 schedule:

1160 ~~(f) For hair braiders, hair wrappers, and body wrappers,~~

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1161 ~~fees for registration shall not exceed \$25.~~

1162 Section 57. Subsection (4) of section 477.0263, Florida
1163 Statutes, is amended, and subsection (5) is added to that
1164 section, to read:

1165 477.0263 Cosmetology services to be performed in licensed
1166 salon; exceptions.—

1167 (4) Pursuant to rules adopted by the board, any cosmetology
1168 or specialty service may be performed in a location other than a
1169 licensed salon when the service is performed in connection with
1170 a special event and is performed by a person ~~who is employed by~~
1171 ~~a licensed salon and~~ who holds the proper license or specialty
1172 registration. An appointment for the performance of any such
1173 service in a location other than a licensed salon must be made
1174 through a licensed salon.

1175 (5) Hair shampooing, hair cutting, and hair arranging may
1176 be performed in a location other than a licensed salon when the
1177 service is performed by a person who holds the proper license.

1178 Section 58. Paragraph (f) of subsection (1) of section
1179 477.0265, Florida Statutes, is amended to read:

1180 477.0265 Prohibited acts.—

1181 (1) It is unlawful for any person to:

1182 (f) Advertise or imply that skin care services ~~or body~~
1183 ~~wrapping~~, as performed under this chapter, have any relationship
1184 to the practice of massage therapy as defined in s. 480.033(3),
1185 except those practices or activities defined in s. 477.013.

1186 Section 59. Paragraph (a) of subsection (1) of section
1187 477.029, Florida Statutes, is amended to read:

1188 477.029 Penalty.—

1189 (1) It is unlawful for any person to:

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1190 (a) Hold himself or herself out as a cosmetologist or
1191 specialist, ~~hair wrapper, hair braider, or body wrapper~~ unless
1192 duly licensed or registered, or otherwise authorized, as
1193 provided in this chapter.

1194 Section 60. Section 481.201, Florida Statutes, is amended
1195 to read:

1196 481.201 Purpose.—The primary legislative purpose for
1197 enacting this part is to ensure that every architect practicing
1198 in this state meets minimum requirements for safe practice. It
1199 is the legislative intent that architects who fall below minimum
1200 competency or who otherwise present a danger to the public shall
1201 be prohibited from practicing in this state. The Legislature
1202 further finds that it is in the interest of the public to limit
1203 the practice of interior design to interior designers or
1204 architects who have the design education and training required
1205 by this part or to persons who are exempted from the provisions
1206 of this part.

1207 Section 61. Section 481.203, Florida Statutes, is amended
1208 to read:

1209 481.203 Definitions.—As used in this part, the term:

1210 (1)(3) "Architect" or "registered architect" means a
1211 natural person who is licensed under this part to engage in the
1212 practice of architecture.

1213 (2)(6) "Architecture" means the rendering or offering to
1214 render services in connection with the design and construction
1215 of a structure or group of structures which have as their
1216 principal purpose human habitation or use, and the utilization
1217 of space within and surrounding such structures. These services
1218 include planning, providing preliminary study designs, drawings

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1219 and specifications, job-site inspection, and administration of
1220 construction contracts.

1221 ~~(3)(1)~~ "Board" means the Board of Architecture and Interior
1222 Design.

1223 ~~(4)(5)~~ "Business organization" means a partnership, a
1224 limited liability company, a corporation, or an individual
1225 operating under a fictitious name "Certificate of authorization"
1226 means a certificate issued by the department to a corporation or
1227 partnership to practice architecture or interior design.

1228 ~~(5)(4)~~ "Certificate of registration" means a license issued
1229 by the department to a natural person to engage in the practice
1230 of architecture or interior design.

1231 ~~(6)(13)~~ "Common area" means an area that is held out for
1232 use by all tenants or owners in a multiple-unit dwelling,
1233 including, but not limited to, a lobby, elevator, hallway,
1234 laundry room, clubhouse, or swimming pool.

1235 ~~(7)(2)~~ "Department" means the Department of Business and
1236 Professional Regulation.

1237 ~~(8)(14)~~ "Diversified interior design experience" means
1238 experience which substantially encompasses the various elements
1239 of interior design services set forth under the definition of
1240 "interior design" in subsection ~~(10)(8)~~.

1241 ~~(9)(15)~~ "Interior decorator services" includes the
1242 selection or assistance in selection of surface materials,
1243 window treatments, wallcoverings, paint, floor coverings,
1244 surface-mounted lighting, surface-mounted fixtures, and loose
1245 furnishings not subject to regulation under applicable building
1246 codes.

1247 ~~(10)(8)~~ "Interior design" means designs, consultations,

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1248 studies, drawings, specifications, and administration of design
1249 construction contracts relating to nonstructural interior
1250 elements of a building or structure. "Interior design" includes,
1251 but is not limited to, reflected ceiling plans, space planning,
1252 furnishings, and the fabrication of nonstructural elements
1253 within and surrounding interior spaces of buildings. "Interior
1254 design" specifically excludes the design of or the
1255 responsibility for architectural and engineering work, except
1256 for specification of fixtures and their location within interior
1257 spaces. As used in this subsection, "architectural and
1258 engineering interior construction relating to the building
1259 systems" includes, but is not limited to, construction of
1260 structural, mechanical, plumbing, heating, air-conditioning,
1261 ventilating, electrical, or vertical transportation systems, or
1262 construction which materially affects lifesafety systems
1263 pertaining to firesafety protection such as fire-rated
1264 separations between interior spaces, fire-rated vertical shafts
1265 in multistory structures, fire-rated protection of structural
1266 elements, smoke evacuation and compartmentalization, emergency
1267 ingress or egress systems, and emergency alarm systems.

1268 ~~(9) "Registered interior designer" or "interior designer"~~
1269 ~~means a natural person who is licensed under this part.~~

1270 ~~(11)(10)~~ "Nonstructural element" means an element which
1271 does not require structural bracing and which is something other
1272 than a load-bearing wall, load-bearing column, or other load-
1273 bearing element of a building or structure which is essential to
1274 the structural integrity of the building.

1275 ~~(12)(11)~~ "Reflected ceiling plan" means a ceiling design
1276 plan which is laid out as if it were projected downward and

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1277 which may include lighting and other elements.

1278 (13)~~(16)~~ "Responsible supervising control" means the
1279 exercise of direct personal supervision and control throughout
1280 the preparation of documents, instruments of service, or any
1281 other work requiring the seal and signature of a licensee under
1282 this part.

1283 (14)~~(12)~~ "Space planning" means the analysis, programming,
1284 or design of spatial requirements, including preliminary space
1285 layouts and final planning.

1286 (15)~~(7)~~ "Townhouse" is a single-family dwelling unit not
1287 exceeding three stories in height which is constructed in a
1288 series or group of attached units with property lines separating
1289 such units. Each townhouse shall be considered a separate
1290 building and shall be separated from adjoining townhouses by the
1291 use of separate exterior walls meeting the requirements for zero
1292 clearance from property lines as required by the type of
1293 construction and fire protection requirements; or shall be
1294 separated by a party wall; or may be separated by a single wall
1295 meeting the following requirements:

1296 (a) Such wall shall provide not less than 2 hours of fire
1297 resistance. Plumbing, piping, ducts, or electrical or other
1298 building services shall not be installed within or through the
1299 2-hour wall unless such materials and methods of penetration
1300 have been tested in accordance with the Standard Building Code.

1301 (b) Such wall shall extend from the foundation to the
1302 underside of the roof sheathing, and the underside of the roof
1303 shall have at least 1 hour of fire resistance for a width not
1304 less than 4 feet on each side of the wall.

1305 (c) Each dwelling unit sharing such wall shall be designed

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1306 and constructed to maintain its structural integrity independent
1307 of the unit on the opposite side of the wall.

1308 Section 62. Subsection (1) and paragraph (a) of subsection
1309 (3) of section 481.205, Florida Statutes, are amended to read:

1310 481.205 Board of Architecture ~~and Interior Design.~~

1311 (1) The Board of Architecture ~~and Interior Design~~ is
1312 created within the Department of Business and Professional
1313 Regulation. The board shall consist of seven ~~11~~ members. Five
1314 members must be registered architects who have been engaged in
1315 the practice of architecture for at least 5 years; ~~three members~~
1316 ~~must be registered interior designers who have been offering~~
1317 ~~interior design services for at least 5 years and who are not~~
1318 ~~also registered architects;~~ and two ~~three~~ members must be
1319 laypersons who are not, and have never been, architects,
1320 ~~interior designers,~~ or members of any closely related profession
1321 or occupation. At least one member of the board must be 60 years
1322 of age or older.

1323 (3) (a) Notwithstanding the provisions of ss. 455.225,
1324 455.228, and 455.32, the duties and authority of the department
1325 to receive complaints and investigate and discipline persons
1326 licensed under this part, including the ability to determine
1327 legal sufficiency and probable cause; to initiate proceedings
1328 and issue final orders for summary suspension or restriction of
1329 a license pursuant to s. 120.60(6); to issue notices of
1330 noncompliance, notices to cease and desist, subpoenas, and
1331 citations; to retain legal counsel, investigators, or
1332 prosecutorial staff in connection with the licensed practice of
1333 architecture ~~and interior design;~~ and to investigate and deter
1334 the unlicensed practice of architecture ~~and interior design~~ as

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1335 provided in s. 455.228 are delegated to the board. All
 1336 complaints and any information obtained pursuant to an
 1337 investigation authorized by the board are confidential and
 1338 exempt from s. 119.07(1) as provided in s. 455.225(2) and (10).
 1339 Section 63. Section 481.207, Florida Statutes, is amended
 1340 to read:
 1341 481.207 Fees.—The board, by rule, may establish separate
 1342 fees for architects ~~and interior designers~~, to be paid for
 1343 applications, examination, reexamination, licensing and renewal,
 1344 delinquency, reinstatement, and recordmaking and recordkeeping.
 1345 The examination fee shall be in an amount that covers the cost
 1346 of obtaining and administering the examination and shall be
 1347 refunded if the applicant is found ineligible to sit for the
 1348 examination. The application fee is nonrefundable. The fee for
 1349 initial application and examination for architects ~~and interior~~
 1350 ~~designers~~ may not exceed \$775 plus the actual per applicant cost
 1351 to the department for purchase of the examination from the
 1352 National Council of Architectural Registration Boards ~~or the~~
 1353 ~~National Council of Interior Design Qualifications,~~
 1354 ~~respectively,~~ or similar national organizations. The biennial
 1355 renewal fee for architects may not exceed \$200. ~~The biennial~~
 1356 ~~renewal fee for interior designers may not exceed \$500.~~ The
 1357 delinquency fee may not exceed the biennial renewal fee
 1358 established by the board for an active license. The board shall
 1359 establish fees that are adequate to ensure the continued
 1360 operation of the board and to fund the proportionate expenses
 1361 incurred by the department which are allocated to the regulation
 1362 of architects ~~and interior designers~~. Fees shall be based on
 1363 department estimates of the revenue required to implement this

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1364 part and the provisions of law with respect to the regulation of
 1365 architects ~~and interior designers~~.
 1366 Section 64. Section 481.209, Florida Statutes, is amended
 1367 to read:
 1368 481.209 Examinations.—
 1369 ~~(1)~~ A person desiring to be licensed as a registered
 1370 architect by initial examination shall apply to the department,
 1371 complete the application form, and remit a nonrefundable
 1372 application fee. The department shall license any applicant who
 1373 the board certifies:
 1374 ~~(a)~~ has passed the licensure examination prescribed by
 1375 board rule; and
 1376 ~~(b)~~ is a graduate of a school or college of architecture
 1377 with a program accredited by the National Architectural
 1378 Accreditation Board.
 1379 ~~(2)~~ A person desiring to be licensed as a registered
 1380 interior designer shall apply to the department for licensure.
 1381 The department shall administer the licensure examination for
 1382 interior designers to each applicant who has completed the
 1383 application form and remitted the application and examination
 1384 fees specified in s. 481.207 and who the board certifies:
 1385 ~~(a)~~ Is a graduate from an interior design program of 5
 1386 years or more and has completed 1 year of diversified interior
 1387 design experience;
 1388 ~~(b)~~ Is a graduate from an interior design program of 4
 1389 years or more and has completed 2 years of diversified interior
 1390 design experience;
 1391 ~~(c)~~ Has completed at least 3 years in an interior design
 1392 curriculum and has completed 3 years of diversified interior

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1393 ~~design experience, or~~

1394 ~~(d) Is a graduate from an interior design program of at~~
 1395 ~~least 2 years and has completed 4 years of diversified interior~~
 1396 ~~design experience.~~

1397 ~~Subsequent to October 1, 2000, for the purpose of having the~~
 1398 ~~educational qualification required under this subsection~~
 1399 ~~accepted by the board, the applicant must complete his or her~~
 1400 ~~education at a program, school, or college of interior design~~
 1401 ~~whose curriculum has been approved by the board as of the time~~
 1402 ~~of completion. Subsequent to October 1, 2003, all of the~~
 1403 ~~required amount of educational credits shall have been obtained~~
 1404 ~~in a program, school, or college of interior design whose~~
 1405 ~~curriculum has been approved by the board, as of the time each~~
 1406 ~~educational credit is gained. The board shall adopt rules~~
 1407 ~~providing for the review and approval of programs, schools, and~~
 1408 ~~colleges of interior design and courses of interior design study~~
 1409 ~~based on a review and inspection by the board of the curriculum~~
 1410 ~~of programs, schools, and colleges of interior design in the~~
 1411 ~~United States, including those programs, schools, and colleges~~
 1412 ~~accredited by the Foundation for Interior Design Education~~
 1413 ~~Research. The board shall adopt rules providing for the review~~
 1414 ~~and approval of diversified interior design experience required~~
 1415 ~~by this subsection.~~

1416 Section 65. Subsections (1) through (4) of section 481.213,
 1417 Florida Statutes, are amended to read:

1418 481.213 Licensure.—

1419 (1) The department shall license any applicant who the
 1420 board certifies is qualified for licensure and who has paid the
 1421 initial licensure fee. ~~Licensure as an architect under this~~

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1422 ~~section shall be deemed to include all the rights and privileges~~
 1423 ~~of licensure as an interior designer under this section.~~

1424 (2) The board shall certify for licensure by examination
 1425 any applicant who passes the prescribed licensure examination
 1426 and satisfies the requirements of ss. 481.209 and 481.211, ~~for~~
 1427 ~~architects, or the requirements of s. 481.209, for interior~~
 1428 ~~designers.~~

1429 (3) The board shall certify as qualified for a license by
 1430 endorsement as an architect ~~or as an interior designer~~ an
 1431 applicant who:

1432 (a) Qualifies to take the prescribed licensure examination,
 1433 and has passed the prescribed licensure examination or a
 1434 substantially equivalent examination in another jurisdiction, as
 1435 set forth in s. 481.209 for architects ~~or interior designers, as~~
 1436 ~~applicable~~, and has satisfied the internship requirements set
 1437 forth in s. 481.211 for architects;

1438 (b) Holds a valid license to practice architecture ~~or~~
 1439 ~~interior design~~ issued by another jurisdiction of the United
 1440 States, if the criteria for issuance of such license were
 1441 substantially equivalent to the licensure criteria that existed
 1442 in this state at the time the license was issued; ~~provided,~~
 1443 ~~however,~~ that an applicant who has been licensed for use of the
 1444 title "interior design" rather than licensed to practice
 1445 ~~interior design shall not qualify hereunder, or~~

1446 (c) Has passed the prescribed licensure examination and
 1447 holds a valid certificate issued by the National Council of
 1448 Architectural Registration Boards, and holds a valid license to
 1449 practice architecture issued by another state or jurisdiction of
 1450 the United States.

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1451 (4) The board may refuse to certify any applicant who has
 1452 violated any of the provisions of s. 481.223, or s. 481.225, ~~or~~
 1453 ~~s. 481.2251~~, as applicable.

1454 Section 66. Section 481.2131, Florida Statutes, is amended
 1455 to read:

1456 481.2131 Interior design; practice requirements; ~~disclosure~~
 1457 ~~of compensation for professional services.~~

1458 (1) ~~A registered interior designer is authorized to perform~~
 1459 ~~"interior design" as defined in s. 481.203. Interior design~~
 1460 ~~documents prepared by a registered interior designer shall~~
 1461 ~~contain a statement that the document is not an architectural or~~
 1462 ~~engineering study, drawing, specification, or design and is not~~
 1463 ~~to be used for construction of any load bearing columns, load-~~
 1464 ~~bearing framing or walls of structures, or issuance of any~~
 1465 ~~building permit, except as otherwise provided by law. Interior~~
 1466 ~~design documents that are prepared and sealed by an a registered~~
 1467 ~~interior designer must may, if required by a permitting body, be~~
 1468 ~~accepted by the permitting body be submitted for the issuance of~~
 1469 ~~a building permit for interior construction excluding design of~~
 1470 ~~any structural, mechanical, plumbing, heating, air-conditioning,~~
 1471 ~~ventilating, electrical, or vertical transportation systems or~~
 1472 ~~that materially affect lifesafety systems pertaining to~~
 1473 ~~firesafety protection such as fire-rated separations between~~
 1474 ~~interior spaces, fire-rated vertical shafts in multistory~~
 1475 ~~structures, fire-rated protection of structural elements, smoke~~
 1476 ~~evacuation and compartmentalization, emergency ingress or egress~~
 1477 ~~systems, and emergency alarm systems. Interior design documents~~
 1478 ~~submitted for the issuance of a building permit by an individual~~
 1479 ~~performing interior design services who is not a licensed~~

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1480 architect must include written proof that such individual has
 1481 successfully passed the qualification examination prescribed by
 1482 either the National Council for Interior Design Qualifications
 1483 or the California Council for Interior Design Certification. All
 1484 drawings, plans, specifications, or reports prepared or issued
 1485 by the interior designer and filed for public record shall bear
 1486 the signature of the interior designer who prepared or approved
 1487 the document and the date on which they were signed. The
 1488 signature and date shall be evidence of the authenticity of that
 1489 to which they are affixed. Final plans, specifications, or
 1490 reports prepared or issued by an interior designer may be
 1491 transmitted electronically and may be electronically signed by
 1492 the interior designer.

1493 (2) A license or registration is not required for a person
 1494 whose occupation or practice is confined to interior design or
 1495 interior decorator services. An interior designer shall, before
 1496 entering into a contract, verbal or written, clearly determine
 1497 the scope and nature of the project and the method or methods of
 1498 compensation. The interior designer may offer professional
 1499 services to the client as a consultant, specifier, or supplier
 1500 on the basis of a fee, percentage, or markup. The interior
 1501 designer shall have the responsibility of fully disclosing to
 1502 the client the manner in which all compensation is to be paid.
 1503 Unless the client knows and agrees, the interior designer shall
 1504 not accept any form of compensation from a supplier of goods and
 1505 services in cash or in kind.

1506 Section 67. Subsections (3) and (5) of section 481.215,
 1507 Florida Statutes, are amended to read:

1508 481.215 Renewal of license.—

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1509 (3) ~~A~~ No license renewal ~~may not shall~~ be issued to an
 1510 architect ~~or an interior designer~~ by the department until the
 1511 licensee submits proof satisfactory to the department that,
 1512 during the 2 years ~~before~~ prior to application for renewal, the
 1513 licensee participated per biennium in not less than 20 hours of
 1514 at least 50 minutes each per biennium of continuing education
 1515 approved by the board. The board shall approve only continuing
 1516 education that builds upon the basic knowledge of architecture
 1517 ~~or interior design~~. The board may make exception from the
 1518 requirements of continuing education in emergency or hardship
 1519 cases.

1520 ~~(5) The board shall require, by rule adopted pursuant to~~
 1521 ~~ss. 120.536(1) and 120.54, a specified number of hours in~~
 1522 ~~specialized or advanced courses, approved by the Florida~~
 1523 ~~Building Commission, on any portion of the Florida Building~~
 1524 ~~Code, adopted pursuant to part IV of chapter 553, relating to~~
 1525 ~~the licensee's respective area of practice.~~

1526 Section 68. Subsection (1) of section 481.217, Florida
 1527 Statutes, is amended to read:

1528 481.217 Inactive status.—

1529 (1) The board may prescribe by rule continuing education
 1530 requirements as a condition of reactivating a license. The rules
 1531 may not require more than one renewal cycle of continuing
 1532 education to reactivate a license for a registered architect ~~or~~
 1533 ~~interior designer. For interior design, the board may approve~~
 1534 ~~only continuing education that builds upon the basic knowledge~~
 1535 ~~of interior design.~~

1536 Section 69. Section 481.219, Florida Statutes, is amended
 1537 to read:

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1538 481.219 Qualification of business organizations

1539 ~~certification of partnerships, limited liability companies, and~~
 1540 ~~corporations.—~~

1541 (1) ~~A licensee may~~ The practice of or the offer to practice
 1542 ~~architecture or interior design by licensees~~ through a qualified
 1543 business organization that offers ~~corporation, limited liability~~
 1544 ~~company, or partnership offering~~ architectural ~~or interior~~
 1545 ~~design~~ services to the public, ~~or by a corporation, limited~~
 1546 ~~liability company, or partnership offering~~ architectural ~~or~~
 1547 ~~interior design~~ services to the public through licensees under
 1548 this part as agents, employees, officers, or partners, is
 1549 permitted, subject to the provisions of this section.

