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By the Committee on Regulated Industries; and Senator Brandes
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A bill to be entitled An act relating to regulated professions and occupations; amending s. 326.004, F.S.; deleting a requirement that yacht and ship brokers maintain a separate license for each branch office and related fees; amending s. 447.02, F.S.; deleting a definition; repealing s. 447.04, F.S., relating to business agents, licenses, and permits; repealing s. 447.041, F.S., relating to hearings; repealing s. 447.045, F.S., relating to certain confidential information; repealing s. 447.06, F.S., relating to the required registration of labor organizations; amending s. 447.09, F.S.; deleting prohibitions against specified actions; repealing s. 447.12, F.S., relating to registration fees; repealing s. 447.16, F.S., relating to the applicability of ch. 447, F.S.; repealing part VII of ch. 468, F.S., relating to the regulation of talent agencies; amending s. 468.451, F.S.; revising legislative intent related to the regulation of athlete agents; reordering and amending s. 468.452, F.S.; deleting the term "department"; repealing s. 468.453, F.S., relating to the licensure of athlete agents; repealing s. 468.4536, F.S., relating to renewal of such licenses; amending s. 468.454, F.S.; revising the information that must be stated in agent contracts; deleting a condition under which an agent contract is void and unenforceable; repealing s. 468.456, F.S., relating to prohibited acts for athlete agents; repealing s. 468.4561, F.S., relating to unlicensed activity and penalties for violations; amending s. 468.45615, F.S.; conforming provisions to changes made by the act; amending s. 468.4565, F.S.;

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deleting provisions authorizing the Department of Business and Professional Regulation to access and inspect certain records of athlete agents and related disciplinary actions and subpoena powers; repealing s. 468.457, F.S., relating to rulemaking authority; amending s. 469.006, F.S.; requiring that a license be in the name of a qualifying agent rather than the name of a business organization; requiring the qualifying agent, rather than the business organization, to report certain changes in information; conforming provisions to changes made by the act; amending s. 469.009, F.S.; deleting the authority of the department to reprimand, censure, or impose probation on certain business organizations; amending s. 477.0132, F.S.; excluding the practices of hair wrapping and body wrapping from regulation under the Florida Cosmetology Act; amending s. 477.0135, F.S.; providing that a license or registration is not required for a person whose occupation or practice is confined solely to adding polish to nails or solely to hair wrapping or body wrapping; amending ss. 477.019, 477.026, 477.0265, and 477.029, F.S.; conforming provisions to changes made by the act; amending s. 481.203, F.S.; defining the term "business organization"; deleting the definition of the term "certificate of authorization"; amending s. 481.219, F.S.; revising the process by which a business organization obtains the requisite license to perform architectural services; requiring that a licensee or

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an applicant apply to qualify a business organization under certain circumstances; specifying application requirements; authorizing the Board of Architecture and Interior Design to deny an application under certain circumstances; requiring that a qualifying agent be a registered architect or a registered interior designer under certain circumstances; requiring that a qualifying agent notify the department when she or he ceases to be affiliated with a business organization; prohibiting a business organization from engaging in certain practices until it is qualified by a qualifying agent; authorizing a business organization to proceed with specified contracts under a temporary certificate in certain circumstances; defining the term "incomplete contract"; requiring the qualifying agent to give written notice to the department before engaging in practice under her or his own name or in affiliation with another business organization; requiring the board to certify an applicant to qualify one or more business organizations or to operate using a fictitious name under certain circumstances; conforming provisions to changes made by the act; amending ss. 481.221 and 481.229, F.S.; conforming provisions to changes made by the act; reordering and amending s. 481.303, F.S.; deleting the term "certificate of authorization"; amending s. 481.321, F.S.; revising provisions that require persons to display certificate numbers under certain

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circumstances; conforming provisions to changes made by the act; amending ss. 481.311, 481.317, and 481.319, F.S.; conforming provisions to changes made by the act; amending s. 481.329, F.S.; conforming a cross-reference; amending s. 489.503, F.S.; deleting an exemption from regulation for certain persons; exempting a person who installs certain low-voltage landscape lighting from specified requirements; amending s. 489.518, F.S.; exempting certain persons from initial training for burglar alarm system agents; providing an effective date.