1550 (2) If a licensee or an applicant proposes to engage in the
 1551 practice of architecture as a business organization, the
 1552 licensee or applicant shall qualify the business organization
 1553 upon approval of the board ~~For the purposes of this section, a~~
 1554 ~~certificate of authorization shall be required for a~~
 1555 ~~corporation, limited liability company, partnership, or person~~
 1556 ~~practicing under a fictitious name, offering architectural~~
 1557 ~~services to the public jointly or separately. However, when an~~
 1558 ~~individual is practicing architecture in her or his own name,~~
 1559 ~~she or he shall not be required to be certified under this~~
 1560 ~~section. Certification under this subsection to offer~~
 1561 ~~architectural services shall include all the rights and~~
 1562 ~~privileges of certification under subsection (3) to offer~~
 1563 ~~interior design services.~~

1564 (3) (a) A business organization may not engage in the
 1565 practice of architecture unless its qualifying agent is a
 1566 registered architect under this part. A qualifying agent who

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1567 terminates an affiliation with a qualified business organization
 1568 shall immediately notify the department of such termination. If
 1569 such qualifying agent is the only qualifying agent for that
 1570 business organization, the business organization must be
 1571 qualified by another qualifying agent within 60 days after the
 1572 termination. Except as provided in paragraph (b), the business
 1573 organization may not engage in the practice of architecture
 1574 until it is qualified by another qualifying agent.

1575 (b) In the event a qualifying agent ceases employment with
 1576 a qualified business organization, the executive director or the
 1577 chair of the board may authorize another registered architect
 1578 employed by the business organization to temporarily serve as
 1579 its qualifying agent for a period of no more than 60 days. The
 1580 business organization is not authorized to operate beyond such
 1581 period under this chapter absent replacement of the qualifying
 1582 agent who has ceased employment.

1583 (c) A qualifying agent shall notify the department in
 1584 writing before engaging in the practice of architecture in her
 1585 or his own name or in affiliation with a different business
 1586 organization, and she or he or such business organization shall
 1587 supply the same information to the department as required of
 1588 applicants under this part.

1589 ~~(3) For the purposes of this section, a certificate of~~
 1590 ~~authorization shall be required for a corporation, limited~~
 1591 ~~liability company, partnership, or person operating under a~~
 1592 ~~fictitious name, offering interior design services to the public~~
 1593 ~~jointly or separately. However, when an individual is practicing~~
 1594 ~~interior design in her or his own name, she or he shall not be~~
 1595 ~~required to be certified under this section.~~

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1596 (4) All final construction documents and instruments of
 1597 service which include drawings, specifications, plans, reports,
 1598 or other papers or documents ~~that involve involving~~ the practice
 1599 of architecture which are prepared or approved for the use of
 1600 the business organization ~~corporation, limited liability~~
 1601 ~~company, or partnership~~ and filed for public record within the
 1602 state ~~must shall~~ bear the signature and seal of the licensee who
 1603 prepared or approved them and the date on which they were
 1604 sealed.

1605 ~~(5) All drawings, specifications, plans, reports, or other~~
 1606 ~~papers or documents prepared or approved for the use of the~~
 1607 ~~corporation, limited liability company, or partnership by an~~
 1608 ~~interior designer in her or his professional capacity and filed~~
 1609 ~~for public record within the state shall bear the signature and~~
 1610 ~~seal of the licensee who prepared or approved them and the date~~
 1611 ~~on which they were sealed.~~

1612 ~~(6) The department shall issue a certificate of~~
 1613 ~~authorization to any applicant who the board certifies as~~
 1614 ~~qualified for a certificate of authorization and who has paid~~
 1615 ~~the fee set in s. 481.207.~~

1616 ~~(5)-(7) The board shall allow a licensee or certify an~~
 1617 ~~applicant to qualify one or more business organizations as~~
 1618 ~~qualified for a certificate of authorization to offer~~
 1619 ~~architectural or interior design services, or to use a~~
 1620 ~~fictitious name to offer such services, if provided that:~~

1621 ~~(a) one or more of the principal officers of the~~
 1622 ~~corporation or limited liability company, or one or more~~
 1623 ~~partners of the partnership, and all personnel of the~~
 1624 ~~corporation, limited liability company, or partnership who act~~

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1625 in its behalf in this state as architects, are registered as
 1626 provided by this part; ~~or~~
 1627 ~~(b) One or more of the principal officers of the~~
 1628 ~~corporation or one or more partners of the partnership, and all~~
 1629 ~~personnel of the corporation, limited liability company, or~~
 1630 ~~partnership who act in its behalf in this state as interior~~
 1631 ~~designers, are registered as provided by this part.~~
 1632 ~~(8) The department shall adopt rules establishing a~~
 1633 ~~procedure for the biennial renewal of certificates of~~
 1634 ~~authorization.~~
 1635 ~~(9) The department shall renew a certificate of~~
 1636 ~~authorization upon receipt of the renewal application and~~
 1637 ~~biennial renewal fee.~~
 1638 (6)(10) Each qualifying agent who qualifies a business
 1639 organization partnership, limited liability company, and
 1640 corporation certified under this section shall notify the
 1641 department within 30 days after of any change in the information
 1642 contained in the application upon which the qualification
 1643 certification is based. Any registered architect or interior
 1644 designer who qualifies the business organization shall ensure
 1645 corporation, limited liability company, or partnership as
 1646 provided in subsection (7) shall be responsible for ensuring
 1647 responsible supervising control of projects of the business
 1648 organization entity and shall notify the department of the upon
 1649 termination of her or his employment with a business
 1650 organization qualified partnership, limited liability company,
 1651 or corporation certified under this section shall notify the
 1652 department of the termination within 30 days after such
 1653 termination.

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1654 ~~(7)(11) A business organization is not~~ No corporation,
 1655 limited liability company, or partnership shall be relieved of
 1656 responsibility for the conduct or acts of its agents, employees,
 1657 or officers by reason of its compliance with this section.
 1658 However, except as provided in s. 558.0035, the architect who
 1659 signs and seals the construction documents and instruments of
 1660 service is shall be liable for the professional services
 1661 performed, and the interior designer who signs and seals the
 1662 interior design drawings, plans, or specifications shall be
 1663 liable for the professional services performed.
 1664 ~~(12) Disciplinary action against a corporation, limited~~
 1665 ~~liability company, or partnership shall be administered in the~~
 1666 ~~same manner and on the same grounds as disciplinary action~~
 1667 ~~against a registered architect or interior designer,~~
 1668 ~~respectively.~~
 1669 ~~(8)(13) Nothing in This section may not shall be construed~~
 1670 ~~to mean that a certificate of registration to practice~~
 1671 ~~architecture or interior design must shall be held by a business~~
 1672 ~~organization corporation, limited liability company, or~~
 1673 ~~partnership. Nothing in This section does not prohibit a~~
 1674 ~~business organization from offering prohibits corporations,~~
 1675 ~~limited liability companies, and partnerships from joining~~
 1676 ~~together to offer architectural or, engineering, interior~~
 1677 ~~design, surveying and mapping, and landscape architectural~~
 1678 ~~services, or any combination of such services, to the public if~~
 1679 ~~the business organization, provided that each corporation,~~
 1680 ~~limited liability company, or partnership otherwise meets the~~
 1681 ~~requirements of law.~~
 1682 ~~(14) Corporations, limited liability companies, or~~

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1683 ~~partnerships holding a valid certificate of authorization to~~
 1684 ~~practice architecture shall be permitted to use in their title~~
 1685 ~~the term "interior designer" or "registered interior designer."~~

1686 Section 70. Subsections (4), (6), (8), (10), (11), and (12)
 1687 of section 481.221, Florida Statutes, are renumbered as
 1688 subsections (3), (4), (5), (6), (7), and (8), respectively, and
 1689 present subsections (3), (5), (7), (9), (10), (11), and (12) of
 1690 that section are amended to read:

1691 481.221 Seals; display of certificate number; permitting
 1692 requirements.-

1693 ~~(3) The board shall adopt a rule prescribing the distinctly~~
 1694 ~~different seals to be used by registered interior designers~~
 1695 ~~holding valid certificates of registration. Each registered~~
 1696 ~~interior designer shall obtain a seal as prescribed by the~~
 1697 ~~board, and all drawings, plans, specifications, or reports~~
 1698 ~~prepared or issued by the registered interior designer and being~~
 1699 ~~filed for public record shall bear the signature and seal of the~~
 1700 ~~registered interior designer who prepared or approved the~~
 1701 ~~document and the date on which they were sealed. The signature,~~
 1702 ~~date, and seal shall be evidence of the authenticity of that to~~
 1703 ~~which they are affixed. Final plans, specifications, or reports~~
 1704 ~~prepared or issued by a registered interior designer may be~~
 1705 ~~transmitted electronically and may be signed by the registered~~
 1706 ~~interior designer, dated, and sealed electronically with the~~
 1707 ~~seal in accordance with ss. 668.001-668.006.~~

1708 ~~(5) No registered interior designer shall affix, or permit~~
 1709 ~~to be affixed, her or his seal or signature to any plan,~~
 1710 ~~specification, drawing, or other document which depicts work~~
 1711 ~~which she or he is not competent or licensed to perform.~~

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1712 ~~(7) No registered interior designer shall affix her or his~~
 1713 ~~signature or seal to any plans, specifications, or other~~
 1714 ~~documents which were not prepared by her or him or under her or~~
 1715 ~~his responsible supervising control or by another registered~~
 1716 ~~interior designer and reviewed, approved, or modified and~~
 1717 ~~adopted by her or him as her or his own work according to rules~~
 1718 ~~adopted by the board.~~

1719 ~~(9) Studies, drawings, specifications, and other related~~
 1720 ~~documents prepared by a registered interior designer in~~
 1721 ~~providing interior design services shall be of a sufficiently~~
 1722 ~~high standard to clearly and accurately indicate all essential~~
 1723 ~~parts of the work to which they refer.~~

1724 (6)(10) Each registered architect must or interior
 1725 designer, and each corporation, limited liability company, or
 1726 partnership holding a certificate of authorization, shall
 1727 include her or his license its certificate number in any
 1728 newspaper, telephone directory, or other advertising medium used
 1729 by the registered licensee architect, interior designer,
 1730 corporation, limited liability company, or partnership. Each
 1731 business organization must include the license number of the
 1732 registered architect who serves as the qualifying agent for that
 1733 business organization in any newspaper, telephone directory, or
 1734 other advertising medium used by the business organization. A
 1735 business organization is not required to display the license
 1736 numbers of other registered architects employed by the business
 1737 organization A corporation, limited liability company, or
 1738 partnership is not required to display the certificate number of
 1739 individual registered architects or interior designers employed
 1740 by or working within the corporation, limited liability company,

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1741 ~~or partnership.~~

1742 (7)(11) When the certificate of registration of a
 1743 registered architect ~~or interior designer~~ has been revoked or
 1744 suspended by the board, the registered architect ~~or interior~~
 1745 ~~designer~~ shall surrender her or his seal to the secretary of the
 1746 board within a period of 30 days after the revocation or
 1747 suspension has become effective. If the certificate of the
 1748 registered architect ~~or interior designer~~ has been suspended for
 1749 a period of time, her or his seal shall be returned to her or
 1750 him upon expiration of the suspension period.

1751 (8)(12) A person may not sign and seal by any means any
 1752 final plan, specification, or report after her or his
 1753 certificate of registration has expired or is suspended or
 1754 revoked. A registered architect ~~or interior designer~~ whose
 1755 certificate of registration is suspended or revoked shall,
 1756 within 30 days after the effective date of the suspension or
 1757 revocation, surrender her or his seal to the executive director
 1758 of the board and confirm in writing to the executive director
 1759 the cancellation of the registered architect's ~~or interior~~
 1760 ~~designer's~~ electronic signature in accordance with ss. 668.001-
 1761 668.006. When a registered architect's ~~or interior designer's~~
 1762 certificate of registration is suspended for a period of time,
 1763 her or his seal shall be returned upon expiration of the period
 1764 of suspension.

1765 Section 71. Section 481.222, Florida Statutes, is amended
 1766 to read:

1767 481.222 Architects performing building code inspection
 1768 services.—Notwithstanding any other provision of law, a person
 1769 who is currently licensed to practice as an architect under this

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1770 part may provide building code inspection services described in
 1771 s. 468.603(5) and (8) to a local government or state agency upon
 1772 its request, without being certified by the Florida Building
 1773 Code Administrators and Inspectors Board under part XII of
 1774 chapter 468. With respect to the performance of such building
 1775 code inspection services, the architect is subject to the
 1776 disciplinary guidelines of this part and s. 468.621(1)(c)-(h).
 1777 Any complaint processing, investigation, and discipline that
 1778 arise out of an architect's performance of building code
 1779 inspection services shall be conducted by the Board of
 1780 Architecture ~~and Interior Design~~ rather than the Florida
 1781 Building Code Administrators and Inspectors Board. An architect
 1782 may not perform plans review as an employee of a local
 1783 government upon any job that the architect or the architect's
 1784 company designed.

1785 Section 72. Section 481.223, Florida Statutes, is amended
 1786 to read:

1787 481.223 Prohibitions; penalties; injunctive relief.—

1788 (1) A person may not knowingly:

1789 (a) Practice architecture unless the person is an architect
 1790 or a registered architect; however, a licensed architect who has
 1791 been licensed by the board and who chooses to relinquish or not
 1792 to renew his or her license may use the title "Architect,
 1793 Retired" but may not otherwise render any architectural
 1794 services.

1795 ~~(b) Practice interior design unless the person is a~~
 1796 ~~registered interior designer unless otherwise exempted herein;~~
 1797 ~~however, an interior designer who has been licensed by the board~~
 1798 ~~and who chooses to relinquish or not to renew his or her license~~

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1799 may use the title "Interior Designer, Retired" but may not
 1800 otherwise render any interior design services.

1801 ~~(b)(e)~~ Use the name or title "architect," ~~or~~ "registered
 1802 architect," ~~or "interior designer" or "registered interior~~
 1803 ~~designer,"~~ or words to that effect, when the person is not then
 1804 the holder of a valid license issued pursuant to this part.

1805 ~~(c)(d)~~ Present as his or her own the license of another.

1806 ~~(d)(e)~~ Give false or forged evidence to the board or a
 1807 member thereof.

1808 ~~(e)(f)~~ Use or attempt to use an architect ~~or interior~~
 1809 ~~designer~~ license that has been suspended, revoked, or placed on
 1810 inactive or delinquent status.

1811 ~~(f)(g)~~ Employ unlicensed persons to practice architecture
 1812 ~~or interior design.~~

1813 ~~(g)(h)~~ Conceal information relative to violations of this
 1814 part.

1815 (2) Any person who violates any provision of subsection (1)
 1816 commits a misdemeanor of the first degree, punishable as
 1817 provided in s. 775.082 or s. 775.083.

1818 (3) (a) Notwithstanding chapter 455 or any other law to the
 1819 contrary, an affected person may maintain an action for
 1820 injunctive relief to restrain or prevent a person from violating
 1821 paragraph (1) (a) ~~or~~ paragraph (1) (b), ~~or paragraph (1) (c)~~. The
 1822 prevailing party is entitled to actual costs and attorney's
 1823 fees.

1824 (b) For purposes of this subsection, the term "affected
 1825 person" means a person directly affected by the actions of a
 1826 person suspected of violating paragraph (1) (a) ~~or~~ paragraph
 1827 (1) (b), ~~or paragraph (1) (c)~~ and includes, but is not limited to,

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1828 the department, any person who received services from the
 1829 alleged violator, or any private association composed primarily
 1830 of members of the profession the alleged violator is practicing
 1831 or offering to practice or holding himself or herself out as
 1832 qualified to practice.

1833 Section 73. Section 481.2251, Florida Statutes, is
 1834 repealed.

1835 Section 74. Subsections (5) through (8) of section 481.229,
 1836 Florida Statutes, are amended to read:

1837 481.229 Exceptions; exemptions from licensure.—

1838 ~~(5) (a) Nothing contained in this part shall prevent a~~
 1839 ~~registered architect or a partnership, limited liability~~
 1840 ~~company, or corporation holding a valid certificate of~~
 1841 ~~authorization to provide architectural services from performing~~
 1842 ~~any interior design service or from using the title "interior~~
 1843 ~~designer" or "registered interior designer."~~

1844 ~~(b) Notwithstanding any other provision of this part, all~~
 1845 ~~persons licensed as architects under this part shall be~~
 1846 ~~qualified for interior design licensure upon submission of a~~
 1847 ~~completed application for such license and a fee not to exceed~~
 1848 ~~\$30. Such persons shall be exempt from the requirements of s.~~
 1849 ~~481.209(2). For architects licensed as interior designers,~~
 1850 ~~satisfaction of the requirements for renewal of licensure as an~~
 1851 ~~architect under s. 481.215 shall be deemed to satisfy the~~
 1852 ~~requirements for renewal of licensure as an interior designer~~
 1853 ~~under that section. Complaint processing, investigation, or~~
 1854 ~~other discipline related legal costs related to persons licensed~~
 1855 ~~as interior designers under this paragraph shall be assessed~~
 1856 ~~against the architects' account of the Regulatory Trust Fund.~~

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1857 ~~(e) Notwithstanding any other provision of this part, any~~
 1858 ~~corporation, partnership, or person operating under a fictitious~~
 1859 ~~name which holds a certificate of authorization to provide~~
 1860 ~~architectural services shall be qualified, without fee, for a~~
 1861 ~~certificate of authorization to provide interior design services~~
 1862 ~~upon submission of a completed application therefor. For~~
 1863 ~~corporations, partnerships, and persons operating under a~~
 1864 ~~fictitious name which hold a certificate of authorization to~~
 1865 ~~provide interior design services, satisfaction of the~~
 1866 ~~requirements for renewal of the certificate of authorization to~~
 1867 ~~provide architectural services under s. 481.219 shall be deemed~~
 1868 ~~to satisfy the requirements for renewal of the certificate of~~
 1869 ~~authorization to provide interior design services under that~~
 1870 ~~section.~~

1871 ~~(6) This part shall not apply to:~~

1872 ~~(a) A person who performs interior design services or~~
 1873 ~~interior decorator services for any residential application,~~
 1874 ~~provided that such person does not advertise as, or represent~~
 1875 ~~himself or herself as, an interior designer. For purposes of~~
 1876 ~~this paragraph, "residential applications" includes all types of~~
 1877 ~~residences, including, but not limited to, residence buildings,~~
 1878 ~~single-family homes, multifamily homes, townhouses, apartments,~~
 1879 ~~condominiums, and domestic outbuildings appurtenant to one-~~
 1880 ~~family or two-family residences. However, "residential~~
 1881 ~~applications" does not include common areas associated with~~
 1882 ~~instances of multiple-unit dwelling applications.~~

1883 ~~(b) An employee of a retail establishment providing~~
 1884 ~~"interior decorator services" on the premises of the retail~~
 1885 ~~establishment or in the furtherance of a retail sale or~~

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1886 ~~prospective retail sale, provided that such employee does not~~
 1887 ~~advertise as, or represent himself or herself as, an interior~~
 1888 ~~designer.~~

1889 ~~(7) Nothing in this part shall be construed as authorizing~~
 1890 ~~or permitting an interior designer to engage in the business of,~~
 1891 ~~or to act as, a contractor within the meaning of chapter 489,~~
 1892 ~~unless registered or certified as a contractor pursuant to~~
 1893 ~~chapter 489.~~

1894 (5)(8) A manufacturer of commercial food service equipment
 1895 or the manufacturer's representative, distributor, or dealer or
 1896 an employee thereof, who prepares designs, specifications, or
 1897 layouts for the sale or installation of such equipment is exempt
 1898 from licensure as an architect ~~or interior designer~~, if:

1899 (a) The designs, specifications, or layouts are not used
 1900 for construction or installation that may affect structural,
 1901 mechanical, plumbing, heating, air conditioning, ventilating,
 1902 electrical, or vertical transportation systems.

1903 (b) The designs, specifications, or layouts do not
 1904 materially affect lifesafety systems pertaining to firesafety
 1905 protection, smoke evacuation and compartmentalization, and
 1906 emergency ingress or egress systems.

1907 (c) Each design, specification, or layout document prepared
 1908 by a person or entity exempt under this subsection contains a
 1909 statement on each page of the document that the designs,
 1910 specifications, or layouts are not architectural, ~~interior~~
 1911 ~~design~~, or engineering designs, specifications, or layouts and
 1912 not used for construction unless reviewed and approved by a
 1913 licensed architect or engineer.

1914 Section 75. Subsection (1) of section 481.231, Florida

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1915 Statutes, is amended to read:

1916 481.231 Effect of part locally.—

1917 (1) ~~Nothing in This part does not shall be construed to~~
 1918 ~~repeal, amend, limit, or otherwise affect any specific provision~~
 1919 ~~of any local building code or zoning law or ordinance that has~~
 1920 ~~been duly adopted, now or hereafter enacted, which is more~~
 1921 ~~restrictive, with respect to the services of registered~~
 1922 ~~architects or registered interior designers, than the provisions~~
 1923 ~~of this part; provided, however, that a licensed architect shall~~
 1924 ~~be deemed licensed as an interior designer for purposes of~~
 1925 ~~offering or rendering interior design services to a county,~~
 1926 ~~municipality, or other local government or political~~
 1927 ~~subdivision.~~

1928 Section 76. Section 481.303, Florida Statutes, is amended
 1929 to read:

1930 481.303 Definitions.—As used in this chapter, the term:

1931 (1) "Board" means the Board of Landscape Architecture.

1932 (2)~~(4)~~ "Certificate of registration" means a license issued
 1933 by the department to a natural person to engage in the practice
 1934 of landscape architecture.

1935 (3)~~(2)~~ "Department" means the Department of Business and
 1936 Professional Regulation.

1937 ~~(5) "Certificate of authorization" means a license issued~~
 1938 ~~by the department to a corporation or partnership to engage in~~
 1939 ~~the practice of landscape architecture.~~

1940 (4)~~(6)~~ "Landscape architecture" means professional
 1941 services, including, but not limited to, the following:

1942 (a) Consultation, investigation, research, planning,
 1943 design, preparation of drawings, specifications, contract

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1944 documents and reports, responsible construction supervision, or
 1945 landscape management in connection with the planning and
 1946 development of land and incidental water areas, including the
 1947 use of Florida-friendly landscaping as defined in s. 373.185,
 1948 where, and to the extent that, the dominant purpose of such
 1949 services or creative works is the preservation, conservation,
 1950 enhancement, or determination of proper land uses, natural land
 1951 features, ground cover and plantings, or naturalistic and
 1952 aesthetic values;

1953 (b) The determination of settings, grounds, and approaches
 1954 for and the siting of buildings and structures, outdoor areas,
 1955 or other improvements;

1956 (c) The setting of grades, shaping and contouring of land
 1957 and water forms, determination of drainage, and provision for
 1958 storm drainage and irrigation systems where such systems are
 1959 necessary to the purposes outlined herein; and

1960 (d) The design of such tangible objects and features as are
 1961 necessary to the purpose outlined herein.

1962 (5)~~(7)~~ "Landscape design" means consultation for and
 1963 preparation of planting plans drawn for compensation, including
 1964 specifications and installation details for plant materials,
 1965 soil amendments, mulches, edging, gravel, and other similar
 1966 materials. Such plans may include only recommendations for the
 1967 conceptual placement of tangible objects for landscape design
 1968 projects. Construction documents, details, and specifications
 1969 for tangible objects and irrigation systems shall be designed or
 1970 approved by licensed professionals as required by law.

1971 (6)~~(3)~~ "Registered landscape architect" means a person who
 1972 holds a license to practice landscape architecture in this state

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1973 under the authority of this act.

1974 Section 77. Section 481.310, Florida Statutes, is amended
1975 to read:

1976 481.310 Practical experience requirement.—Beginning October
1977 1, 1990, every applicant for licensure as a registered landscape
1978 architect shall demonstrate, prior to licensure, 1 year of
1979 practical experience in landscape architectural work. An
1980 applicant who holds a master of landscape architecture degree is
1981 not required to demonstrate 1 year of practical experience in
1982 landscape architectural work to obtain licensure. The board
1983 shall adopt rules providing standards for the required
1984 experience. An applicant who qualifies for examination pursuant
1985 to s. 481.309(1)(b)1. may obtain the practical experience after
1986 completing the required professional degree. Experience used to
1987 qualify for examination pursuant to s. 481.309(1)(b)2. may not
1988 be used to satisfy the practical experience requirement under
1989 this section.

1990 Section 78. Subsections (5) and (6) of section 481.311,
1991 Florida Statutes, are renumbered as subsections (4) and (5),
1992 respectively, and subsection (3) and present subsection (4) of
1993 that section are amended, to read:

1994 481.311 Licensure.—

1995 (3) The board shall certify as qualified for a license by
1996 endorsement an applicant who:

1997 (a) Qualifies to take the examination as set forth in s.
1998 481.309; and has passed a national, regional, state, or
1999 territorial licensing examination which is substantially
2000 equivalent to the examination required by s. 481.309; ~~or~~

2001 (b) Holds a valid license to practice landscape

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2002 architecture issued by another state or territory of the United
2003 States, if the criteria for issuance of such license were
2004 substantially identical to the licensure criteria which existed
2005 in this state at the time the license was issued; ~~or-~~

2006 (c) Has held a valid license to practice landscape
2007 architecture in another state or territory of the United States
2008 for at least 10 years before the date of application and has
2009 successfully completed a state, regional, national, or other
2010 examination that is equivalent to or more stringent than the
2011 examination required by the board, subject to subsection (5). An
2012 applicant who has met the requirements to be qualified for a
2013 license by endorsement except for successful completion of an
2014 examination that is equivalent to or more stringent than the
2015 examination required by the board may take the examination
2016 required by the board without completing additional education
2017 requirements.

2018 ~~(4) The board shall certify as qualified for a certificate~~
2019 ~~of authorization any applicant corporation or partnership who~~
2020 ~~satisfies the requirements of s. 481.319.~~

2021 Section 79. Subsection (2) of section 481.317, Florida
2022 Statutes, is amended to read:

2023 481.317 Temporary certificates.—

2024 ~~(2) Upon approval by the board and payment of the fee set~~
2025 ~~in s. 481.307, the department shall grant a temporary~~
2026 ~~certificate of authorization for work on one specified project~~
2027 ~~in this state for a period not to exceed 1 year to an out-of-~~
2028 ~~state corporation, partnership, or firm, provided one of the~~
2029 ~~principal officers of the corporation, one of the partners of~~
2030 ~~the partnership, or one of the principals in the fictitiously~~

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2031 ~~named firm has obtained a temporary certificate of registration~~
 2032 ~~in accordance with subsection (1).~~

2033 Section 80. Section 481.319, Florida Statutes, is amended
 2034 to read:

2035 481.319 Corporate and partnership practice of landscape
 2036 architecture, ~~certificate of authorization.~~

2037 (1) The practice of or offer to practice landscape
 2038 architecture by registered landscape architects registered under
 2039 this part through a corporation or partnership offering
 2040 landscape architectural services to the public, or through a
 2041 corporation or partnership offering landscape architectural
 2042 services to the public through individual registered landscape
 2043 architects as agents, employees, officers, or partners, is
 2044 permitted, subject to the provisions of this section, if:

2045 (a) One or more of the principal officers of the
 2046 corporation, or partners of the partnership, and all personnel
 2047 of the corporation or partnership who act in its behalf as
 2048 landscape architects in this state are registered landscape
 2049 architects; and

2050 (b) One or more of the officers, one or more of the
 2051 directors, one or more of the owners of the corporation, or one
 2052 or more of the partners of the partnership is a registered
 2053 landscape architect; ~~and~~

2054 ~~(c) The corporation or partnership has been issued a~~
 2055 ~~certificate of authorization by the board as provided herein.~~

2056 (2) All documents involving the practice of landscape
 2057 architecture which are prepared for the use of the corporation
 2058 or partnership shall bear the signature and seal of a registered
 2059 landscape architect.

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2060 (3) A landscape architect applying to practice in the name
 2061 ~~of a An applicant~~ corporation must shall file with the
 2062 department the names and addresses of all officers and board
 2063 members of the corporation, including the principal officer or
 2064 officers, duly registered to practice landscape architecture in
 2065 this state and, also, of all individuals duly registered to
 2066 practice landscape architecture in this state who shall be in
 2067 responsible charge of the practice of landscape architecture by
 2068 the corporation in this state. A landscape architect applying to
 2069 practice in the name of a An applicant partnership must shall
 2070 file with the department the names and addresses of all partners
 2071 of the partnership, including the partner or partners duly
 2072 registered to practice landscape architecture in this state and,
 2073 also, of an individual or individuals duly registered to
 2074 practice landscape architecture in this state who shall be in
 2075 responsible charge of the practice of landscape architecture by
 2076 said partnership in this state.

2077 (4) Each landscape architect qualifying a partnership or
 2078 ~~and corporation licensed~~ under this part must shall notify the
 2079 department within 1 month after of any change in the information
 2080 contained in the application upon which the license is based.
 2081 Any landscape architect who terminates her or his or her
 2082 employment with a partnership or corporation licensed under this
 2083 part shall notify the department of the termination within 1
 2084 month after such termination.

2085 ~~(5) Disciplinary action against a corporation or~~
 2086 ~~partnership shall be administered in the same manner and on the~~
 2087 ~~same grounds as disciplinary action against a registered~~
 2088 ~~landscape architect.~~

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2089 ~~(5)(6)~~ Except as provided in s. 558.0035, the fact that a
 2090 registered landscape architect practices landscape architecture
 2091 through a corporation or partnership as provided in this section
 2092 does not relieve the landscape architect from personal liability
 2093 for her or his ~~or her~~ professional acts.

2094 Section 81. Subsection (5) of section 481.321, Florida
 2095 Statutes, is amended to read:

2096 481.321 Seals; display of certificate number.—

2097 (5) Each registered landscape architect must ~~and each~~
 2098 ~~corporation or partnership holding a certificate of~~
 2099 ~~authorization shall include her or his its~~ certificate number in
 2100 any newspaper, telephone directory, or other advertising medium
 2101 used by the registered landscape architect, corporation, or
 2102 partnership. A corporation or partnership must ~~is not required~~
 2103 ~~to~~ display the certificate number ~~numbers~~ of at least one
 2104 officer, director, owner, or partner who is a individual
 2105 registered landscape architect ~~architects~~ employed by or
 2106 practicing with the corporation or partnership.

2107 Section 82. Subsection (5) of section 481.329, Florida
 2108 Statutes, is amended to read:

2109 481.329 Exceptions; exemptions from licensure.—

2110 (5) This part does not prohibit any person from engaging in
 2111 the practice of landscape design, as defined in s. 481.303
 2112 ~~481.303(7)~~, or from submitting for approval to a governmental
 2113 agency planting plans that are independent of, or a component
 2114 of, construction documents that are prepared by a Florida-
 2115 registered professional. Persons providing landscape design
 2116 services shall not use the title, term, or designation
 2117 "landscape architect," "landscape architectural," "landscape

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2118 architecture," "L.A.," "landscape engineering," or any
 2119 description tending to convey the impression that she or he is a
 2120 landscape architect unless she or he is registered as provided
 2121 in this part.

2122 Section 83. Subsection (9) of section 489.103, Florida
 2123 Statutes, is amended to read:

2124 489.103 Exemptions.—This part does not apply to:

2125 (9) Any work or operation of a casual, minor, or
 2126 inconsequential nature in which the aggregate contract price for
 2127 labor, materials, and all other items is less than \$2,500
 2128 ~~\$1,000~~, but this exemption does not apply:

2129 (a) If the construction, repair, remodeling, or improvement
 2130 is a part of a larger or major operation, whether undertaken by
 2131 the same or a different contractor, or in which a division of
 2132 the operation is made in contracts of amounts less than \$2,500
 2133 ~~\$1,000~~ for the purpose of evading this part or otherwise.

2134 (b) To a person who advertises that he or she is a
 2135 contractor or otherwise represents that he or she is qualified
 2136 to engage in contracting.

2137 Section 84. Subsection (2) of section 489.111, Florida
 2138 Statutes, is amended to read:

2139 489.111 Licensure by examination; exemptions.—

2140 (2) A person shall be eligible for licensure by examination
 2141 if the person:

2142 (a) Is 18 years of age;

2143 (b) Is of good moral character; and

2144 (c) Meets eligibility requirements according to one of the
 2145 following criteria:

2146 1. Has received a baccalaureate degree from an accredited

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2147 4-year college in the appropriate field of engineering,
 2148 architecture, or building construction and has 1 year of proven
 2149 experience in the category in which the person seeks to qualify.
 2150 For the purpose of this part, a minimum of 2,000 person-hours
 2151 shall be used in determining full-time equivalency. An applicant
 2152 who is exempt from passing an examination as provided in s.
 2153 489.113(1) is eligible for a license under this section.

2154 2. Has a total of at least 4 years of active experience as
 2155 a worker who has learned the trade by serving an apprenticeship
 2156 as a skilled worker who is able to command the rate of a
 2157 mechanic in the particular trade or as a foreman who is in
 2158 charge of a group of workers and usually is responsible to a
 2159 superintendent or a contractor or his or her equivalent,
 2160 provided, however, that at least 1 year of active experience
 2161 shall be as a foreman.

2162 3. Has a combination of not less than 1 year of experience
 2163 as a foreman and not less than 3 years of credits for any
 2164 accredited college-level courses; has a combination of not less
 2165 than 1 year of experience as a skilled worker, 1 year of
 2166 experience as a foreman, and not less than 2 years of credits
 2167 for any accredited college-level courses; or has a combination
 2168 of not less than 2 years of experience as a skilled worker, 1
 2169 year of experience as a foreman, and not less than 1 year of
 2170 credits for any accredited college-level courses. All junior
 2171 college or community college-level courses shall be considered
 2172 accredited college-level courses.

2173 4.a. An active certified residential contractor is eligible
 2174 to receive a certified building contractor license after passing
 2175 or having previously passed ~~take~~ the building contractors'

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2176 examination if he or she possesses a minimum of 3 years of
 2177 proven experience in the classification in which he or she is
 2178 certified.

2179 b. An active certified residential contractor is eligible
 2180 to receive a certified general contractor license after passing
 2181 or having previously passed ~~take~~ the general contractors'
 2182 examination if he or she possesses a minimum of 4 years of
 2183 proven experience in the classification in which he or she is
 2184 certified.

2185 c. An active certified building contractor is eligible to
 2186 receive a certified general contractor license after passing or
 2187 having previously passed ~~take~~ the general contractors'
 2188 examination if he or she possesses a minimum of 4 years of
 2189 proven experience in the classification in which he or she is
 2190 certified.

2191 5.a. An active certified air-conditioning Class C
 2192 contractor is eligible to receive a certified air-conditioning
 2193 Class B contractor license after passing or having previously
 2194 passed ~~take~~ the air-conditioning Class B contractors'
 2195 examination if he or she possesses a minimum of 3 years of
 2196 proven experience in the classification in which he or she is
 2197 certified.

2198 b. An active certified air-conditioning Class C contractor
 2199 is eligible to receive a certified air-conditioning Class A
 2200 contractor license after passing or having previously passed
 2201 ~~take~~ the air-conditioning Class A contractors' examination if he
 2202 or she possesses a minimum of 4 years of proven experience in
 2203 the classification in which he or she is certified.

2204 c. An active certified air-conditioning Class B contractor

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2205 is eligible to receive a certified air-conditioning Class A
 2206 contractor license after passing or having previously passed
 2207 ~~take~~ the air-conditioning Class A contractors' examination if he
 2208 or she possesses a minimum of 1 year of proven experience in the
 2209 classification in which he or she is certified.

2210 6.a. An active certified swimming pool servicing contractor
 2211 is eligible to receive a certified residential swimming pool
 2212 contractor license after passing or having previously passed
 2213 ~~take~~ the residential swimming pool contractors' examination if
 2214 he or she possesses a minimum of 3 years of proven experience in
 2215 the classification in which he or she is certified.

2216 b. An active certified swimming pool servicing contractor
 2217 is eligible to receive a certified commercial swimming pool
 2218 contractor license after passing or having previously passed
 2219 ~~take~~ the swimming pool commercial contractors' examination if he
 2220 or she possesses a minimum of 4 years of proven experience in
 2221 the classification in which he or she is certified.

2222 c. An active certified residential swimming pool contractor
 2223 is eligible to receive a certified commercial swimming pool
 2224 contractor license after passing or having previously passed
 2225 ~~take~~ the commercial swimming pool contractors' examination if he
 2226 or she possesses a minimum of 1 year of proven experience in the
 2227 classification in which he or she is certified.

2228 d. An applicant is eligible to receive a certified swimming
 2229 pool/spa servicing contractor license after passing or having
 2230 previously passed ~~take~~ the swimming pool/spa servicing
 2231 contractors' examination if he or she has satisfactorily
 2232 completed 60 hours of instruction in courses related to the
 2233 scope of work covered by that license and approved by the

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2234 Construction Industry Licensing Board by rule and has at least 1
 2235 year of proven experience related to the scope of work of such a
 2236 contractor.

2237 Section 85. Subsection (1) of section 489.113, Florida
 2238 Statutes, is amended to read:

2239 489.113 Qualifications for practice; restrictions.—

2240 (1) Any person who desires to engage in contracting on a
 2241 statewide basis shall, as a prerequisite thereto, establish his
 2242 or her competency and qualifications to be certified pursuant to
 2243 this part. To establish competency, a person shall pass the
 2244 appropriate examination approved by the board and certified by
 2245 the department. If an applicant has received a baccalaureate
 2246 degree from an accredited 4-year college in building
 2247 construction, or a related degree as approved by the board by
 2248 rule, such applicant is not required to pass such examination.

2249 Any person who desires to engage in contracting on other than a
 2250 statewide basis shall, as a prerequisite thereto, be registered
 2251 pursuant to this part, unless exempted by this part.

2252 Section 86. Subsection (3) of section 489.115, Florida
 2253 Statutes, is amended to read:

2254 489.115 Certification and registration; endorsement;
 2255 reciprocity; renewals; continuing education.—

2256 (3) The board shall certify as qualified for certification
 2257 by endorsement any applicant who:

2258 (a) Meets the requirements for certification as set forth
 2259 in this section; has passed a national, regional, state, or
 2260 United States territorial licensing examination that is
 2261 substantially equivalent to the examination required by this
 2262 part; and has satisfied the requirements set forth in s.

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2263 489.111;

2264 (b) Holds a valid license to practice contracting issued by
 2265 another state or territory of the United States, if the criteria
 2266 for issuance of such license were substantially equivalent to
 2267 Florida's current certification criteria; ~~or~~

2268 (c) Holds a valid, current license to practice contracting
 2269 issued by another state or territory of the United States, if
 2270 the state or territory has entered into a reciprocal agreement
 2271 with the board for the recognition of contractor licenses issued
 2272 in that state, based on criteria for the issuance of such
 2273 licenses that are substantially equivalent to the criteria for
 2274 certification in this state; or

2275 (d) Has held a valid, current license to practice
 2276 contracting issued by another state or territory for at least 10
 2277 years before the date of application and is applying for the
 2278 same or similar license in this state, subject to subsections
 2279 (5)-(9).

2280 Section 87. Subsection (5) of section 489.511, Florida
 2281 Statutes, is amended to read:

2282 489.511 Certification; application; examinations;
 2283 endorsement.—

2284 (5) The board shall certify as qualified for certification
 2285 by endorsement any individual applying for certification who:

2286 (a) Meets the requirements for certification as set forth
 2287 in this section; has passed a national, regional, state, or
 2288 United States territorial licensing examination that is
 2289 substantially equivalent to the examination required by this
 2290 part; and has satisfied the requirements set forth in s.
 2291 489.521; ~~or~~

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2292 (b) Holds a valid license to practice electrical or alarm
 2293 system contracting issued by another state or territory of the
 2294 United States, if the criteria for issuance of such license was
 2295 substantially equivalent to the certification criteria that
 2296 existed in this state at the time the certificate was issued; or

2297 (c) Has held a valid, current license to practice
 2298 electrical or alarm system contracting issued by another state
 2299 or territory for at least 10 years before the date of
 2300 application and is applying for the same or similar license in
 2301 this state, subject to ss. 489.510 and 489.521(3)(a), and
 2302 subparagraph (1)(b)1.

2303 Section 88. Subsection (3) and paragraph (b) of subsection
 2304 (4) of section 489.517, Florida Statutes, are amended to read:

2305 489.517 Renewal of certificate or registration; continuing
 2306 education.—

2307 (3) Each certificateholder or registrant shall provide
 2308 proof, in a form established by rule of the board, that the
 2309 certificateholder or registrant has completed at least 7 ~~14~~
 2310 classroom hours of at least 50 minutes each of continuing
 2311 education courses during each biennium since the issuance or
 2312 renewal of the certificate or registration. The board shall by
 2313 rule establish criteria for the approval of continuing education
 2314 courses and providers and may by rule establish criteria for
 2315 accepting alternative nonclassroom continuing education on an
 2316 hour-for-hour basis.

2317 (4)

2318 (b) Of the 7 ~~14~~ classroom hours of continuing education
 2319 required, at least 1 hour ~~7 hours~~ must be on technical subjects,
 2320 1 hour on workers' compensation, 1 hour on workplace safety, 1

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2321 hour on business practices, and for alarm system contractors and
2322 electrical contractors engaged in alarm system contracting, 2
2323 hours on false alarm prevention.

2324 Section 89. Paragraph (b) of subsection (1) of section
2325 489.518, Florida Statutes, is amended to read:

2326 489.518 Alarm system agents.—

2327 (1) A licensed electrical or alarm system contractor may
2328 not employ a person to perform the duties of a burglar alarm
2329 system agent unless the person:

2330 (b) Has successfully completed a minimum of 14 hours of
2331 training within 90 days after employment, to include basic alarm
2332 system electronics in addition to related training including
2333 CCTV and access control training, with at least 2 hours of
2334 training in the prevention of false alarms. Such training shall
2335 be from a board-approved provider, and the employee or applicant
2336 for employment shall provide proof of successful completion to
2337 the licensed employer. The board shall by rule establish
2338 criteria for the approval of training courses and providers and
2339 may by rule establish criteria for accepting alternative
2340 nonclassroom education on an hour-for-hour basis. The board
2341 shall approve providers that conduct training in other than the
2342 English language. The board shall establish a fee for the
2343 approval of training providers or courses, not to exceed \$60.
2344 Qualified employers may conduct training classes for their
2345 employees, with board approval.