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

Section 1. Subsection (13) of section 326.004, Florida Statutes, is amended to read:

326.004 Licensing.-

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

Section 2. Subsection (3) of section 447.02, Florida Statutes, is amended to read:

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

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

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120 Section 3. Section 447.04, Florida Statutes, is repealed. Section 4. Section 447.041, Florida Statutes, is repealed. 121 122 Section 5. Section 447.045, Florida Statutes, is repealed. 123 Section 6. Section 447.06, Florida Statutes, is repealed. 124 Section 7. Subsections (6) and (8) of section 447.09, 125 Florida Statutes, are amended to read: 126 447.09 Right of franchise preserved; penalties.—It shall be 127 unlawful for any person: 128 (6) To act as a business agent without having obtained and 129 possessing a valid and subsisting license or permit. 130 (8) To make any false statement in an application for a 131 license. 132 Section 8. Section 447.12, Florida Statutes, is repealed. 133 Section 9. Section 447.16, Florida Statutes, is repealed. 134 Section 10. Part VII of chapter 468, Florida Statutes, 135 consisting of ss. 468.401, 468.402, 468.403, 468.404, 468.405, 136 468.406, 468.407, 468.408, 468.409, 468.410, 468.411, 468.412, 137 468.413, 468.414, and 468.415, is repealed. 138 Section 11. Section 468.451, Florida Statutes, is amended 139 to read: 140 468.451 Legislative findings and intent.-The Legislature 141 finds that dishonest or unscrupulous practices by agents who solicit representation of student athletes can cause significant 142 harm to student athletes and the academic institutions for which 143 they play. It is the intent of the Legislature to provide civil 144 145 and criminal causes of action against athlete agents to protect the interests of student athletes and academic institutions by 146 147 regulating the activities of athlete agents. 148 Section 12. Subsections (4) through (7) of section 468.452,

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Florida Statutes, are reordered and amended to read:

- 468.452 Definitions.—For purposes of this part, the term:
- 151 (4) "Department" means the Department of Business and
 152 Professional Regulation.
 - (6) (5) "Student athlete" means any student who:
 - (a) Resides in Florida, has informed, in writing, a college or university of the student's intent to participate in that school's intercollegiate athletics, or who does participate in that school's intercollegiate athletics and is eligible to do so; or
 - (b) Does not reside in Florida, but has informed, in writing, a college or university in Florida of the student's intent to participate in that school's intercollegiate athletics, or who does participate in that school's intercollegiate athletics and is eligible to do so.
 - $\underline{(4)}$ "Financial services" means the counseling on or the making or execution of investment and other financial decisions by the agent on behalf of the student athlete.
 - $\underline{(5)}$ "Participation" means practicing, competing, or otherwise representing a college or university in intercollegiate athletics.
 - Section 13. Section 468.453, Florida Statutes, is repealed.
- Section 14. <u>Section 468.4536</u>, Florida Statutes, is
- repealed.

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- Section 15. Subsections (2) and (12) of section 468.454, Florida Statutes, are amended to read:
- 468.454 Contracts.-
 - (2) An agent contract must state:
 - (a) The amount and method of calculating the consideration

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to be paid by the student athlete for services to be provided by the athlete agent and any other consideration the agent has received or will receive from any other source under the contract;

- (b) The name of any person not listed in the licensure application who will be compensated because the student athlete signed the agent contract;
- (c) A description of any expenses that the student athlete agrees to reimburse;
- (d) A description of the services to be provided to the student athlete:
 - (e) The duration of the contract; and
 - (f) The date of execution.
- (12) An agent contract between a student athlete and a person not licensed under this part is void and unenforceable.
 - Section 16. <u>Section 468.456</u>, Florida Statutes, is repealed.
- Section 17. <u>Section 468.4561, Florida Statutes, is repealed.</u>
- Section 18. Section 468.45615, Florida Statutes, is amended to read:
- 468.45615 Provision of illegal inducements to athletes prohibited; penalties; license suspension.—
- (1) A Any person who offers anything of value to another person to induce a student athlete to enter into an agreement by which the athlete agent will represent the student athlete commits violates s. 468.456(1)(f) is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, s. 775.089, or s. 775.091. Negotiations regarding an athlete agent's fee are not considered an inducement.

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(2) (a) Regardless of whether adjudication is withheld, any person convicted or found guilty of, or entering a plea of nolo contendere to, the violation described in subsection (1) may shall not employ, utilize, or otherwise collaborate with an a licensed or unlicensed athlete agent in Florida to illegally recruit or solicit student athletes. Any person who violates the provisions of this subsection is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, s. 775.089, or s. 775.091.