2346 Section 90. Section 492.104, Florida Statutes, is amended,
2347 to read:

2348 492.104 Rulemaking authority.—The Board of Professional
2349 Geologists has authority to adopt rules pursuant to ss.

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2350 120.536(1) and 120.54 to implement this chapter. Every licensee
2351 shall be governed and controlled by this chapter and the rules
2352 adopted by the board. The board is authorized to set, by rule,
2353 fees for application, examination, ~~certificate of authorization,~~
2354 late renewal, initial licensure, and license renewal. These fees
2355 ~~may should~~ not exceed the cost of implementing the application,
2356 examination, initial licensure, and license renewal or other
2357 administrative process and shall be established as follows:

2358 (1) The application fee shall not exceed \$150 and shall be
2359 nonrefundable.

2360 (2) The examination fee shall not exceed \$250, and the fee
2361 may be apportioned to each part of a multipart examination. The
2362 examination fee shall be refundable in whole or part if the
2363 applicant is found to be ineligible to take any portion of the
2364 licensure examination.

2365 (3) The initial license fee shall not exceed \$100.

2366 (4) The biennial renewal fee shall not exceed \$150.

2367 ~~(5) The fee for a certificate of authorization shall not~~
2368 ~~exceed \$350 and the fee for renewal of the certificate shall not~~
2369 ~~exceed \$350.~~

2370 (5)~~(6)~~ The fee for reactivation of an inactive license may
2371 ~~shall~~ not exceed \$50.

2372 (6)~~(7)~~ The fee for a provisional license may shall not
2373 exceed \$400.

2374 (7)~~(8)~~ The fee for application, examination, and licensure
2375 for a license by endorsement is shall be as provided in this
2376 section for licenses in general.

2377 Section 91. Subsection (1) of section 492.108, Florida
2378 Statutes, is amended to read:

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2379 492.108 Licensure by endorsement; requirements; fees.-
 2380 (1) The department shall issue a license by endorsement to
 2381 any applicant who, upon applying to the department and remitting
 2382 an application fee, has been certified by the board that he or
 2383 she:
 2384 (a) Has met the qualifications for licensure in s.
 2385 492.105(1)(b)-(e) and:-
 2386 1. ~~(b)~~ Is the holder of an active license in good standing
 2387 in a state, trust, territory, or possession of the United
 2388 States.
 2389 2. ~~(e)~~ Was licensed through written examination in at least
 2390 one state, trust, territory, or possession of the United States,
 2391 the examination requirements of which have been approved by the
 2392 board as substantially equivalent to or more stringent than
 2393 those of this state, and has received a score on such
 2394 examination which is equal to or greater than the score required
 2395 by this state for licensure by examination.
 2396 3. ~~(d)~~ Has taken and successfully passed the laws and rules
 2397 portion of the examination required for licensure as a
 2398 professional geologist in this state.
 2399 (b) Has held a valid license to practice geology in another
 2400 state, trust, territory, or possession of the United States for
 2401 at least 10 years before the date of application and has
 2402 successfully completed a state, regional, national, or other
 2403 examination that is equivalent to or more stringent than the
 2404 examination required by the department. If such applicant has
 2405 met the requirements for a license by endorsement except
 2406 successful completion of an examination that is equivalent to or
 2407 more stringent than the examination required by the board, such

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2408 applicant may take the examination required by the board.
 2409 Section 92. Section 492.111, Florida Statutes, is amended
 2410 to read:
 2411 492.111 Practice of professional geology by a firm,
 2412 corporation, or partnership, ~~certificate of authorization.~~-The
 2413 practice of, or offer to practice, professional geology by
 2414 individual professional geologists licensed under the provisions
 2415 of this chapter through a firm, corporation, or partnership
 2416 offering geological services to the public through individually
 2417 licensed professional geologists as agents, employees, officers,
 2418 or partners thereof is permitted subject to the provisions of
 2419 this chapter, if provided that:
 2420 (1) At all times that it offers geological services to the
 2421 public, the firm, corporation, or partnership is qualified by
 2422 ~~has on file with the department the name and license number of~~
 2423 one or more individuals who hold a current, active license as a
 2424 professional geologist in the state and are serving as a
 2425 geologist of record for the firm, corporation, or partnership. A
 2426 geologist of record may be any principal officer or employee of
 2427 such firm or corporation, or any partner or employee of such
 2428 partnership, who holds a current, active license as a
 2429 professional geologist in this state, or any other Florida-
 2430 licensed professional geologist with whom the firm, corporation,
 2431 or partnership has entered into a long-term, ongoing
 2432 relationship, as defined by rule of the board, to serve as one
 2433 of its geologists of record. ~~It shall be the responsibility of~~
 2434 ~~the firm, corporation, or partnership and~~ The geologist of
 2435 record shall ~~to~~ notify the department of any changes in the
 2436 relationship or identity of that geologist of record within 30

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2437 days after such change.

2438 ~~(2) The firm, corporation, or partnership has been issued a~~
 2439 ~~certificate of authorization by the department as provided in~~
 2440 ~~this chapter. For purposes of this section, a certificate of~~
 2441 ~~authorization shall be required of any firm, corporation,~~
 2442 ~~partnership, association, or person practicing under a~~
 2443 ~~fictitious name and offering geological services to the public,~~
 2444 ~~except that, when an individual is practicing professional~~
 2445 ~~geology in her or his own name, she or he shall not be required~~
 2446 ~~to obtain a certificate of authorization under this section.~~
 2447 ~~Such certificate of authorization shall be renewed every 2~~
 2448 ~~years.~~

2449 (2)(3) All final geological papers or documents involving
 2450 the practice of the profession of geology which have been
 2451 prepared or approved for the use of such firm, corporation, or
 2452 partnership, for delivery to any person for public record with
 2453 the state, shall be dated and bear the signature and seal of the
 2454 professional geologist or professional geologists who prepared
 2455 or approved them.

2456 (3)(4) Except as provided in s. 558.0035, the fact that a
 2457 licensed professional geologist practices through a corporation
 2458 or partnership does not relieve the registrant from personal
 2459 liability for negligence, misconduct, or wrongful acts committed
 2460 by her or him. The partnership and all partners are jointly and
 2461 severally liable for the negligence, misconduct, or wrongful
 2462 acts committed by their agents, employees, or partners while
 2463 acting in a professional capacity. Any officer, agent, or
 2464 employee of a corporation is personally liable and accountable
 2465 only for negligent acts, wrongful acts, or misconduct committed

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2466 by her or him or committed by any person under her or his direct
 2467 supervision and control, while rendering professional services
 2468 on behalf of the corporation. The personal liability of a
 2469 shareholder of a corporation, in her or his capacity as
 2470 shareholder, may be no greater than that of a shareholder-
 2471 employee of a corporation incorporated under chapter 607. The
 2472 corporation is liable up to the full value of its property for
 2473 any negligent acts, wrongful acts, or misconduct committed by
 2474 any of its officers, agents, or employees while they are engaged
 2475 on behalf of the corporation in the rendering of professional
 2476 services.

2477 ~~(5) The firm, corporation, or partnership desiring a~~
 2478 ~~certificate of authorization shall file with the department an~~
 2479 ~~application therefor, upon a form to be prescribed by the~~
 2480 ~~department, accompanied by the required application fee.~~

2481 ~~(6) The department may refuse to issue a certificate of~~
 2482 ~~authorization if any facts exist which would entitle the~~
 2483 ~~department to suspend or revoke an existing certificate of~~
 2484 ~~authorization or if the department, after giving persons~~
 2485 ~~involved a full and fair hearing, determines that any of the~~
 2486 ~~officers or directors of said firm or corporation, or partners~~
 2487 ~~of said partnership, have violated the provisions of s. 492.113.~~

2488 Section 93. Subsection (4) of section 492.113, Florida
 2489 Statutes, is amended to read:

2490 492.113 Disciplinary proceedings.—

2491 (4) The department shall reissue the license of a
 2492 disciplined professional geologist ~~or business~~ upon
 2493 certification by the board that the disciplined person has
 2494 complied with all ~~of~~ the terms and conditions set forth in the

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2495 final order.

2496 Section 94. Section 492.115, Florida Statutes, is amended
2497 to read:

2498 492.115 Roster of licensed professional geologists.—A
2499 roster showing the names and places of business or residence of
2500 all licensed professional geologists and all properly qualified
2501 firms, corporations, or partnerships practicing holding
2502 ~~certificates of authorization to practice~~ professional geology
2503 in the state shall be prepared annually by the department. A
2504 copy of this roster must be made available to ~~shall be~~
2505 ~~obtainable by~~ each licensed professional geologist and each
2506 firm, corporation, or partnership qualified by a professional
2507 geologist holding a certificate of authorization, and copies
2508 thereof shall be placed on file with the department.

2509 Section 95. Paragraph (i) of subsection (2) of section
2510 548.003, Florida Statutes, is amended to read:

2511 548.003 Florida State Boxing Commission.—

2512 (2) The Florida State Boxing Commission, as created by
2513 subsection (1), shall administer the provisions of this chapter.
2514 The commission has authority to adopt rules pursuant to ss.
2515 120.536(1) and 120.54 to implement the provisions of this
2516 chapter and to implement each of the duties and responsibilities
2517 conferred upon the commission, including, but not limited to:

2518 ~~(i) Designation and duties of a knockdown timekeeper.~~

2519 Section 96. Subsection (1) of section 548.017, Florida
2520 Statutes, is amended to read:

2521 548.017 Participants, managers, and other persons required
2522 to have licenses.—

2523 (1) A participant, manager, trainer, second, ~~timekeeper,~~

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2524 referee, judge, ~~announcer~~, physician, matchmaker, or promoter
2525 must be licensed before directly or indirectly acting in such
2526 capacity in connection with any match involving a participant. A
2527 physician approved by the commission must be licensed pursuant
2528 to chapter 458 or chapter 459, must maintain an unencumbered
2529 license in good standing, and must demonstrate satisfactory
2530 medical training or experience in boxing, or a combination of
2531 both, to the executive director before working as the ringside
2532 physician.

2533 Section 97. Paragraph (d) of subsection (1) of section
2534 553.5141, Florida Statutes, is amended to read:

2535 553.5141 Certifications of conformity and remediation
2536 plans.—

2537 (1) For purposes of this section:

2538 (d) "Qualified expert" means:

2539 1. An engineer licensed pursuant to chapter 471.

2540 2. A certified general contractor licensed pursuant to
2541 chapter 489.

2542 3. A certified building contractor licensed pursuant to
2543 chapter 489.

2544 4. A building code administrator licensed pursuant to
2545 chapter 468.

2546 5. A building inspector licensed pursuant to chapter 468.

2547 6. A plans examiner licensed pursuant to chapter 468.

2548 7. An interior designer who has passed the qualification
2549 examination prescribed by either the National Council for
2550 Interior Design Qualifications or the California Council for
2551 Interior Design Certification licensed pursuant to chapter 481.

2552 8. An architect licensed pursuant to chapter 481.

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2553 9. A landscape architect licensed pursuant to chapter 481.

2554 10. Any person who has prepared a remediation plan related
2555 to a claim under Title III of the Americans with Disabilities
2556 Act, 42 U.S.C. s. 12182, that has been accepted by a federal
2557 court in a settlement agreement or court proceeding, or who has
2558 been qualified as an expert in Title III of the Americans with
2559 Disabilities Act, 42 U.S.C. s. 12182, by a federal court.

2560 Section 98. Subsection (1) of section 553.74, Florida
2561 Statutes, is amended to read:

2562 553.74 Florida Building Commission.—

2563 (1) The Florida Building Commission is created and located
2564 within the Department of Business and Professional Regulation
2565 for administrative purposes. Members are appointed by the
2566 Governor subject to confirmation by the Senate. The commission
2567 is composed of 19 ~~27~~ members, consisting of the following
2568 members:

2569 (a) One architect licensed pursuant to chapter 481 with at
2570 least 5 years of experience in the design and construction of
2571 buildings containing Florida Building Code designated Group R
2572 occupancy at or above 210 feet in height above the elevation of
2573 the lowest level of emergency services access ~~registered to~~
2574 ~~practice in this state and actively engaged in the profession.~~
2575 ~~The American Institute of Architects, Florida Section, is~~
2576 ~~encouraged to recommend a list of candidates for consideration.~~

2577 (b) One structural engineer registered to practice in this
2578 state and actively engaged in the profession. The Florida
2579 Engineering Society is encouraged to recommend a list of
2580 candidates for consideration.

2581 (c) One air-conditioning or mechanical contractor certified

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2582 to do business in this state and actively engaged in the
2583 profession. The Florida Air Conditioning Contractors
2584 Association, the Florida Refrigeration and Air Conditioning
2585 Contractors Association, and the Mechanical Contractors
2586 Association of Florida are encouraged to recommend a list of
2587 candidates for consideration.

2588 (d) One electrical contractor certified to do business in
2589 this state and actively engaged in the profession. The Florida
2590 Association of Electrical Contractors and the National
2591 Electrical Contractors Association, Florida Chapter, are
2592 encouraged to recommend a list of candidates for consideration.

2593 ~~(e) One member from fire protection engineering or~~
2594 ~~technology who is actively engaged in the profession. The~~
2595 ~~Florida Chapter of the Society of Fire Protection Engineers and~~
2596 ~~the Florida Fire Marshals and Inspectors Association are~~
2597 ~~encouraged to recommend a list of candidates for consideration.~~

2598 (e) ~~(f)~~ One certified general contractor or one certified
2599 building contractor certified to do business in this state and
2600 actively engaged in the profession. The Associated Builders and
2601 Contractors of Florida, the Florida Associated General
2602 Contractors Council, the Florida Home Builders Association, and
2603 the Union Contractors Association are encouraged to recommend a
2604 list of candidates for consideration.

2605 ~~(f)~~ ~~(g)~~ One plumbing contractor licensed to do business in
2606 this state and actively engaged in the profession. The Florida
2607 Association of Plumbing, Heating, and Cooling Contractors is
2608 encouraged to recommend a list of candidates for consideration.

2609 ~~(g)~~ ~~(h)~~ One roofing or sheet metal contractor certified to
2610 do business in this state and actively engaged in the

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2611 profession. The Florida Roofing, Sheet Metal, and Air
 2612 Conditioning Contractors Association and the Sheet Metal and Air
 2613 Conditioning Contractors' National Association are encouraged to
 2614 recommend a list of candidates for consideration.

2615 ~~(h)~~ (i) One certified residential contractor licensed to do
 2616 business in this state and actively engaged in the profession.
 2617 The Florida Home Builders Association is encouraged to recommend
 2618 a list of candidates for consideration.

2619 ~~(i)~~ (j) Three members who are municipal, county, or district
 2620 codes enforcement officials, one of whom is also a fire
 2621 official. The Building Officials Association of Florida and the
 2622 Florida Fire Marshals and Inspectors Association are encouraged
 2623 to recommend a list of candidates for consideration.

2624 (j) The State Fire Marshal or his or her designee.

2625 ~~(k)~~ One member who represents the Department of Financial
 2626 Services.

2627 ~~(l)~~ One member who is a county codes enforcement official.
 2628 The Building Officials Association of Florida is encouraged to
 2629 recommend a list of candidates for consideration.

2630 ~~(k)~~ (m) One member of a Florida-based organization of
 2631 persons with disabilities or a nationally chartered organization
 2632 of persons with disabilities with chapters in this state which
 2633 complies with or is certified to be compliant with the
 2634 requirements of the Americans with Disability Act of 1990, as
 2635 amended.

2636 ~~(l)~~ (n) One member of the manufactured buildings industry
 2637 who is licensed to do business in this state and is actively
 2638 engaged in the industry. The Florida Manufactured Housing
 2639 Association is encouraged to recommend a list of candidates for

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2640 consideration.

2641 (o) One mechanical or electrical engineer registered to
 2642 practice in this state and actively engaged in the profession.
 2643 The Florida Engineering Society is encouraged to recommend a
 2644 list of candidates for consideration.

2645 ~~(p)~~ One member who is a representative of a municipality or
 2646 a charter county. The Florida League of Cities and the Florida
 2647 Association of Counties are encouraged to recommend a list of
 2648 candidates for consideration.

2649 ~~(p)~~ (q) One member of the building products manufacturing
 2650 industry who is authorized to do business in this state and is
 2651 actively engaged in the industry. The Florida Building Material
 2652 Association, the Florida Concrete and Products Association, and
 2653 the Fenestration Manufacturers Association are encouraged to
 2654 recommend a list of candidates for consideration.

2655 ~~(r)~~ One member who is a representative of the building
 2656 owners and managers industry who is actively engaged in
 2657 commercial building ownership or management. The Building Owners
 2658 and Managers Association is encouraged to recommend a list of
 2659 candidates for consideration.

2660 ~~(q)~~ (s) One member who is a representative of the insurance
 2661 industry. The Florida Insurance Council is encouraged to
 2662 recommend a list of candidates for consideration.

2663 ~~(t)~~ One member who is a representative of public education.

2664 ~~(r)~~ (u) One member who is a swimming pool contractor
 2665 licensed to do business in this state and actively engaged in
 2666 the profession. The Florida Swimming Pool Association and the
 2667 United Pool and Spa Association are encouraged to recommend a
 2668 list of candidates for consideration.

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2669 ~~(v) One member who is a representative of the green~~
 2670 ~~building industry and who is a third party commission agent, a~~
 2671 ~~Florida board member of the United States Green Building Council~~
 2672 ~~or Green Building Initiative, a professional who is accredited~~
 2673 ~~under the International Green Construction Code (IGCC), or a~~
 2674 ~~professional who is accredited under Leadership in Energy and~~
 2675 ~~Environmental Design (LEED).~~

2676 ~~(s)(w)~~ One member who is a representative of a natural gas
 2677 distribution system and who is actively engaged in the
 2678 distribution of natural gas in this state. The Florida Natural
 2679 Gas Association is encouraged to recommend a list of candidates
 2680 for consideration.

2681 ~~(x) One member who is a representative of the Department of~~
 2682 ~~Agriculture and Consumer Services' Office of Energy. The~~
 2683 ~~Commissioner of Agriculture is encouraged to recommend a list of~~
 2684 ~~candidates for consideration.~~

2685 ~~(y) One member who shall be the chair.~~

2686 Section 99. Paragraph (c) of subsection (5) of section
 2687 553.79, Florida Statutes, is amended to read:

2688 553.79 Permits; applications; issuance; inspections.-

2689 (5)

2690 (c) The architect or engineer of record may act as the
 2691 special inspector provided she or he is on the Board of
 2692 Professional Engineers' or the Board of Architecture's
 2693 ~~Architecture and Interior Design's~~ list of persons qualified to
 2694 be special inspectors. School boards may utilize employees as
 2695 special inspectors provided such employees are on one of the
 2696 professional licensing board's list of persons qualified to be
 2697 special inspectors.

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2698 Section 100. Subsection (7) of section 558.002, Florida
 2699 Statutes, is amended to read:

2700 558.002 Definitions.—As used in this chapter, the term:

2701 (7) "Design professional" means a person, as defined in s.
 2702 1.01, who is licensed in this state as an architect, interior
 2703 ~~designer, a~~ landscape architect, an engineer, a surveyor, or a
 2704 geologist.

2705 Section 101. Subsection (3) of section 559.25, Florida
 2706 Statutes, is amended to read:

2707 559.25 Exemptions.—The provisions of this part shall not
 2708 apply to or affect the following persons:

2709 ~~(3) Duly licensed auctioneers, selling at auction.~~

2710 Section 102. Paragraphs (h) and (k) of subsection (2) of
 2711 section 287.055, Florida Statutes, are amended to read:

2712 287.055 Acquisition of professional architectural,
 2713 engineering, landscape architectural, or surveying and mapping
 2714 services; definitions; procedures; contingent fees prohibited;
 2715 penalties.—

2716 (2) DEFINITIONS.—For purposes of this section:

2717 (h) A "design-build firm" means a partnership, corporation,
 2718 or other legal entity that:

2719 1. Is certified under s. 489.119 to engage in contracting
 2720 through a certified or registered general contractor or a
 2721 certified or registered building contractor as the qualifying
 2722 agent; or

2723 2. Is qualified ~~certified~~ under s. 471.023 to practice or
 2724 to offer to practice engineering; qualified ~~certified~~ under s.
 2725 481.219 to practice or to offer to practice architecture; or
 2726 qualified ~~certified~~ under s. 481.319 to practice or to offer to

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2727 practice landscape architecture.

2728 (k) A "design criteria professional" means a firm that is
2729 ~~qualified who holds a current certificate of registration~~ under
2730 chapter 481 to practice architecture or landscape architecture
2731 or a firm who holds a current certificate as a registered
2732 engineer under chapter 471 to practice engineering and who is
2733 employed by or under contract to the agency for the providing of
2734 professional architect services, landscape architect services,
2735 or engineering services in connection with the preparation of
2736 the design criteria package.

2737 Section 103. This act shall take effect July 1, 2019.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/2019

Meeting Date

1640

Bill Number (if applicable)

676974

Amendment Barcode (if applicable)

Topic dereg. of professions and occupations

Name KATHRYN REILLY

Job Title

Address Street

Phone

City

State

Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19

Meeting Date

1640

Bill Number (if applicable)

676974

Amendment Barcode (if applicable)

Topic dereg. of professions and occupations

Name ALISON SPEER

Job Title

Address Street

Phone

City

State

Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/14/14)

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19

Meeting Date

1040

Bill Number (if applicable)

676974

Amendment Barcode (if applicable)

Topic dereg of Professions and occupations

Name Alejandro Marquez

Job Title

Address

Street

Phone

City

State

Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19

Meeting Date

1040

Bill Number (if applicable)

676974

Amendment Barcode (if applicable)

Topic dereg of Professions and occupations

Name Alexandra Brecher

Job Title

Address

Street

Phone

City

State

Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19
Meeting Date

1640
Bill Number (if applicable)

676974
Amendment Barcode (if applicable)

Topic dereg. of professions and occupations

Name Delaney Knight

Job Title _____

Address _____
Street

Phone _____

Email _____

City _____ State _____ Zip _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4.8.19
Meeting Date

SB 27
Bill Number (if applicable)

676974
Amendment Barcode (if applicable)

Topic dereg of professions and occupations

Name ARELY CAVAZOS

Job Title _____

Address 615 COLLINS DR
Street

Phone 561-261-3040

TALLAHASSEE FL 32303
City State Zip

Email AC12@M.Y.ESU.EDU

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19

Meeting Date

1040

Bill Number (if applicable)

676974

Amendment Barcode (if applicable)

Topic dereg. of professions and occupations

Name BLAKE RILEY

Job Title

Address Street

Phone

City State Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19

Meeting Date

1040

Bill Number (if applicable)

676974

Amendment Barcode (if applicable)

Topic dereg. of professions and occupations

Name VICTORIA SOTTER

Job Title

Address Street

Phone

City State Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19
Meeting Date

1640
Bill Number (if applicable)

Topic Dereg. of Professions and Occupations

676974
Amendment Barcode (if applicable)

Name HAYLEIGH ENGELHARDT

Job Title _____

Address _____
Street

Phone _____

City _____ State _____ Zip _____

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19
Meeting Date

1640
Bill Number (if applicable)

Topic Dereg. of Professions and Occupations

676974
Amendment Barcode (if applicable)

Name MADISON BURKE

Job Title _____

Address 700 W VIRGINIA ST
Street

Phone 561.212.2363

TALLAHASSEE FL 32304
City State Zip

Email mnb16b@my.fsu.edu

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19

Meeting Date

1040

Bill Number (if applicable)

676974

Amendment Barcode (if applicable)

Topic dereg of professions and occupations

Name VIRGINIA LANIER HICKS

Job Title STUDENT

Address 1124 MARION AVE.

Phone 850 320 1231

Street

TALLAHASSEE

FL

32303

City

State

Zip

Email VLH15C@MY.FSU.EDU

Speaking: [] For [] Against [] Information

Waive Speaking: [x] In Support [] Against (The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: [] Yes [x] No

Lobbyist registered with Legislature: [] Yes [x] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19

Meeting Date

1040

Bill Number (if applicable)

676974

Amendment Barcode (if applicable)

Topic Dereg. of Professions and occupations

Name Marley Taylor

Job Title _____

Address _____

Phone _____

Street

City

State

Zip

Email _____

Speaking: [] For [] Against [] Information

Waive Speaking: [x] In Support [] Against (The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: [] Yes [x] No

Lobbyist registered with Legislature: [] Yes [x] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19
Meeting Date

1040
Bill Number (if applicable)

Topic Dereg. of Professions and Occupations

676974
Amendment Barcode (if applicable)

Name SUMMER JANSEN

Job Title _____

Address _____
Street

Phone _____

City _____ State _____ Zip _____

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

04/08/19
Meeting Date

SB1040
Bill Number (if applicable)

Topic Dereg. of Professions and Occupations

676974
Amendment Barcode (if applicable)

Name SAMANTHA WILSON

Job Title _____

Address _____
Street

Phone _____

City _____ State _____ Zip _____

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19
Meeting Date

1040
Bill Number (if applicable)
070974
Amendment Barcode (if applicable)

Topic dereg of professions and occupations ✓
Name Samantha Untea

Job Title _____
Address _____ Phone _____
Street _____
City _____ State _____ Zip _____ Email _____

Speaking: For Against Information
Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No
Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19
Meeting Date

1040
Bill Number (if applicable)
070974
Amendment Barcode (if applicable)

Topic dereg of professions and occupations ✓
Name YASMEEN JOHN

Job Title _____
Address _____ Phone _____
Street _____
City _____ State _____ Zip _____ Email _____

Speaking: For Against Information
Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No
Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19

Meeting Date

1640

Bill Number (if applicable)

676974

Amendment Barcode (if applicable)

Topic Dereg of Professions and occupations

Name MEGAN CLARKE

Job Title STUDENT

Address _____

Street

Phone _____

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19

Meeting Date

1640

Bill Number (if applicable)

676974

Amendment Barcode (if applicable)

Topic Dereg of Professions and occupations

Name Emily Miller

Job Title _____

Address _____

Street

Phone _____

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

04/18/2019
Meeting Date

1040
Bill Number (if applicable)

Topic DEREG OF PROFESSIONS AND OCCUPATIONS

070974
Amendment Barcode (if applicable)

Name MARICA LORES

Job Title _____

Address _____
Street

Phone _____

City _____ State _____ Zip _____

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19
Meeting Date

1040
Bill Number (if applicable)

Topic DEREG. OF PROFESSIONS AND OCCUPATIONS

070974
Amendment Barcode (if applicable)

Name Sunny Reed

Job Title SR-INTERIOR DESIGNER, ASSOCIATE

Address 1800 N. BAYSHORE DR. #2715
Street

Phone 612.720.8895

City Miami State FL Zip 33132

Email Sun.reed@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing PERKINS + WILL, IIDA SEC, LICENSE # 1D6A8Z

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19

Meeting Date

1040

Bill Number (if applicable)

676974

Amendment Barcode (if applicable)

Topic Dereg. of professions and occupations

Name Mariel Beesting

Job Title Interior Designer

Address Street

Phone

City

State

Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing Gresham Smith / Mariel Beesting ID6390

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19

Meeting Date

1040

Bill Number (if applicable)

676974

Amendment Barcode (if applicable)

Topic Dereg. of professions and occupations

Name KELLEY ROBINSON

Job Title PRESIDENT OF WORKSHOP 131, INC. / PRESIDENT - ELECT OF AICD FL NORTH

Address Street 1505 COLONIAL DRIVE

Phone 850-284-4235

City

State

Zip

Email kelley@workshop131.com

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing REGISTERED INTERIOR DESIGNER # 6146

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19
Meeting Date

1040
Bill Number (if applicable)
070974
Amendment Barcode (if applicable)

Topic Dereg. of professions and occupations

Name JANINE KING

Job Title ASSOCIATE PROFESSOR

Address 7251 SW 165 St
Street

Phone 305 281 8239

PALMETTO BAY FL 33157
City State Zip

Email jkking@fiu.edu

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FIU DEPARTMENT OF INTERIOR ARCHITECTURE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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4/8/19
Meeting Date

1040
Bill Number (if applicable)
070974
Amendment Barcode (if applicable)

Topic Dereg. of professions and occupations

Name Marta T. Neira

Job Title VP Board IIDA south Florida Chapter + Marketing Dev. Mgr/Allsteel Office

Address 7600 SW 59 court
Street

Phone 305-432-6534

South Miami, FL 33143
City State Zip

Email neiram@allsteeloffice.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Marketing Dev. Manager - Allsteel office
IIDA VP Board - South Florida Chapter

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19
Meeting Date

1640
Bill Number (if applicable)

Topic DEREG. OF PROFESSIONS AND OCCUPATIONS

676974
Amendment Barcode (if applicable)

Name Kristen Beechen

Job Title Interior Designer

Address _____
Street

Phone _____

City _____ State _____ Zip _____

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Gresham Smith Lic. # 106388

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19
Meeting Date

1640
Bill Number (if applicable)

Topic DEREG. OF PROFESSIONS AND OCCUPATIONS

676974
Amendment Barcode (if applicable)

Name JESSICA SMITH

Job Title SR. INTERIOR DESIGNER, ASSOCIATE

Address _____
Street

Phone _____

City _____ State _____ Zip _____

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing GRESHAM SMITH

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/18/19
Meeting Date

SB 1640
Bill Number (if applicable)

676974
Amendment Barcode (if applicable)

Topic Dereg. of Professions + Occupations (SB 1640)

Name Bryan Soukup (Pronounced SUE-CUP)

Job Title Vice President Government And Public Affairs

Address 1152 15th Street NW Phone 202-675-2352

Street

Washington
City

DC
State

20005
Zip

Email b Soukup@asid.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The American Society of Interior Designers National Office

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/18/19
Meeting Date

1640
Bill Number (if applicable)

676974
Amendment Barcode (if applicable)

Topic Dereg. of Professions and Occupations

Name Jill Pable

Job Title Professor

Address 3776 Ivy Green Tr Phone 850 228 2888

Street

Tallahassee
City

FL
State

32311
Zip

Email jillpable@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19
Meeting Date

1040
Bill Number (if applicable)
676974
Amendment Barcode (if applicable)

Topic DEREG. OF PROFESSIONS AND OCCUPATIONS

Name CORRIE OSTRANDER

Job Title _____

Address _____
Street

Phone _____

City _____ State _____ Zip _____

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19
Meeting Date

1040
Bill Number (if applicable)
676974
Amendment Barcode (if applicable)

Topic DEREG. OF PROFESSIONS AND OCCUPATIONS

Name Amy Huber

Job Title _____

Address 4025 Shady View LN
Street

Phone 850.212.6615

Tallahassee FL 32311
City State Zip

Email amattinglyhuber@fsu.edu
amendment

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19 Meeting Date

1640 Bill Number (if applicable)
676974 Amendment Barcode (if applicable)

Topic DELEG. OF PROFESSIONS AND OCCUPATIONS

Name LEIGH KEURAN

Job Title INTERIOR DESIGN STUDENT

Address 600 VICTORY GARDEN DR Street

Phone 850 533 3817

TALLAHASSEE FL 32301 City State Zip

Email LK14@MY.FSU.EDU

Speaking: [] For [] Against [] Information

Waive Speaking: [x] In Support [] Against (The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19 Meeting Date

1640 Bill Number (if applicable)
676974 Amendment Barcode (if applicable)

Topic DELEG. OF PROFESSIONS AND OCCUPATIONS

Name OLIVIA PERRON

Job Title _____

Address _____ Street

Phone _____

City State Zip

Email _____

Speaking: [] For [] Against [] Information

Waive Speaking: [x] In Support [] Against (The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: [] Yes [x] No

Lobbyist registered with Legislature: [] Yes [x] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19 Meeting Date

1040 Bill Number (if applicable)

Topic DEREG. OF PROFESSIONS AND OCCUPATIONS

676974 Amendment Barcode (if applicable)

Name STEPHANIE GETTINS

Job Title

Address Street

Phone

City State Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19 Meeting Date

1040 Bill Number (if applicable)

Topic DEREG. OF PROFESSIONS AND OCCUPATIONS

676974 Amendment Barcode (if applicable)

Name Evanjelina Neri

Job Title

Address Street

Phone

City State Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19
Meeting Date

1040
Bill Number (if applicable)

Topic Dereg. of professions and occupations

676974
Amendment Barcode (if applicable)

Name Loren Pratt

Job Title Interior Design Student

Address 1921 Blessington Ave
Street

Phone 561-427-8631

Tallahassee FL 32304
City State Zip

Email lcp156@fsu.edu

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

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APPEARANCE RECORD

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4/8/19
Meeting Date

1040
Bill Number (if applicable)

Topic Dereg. of professions and occupations

676974
Amendment Barcode (if applicable)

Name CHASEN BLOCH

Job Title INTERIOR DESIGN STUDENT

Address 800 BASIN ST., APT. 3-103
Street

Phone 954.288.4395

TALLAHASSEE, FL 32304
City State Zip

Email CHASEN.BLOCH@YALDO.COM

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19

Meeting Date

1640

Bill Number (if applicable)

676974

Amendment Barcode (if applicable)

Topic Dereg. of Professions and Occupations

Name Marissa Hibel

Job Title Interior Design Student

Address 19343 Wind Dancer Street

Street

Lutz

City

FL

State

33558

Zip

Phone 813-480-0803

Email marhib421@aol.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19

Meeting Date

1640

Bill Number (if applicable)

676974

Amendment Barcode (if applicable)

Topic Deregulation of Professions + Occupations

Name DAVID ROBERTS

Job Title _____

Address 210 S. MONROE ST.

Street

TALLAHASSEE

City

FL

State

32301

Zip

Phone 850-443-4820

Email dauid@norrob.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing AMERICAN SOCIETY OF INTERIOR DESIGNERS + INTERNATIONAL INTERIOR DESIGN ASSOC.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-8-19

Meeting Date

1640

Bill Number (if applicable)

Topic DEREGULATION OF PROFESSIONS

Amendment Barcode (if applicable)

Name MICHAEL HALMON

Job Title PRESIDENT

Address 3665 E. Bay Dr

Phone 727-686-7509

Street

LARGO FL 33771

City State Zip

Email MICHAELHALMON@ABSCHOOL.COM

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA ASSOCIATION OF COSMETOLOGY & TECH SCHOOLS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19

Meeting Date

SB 1640

Bill Number (if applicable)

Topic DEREGULATION OF PROFESSIONS

Amendment Barcode (if applicable)

Name MEZ VAROL

Job Title PRESIDENT

Address 2550 South Ridgewood Ave -

Phone 386-405-2711

Street

South Daytona FL 32119

City State Zip

Email MEZ@INTL-ACADEMY.COM

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA ASSOCIATION OF COSMETOLOGY & TECHNICAL SCHOOLS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19 Meeting Date

1640

Bill Number (if applicable)

Topic DEREGULATION BARBER + COSMETOLOGY

Amendment Barcode (if applicable)

Name DAN WASHBURN

Job Title OWNER GREAT CLIPS SALONS

Address 17138 PICKETS COVE RD.

Phone 407-256-5618

Street ORLANDO FL 32820 City State Zip

Email DAN.WASHBURN@GREATCLIPS.NET

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing GREAT CLIPS

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19 Meeting Date

SB1640

Bill Number (if applicable)

Topic Barbering

Amendment Barcode (if applicable)

Name Allen Mortham

Job Title Executive Director

Address 1018 Thomasville Rd.

Phone

Street Tallahassee FL City State Zip

Email Allen@FAPSC.org

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing Florida Assoc of Post Secondary Schools

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

4/8/2019
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1640
Bill Number (if applicable)

Topic Deregulation of Professions

Amendment Barcode (if applicable)

Name Christian R. Camara -- Institute for Justice

Job Title Legislative Fellow

Address 901 N Glebe Road, Suite 900

Phone 305.721.1600

Street

Arlington

VA

22203

City

State

Zip

Email Christian@ChamberConsultantsFL.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Institute for Justice

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

4/8/19
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 1640
Bill Number (if applicable)

Topic Deregulation of Professions + Occupations

Amendment Barcode (if applicable)

Name Demetrius Minor

Job Title Dir of Coalitions

Address _____

Phone _____

Street

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Americans For Prosperity

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

8 Apr 2019
Meeting Date

1640
Bill Number (if applicable)

Topic Deregulation

Amendment Barcode (if applicable)

Name Sandra Mortham

Job Title _____

Address 675 Weeping Willow Way
Street

Phone 850-251-2283

Tallahassee Fl 32311
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Sunstate Academy

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19
Meeting Date

SB1640
Bill Number (if applicable)

Topic Deregulation of Professions and Occupations

Amendment Barcode (if applicable)

Name Logan Padgett

Job Title Director of Communications and Public Affairs

Address 100 N Duval Street
Street

Phone 850-386-3131

Tallahassee FL 32301
City State Zip

Email lpadgett@jamesmadison.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The James Madison Institute

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

April 8, 2019

Meeting Date

1640

Bill Number (if applicable)

Topic Membership of Building Commission

Amendment Barcode (if applicable)

Name Mary Lantz

Job Title President, BOMA Florida

Address 400 International Parkway, Suite 100

Phone 407 585 2200

Street

Heathrow

FL

32746

Email Mary.lantz@cbre.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing BOMA - Building Owners and Managers Association of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19

Meeting Date

1040

Bill Number (if applicable)

Topic BOMA representation in the Commission

Amendment Barcode (if applicable)

Name Thomas A. Moses

Job Title Senior Property Manager

Address 657 Brandy Oaks Loop

Phone 407-656-7130

Street

Winter Garden, FL 34787

City

State

Zip

Email Tmosea@Emerson-US.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing BOMA Orlando

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/8/19

Meeting Date

1640

Bill Number (if applicable)

Topic Percy

Amendment Barcode (if applicable)

Name Evan Power

Job Title

Address 1205 Monroe Street

Phone (850) 519-1062

Street

Tallahassee

FL

32301

City

State

Zip

Email even@pambeconsulting.com

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing Building Officials Association of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

April 8, 2019

Meeting Date

1640

Bill Number (if applicable)

Topic Membership of Building Commission

Amendment Barcode (if applicable)

Name H. Lee Moffitt

Job Title Attorney at Law

Address 3327 NW Perimeter Road

Phone 813 760-5712

Street

Palm City

FL

34990

City

State

Zip

Email MrSpeaker@aol.com

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing BOMA - Building Owners and Managers Association of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: CS/SB 1690

INTRODUCER: Banking and Insurance Committee and Senator Broxson

SUBJECT: Warranty Associations

DATE: April 5, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Matiyow</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Harmsen</u>	<u>McKay</u>	<u>CM</u>	<u>Favorable</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1690 makes several changes to the regulation of home and service warranty associations. Specifically, the bill:

- Amends current law to require home warranty associations to maintain separate, auditable unearned premium reserve accounts funded at a level equal to at least 25 percent of their gross written premiums received from policies *in effect in Florida*, rather than all issued policies.
- Clarifies that service warranty associations must maintain separate, auditable unearned premium reserve accounts funded at a level equal to at least 25 percent of their gross written premiums received from all policies *in force which are written in Florida*;
- Makes conforming changes to reserve accounts held by home and service warranty associations;
- Requires home warranty and service warranty associations that operate in Florida and that write policies that will have effect in other states to comply with the financial requirement laws of those states;
- Prohibits the exclusion of coverage due to the presence of rust or corrosion if it was not a contributing cause of the mechanical breakdown or failure of the covered appliance, unit, or system; and
- Requires home warranty companies that cover HVAC parts replacements, but that do not cover manufacturer-recommended compatibility or efficiency requirements to:
 - State in conspicuous boldface type that the contract does not provide replacement coverage for components necessary to maintain the compatibility and efficiency

- requirements recommended by the manufacturer unless the consumer purchases additional coverage. The contract must also state the website or phone number where a consumer may purchase additional coverage; and
- Provide the consumer with the option, at an additional cost, to purchase replacement coverage for components necessary to maintain the compatibility and efficiency requirements.

II. Present Situation:

Warranty Associations

Florida warranty associations, including those that sell home and service warranties, are regulated by the Office of Insurance Regulation (OIR).¹ A service warranty is a contract that generally covers the repair, replacement, or maintenance of a consumer product.² A home warranty is a contract that either indemnifies the warranty holder against the cost of repair or replacement, or actually furnishes repair or replacement of a structural component of, or an appliance in, a home.³

While warranties are not considered traditional insurance products, the OIR regulates warranty associations and companies in a manner similar to its regulation of insurers.⁴ Home and service warranty associations must be licensed by the OIR⁵ and must maintain certain minimum financial standards in order to do business in Florida.⁶

The following chart reflects the number of licensed home and service warranty associations in Florida as of March 29, 2019:⁷

Type of Association/Company	Number of Licensees
Home Warranty Association	30
Service Warranty Association	88
Total	118

Licensing and Financial Requirements for Warranty Associations

Home Warranty Associations

Florida law requires any person in Florida who provides or offers home warranties for sale, whether or not the warranties will have effect in Florida, to be licensed by the OIR.⁸ Thus, even if a home warranty association is located in Florida but only sells home warranties to consumers

¹ See ch. 634, F.S.

² Section 634.402, F.S.

³ Section 634.302, F.S. See also, Florida Department of Financial Services, *Home Warranty Overview*, <https://www.myfloridacfo.com/Division/Consumers/understandingCoverage/HomeWarrantyOverview.htm> (last visited April 5, 2019).

⁴ See ch. 634, F.S.

⁵ Sections 634.303 and 634.403, F.S.

⁶ Sections 634.3077 and 634.406, F.S.

⁷ Data retrieved from OIR Active Company Search application, <https://floir.com/CompanySearch/index.aspx> (last visited April 5, 2019).

⁸ Section 634.303, F.S.

outside of Florida, it must still obtain a home warranty association license from the OIR.⁹ Home warranties are often purchased over the internet and may be purchased by a seller and transferred at the closing on the sale of a home to the buyer.

Florida law requires that all home warranty associations maintain a funded, unearned premium¹⁰ account, consisting of unencumbered assets¹¹ equal to a minimum of 25 percent of the gross written premiums¹² received by it from all warranty contracts it has in force, regardless of whether those contracts are written to consumers in Florida or in another state.¹³

Service Warranty Associations

Florida law prohibits any person from providing or offering to provide service warranties to residents of this state unless authorized therefor under a subsisting license issued by the OIR.¹⁴ Florida law requires that all service warranty associations maintain a funded, unearned premium account, consisting of unencumbered assets, equal to a minimum of 25 percent of the gross written premiums received by it from all warranty contracts it has in force, regardless of whether those contracts are written to consumers in Florida or in another state.¹⁵

Coverage and Form Requirements for Home Warranty Associations

The OIR specifies the contents of the home warranty contract and certain procedures that home warranty associations must follow when issuing warranties.¹⁶ Currently, home warranties issued in Florida vary with regard to coverage exclusions due to rust or corrosion to otherwise covered appliances, units, or systems. Some warranties exclude coverage due to the presence of rust or corrosion, regardless of whether the rust or corrosion causes a mechanical breakdown of the appliance, unit, or system.¹⁷ Other home warranties provide coverage even if a system has malfunctioned due to rust or corrosion.¹⁸ The lack of consistency in the wording of the home warranty contracts may lead consumers to be confused about the coverage that is actually provided for their appliances, units, or systems.