- (b) Regardless of whether adjudication is withheld, any person who knowingly actively assists in the illegal recruitment or solicitation of student athletes for a person who has been convicted or found guilty of, or entered a plea of nolo contendere to, a violation of this section is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, s. 775.084, s. 775.089, or s. 775.091.
- (3) In addition to any other penalties provided in this section, the court may suspend the license of the person pending the outcome of any administrative action against the person by the department.
- (3) (4) (a) An athlete agent, with the intent to induce a student athlete to enter into an agent contract, may not:
- 1. Give any materially false or misleading information or make a materially false promise or representation;
- 2. Furnish anything of value to a student athlete before the student athlete enters into the agent contract; or
- 3. Furnish anything of value to any individual other than the student athlete or another athlete agent.
 - (b) An athlete agent may not intentionally:

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1. Initiate contact with a student athlete unless licensed under this part;

- 2. Refuse or fail to retain or permit inspection of the records required to be retained by s. 468.4565;
- 3. Provide materially false or misleading information in an application for licensure;
 - 2.4. Predate or postdate an agent contract;
- 3.5. Fail to give notice of the existence of an agent contract as required by s. 468.454(6); or
- $\underline{4.6.}$ Fail to notify a student athlete before the student athlete signs or otherwise authenticates an agent contract for a sport that the signing or authentication may make the student athlete ineligible to participate as a student athlete in that sport.
- (c) An athlete agent who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- Section 19. Section 468.4565, Florida Statutes, is amended to read:
 - 468.4565 Business records requirement.-
- (1) An athlete agent shall establish and maintain complete financial and business records. The athlete agent shall save each entry into a financial or business record for at least 5 years after from the date of entry. These records must include:
- $\underline{\text{(1)}}$ (a) The name and address of each individual represented by the athlete agent;
- $\underline{\text{(2)}}$ (b) Any agent contract entered into by the athlete agent; and
 - (3) (c) Any direct costs incurred by the athlete agent in

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the recruitment or solicitation of a student athlete to enter into an agent contract.

(2) The department shall have access to and shall have the right to inspect and examine the financial or business records of an athlete agent during normal business hours. Refusal or failure of an athlete agent to provide the department access to financial and business records shall be the basis for disciplinary action by the department pursuant to s. 455.225. The department may exercise its subpoena powers to obtain the financial and business records of an athlete agent.

Section 20. Section 468.457, Florida Statutes, is repealed.

Section 21. Paragraphs (a) and (e) of subsection (2),
subsection (3), paragraph (b) of subsection (4), and subsection

(6) of section 469.006, Florida Statutes, are amended to read:

469.006 Licensure of business organizations: qualifying

469.006 Licensure of business organizations; qualifying agents.—

- (2) (a) If the applicant proposes to engage in consulting or contracting as a partnership, corporation, business trust, or other legal entity, or in any name other than the applicant's legal name, the legal entity must apply for licensure through a qualifying agent or the individual applicant must apply for licensure under the name of the business organization fictitious name.
- (e) A The license, when issued upon application of a business organization, must be in the name of the qualifying agent business organization, and the name of the business organization qualifying agent must be noted on the license thereon. If there is a change in any information that is required to be stated on the application, the qualifying agent

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business organization shall, within 45 days after such change occurs, mail the correct information to the department.

(3) The qualifying agent must shall be licensed under this chapter in order for the business organization to be qualified licensed in the category of the business conducted for which the qualifying agent is licensed. If any qualifying agent ceases to be affiliated with such business organization, the agent shall so inform the department. In addition, if such qualifying agent is the only licensed individual affiliated with the business organization, the business organization shall notify the department of the termination of the qualifying agent and has shall have 60 days after from the date of termination of the qualifying agent's affiliation with the business organization in which to employ another qualifying agent. The business organization may not engage in consulting or contracting until a qualifying agent is employed, unless the department has granted a temporary nonrenewable license to the financially responsible officer, the president, the sole proprietor, a partner, or, in the case of a limited partnership, the general partner, who assumes all responsibilities of a primary qualifying agent for the entity. This temporary license only allows shall only allow the entity to proceed with incomplete contracts.