⁹ *See Id.*

¹⁰ An unearned premium is a premium that a customer pays in advance, but that the warranty association has not yet earned. If a contract is canceled, the customer is generally entitled to a full refund of the unearned amount. Business Dictionary, *Unearned Premium*, <http://www.businessdictionary.com/definition/unearned-premium.html> (last visited April 5, 2019).

¹¹ An unencumbered asset is one that is free from debt and can be easily sold or mortgaged. Business Dictionary, *Unencumbered*, <http://www.businessdictionary.com/definition/unencumbered.html> (last visited April 5, 2019).

¹² Gross written premium is the amount of premium written by a warranty association before deductions for commissions and other expenses. *See* International Risk Management Institute, *Gross Written Premium*, <https://www.irmi.com/term/insurance-definitions/gross-written-premium> (last visited April 5, 2019).

¹³ Section 634.3077(1), F.S.

¹⁴ Section 634.403(1), F.S.

¹⁵ Section 634.406, F.S.

¹⁶ Section 634.312, F.S.

¹⁷ *See, e.g.*, Select Home Warranty, *Terms and Conditions/Service Contract Agreement*, <https://selecthomewarranty.com/termsconditions> (last visited April 5, 2019).

¹⁸ *See, e.g.*, First American Home Warranty, *Sample Contract & Coverage Overview*, <https://homewarranty.firstam.com/media/contracts/8J.B.pdf> (last visited April 5, 2019).

The Florida Building Code

The Florida Building Code specifies rules and standards for constructed structures, including the HVAC systems in those structures.¹⁹ Under the Florida Building Code, certain energy efficiency requirements must be met when an HVAC system is installed, repaired, or replaced.²⁰ Meeting the energy efficiency requirements when an HVAC system is repaired may require the replacement of various components to maintain a “matched system.”²¹ In keeping with these requirements, manufacturers of air conditioning units have certain compatibility and efficiency requirements that must be met.

Home warranties that provide coverage for the repair or replacement of HVAC systems do not always cover the replacement and update of otherwise functioning HVAC system components that may be required to meet a manufacturer’s compatibility and efficiency requirements or the Florida Building Code’s standards. However, home warranty associations are not currently required to bring a consumer’s attention to coverage limitations in the home warranty contract. A consumer may opt to pay extra for a home warranty rider, often called “compatibility coverage,” which covers repairs or replacement of parts required to meet building code requirements and to maintain manufacturers’ compatibility and efficiency requirements.

The chart below²² reflects a random survey of home warranty plans, coverage inclusions, especially pertaining to HVAC compatibility coverage, and estimated costs:

Company Name	Compatibility Coverage	Lowest Price for Basic Plan with HVAC Coverage²³
Homesure of America, Inc.	Yes* <i>*Added \$2,000 (\$1,000 per claim) of coverage with additional purchase of \$120/year. “Non-covered claims” plan.</i>	\$540* for 12 months with a \$125 service call fee No HVAC repair cap <i>(*Includes optional \$120 “non-covered claims” coverage)</i>
American Home Shield of Florida	Yes	\$455.88 for 12 months with a \$75 service call fee No HVAC repair cap
Globe Home Warranty Co.	Yes* <i>*Added \$1,500 of coverage with additional purchase of \$40/year. “Regulatory risk” plan.</i>	\$345* for 12 months with a \$75 service call fee \$5,000 HVAC repair cap

¹⁹See, e.g., International Code Council, *Florida Building Code–Energy Conservation*, (6th ed. 2017), <https://codes.iccsafe.org/content/FBC2017> (last visited April 5, 2019).

²⁰International Code Council, *Florida Building Code–Energy Conservation*, (6th ed. 2017), S. R 501.7, <https://codes.iccsafe.org/content/FEC2017/chapter-5-re-existing-buildings> (last visited April 5, 2019).

²¹ *Id.*

²² Data collected by phone calls made by Committee on Banking and Insurance staff (2019).

²³ The pricing differences may be due to the differences in coverage offered by each company within their basic warranty plan that included HVAC coverage.

		(*Includes optional \$40 "regulatory risk" plan)
Home Warranty of America	No* *SEER/R-410A modification coverage only covers additional cost when required to upgrade a broken unit.	\$770* for 13 months with a \$75 service call fee \$5,000 HVAC repair cap (*Includes optional \$75 SEER/R-410A coverage)
First American Home Warranty Corp	Yes	\$408 for 12 months with a \$75 service call fee No HVAC repair cap
Home Warranty Administrator of Florida	No	\$400* for 12 months with a \$60 service call fee No HVAC repair cap (*Includes \$100 coupon offer at time of call)
Select Home Warranty LLC	No	\$329.99* for 14 months with a \$45 service call fee \$2,000 HVAC repair cap (*Includes \$200 coupon offer at time of call)

III. Effect of Proposed Changes:

Section 1 amends s. 634.3077, F.S., to require that home warranty associations maintain an account that contains a minimum of 25 percent of the gross written premiums received from warranty contracts in force *in Florida*.

This section changes the calculation of net assets that a home warranty association must maintain. The bill allows a home warranty association to maintain less than one-sixth of its total premiums if it, in addition to other requirements, reserves at least 40 percent of its total premiums received from all of its warranty contracts in force *in Florida* in its unearned premium reserve account.

All assets held to satisfy these reserve account requirements must be maintained in a separate, auditable account for contracts in force in Florida.

Additionally, this section requires a Florida-based home warranty association that issues home warranty contracts in other states to comply with the laws of those states.

Section 2 creates s. 634.346, F.S., to provide that home warranties sold in Florida may not exclude coverage because of rust or corrosion to an otherwise covered appliance, unit, or system, unless the rust or corrosion was a contributing cause of the mechanical breakdown or failure of that appliance, unit, or system.

This section further establishes that, if a home warranty covers the replacement of components of an HVAC system due to wear and tear, but does not cover functional components of the systems necessary to maintain the compatibility or efficiency requirements of the manufacturer, the contract must:

- State in conspicuous boldface type that the contract does not provide replacement coverage for functional components of an HVAC system necessary to maintain the compatibility or efficiency requirements of the manufacturer unless the warranty holder purchases the additional coverage. The contract must also state the website or phone number for the purchase of the additional coverage; and
- Provide the consumer with the option, at an additional cost, to purchase replacement coverage for the functional components of an HVAC system necessary to maintain the compatibility and efficiency requirements of the manufacturer.

The provisions included in section 2 take effect on January 1, 2020.

Section 3 amends s. 634.406, F.S., to require that service warranty associations maintain an account that contains a minimum of 25 percent of the gross written premiums received from warranty contracts in force which are written *in Florida*.

Similarly, this section changes the calculation of the reserve deposit that a service warranty association must maintain to reflect 10 percent of the gross written premium received on only those warranty contracts *in force in this state*.

This section also clarifies that a service warranty association must maintain its gross written premiums in force *for contracts written in Florida* at no more than a 7-to-1 ratio to net assets.

All assets held to satisfy these reserve account requirements must be maintained in a separate, auditable account for contracts in force in Florida.

Additionally, this section requires a Florida-based service warranty association that issues service warranty contracts in other states to comply with the laws of those states.

Section 4 provides an effective date of July 1, 2019, except as otherwise provided.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Depending on a home warranty association's contracts in effect outside of Florida, the home warranty association's unearned premium reserves may not be sufficient to meet its claim exposure, which could result in the home warranty association's inability to perform on its contracts.

Section 3 requires a service warranty association to base its unearned premium reserve account on premiums received from warranty contracts *in force which are written in this state*, but then requires the unearned premium reserve account to be for contracts *in force in this state*. This inconsistent use of terminology may result in confusion.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 634.3077, 634.346, and 634.406 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Banking and Insurance on March 25, 2019:

The CS requires home and service warranty associations operating in Florida and writing in other states to comply with the financial requirements of the other states.

- B. **Amendments:**

None.



232946

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/08/2019	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Broxson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 39 - 95
and insert:
provided in s. 625.52 and must be maintained in a separate auditable escrow account for the benefit of warranty holders residing in this state in a Florida bank, Florida savings and loan association, or Florida trust company or on deposit with the department ~~part II of chapter 625. Any escrow or other agreement between the association and a bank, a savings and loan~~



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11 association, or a trust company is subject to review by the
12 office and must state that the purpose of the account is to
13 protect warranty holders residing in this state. An association
14 must provide 10 days' advance notice to the office before any
15 withdrawal of funds from the escrow account.

16 (2) An association shall maintain, at a minimum, net assets
17 equal to one-sixth of the written premiums it receives for the
18 issuance and delivery of any binder or warranty in force. Net
19 assets may be less than one-sixth of the premiums written,
20 provided the association has net assets of not less than
21 \$500,000 and maintains a funded, unearned premium reserve
22 account consisting of unencumbered assets equal to a minimum of
23 40 percent of the gross written premiums received by it from all
24 warranty contracts in force in this state, which must shall be
25 held in the form of cash or invested in securities for
26 investments as provided in s. 625.52 and must be maintained in a
27 separate auditable escrow account for the benefit of warranty
28 holders residing in this state in a Florida bank, Florida
29 savings and loan association, or Florida trust company or on
30 deposit with the department ~~part II of chapter 625.~~ Any escrow
31 or other agreement between the association and a bank, a savings
32 and loan association, or a trust company is subject to review by
33 the office and must state that the purpose of the account is to
34 protect warranty holders residing in this state. An association
35 must provide 10 days' advance notice to the office before any
36 withdrawal of funds from the escrow account.

37 (5) An association operating in this state which issues
38 home warranty or home service contracts in other states must
39 comply with all financial requirement laws of such other states.



232946

40 Section 2. Effective January 1, 2020, section 634.346,
41 Florida Statutes, is created to read:

42 634.346 Home warranty coverage requirements.-

43 (1) A home warranty sold in this state may not exclude
44 coverage because of the presence of rust or corrosion unless the
45 rust or corrosion was a contributing cause of the mechanical
46 breakdown or failure of a covered appliance, unit, or system.

47 (2) A home warranty contract providing coverage for wear
48 and tear failures of components of an HVAC system, which
49 contains an exclusion of replacement coverage for any other
50 functional components of the HVAC system on the basis of
51 operational compatibility or operational efficiency requirements
52 as set by the manufacturer, must:

53 (a) Set forth a disclosure in conspicuous boldfaced type
54 that the home warranty contract does not cover replacement of
55 functional components of HVAC systems for reasons of
56 compatibility or efficiency requirements of the manufacturer
57 unless additional coverage for such circumstance is purchased,
58 and provide the website or telephone number for the consumer to
59 contact to add such additional coverage to the home warranty
60 contract; and

61 (b) Provide consumers the option to purchase additional
62 coverage, for an additional charge, for the replacement of
63 otherwise functional components of an HVAC system necessary to
64 maintain the compatibility and operating efficiency requirements
65 of the manufacturer.

66 Section 3. Subsections (1), (2), and (5) of section
67 634.406, Florida Statutes, are amended, and subsection (8) is
68 added to that section, to read:



232946

69 634.406 Financial requirements.-

70 (1) An association licensed under this part shall maintain
71 a funded, unearned premium reserve account, consisting of
72 unencumbered assets, equal to a minimum of 25 percent of the
73 gross written premiums received on all warranty contracts in
74 force which are, wherever written in this state. Such assets
75 must shall be held for the benefit of warranty holders residing
76 in this state as provided in s. 625.52 and must be maintained in
77 a Florida bank, Florida savings and loan association, or Florida
78 trust company in an escrow account or on deposit with the
79 department prescribed under ss. 625.301-625.340. Any such escrow
80 account or other agreement between the association and a bank,
81 savings and loan association, or trust company is subject to
82 review by the office and must state that the purpose of the
83 account is to protect warranty holders residing in this state.
84 An association must provide 10 days' advance notice to the
85 office before any withdrawal of funds from the escrow account.
86 For contracts in excess of

87
88 ===== T I T L E A M E N D M E N T =====

89 And the title is amended as follows:

90 Delete lines 5 - 19

91 and insert:

92 premium reserve account; specifying escrow
93 requirements for such assets; authorizing the Office
94 of Insurance Regulation to review agreements between
95 associations and certain financial institutions;
96 requiring associations to provide certain notice to
97 the office before withdrawing escrowed funds;



232946

98 requiring certain home warranty associations to comply
99 with other states' laws; creating s. 634.346, F.S.;
100 prohibiting home warranties from excluding coverage
101 because of the presence of rust or corrosion, except
102 under certain circumstances; specifying requirements
103 for certain home warranties providing coverage for
104 HVAC system components; amending s. 634.406, F.S.;
105 revising the basis for calculating the required assets
106 in a service warranty association's premium reserve
107 account; specifying escrow requirements for such
108 assets; authorizing the office to review agreements
109 between associations and certain financial
110 institutions; requiring associations to provide
111 certain notice to the office before withdrawing
112 escrowed funds; revising the basis for calculating a
113 certain

By the Committee on Banking and Insurance; and Senator Broxson

597-03483-19

20191690c1

1 A bill to be entitled
 2 An act relating to warranty associations; amending s.
 3 634.3077, F.S.; revising the basis for calculating the
 4 required assets in a home warranty association's
 5 premium reserve account; requiring that such reserve
 6 account be a separate auditable account for contracts
 7 in force in this state; requiring certain home
 8 warranty associations to comply with other states'
 9 laws; creating s. 634.346, F.S.; prohibiting home
 10 warranties from excluding coverage because of the
 11 presence of rust or corrosion, except under certain
 12 circumstances; specifying requirements for certain
 13 home warranties providing coverage for HVAC system
 14 components; amending s. 634.406, F.S.; revising the
 15 basis for calculating the required assets in a service
 16 warranty association's premium reserve account;
 17 requiring that such reserve account be a separate
 18 auditable account for contracts in force in this
 19 state; revising the basis for calculating a certain
 20 reserve deposit with the Department of Financial
 21 Services; revising the requirements regarding the
 22 ratio of gross written premiums to net assets for
 23 service warranties; requiring certain service warranty
 24 associations to comply with other states' laws;
 25 providing effective dates.

26
 27 Be It Enacted by the Legislature of the State of Florida:

28
 29 Section 1. Subsections (1) and (2) of section 634.3077,

Page 1 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

597-03483-19

20191690c1

30 Florida Statutes, are amended, and subsection (5) is added to
 31 that section, to read:

32 634.3077 Financial requirements.—

33 (1) An association licensed under this part shall maintain
 34 a funded, unearned premium reserve account, consisting of
 35 unencumbered assets, equal to a minimum of 25 percent of the
 36 gross written premiums received by it from all warranty
 37 contracts in force in this state. Such assets ~~must shall~~ be held
 38 in the form of cash or invested in securities for investments as
 39 provided in part II of chapter 625. Such reserve account must be
 40 a separate auditable account for contracts in force in this
 41 state.

42 (2) An association shall maintain, at a minimum, net assets
 43 equal to one-sixth of the written premiums it receives for the
 44 issuance and delivery of any binder or warranty in force. Net
 45 assets may be less than one-sixth of the premiums written,
 46 provided the association has net assets of not less than
 47 \$500,000 and maintains a funded, unearned premium reserve
 48 account consisting of unencumbered assets equal to a minimum of
 49 40 percent of the gross written premiums received by it from all
 50 warranty contracts in force in this state, which ~~must shall~~ be
 51 held in the form of cash or invested in securities for
 52 investments as provided in part II of chapter 625. Such reserve
 53 account must be a separate auditable account for contracts in
 54 force in this state.

55 (5) An association operating in this state that issues home
 56 warranty or home service contracts in other states must comply
 57 with all financial requirement laws of such other states.

58 Section 2. Effective January 1, 2020, section 634.346,

Page 2 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

597-03483-19

20191690c1

Florida Statutes, is created to read:

634.346 Home warranty coverage requirements.-

(1) A home warranty sold in this state may not exclude coverage because of the presence of rust or corrosion unless the rust or corrosion was a contributing cause of the mechanical breakdown or failure of a covered appliance, unit, or system.

(2) A home warranty contract providing coverage for wear and tear failures of components of an HVAC system, which contains an exclusion of replacement coverage for any other functional components of the HVAC system on the basis of operational compatibility or operational efficiency requirements as set by the manufacturer, must:

(a) Set forth a disclosure in conspicuous boldfaced type that the home warranty contract does not cover replacement of functional components of HVAC systems for reasons of compatibility or efficiency requirements of the manufacturer unless additional coverage for such circumstance is purchased, and provide the website or telephone number for the consumer to contact to add such additional coverage to the home warranty contract; and

(b) Provide consumers the option to purchase additional coverage, for an additional charge, for the replacement of otherwise functional components of an HVAC system necessary to maintain the compatibility and operating efficiency requirements of the manufacturer.

Section 3. Subsections (1), (2), and (5) of section 634.406, Florida Statutes, are amended, and subsection (8) is added to that section, to read:

634.406 Financial requirements.-

597-03483-19

20191690c1

(1) An association licensed under this part shall maintain a funded, unearned premium reserve account, consisting of unencumbered assets, equal to a minimum of 25 percent of the gross written premiums received on all warranty contracts in force which are, wherever written in this state. Such reserve account must be a separate auditable account for contracts in force in this state. Such assets ~~must~~ ~~shall~~ be held as prescribed under ss. 625.301-625.340. For contracts in excess of 2 years which are offered by associations having net assets of less than \$500,000 and for which premiums are collected in advance for coverage in a subsequent year, 100 percent of the premiums for such subsequent years ~~must~~ ~~shall~~ be placed in the funded, unearned premium reserve account.

(2) An association utilizing an unearned premium reserve shall deposit with the department a reserve deposit for contracts in force in this state equal to 10 percent of the gross written premium received on all warranty contracts in force in this state. Such reserve deposit ~~must~~ ~~shall~~ be of a type eligible for deposit by insurers under s. 625.52. Request for release of all or part of the reserve deposit may be made quarterly and only after the office has received and approved the association's current financial statements, as well as a statement sworn to by two officers of the association verifying such release will not reduce the reserve deposit to less than 10 percent of the gross written premium. The reserve deposit required under this part ~~must~~ ~~shall~~ be included in calculating the reserve required by subsection (1). The deposit required in s. 634.405(1)(b) ~~must~~ ~~shall~~ be included in calculating the reserve requirements of this section.

597-03483-19

20191690c1

117 (5) No warranty seller may allow its gross written premiums
118 in force for contracts written in this state to exceed a 7-to-1
119 ratio to net assets.

120 (8) An association operating in this state that issues
121 service warranty or service contracts in other states must
122 comply with all financial requirement laws of such other states.

123 Section 4. Except as otherwise expressly provided in this
124 act, this act shall take effect July 1, 2019.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19
Meeting Date

1690
Bill Number (if applicable)

Topic WARRANTY ASSOCIATIONS

Amendment Barcode (if applicable)

Name DAVID ROBERTS

Job Title

Address 210 S. MONROE ST.

Phone 850-443-4820

TALLAHASSEE FL 32301
City State Zip

Email DAVID@NORROB.COM

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing NATIONAL HOME SERVICE CONTRACT ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-8-19
Meeting Date

C5/1690
Bill Number (if applicable)

Topic WARRANTY

Amendment Barcode (if applicable)

Name Pam FENTRISS

Job Title LEG. COUNSEL

Address 1400 VILLAGE SQ # 3-243

Phone 850-222-2772

TACK FL 32312
City State Zip

Email AFENTRISS@AOL.COM

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FUA REFRIGERATION & A/C CONTRACTORS ASSN

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

April 8
Meeting Date

1690
Bill Number (if applicable)

Topic For Bill

Amendment Barcode (if applicable)

Name Tim Meenan

Job Title "President, Gators Fan Club"

Address 425 Duval St

Phone (850) 425-4000

City Tallahassee State FL

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Service Agreement Association / Service contract industry council

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: CS/SB 882

INTRODUCER: Commerce and Tourism Committee and Senator Gruters

SUBJECT: Restrictive Covenants

DATE: April 8, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McKay	McKay	CM	Fav/CS
2.			JU	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 882 amends Florida’s non-compete statute, which allows for the enforcement of contracts that restrict or prohibit competition as long as such contracts are reasonable in time, area, and line of business. Under current law, a person seeking enforcement of a non-compete agreement must prove the existence of one or more “legitimate business interests,” which include trade secrets; valuable confidential business or professional information; substantial relationships with specific prospective or existing customers, patients, or clients; customer goodwill associated with an ongoing business by way of trade name, specific geographic location, or specific marketing or trade area; or extraordinary or specialized training.

The bill provides that a restrictive covenant entered into with a physician who practices a medical specialty in a county where one entity employs or contracts with all physicians who practice that specialty in that county is not supported by a legitimate business interest, and is void and unenforceable.

The restrictive covenant remains void and unenforceable until 3 years after the date on which a second entity that employs or contracts with one or more physicians who practice that specialty begins serving patients in that county.