(4)

(b) Upon a favorable determination by the department, after investigation of the financial responsibility, credit, and business reputation of the qualifying agent and the new business organization, the department shall issue, without any examination, a new license in the qualifying agent's business organization's name, and the name of the business organization

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qualifying agent shall be noted thereon.

(6) Each qualifying agent shall pay the department an amount equal to the original fee for licensure of a new business organization. if the qualifying agent for a business organization desires to qualify additional business organizations. The department shall require the agent to present evidence of supervisory ability and financial responsibility of each such organization. Allowing a licensee to qualify more than one business organization must shall be conditioned upon the licensee showing that the licensee has both the capacity and intent to adequately supervise each business organization. The department may shall not limit the number of business organizations that which the licensee may qualify except upon the licensee's failure to provide such information as is required under this subsection or upon a finding that the such information or evidence as is supplied is incomplete or unpersuasive in showing the licensee's capacity and intent to comply with the requirements of this subsection. A qualification for an additional business organization may be revoked or suspended upon a finding by the department that the licensee has failed in the licensee's responsibility to adequately supervise the operations of the business organization. Failure to adequately supervise the operations of a business organization is shall be grounds for denial to qualify additional business organizations.

Section 22. Subsection (1) of section 469.009, Florida Statutes, is amended to read:

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

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(1) The department may revoke, suspend, or deny the issuance or renewal of a license; reprimand, censure, or place on probation any contractor, consultant, or financially responsible officer, or business organization; require financial restitution to a consumer; impose an administrative fine not to exceed \$5,000 per violation; require continuing education; or assess costs associated with any investigation and prosecution if the contractor or consultant, or business organization or officer or agent thereof, is found guilty of any of the following acts:

- (a) Willfully or deliberately disregarding or violating the health and safety standards of the Occupational Safety and Health Act of 1970, the Construction Safety Act, the National Emission Standards for Asbestos, the Environmental Protection Agency Asbestos Abatement Projects Worker Protection Rule, the Florida Statutes or rules promulgated thereunder, or any ordinance enacted by a political subdivision of this state.
 - (b) Violating any provision of chapter 455.
- (c) Failing in any material respect to comply with the provisions of this chapter or any rule promulgated hereunder.
- (d) Acting in the capacity of an asbestos contractor or asbestos consultant under any license issued under this chapter except in the name of the licensee as set forth on the issued license.
- (e) Proceeding on any job without obtaining all applicable approvals, authorizations, permits, and inspections.
 - (f) Obtaining a license by fraud or misrepresentation.
- (g) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in

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any jurisdiction which directly relates to the practice of asbestos consulting or contracting or the ability to practice asbestos consulting or contracting.

- (h) Knowingly violating any building code, lifesafety code, or county or municipal ordinance relating to the practice of asbestos consulting or contracting.
- (i) Performing any act which assists a person or entity in engaging in the prohibited unlicensed practice of asbestos consulting or contracting, if the licensee knows or has reasonable grounds to know that the person or entity was unlicensed.
- (j) Committing mismanagement or misconduct in the practice of contracting that causes financial harm to a customer. Financial mismanagement or misconduct occurs when:
- 1. Valid liens have been recorded against the property of a contractor's customer for supplies or services ordered by the contractor for the customer's job; the contractor has received funds from the customer to pay for the supplies or services; and the contractor has not had the liens removed from the property, by payment or by bond, within 75 days after the date of such liens;
- 2. The contractor has abandoned a customer's job and the percentage of completion is less than the percentage of the total contract price paid to the contractor as of the time of abandonment, unless the contractor is entitled to retain such funds under the terms of the contract or refunds the excess funds within 30 days after the date the job is abandoned; or
- 3. The contractor's job has been completed, and it is shown that the customer has had to pay more for the contracted job

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than the original contract price, as adjusted for subsequent change orders, unless such increase in cost was the result of circumstances beyond the control of the contractor, was the result of circumstances caused by the customer, or was otherwise permitted by the terms of the contract between the contractor and the customer.