The bill takes effect July 1, 2019.

II. Present Situation:

Contracts in Restraint of Trade or Commerce

Generally, a contract in restraint of trade or commerce in Florida is unlawful.¹ However, non-competition restrictive covenants contained in employment agreements that are reasonable in time, area, and line of business are not prohibited, pursuant to s. 542.335, F.S. In any action concerning enforcement of a restrictive covenant, a court may not enforce a restrictive covenant unless it is set forth in a writing signed by the person against whom enforcement is sought, and the person seeking enforcement of a restrictive covenant must prove the existence of one or more legitimate business interests justifying the restrictive covenant. The term “legitimate business interest” includes, but is not limited to:

- Trade secrets;²
- Valuable confidential business or professional information that otherwise does not qualify as trade secrets;
- Substantial relationships with specific prospective or existing customers, patients, or clients;
- Customer, patient, or client goodwill associated with:
 - An ongoing business or professional practice, by way of trade name, trademark, service mark, or “trade dress”;
 - A specific geographic location; or
 - A specific marketing or trade area; or
- Extraordinary or specialized training.³

Any restrictive covenant not supported by a legitimate business interest is unlawful and is void and unenforceable. A person seeking enforcement of a restrictive covenant must prove that the contractually specified restraint is reasonably necessary to protect the legitimate business interest or interests justifying the restriction.

In determining the reasonableness in time of a post-term restrictive covenant not predicated upon the protection of trade secrets, a court must apply specified rebuttable presumptions, and must presume as reasonable in time any restraint 6 months or less in duration, and presume as unreasonable in time any restraint more than 2 years in duration. In the case of a restrictive covenant sought to be enforced against a former distributor, dealer, franchisee, or licensee of a trademark or service mark and not associated with certain sales, a court must presume as reasonable in time any restraint 1 year or less in duration, and presume as unreasonable in time any restraint more than 3 years in duration. In the case of a restrictive covenant sought to be enforced against the seller of certain assets, a court must presume as reasonable in time any restraint 3 years or less in duration and must presume as unreasonable in time any restraint more than 7 years in duration. In determining the reasonableness in time of a postterm restrictive covenant predicated upon the protection of trade secrets, a court must presume as reasonable in

¹ Section 542.18, F.S.

² Section 688.002, F.S., defines a trade secret as information, including a formula, pattern, compilation, program, device, method, technique, or process that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

³ Section 542.335(1)(b), F.S.

time any restraint of 5 years or less, and presume as unreasonable in time any restraint of more than 10 years.

A court must not refuse enforcement of a restrictive covenant on the ground that the person seeking enforcement is a third-party beneficiary of such contract or is an assignee or successor to a party to such contract. In determining the enforceability of a restrictive covenant, a court must not consider any individualized economic or other hardship that might be caused to the person against whom enforcement is sought, may consider as a defense the fact that the person seeking enforcement no longer continues in business in the area or line of business that is the subject of the action to enforce the restrictive covenant, and must consider all other pertinent legal and equitable defenses, and the effect of enforcement upon the public health, safety, and welfare.

A court must construe a restrictive covenant in favor of providing reasonable protection to all legitimate business interests established by the person seeking enforcement, and must not employ any rule of contract construction that requires the court to construe a restrictive covenant narrowly, against the restraint, or against the drafter of the contract. No court may refuse enforcement of an otherwise enforceable restrictive covenant on the ground that the contract violates public policy unless such public policy is articulated specifically by the court and the court finds that the specified public policy requirements substantially outweigh the need to protect the legitimate business interest or interests established by the person seeking enforcement of the restraint.

A court must enforce a restrictive covenant by any appropriate and effective remedy. In the absence of a contractual provision authorizing an award of attorney's fees and costs to the prevailing party, a court may award attorney's fees and costs to the prevailing party in any action seeking enforcement of, or challenging the enforceability of, a restrictive covenant.

III. Effect of Proposed Changes:

The bill provides that a restrictive covenant entered into with a physician licensed under Chapter 458 (Medical Practice) or Chapter 459 (Osteopathic Medicine) of the Florida Statutes, who practices a medical specialty in a county where one entity employs or contracts with all physicians who practice that specialty in that county is not supported by a legitimate business interest, and is void and unenforceable.

The restrictive covenant remains void and unenforceable until 3 years after the date on which a second entity that employs or contracts with one or more physicians who practice that specialty begins serving patients in that county.

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Retroactive vs Prospective Application

The bill provides an effective date of July 1, 2019, but does not specifically address whether the new provision deeming certain restrictive covenants void and unenforceable is to be applied retroactively to contracts already in effect on July 1, 2019, or prospectively to contracts entered into on or after July 1, 2019.

Florida courts use a two-prong test for determining whether statutes should be applied retroactively.⁴ The first is whether there is clear legislative intent to apply the statute retrospectively. The general rule is that in the absence of clear legislative intent to the contrary, a law affecting substantive rights, liabilities and duties is presumed to apply prospectively. If the legislation clearly expresses an intent that it apply retroactively, then the second inquiry is whether retroactive application is constitutionally permissible.⁵ The presumption against retroactivity is only a default rule of statutory construction; the essential purpose of statutory construction is to determine legislative intent.⁶

Impairment of Contract

The United States Constitution and the Florida Constitution prohibit the state from passing any law impairing the obligation of contracts.⁷ “[T]he first inquiry must be whether the state law has, in fact, operated as a substantial impairment of a contractual relationship. The severity of the impairment measures the height of the hurdle the state legislation must clear.”⁸ If a law does impair contracts, the courts will assess whether the law is deemed reasonable and necessary to serve an important public purpose.⁹ The factors that a court will consider when balancing the impairment of contracts with the public purpose include:

⁴ *Metropolitan Dade County v. Chase Federal Housing Corp.*, 737 So. 2d 494, 499 (Fla. 1999).

⁵ *Id.*

⁶ *Id.*, at 500.

⁷ U.S. Const. Article I, s. 10; Art. I, s. 10, Fla. Const.

⁸ *Pomponio v. Claridge of Pompano Condominium, Inc.*, 378 So. 2d 774, 779 (Fla. 1979) (quoting *Allied Structural Steel Co. v. Spannaus*, 438 U.S. 234, 244-45 (1978)). See also *General Motors Corp. v. Romein*, 503 U.S. 181 (1992).

⁹ *Park Benziger & Co. v. Southern Wine & Spirits, Inc.*, 391 So. 2d 681, 683 (Fla. 1980); *Yellow Cab Co. of Dade County v. Dade County*, 412 So. 2d 395, 397 (Fla. 3rd DCA 1982) (citing *United States Trust Co. v. New Jersey*, 431 U.S. 1 (1977)).

- Whether the law was enacted to deal with a broad, generalized economic or social problem;
- Whether the law operates in an area that was already subject to state regulation at the time the parties undertook their contractual obligations, or whether it invades an area never before subject to regulation; and
- Whether the law results in a temporary alteration of the contractual relationships of those within its scope, or whether it permanently and immediately changes those contractual relationships, irrevocably and retroactively.¹⁰

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill deems certain restrictive covenants, which might otherwise be enforceable under s. 542.335, F.S., as “void and unenforceable” until 3 years after a date determined by the actions of private actors and entities. In effect, the enforceability of specific restrictive covenants for medical specialties would be determined not by the law as defined by the Legislature, but would be determined by, and would require knowledge of, the actions of private actors and entities, on particular dates, on a county by county basis. The bill therefore appears to create potential issues of notice, in determining when or if certain restrictive covenants are enforceable.

VIII. Statutes Affected:

This bill creates section 542.336 of the Florida Statutes.

¹⁰ See *supra* note 8.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Commerce and Tourism on April 8, 2019:

The CS provides that a restrictive covenant entered into with a physician who practices a medical specialty in a county where one entity employs or contracts with all physicians who practice that specialty in that county is not supported by a legitimate business interest, and is void and unenforceable, and remains void and unenforceable until 3 years after the date on which a second entity that employs or contracts with one or more physicians who practice that specialty begins serving patients in that county.

- B. **Amendments:**

None.



702748

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2019	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Gruters) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 542.336, Florida Statutes, is created to
read:

542.336 Invalid restrictive covenants.—A restrictive
covenant entered into with a physician licensed under chapter
458 or chapter 459 who practices a medical specialty in a county
where one entity employs or contracts with, either directly or



702748

11 through related or affiliated entities, all physicians who
12 practice such specialty in that county is not supported by a
13 legitimate business interest and is void and unenforceable. Such
14 restrictive covenant shall remain void and unenforceable for 3
15 years after the date on which a second entity that employs or
16 contracts with, either directly or through related or affiliated
17 entities, one or more physicians who practice such specialty
18 begins serving patients in that county.

19 Section 2. This act shall take effect July 1, 2019.

20

21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 Delete everything before the enacting clause
24 and insert:

25

A bill to be entitled

26

An act relating to restrictive covenants; creating s.
27 542.336, F.S.; providing that certain restrictive
28 covenants are void and unenforceable for a specified
29 period; providing an effective date.

By Senator Gruters

23-00476B-19

2019882__

1 A bill to be entitled
 2 An act relating to restraints of trade or commerce;
 3 amending s. 542.335, F.S.; revising the requirements
 4 for a contract that restricts or prohibits
 5 competition; redefining the term "legitimate business
 6 interest" to include only interests related to
 7 intellectual property; providing applicability;
 8 providing an effective date.
 9
 10 Be It Enacted by the Legislature of the State of Florida:
 11
 12 Section 1. Subsection (1) of section 542.335, Florida
 13 Statutes, is amended to read:
 14 542.335 Valid restraints of trade or commerce.—
 15 (1) Notwithstanding s. 542.18 and subsection (2),
 16 enforcement of contracts that restrict or prohibit competition
 17 during or after the term of restrictive covenants, so long as
 18 such contracts are reasonable in time, ~~area,~~ and line of
 19 business, is not prohibited. In any action concerning
 20 enforcement of a restrictive covenant:
 21 (a) A court shall not enforce a restrictive covenant unless
 22 it is set forth in a writing signed by the person against whom
 23 enforcement is sought.
 24 (b) The person seeking enforcement of a restrictive
 25 covenant shall plead and prove the existence of one or more
 26 legitimate business interests justifying the restrictive
 27 covenant. The term "legitimate business interest" means
 28 ~~includes, but is not limited to:~~
 29 1. Trade secrets, as defined in s. 688.002(4).

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 2. Valuable confidential business or professional
 31 information that otherwise does not qualify as trade secrets.
 32 ~~3. Substantial relationships with specific prospective or~~
 33 ~~existing customers, patients, or clients.~~
 34 ~~3.4. Customer, patient, or client goodwill associated with~~
 35 ~~a. an ongoing business or professional practice, by way of~~
 36 ~~trade name, trademark, service mark, or "trade dress."~~
 37 ~~b. A specific geographic location; or~~
 38 ~~c. A specific marketing or trade area.~~
 39 ~~5. Extraordinary or specialized training.~~
 40
 41 Any restrictive covenant not supported by a legitimate business
 42 interest is unlawful and is void and unenforceable.
 43 (c) A person seeking enforcement of a restrictive covenant
 44 also shall plead and prove that the contractually specified
 45 restraint is reasonably necessary to protect the legitimate
 46 business interest or interests justifying the restriction. If a
 47 person seeking enforcement of the restrictive covenant
 48 establishes prima facie that the restraint is reasonably
 49 necessary, the person opposing enforcement has the burden of
 50 establishing that the contractually specified restraint is
 51 overbroad, overlong, or otherwise not reasonably necessary to
 52 protect the established legitimate business interest or
 53 interests. If a contractually specified restraint is overbroad,
 54 overlong, or otherwise not reasonably necessary to protect the
 55 legitimate business interest or interests, a court shall modify
 56 the restraint and grant only the relief reasonably necessary to
 57 protect such interest or interests.
 58 (d) In determining the reasonableness in time of a postterm

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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59 restrictive covenant not predicated upon the protection of trade
60 secrets, a court shall apply the following rebuttable
61 presumptions:

62 1. In the case of a restrictive covenant sought to be
63 enforced against a former employee, agent, or independent
64 contractor, and not associated with the sale of all or a part
65 of:

- 66 a. The assets of a business or professional practice, or
- 67 b. The shares of a corporation, or
- 68 c. A partnership interest, or
- 69 d. A limited liability company membership, or
- 70 e. An equity interest, of any other type, in a business or
71 professional practice,

72
73 a court shall presume reasonable in time any restraint 6 months
74 or less in duration and shall presume unreasonable in time any
75 restraint more than 2 years in duration.

76 2. In the case of a restrictive covenant sought to be
77 enforced against a former distributor, dealer, franchisee, or
78 licensee of a trademark or service mark and not associated with
79 the sale of all or a part of:

- 80 a. The assets of a business or professional practice, or
- 81 b. The shares of a corporation, or
- 82 c. A partnership interest, or
- 83 d. A limited liability company membership, or
- 84 e. An equity interest, of any other type, in a business or
85 professional practice,

86
87 a court shall presume reasonable in time any restraint 1 year or

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88 less in duration and shall presume unreasonable in time any
89 restraint more than 3 years in duration.

90 3. In the case of a restrictive covenant sought to be
91 enforced against the seller of all or a part of:

- 92 a. The assets of a business or professional practice, or
- 93 b. The shares of a corporation, or
- 94 c. A partnership interest, or
- 95 d. A limited liability company membership, or
- 96 e. An equity interest, of any other type, in a business or
97 professional practice,

98
99 a court shall presume reasonable in time any restraint 3 years
100 or less in duration and shall presume unreasonable in time any
101 restraint more than 7 years in duration.

102 (e) In determining the reasonableness in time of a postterm
103 restrictive covenant predicated upon the protection of trade
104 secrets, a court shall presume reasonable in time any restraint
105 of 5 years or less and shall presume unreasonable in time any
106 restraint of more than 10 years. All such presumptions shall be
107 rebuttable presumptions.

108 (f) The court shall not refuse enforcement of a restrictive
109 covenant on the ground that the person seeking enforcement is a
110 third-party beneficiary of such contract or is an assignee or
111 successor to a party to such contract, provided:

- 112 1. In the case of a third-party beneficiary, the
113 restrictive covenant expressly identified the person as a third-
114 party beneficiary of the contract and expressly stated that the
115 restrictive covenant was intended for the benefit of such
116 person.

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117 2. In the case of an assignee or successor, the restrictive
118 covenant expressly authorized enforcement by a party's assignee
119 or successor.

120 (g) In determining the enforceability of a restrictive
121 covenant, a court:

122 1. Shall not consider any individualized economic or other
123 hardship that might be caused to the person against whom
124 enforcement is sought.

125 2. May consider as a defense the fact that the person
126 seeking enforcement no longer continues in business in the area
127 or line of business that is the subject of the action to enforce
128 the restrictive covenant only if such discontinuance of business
129 is not the result of a violation of the restriction.

130 3. Shall consider all other pertinent legal and equitable
131 defenses.

132 4. Shall consider the effect of enforcement upon the public
133 health, safety, and welfare.

134 (h) A court shall construe a restrictive covenant in favor
135 of providing reasonable protection to all legitimate business
136 interests established by the person seeking enforcement. A court
137 shall not employ any rule of contract construction that requires
138 the court to construe a restrictive covenant narrowly, against
139 the restraint, or against the drafter of the contract.

140 (i) No court may refuse enforcement of an otherwise
141 enforceable restrictive covenant on the ground that the contract
142 violates public policy unless such public policy is articulated
143 specifically by the court and the court finds that the specified
144 public policy requirements substantially outweigh the need to
145 protect the legitimate business interest or interests

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146 established by the person seeking enforcement of the restraint.

147 (j) A court shall enforce a restrictive covenant by any
148 appropriate and effective remedy, including, but not limited to,
149 temporary and permanent injunctions. The violation of an
150 enforceable restrictive covenant creates a presumption of
151 irreparable injury to the person seeking enforcement of a
152 restrictive covenant. No temporary injunction shall be entered
153 unless the person seeking enforcement of a restrictive covenant
154 gives a proper bond, and the court shall not enforce any
155 contractual provision waiving the requirement of an injunction
156 bond or limiting the amount of such bond.

157 (k) In the absence of a contractual provision authorizing
158 an award of attorney's fees and costs to the prevailing party, a
159 court may award attorney's fees and costs to the prevailing
160 party in any action seeking enforcement of, or challenging the
161 enforceability of, a restrictive covenant. A court shall not
162 enforce any contractual provision limiting the court's authority
163 under this section.

164 Section 2. The amendments to s. 542.335, Florida Statutes,
165 made by this act apply only in actions determining the
166 enforceability of restrictive covenants entered into on or after
167 July 1, 2019.

168 Section 3. This act shall take effect July 1, 2019.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

April 8, 2019

Meeting Date

882

Bill Number (if applicable)

702748

Amendment Barcode (if applicable)

Topic Restrictive Covenants

Name David Ashburn

Job Title Managing Shareholder of Greenberg Traurig

Address 101 E College Ave

Street

Tallahssee

City

FL

State

32301

Zip

Phone 8502226891

Email ashburnd@gtlaw.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Hospital Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19

Meeting Date

882

Bill Number (if applicable)

Topic SB 882

Amendment Barcode (if applicable)

Name JAMES EATON

Job Title

Address P.O. BOX 1710

Street

TALLAHASSEE

City

FL

State

32307

Zip

Phone 850 510 6794

Email jimeaton53@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing SPECIAL COMMITTEE FOR HEALTH CARE REFORM

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: CS/CS/SB 1420

INTRODUCER: Commerce and Tourism Committee, Community Affairs Committee and Senator Gruters

SUBJECT: Insulation Products

DATE: April 8, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Toman</u>	<u>Yeatman</u>	<u>CA</u>	Fav/CS
2.	<u>Harmsen</u>	<u>McKay</u>	<u>CM</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1420 requires any person who advertises, sells, offers, provides, distributes, or markets a product as interior building envelope insulation to have a report that demonstrates the insulation's compliance with the Florida Building Code from a commission-approved testing laboratory. Failure to have such a report is a violation of the Florida Deceptive and Unfair Trade Practices Act.

Additionally, testing data that demonstrates an interior building envelope insulation product's compliance with the Florida Building Code must be provided to a local building official upon his or her request.

II. Present Situation:

The Florida Building Code

In 1974, Florida adopted a state minimum building code law requiring all local governments to adopt and enforce a building code. The system provided four separate model codes that local governments could consider and adopt to establish minimum standards of health and life safety for the public. In that system, the state's role was limited to adopting all or relevant parts of new

editions of the four model codes. Local governments could amend and enforce their local codes as they saw fit.¹

In 1996 a study commission was appointed to review the system of local codes created by the 1974 law and to make recommendations for modernizing the entire system. The 1998 Legislature adopted the study commission's recommendations for a single state building code and an enhanced oversight role for the state in local code enforcement. The same legislation created the Florida Building Commission (Commission) to develop and maintain the Florida Building Code and related programs and processes. The 2000 Legislature authorized implementation of the Florida Building Code, and the first edition replaced all local codes on March 1, 2002. There have been six editions to date, and the Commission initiated the development of the 7th Edition (2020) Florida Building Code in October of 2017.²

The Florida Building Commission

The Commission, which is housed within the Florida Department of Business and Professional Regulation (DBPR), is a 27-member technical body responsible for the development, maintenance, and interpretation of the Florida Building Code. The Commission also approves products for statewide acceptance. Members are appointed by the Governor and confirmed by the Senate and include design professionals, contractors, and government experts in the various disciplines covered by the Florida Building Code.³

Florida Building Code Enforcement

Section 553.73(1)(e), F.S., designates that the responsibility for the enforcement, interpretation, and regulation of the Florida Building Code be vested in a specified local board or agency. These responsibilities include reviews of building plans, building inspections, and building permitting. Each enforcement district is governed by a board whose composition is determined by the affected localities.⁴ Day-to-day functions are typically carried out through municipal and county building departments and building officials.⁵

Product Evaluation and Approval

Section 553.842, F.S., provides the Commission with the authority to adopt rules to develop a product evaluation and approval system that applies statewide to operate in coordination with the Florida Building Code.⁶ The system must rely on national and international consensus standards whenever such standards are adopted into the Florida Building Code to demonstrate compliance

¹ See The Florida Building Commission, *Annual Report FY 2017-2018*, available at https://www.floridabuilding.org/fbc/commission/FBC_0618/Commission/FBC_FY_2017-2018_Annual_Report.pdf (last visited Apr. 8, 2019).

² *Id.*

³ Section 553.74, F.S.

⁴ Section 553.80(3)(a), F.S.

⁵ The definition of "building official" in s. 468.603 F.S., references a person charged with the responsibility for direct regulatory administration or supervision of plan review, enforcement, or inspection of building construction, erection, repair, addition, remodeling, demolition, or alteration projects that require permitting.