- (k) Being disciplined by any municipality or county for an act or violation of this chapter.
- (1) Failing in any material respect to comply with the provisions of this chapter, or violating a rule or lawful order of the department.
- (m) Abandoning an asbestos abatement project in which the asbestos contractor is engaged or under contract as a contractor. A project may be presumed abandoned after 20 days if the contractor terminates the project without just cause and without proper notification to the owner, including the reason for termination; if the contractor fails to reasonably secure the project to safeguard the public while work is stopped; or if the contractor fails to perform work without just cause for 20 days.
- (n) Signing a statement with respect to a project or contract falsely indicating that the work is bonded; falsely indicating that payment has been made for all subcontracted work, labor, and materials which results in a financial loss to the owner, purchaser, or contractor; or falsely indicating that workers' compensation and public liability insurance are provided.
- (o) Committing fraud or deceit in the practice of asbestos consulting or contracting.

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

- (q) Committing gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property in the practice of asbestos consulting or contracting.
- (r) Intimidating, threatening, coercing, or otherwise discouraging the service of a notice to owner under part I of chapter 713 or a notice to contractor under chapter 255 or part I of chapter 713.
- (s) Failing to satisfy, within a reasonable time, the terms of a civil judgment obtained against the licensee, or the business organization qualified by the licensee, relating to the practice of the licensee's profession.

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. Section 477.0132, Florida Statutes, is amended to read:

- 477.0132 Hair braiding, hair wrapping, and body wrapping registration.—
- (1) (a) Persons whose occupation or practice is confined solely to hair braiding must register with the department, pay the applicable registration fee, and take a two-day 16-hour course. The course shall be board approved and consist 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.

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(b) Persons whose occupation or practice is confined solely to hair wrapping must register with the department, pay the applicable registration fee, and take a one-day 6-hour course. The course shall be board approved and consist of education in HIV/AIDS and other communicable diseases, sanitation and sterilization, disorders and diseases of the scalp, and studies regarding laws affecting hair wrapping.

- (c) Unless otherwise licensed or exempted from licensure under this chapter, any person whose occupation or practice is body wrapping must register with the department, pay the applicable registration fee, and take a two-day 12-hour course. The course shall be board approved and consist of education in HIV/AIDS and other communicable diseases, sanitation and sterilization, disorders and diseases of the skin, and studies regarding laws affecting body wrapping.
- (d) Only the board may review, evaluate, and approve a course required of an applicant for registration under this subsection in the occupation or practice of hair braiding, hair wrapping, or body wrapping. A provider of such a course is not required to hold a license under chapter 1005.
- (2) Hair braiding is, hair wrapping, and body wrapping are not required to be practiced in a cosmetology salon or specialty salon. When hair braiding, hair wrapping, or body wrapping is practiced outside a cosmetology salon or specialty salon, 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.
- (3) Pending issuance of registration, a person is eligible to practice hair braiding, hair wrapping, or body wrapping upon

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submission of a registration application that includes proof of successful completion of the education requirements and payment of the applicable fees required by this chapter.

Section 24. Subsections (7), (8), and (9) are added to section 477.0135, Florida Statutes, to read:

477.0135 Exemptions.-

- (7) A license or registration is not required for a person whose occupation or practice is confined solely to adding polish to fingernails and toenails.
- (8) A license or registration is not required for a person whose occupation or practice is confined solely to hair wrapping as defined in s. 477.013(10).
- (9) A license or registration is not required for a person whose occupation or practice is confined solely to body wrapping as defined in s. 477.013(12).

Section 25. Paragraph (b) of subsection (7) of section 477.019, Florida Statutes, is amended to read:

477.019 Cosmetologists; qualifications; licensure; supervised practice; license renewal; endorsement; continuing education.—

(7)

(b) Any person whose occupation or practice is confined solely to hair braiding, hair wrapping, or body wrapping is exempt from the continuing education requirements of this subsection.

Section 26. Paragraph (f) of subsection (1) of section 477.026, Florida Statutes, is amended to read:

477.026 Fees; disposition.-

(1) The board shall set fees according to the following

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(f) For hair braiders, hair wrappers, and body wrappers, fees for registration shall not exceed \$25.

Section 27. Paragraph (f) of subsection (1) of section 477.0265, Florida Statutes, is amended to read:

477.0265 Prohibited acts.-

- (1) It is unlawful for any person to:
- (f) Advertise or imply that skin care services or body wrapping, as performed under this chapter, have any relationship to the practice of massage therapy as defined in s. 480.033(3), except those practices or activities defined in s. 477.013.

Section 28. Paragraph (a) of subsection (1) of section 477.029, Florida Statutes, is amended to read:

477.029 Penalty.-

- (1) It is unlawful for any person to:
- (a) Hold himself or herself out as a cosmetologist, specialist, or hair wrapper, hair braider, or body wrapper unless duly licensed or registered, or otherwise authorized, as provided in this chapter.

Section 29. Subsection (5) of section 481.203, Florida Statutes, is amended to read:

481.203 Definitions.—As used in this part:

(5) "Business organization" means a partnership, a limited liability company, a corporation, or an individual operating under a fictitious name "Certificate of authorization" means a certificate issued by the department to a corporation or partnership to practice architecture or interior design.

Section 30. Section 481.219, Florida Statutes, is amended to read:

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481.219 <u>Business organization; qualifying agents</u>

Certification of partnerships, limited liability companies, and corporations.—

- (1) A licensee may The practice of or the offer to practice architecture or interior design by licensees through a business organization that offers corporation, limited liability company, or partnership offering architectural or interior design services to the public, or through by a business organization that offers corporation, limited liability company, or partnership offering architectural or interior design services to the public through such licensees under this part as agents, employees, officers, or partners, is permitted, subject to the provisions of this section.
- (2) If a licensee or an applicant proposes to engage in the practice of architecture or interior design as a business organization, the licensee or applicant must apply to qualify the business organization For the purposes of this section, a certificate of authorization shall be required for a corporation, limited liability company, partnership, or person practicing under a fictitious name, offering architectural services to the public jointly or separately. However, when an individual is practicing architecture in her or his own name, she or he shall not be required to be certified under this section. Certification under this subsection to offer architectural services shall include all the rights and privileges of certification under subsection (3) to offer interior design services.
 - (a) An application to qualify a business organization must:

 1. If the business is a partnership, state the names of the

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partnership and its partners.

- 2. If the business is a corporation, state the names of the corporation and its officers and directors and the name of each of its stockholders who is also an officer or a director.
- 3. If the business is operating under a fictitious name, state the fictitious name under which it is doing business.
- 4. If the business is not a partnership, a corporation, or operating under a fictitious name, state the name of such other legal entity and its members.
- (b) The board may deny an application to qualify a business organization if the applicant or any person required to be named pursuant to paragraph (a) has been involved in past disciplinary actions or on any grounds for which an individual registration or certification may be denied.
- (3) (a) A business organization may not engage in the practice of architecture unless its qualifying agent is a registered architect under this part. A business organization may not engage in the practice of interior design unless its qualifying agent is a registered architect or a registered interior designer under this part. A qualifying agent who terminates her or his affiliation with a business organization shall immediately notify the department of such termination. If the qualifying agent who terminates her or his affiliation is the only qualifying agent for a business organization, the business organization must be qualified by another qualifying agent within 60 days after the termination. Except as provided in paragraph (b), such a business organization may not engage in the practice of architecture or interior design until it is qualified by a qualifying agent.

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(b) The executive director or chair of the board may grant a temporary, nonrenewable certificate or registration to a licensee in supervising control, the president, a managing member, a partner, or, in the case of a limited partnership, the general partner for the purpose of allowing the business organization to begin or continue work required under an incomplete contract. Such person shall assume all of the responsibilities of a qualifying agent. For purposes of this paragraph, the term "incomplete contract" means a contract that has been awarded to, or entered into by, the business organization before the termination of affiliation of the qualifying agent with the business organization or a contract on which the business organization was the low bidder and that is subsequently awarded to the business organization, regardless of whether any actual work has commenced under the contract before termination of affiliation by the qualifying agent with the business organization.

(c) A qualifying agent shall notify the department in writing before engaging in the practice of architecture or interior design in her or his own name or in affiliation with a different business organization, and she or he or such business organization shall supply the same information to the department as required of applicants under this part For the purposes of this section, a certificate of authorization shall be required for a corporation, limited liability company, partnership, or person operating under a fictitious name, offering interior design services to the public jointly or separately. However, when an individual is practicing interior design in her or his own name, she or he shall not be required to be certified under

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this section.

(4) All final construction documents and instruments of service which include drawings, specifications, plans, reports, or other papers or documents that involve involving the practice of architecture which are prepared or approved for the use of the business organization corporation, limited liability company, or partnership and filed for public record within the state must shall bear the signature and seal of the licensee who prepared or approved them and the date on which they were sealed.