⁶ See Fla. Admin. Code R. 61G20-3.

with code standards.⁷ Other standards which meet or exceed state requirements must also be considered.⁸

The Commission must use specific methods outlined in section 553.842(5), F.S., for its statewide approval process.⁹ The categories of products subject to statewide approval are limited to panel walls, exterior doors, roofing, skylights, windows, shutters, impact protective systems, and structural components.¹⁰

The Commission must maintain a list of the state-approved products, product evaluation entities, testing laboratories, quality assurance agencies, certification agencies, and validation entities.¹¹

Section 553.8425, F.S., governs approvals for products not identified as part of the statewide product approval program. Generally, products bearing a certification mark, label, or listing by an approved certification agency require no further documentation to establish compliance with the Florida Building Code.¹² Upon review of the compliance documentation and a finding that a product complies with the Florida Building Code, the authority having jurisdiction or a local building official approves products for use.¹³

Florida Deceptive and Unfair Trade Practices¹⁴

The Florida Deceptive and Unfair Trade Practices Act (FDUTPA or Act) broadly declares unlawful any unfair or deceptive acts or practices committed in the conduct of any trade or commerce. The Act is a separate cause of action intended to be an additional remedy, and it is aimed toward making consumers whole for losses caused by fraudulent consumer practices. The Act protects consumers from deceptive acts that mislead consumers, and protects the consuming public and legitimate business enterprises from those who engage in unfair methods of competition, or unconscionable, deceptive, or unfair acts or practices in the conduct of any trade or commerce. Generally, an individual who violates the Act is subject to a \$10,000 maximum civil penalty for each violation, in addition to attorney's fees and costs.¹⁵

Labeling and Advertising of Home Insulation

Federal regulations on the labeling and advertising of home insulation are governed by 16 CFR Part 460.¹⁶ This regulation deals with home insulation labels, fact sheets, ads, and other

⁷ Section 553.842(2), F.S.

⁸ *Id.* Equivalence of standards for product approval are standards for products which meet or exceed the standards referenced in the Florida Building Code, and which are certified as equivalent for purposes of determining code compliance (Fla. Admin. Code R. 61G20-3.015).

⁹ *See* s. 553.842(5)(a)-(b), F.S.

¹⁰ *Id.*

¹¹ Section 553.842(13), F.S.

¹² Section 553.8425(5), F.S. Specific methods are provided for local approval of products or systems to demonstrate compliance with the structural windload requirements of the Florida Building Code in s. 553.8425(1), F.S.

¹³ Section 553.8425(6), F.S.

¹⁴ *See* ss. 501.201-213, F.S.

¹⁵ Section 501.2075, F.S.

¹⁶ *See* <https://www.law.cornell.edu/cfr/text/16/part-460> (last visited Apr. 8, 2019). Chapter 553, part V, F.S., Florida Building Code, makes no references to insulation. While the term insulation is used within thermal efficiency standards ss. 553.902,

promotional materials in or affecting commerce, as “commerce” is defined in the Federal Trade Commission Act.¹⁷ Home insulation is defined as:

any material mainly used to slow down heat flow. It may be mineral or organic, fibrous, cellular, or reflective (aluminum foil). It may be in rigid, semirigid, flexible, or loose-fill form. Home insulation is for use in old or new homes, condominiums, cooperatives, apartments, modular homes, or mobile homes. It does not include pipe insulation. It does not include any kind of duct insulation except for duct wrap.¹⁸

The regulation covers members of the home insulation industry including individuals, firms, partnerships, corporations, manufacturers, distributors, franchisors, installers, retailers, utility companies, and trade associations.¹⁹

Building Thermal Envelope

The Florida Building Code: Energy Conservation (2017) defines the “building thermal envelope” as the basement walls, exterior walls, floor, roof, and any other building elements that enclose *conditioned space*. “Thermal envelope” is defined as the primary insulation layer of a building; that part of the envelope that provides the greatest resistance to heat flow to or from the building. “Continuous insulation” refers to insulating material that is continuous across all structural members without thermal bridges other than fasteners and service openings. It is installed on the interior or exterior or is integral to any opaque surface of the building envelope.

Thermal Insulation Standards and Laboratory Accreditation

ASTM²⁰ provides thermal insulation standards widely used in specifying and evaluating the materials and methods used to reduce the rate of heat transfer. These thermal insulation standards help laboratories, device and equipment manufacturers, construction companies, industrial firms, and other groups of people that deal with thermal insulating materials and procedures in examining these respective materials for efficiency.²¹

The American Association for Laboratory Accreditation (A2LA) is a nonprofit, non-governmental, public service membership society. A2LA provides services in laboratory accreditation and laboratory-related training.²² The National Institute of Standards and

553.905 and 553.906, F.S., the references do not directly define insulation or its manufacture. Section 202, Florida Building Code: Energy Conservation (2017) defines insulation as a material mainly used to retard the flow of heat.

¹⁷ 16 CFR § 460.1. If covered by this regulation, breaking any of its rules is an unfair and deceptive act or practice or an unfair method of competition subject to fine.

¹⁸ 16 CFR § 460.2

¹⁹ 16 CFR § 460.3 Advertisers and advertising agencies as well as labs doing tests for industry members are also covered.

²⁰ ASTM is an international testing organization that develops and publishes technical standards that are arrived at through consensus and used on a voluntary basis for a wide variety of products, materials, systems and services.

²¹ See ASTM, *International, Thermal Insulation Standards*, available at <https://www.astm.org/Standards/thermal-insulation-standards.html#C16.94> (last visited Apr. 8, 2019).

²² See American Association for Laboratory Accreditation (A2LA) website, available at <https://www.a2la.org/> (last visited Apr. 8, 2019).

Technology administers the National Voluntary Laboratory Accreditation Program (NVLAP). NVLAP provides accreditation services through various laboratory accreditation programs.²³

III. Effect of Proposed Changes:

Section 1 creates s. 553.843, F.S., pertaining to the approval of interior building envelope insulation products. A person who advertises, sells, offers, provides, distributes, or markets a product as interior building envelope insulation must have a report that demonstrates compliance with the Florida Building Code that was performed by a commission-approved testing laboratory. Failure to have such a report is subject to penalty under the FDUTPA.

Additionally, section 1 requires a person to provide testing data for interior building envelope insulation to a local building official upon his or her request.

Section 2 provides an effective date of July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate.

²³ See National Voluntary Laboratory Accreditation on Program website, available at <https://www.nist.gov/nvlap/about-nvlap> (last visited Apr. 8, 2019).

C. **Government Sector Impact:**

Indeterminate.

VI. Technical Deficiencies:

A Department of Business and Professional Regulation analysis of the bill stated that because insulation products are not within the scope of the Florida Building Commission's statewide product approval program, these products are currently approved by the local authority having jurisdiction pursuant to s. 553.8425, F.S. The bill, as written, does not change this.²⁴

It is unclear whether a person who advertises, sells, offers, provides, distributes, or markets an interior building envelope insulation product must provide the required testing data in the course of the sale, offering, provision distribution, or marketing of the product as well as to a local building official upon his or her request.

The bill could more clearly specify what product must be demonstrated as compliant with the Florida Building Code in a report issued by a commission-approved testing laboratory.

It appears that only the failure to have a report demonstrating compliance with the Florida Building Code from a commission-approved laboratory is subject to penalty under the FDUTPA. There is no specified penalty for the failure to provide testing data for interior building envelope insulation to a local building official.

The testing data provided to a local building official is not required to be performed by a commission-approved testing laboratory.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates s. 553.843, F.S.

IX. Additional Information:

A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Commerce and Tourism on April 8, 2019:

- Subjects a person who advertises, sells, offers, provides, distributes, or markets a product as interior building envelope insulation without testing data that demonstrates the product's compliance with the Florida Building Code from a commission-approved testing laboratory to penalty under the FDUTPA; and

²⁴ Florida Department of Business and Professional Regulation, *2019 Agency Legislative Bill Analysis for SB 1420* (March 14, 2019) (on file with the Senate Committee on Community Affairs).

- Requires the testing report to be provided to a local building official upon his or her request.

CS by Community Affairs on March 26, 2019:

The committee substitute:

- Changes the bill title to an act relating to insulation products;
- Creates a new section of law on the approval of interior building envelope insulation products; and
- Specifies national accrediting organizations for insulation testing labs.

B. Amendments:

None.



167478

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2019	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Gruters) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 553.843, Florida Statutes, is created to
read:

553.843 Interior building envelope insulation products.—Any
person who advertises, sells, offers, provides, distributes, or
markets a product as interior building envelope insulation
without testing data from a commission-approved testing



167478

11 laboratory demonstrating compliance with the Florida Building
12 Code is subject to the Florida Deceptive and Unfair Trade
13 Practices Act under part II of chapter 501 brought by the
14 enforcing authority as defined in s. 501.203. Testing data for
15 interior building envelope insulation demonstrating compliance
16 with the code must be provided upon request by the local
17 building official.

18 Section 2. This act shall take effect July 1, 2019.

19
20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 Delete everything before the enacting clause
23 and insert:

24 A bill to be entitled
25 An act relating to insulation products; creating s.
26 553.843, F.S.; specifying that a person who takes
27 certain actions relating to interior building envelope
28 insulation products without having certain testing
29 data is subject to the Florida Deceptive and Unfair
30 Trade Practices Act; requiring that certain testing
31 data be provided upon request of a local building
32 official; providing an effective date.

By the Committee on Community Affairs; and Senator Gruters

578-03523-19

20191420c1

1 A bill to be entitled
 2 An act relating to insulation products; creating s.
 3 553.843, F.S.; requiring manufacturers to provide
 4 certain testing data for approval of certain
 5 insulation products under the Florida Building Code;
 6 requiring the manufacturer to provide the testing data
 7 to certain persons upon request; specifying that
 8 evaluation reports may only be used for certain
 9 purposes; providing requirements for evaluation
 10 reports; requiring the testing lab to have a certain
 11 accreditation; specifying that failure to provide the
 12 testing data is a violation of the Florida Deceptive
 13 and Unfair Trade Practices Act; providing an effective
 14 date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17 Section 1. Section 553.843, Florida Statutes, is created to
 18 read:

19 553.843 Approval of interior building envelope insulation
 20 products.—

21 (1) In order for interior building envelope insulation
 22 products that are not subject to s. 553.842 to be approved under
 23 the Florida Building Code, manufacturers must provide current
 24 testing data, which includes the test lab where a product was
 25 tested, the test report number, and the date on which the
 26 testing took place. This testing data must conform to the
 27 current Florida Building Code as it relates to the standards for
 28 individual insulation products, must meet standards set forth by
 29

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-03523-19

20191420c1

30 the American Society for Testing and Materials, and must comply
 31 with the Federal Trade Commission's regulations in 16 C.F.R.
 32 part 460.

33 (2) Such testing data must be provided to building code
 34 officials and building professionals upon request. Evaluation
 35 reports may only be used as supporting documentation to the
 36 testing data. The report must be for a single product and must
 37 contain the test lab where a product was tested, the test report
 38 number, and the date on which the testing took place. The test
 39 lab must be accredited by a national organization such as the
 40 American Association for Laboratory Accreditation (A2LA) or the
 41 National Voluntary Laboratory Accreditation Program of the
 42 National Institute of Standards and Technology.

43 (3) Failure to comply with this section constitutes a
 44 violation of the Florida Deceptive and Unfair Trade Practices
 45 Act under part II of chapter 501.

46 Section 2. This act shall take effect July 1, 2019.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/8/19

Meeting Date

1420

Bill Number (if applicable)

Topic Insulation Products

Amendment Barcode (if applicable)

Name David Shepp

Job Title Lobbyist

Address P.O. Box 3739

Phone 863 581-4250

Street

Lakeland

FL

33802

City

State

Zip

Email shepp@sostrategy.com

Speaking: [] For [] Against [] Information

Waive Speaking: [x] In Support [] Against (The Chair will read this information into the record.)

Representing International Insulation Products

Appearing at request of Chair: [] Yes [x] No

Lobbyist registered with Legislature: [x] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

CourtSmart Tag Report

Room: EL 110 Case No.:
Caption: Senate Committee on Commerce and Tourism

Type:
Judge:

Started: 4/8/2019 1:35:24 PM
Ends: 4/8/2019 2:33:57 PM Length: 00:58:34

1:35:23 PM Roll Call
1:35:32 PM Quorum is Present
1:35:33 PM Tab 3 CS/SB 1640
1:36:05 PM Senator Albritton Explains CS/SB 1640
1:36:27 PM Senator Torres Acting as Chair
1:37:01 PM Amendment Barcode 676974 is Explained by Senator Gruters
1:37:03 PM No Questions
1:37:32 PM Kathryn Reilly Waives in Support of the Amendment
1:37:52 PM Alison Speer Waives in Support of the Amendment
1:37:56 PM Alejandro Marquet Waives in Support of the Amendment
1:38:01 PM Alexandra Brecher Waives in Support of the Amendment
1:38:09 PM Delaney Knight Waives in Support of the Amendment
1:38:14 PM Arely Cavazos Waives in Support of the Amendment
1:38:18 PM Blake Riley Waives in Support of the Amendment
1:38:25 PM Victoria Sotter Waives in Support of the Amendment
1:38:28 PM Hayleigh Engelhardt Waives in Support of the Amendment
1:38:34 PM Madison Burke Waives in Support of the Amendment
1:38:39 PM Virginia Lanier Hicks Waives in Support of the Amendment
1:38:45 PM Marley Taylor Waives in Support of the Amendment
1:38:52 PM Summer Jansen Waives in Support of the Amendment
1:38:57 PM Samantha Wilson Waives in Support of the Amendment
1:39:00 PM Samantha Untea Waives in Support of the Amendment
1:39:11 PM Yasmeen John Waives in Support of the Amendment
1:39:13 PM Megan Clarke Waives in Support of the Amendment
1:39:20 PM Emily Miller Waives in Support of the Amendment
1:39:25 PM Marra Lopes Waives in Support of the Amendment
1:39:30 PM Sunny Reed Representing Perkins and Will, IIDA SFC Waives In Support of the Amendment
1:39:34 PM Mariel Beesting Representing Gresham Smith/Mariel Beesting Waives in Support of the Amendment
1:39:42 PM Kelley Robinson Waives in Support of the Amendment
1:39:49 PM Janine King Representing the FIU Department of Interior Architecture Waives in Support of the Amendment
1:39:54 PM Marta T. Neira Representing IIDA VP Board Waives in Support of the Amendment
1:40:05 PM Kristen Beecken Representing Gresham Smith Waives in Support of the Amendment
1:40:11 PM Jessica Smith Representing Gresham Smith Waives in Support of the Amendment
1:40:15 PM Bryan Soukup Representing the American Society of Interior Designers Nat'l Office Waives in Support of the Amendment
1:40:25 PM Jill Pable Waives in Support of the Amendment
1:40:35 PM Corrie Ostrander Waives in Support of the Amendment
1:40:42 PM Amy Huber Waives in Support of the Amendment
1:40:47 PM Leigh Keiran Waives in Support of the Amendment
1:40:52 PM Olivia Perron Waives in Support of the Amendment
1:40:59 PM Stephanie Gettins Waives in Support of the Amendment
1:41:03 PM Evanjelina Neri Waives in Support of the Amendment
1:41:09 PM Loren Pratt Waives in Support of the Amendment
1:41:15 PM Chasen Block Waives in Support of the Amendment
1:41:19 PM Marissa Hibbel Waives in Support of the Amendment
1:41:24 PM David Roberts Representing the American Society of Interior Designers and International Interior Design Assoc. Speaking in Support of the Amendment
1:41:57 PM Senator Gruters Closes on Amendment Barcode 676974
1:42:22 PM Amendment Barcode 676974 is Adopted
1:43:01 PM Senator Gruters Resumes as Chair
1:43:06 PM Senator Albritton Explains Amendment 300520

1:46:55 PM Question from Senator Hutson
1:47:54 PM Response from Senator Albritton
1:48:27 PM Comments from Senator Albritton
1:48:42 PM Question from Senator Torres
1:49:13 PM Response from Senator Albritton
1:50:10 PM Sara Borin Speaks
1:54:13 PM Senator Albritton Waives Close on the Amendment
1:54:14 PM Amendment Barcode 300520 is Adopted
1:54:20 PM Back on the Bill
1:54:22 PM Michael Halmon Representing the FI Assoc. of Cosmetology and Technical Schools Speaking in Support
1:54:39 PM Mez Varol Representing the FI Assoc. of Cosmetology and Technical Schools Speaking in Support
1:58:11 PM Dan Washburn Representing Great Clips Speaks in Support
1:58:26 PM Alan Mortham Representing the Florida Assoc. of Post-Secondary Schools Waives in Support
1:59:25 PM Christian Camara Representing the Institute for Justice Speaks in Support
2:00:43 PM Demetrius Minor Representing Americans for Prosperity Waives in Support
2:01:42 PM Sandra Mortham Representing Sunstate Academy Waives in Support
2:01:46 PM Logan Padgett Representing the James Madison Institute Waives in Support
2:01:53 PM Mary Lantz Representing Building Owners and Managers Association of Florida Speaks in Opposition
2:03:57 PM Question from Senator Torres
2:04:57 PM Response from Mary Lantz
2:05:00 PM Thomas Moses Representing BOMA Orlando Waives in Opposition
2:05:06 PM Evan Power Representing the Building Officials Association of Florida Waives in Opposition
2:05:12 PM H. Lee Moffitt Representing BOMA Speaks in Opposition
2:05:26 PM Senator Stewart in Debate
2:05:37 PM Senator Torres in Debate
2:06:45 PM Senator Albritton Closes on CS/SB 1640
2:09:19 PM Roll Call on CS/SB 1640
2:10:18 PM CS/SB 1640 is Reported Favorably
2:10:31 PM Tab 4 CS/SB 1690
2:10:48 PM CS/SB 1690 is Explained by Senator Broxson
2:12:51 PM Question from Senator Stewart
2:12:55 PM Response from Senator Broxson
2:13:22 PM David Roberts Representing the Nat'l Home Service Contract Association Waives in Support
2:14:20 PM Cam Fentriss Representing FI Refrigeration and AC Contractors Assoc. Waives in Support
2:14:30 PM Tim Meeran Representing Florida Service Agreement Assoc. Waives in Support
2:14:39 PM Senator Broxson Closes in CS/SB 1690
2:14:50 PM Roll Call on CS/SB 1690
2:15:03 PM CS/SB 1690 is Reported Favorably
2:15:10 PM Senator Torres Acting as Chair
2:15:21 PM Tab 5 SB 882
2:15:26 PM Senator Gruters Explains Amendment Barcode 702748
2:15:50 PM David Ashburn Representing the Florida Hospital Association Speaks in Opposition of the Amendment
2:16:44 PM Senator Gruters Waives Close on Amendment Barcode 702748
2:17:41 PM Amendment Barcode 702748 is Adopted
2:17:45 PM Back on the Bill
2:17:48 PM James Eaton Representing Special Committee for Health Care Reform Speaks in Support
2:19:40 PM Senator Gruters Closes on CS/SB 882
2:20:11 PM Roll Call on CS/SB 882
2:20:24 PM CS/SB 882 is Reported Favorably
2:20:34 PM Senator Gruters Resumes as Chair
2:20:42 PM Tab 1 CS/SB 334
2:20:58 PM CS/SB 334 Explained by Senator Brandes
2:21:46 PM Senator Brandes Explains Amendment Barcode 329180
2:22:04 PM Question from Senator Stewart
2:22:15 PM Response from Senator Brandes
2:22:49 PM Back and Forth between Senators Stewart and Brandes
2:23:21 PM Evan Power Representing the Building Officials Assoc. of Florida Speaks in Opposition
2:23:43 PM Cam Fentriss Representing the Florida Refrigeration and AC Contractors Assoc. Waives in Opposition
2:23:54 PM Jeff Branch Representing the Florida League of Cities Waives in Opposition
2:24:01 PM Senator Brandes Closes on Amendment Barcode 329180
2:24:14 PM Amendment Barcode 329180 is Adopted
2:24:25 PM Back on the Bill

2:24:31 PM Logan Padgett Representing the James Madison Institute Speaks in Support
2:25:15 PM Jorge Chamizo Representing FGA Action Waives in Support
2:26:16 PM Demetrius Minor Representing Americans for Prosperity Waives in Support
2:26:21 PM Christian Camara Representing the Institute for Justice Waives in Support
2:26:26 PM Senator Brandes Closes on CS/SB 334
2:26:33 PM Roll Call on CS/CS/SB 334
2:27:00 PM CS/CS/SB 334 is Reported Favorably
2:27:13 PM Tab 2 CS/SB 1638
2:27:20 PM Senator Lee Explains CS/SB 1638
2:27:34 PM Alix Miller Representing the Florida Truckers Association Waives in Support
2:28:25 PM Question from Senator Torres
2:28:31 PM Response from Senator Lee
2:29:30 PM Follow-up Question from Senator Torres
2:30:28 PM Response from Senator Lee
2:30:48 PM Senator Lee Waives Close on CS/SB 1638
2:31:07 PM Roll Call on CS/SB 1638
2:31:16 PM CS/SB 1638 is Reported Favorably
2:31:24 PM Senator Torres Acting as Chair
2:31:33 PM Tab 6 CS/SB 1420
2:31:38 PM Senator Gruters Explains Amendment Barcode 167478
2:31:51 PM Senator Gruters Waives Close on Amendment Barcode 167478
2:32:36 PM Amendment Barcode 167478 is Adopted
2:32:38 PM Back on the Bill
2:32:40 PM No Questions
2:32:44 PM David Shepp Representing International Insulation Products Waives in Support
2:32:57 PM Senator Gruters Waives Close on CS/SB 1420
2:33:05 PM Roll Call on CS/SB 1420
2:33:10 PM CS/SB 1420 is Reported Favorably
2:33:20 PM Senator Gruters Resumes as Chair
2:33:27 PM Closing Remarks from Chair Gruters
2:33:38 PM Meeting in Adjourned