- (5) All drawings, specifications, plans, reports, or other papers or documents prepared or approved for the use of the <u>business organization corporation</u>, <u>limited liability company</u>, or <u>partnership</u> by an interior designer in her or his professional capacity and filed for public record within the state <u>must shall</u> bear the signature and seal of the licensee who prepared or approved them and the date on which they were sealed.
- (6) The department shall issue a certificate of authorization to any applicant who the board certifies as qualified for a certificate of authorization and who has paid the fee set in s. 481.207.
- (6) (7) The board shall allow certify an applicant to qualify one or more business organizations as qualified for a certificate of authorization to offer architectural or interior design services, or to use a fictitious name to offer such services, if one of the following criteria is met provided that:
- (a) One or more of the principal officers of the corporation or limited liability company, or one or more partners of the partnership, and all personnel of the

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corporation, limited liability company, or partnership who act in its behalf in this state as architects, are registered as provided by this part.; or

- (b) One or more of the principal officers of the corporation or one or more partners of the partnership, and all personnel of the corporation, limited liability company, or partnership who act in its behalf in this state as interior designers, are registered as provided by this part.
- (8) The department shall adopt rules establishing a procedure for the biennial renewal of certificates of authorization.
- (9) The department shall renew a certificate of authorization upon receipt of the renewal application and biennial renewal fee.
- business organization partnership, limited liability company, and corporation certified under this section shall notify the department within 30 days of any change in the information contained in the application upon which the qualification certification is based. Any registered architect or interior designer who qualifies the business organization shall ensure corporation, limited liability company, or partnership as provided in subsection (7) shall be responsible for ensuring responsible supervising control of projects of the business organization entity and upon termination of her or his employment with a business organization qualified partnership, limited liability company, or corporation certified under this section shall notify the department of the termination within 30 days.

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(8) (11) A business organization is not No corporation, limited liability company, or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section. However, except as provided in s. 558.0035, the architect who signs and seals the construction documents and instruments of service is shall be liable for the professional services performed, and the interior designer who signs and seals the interior design drawings, plans, or specifications is shall be liable for the professional services performed.

(12) Disciplinary action against a corporation, limited liability company, or partnership shall be administered in the same manner and on the same grounds as disciplinary action against a registered architect or interior designer, respectively.

(9) (13) Nothing in This section may not shall be construed to mean that a certificate of registration to practice architecture or interior design must shall be held by a business organization corporation, limited liability company, or partnership. Nothing in This section does not prohibit prohibits corporations, limited liability companies, and partnerships from joining together to offer architectural, engineering, interior design, surveying and mapping, and landscape architectural services, or any combination of such services, to the public if_{τ} provided that each corporation, limited liability company, or partnership otherwise meets the requirements of law.

(10) (14) A business organization that is qualified by a registered architect may Corporations, limited liability companies, or partnerships holding a valid certificate of

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authorization to practice architecture shall be permitted to use in their title the term "interior designer" or "registered interior designer" in its title. designer."

Section 31. Subsection (10) of section 481.221, Florida Statutes, is amended to read:

481.221 Seals; display of certificate number.-

qualifying agent of a business organization must, and each corporation, limited liability company, or partnership holding a certificate of authorization, shall include her or his license its certificate number in any newspaper, telephone directory, or other advertising medium used by the registered architect or, interior designer, or business organization corporation, limited liability company, or partnership. A business organization corporation, limited liability company, or partnership is not required to display the certificate number of individual registered architects or interior designers employed by or working within the business organization corporation, limited liability company, or partnership.

Section 32. Paragraphs (a) and (c) of subsection (5) of section 481.229, Florida Statutes, are amended to read:

481.229 Exceptions; exemptions from licensure.

(5) (a) Nothing contained in This part does not prohibit shall prevent a registered architect or a qualified business organization partnership, limited liability company, or corporation holding a valid certificate of authorization to provide architectural services from performing any interior design service or from using the title "interior designer" or "registered interior designer."

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certified any corporation, partnership, or person operating under a fictitious name which holds a certificate of authorization to provide architectural services must shall be qualified, without fee, for a certificate of authorization to provide interior design services upon submission of a completed application for qualification therefor. For corporations, partnerships, and persons operating under a fictitious name which hold a certificate of authorization to provide interior design services upon submission to provide interior design services, satisfaction of the requirements for renewal of the certificate of authorization to provide architectural services under s. 481.219 shall be deemed to satisfy the requirements for renewal of the certificate of authorization to provide interior design services under that section.

Section 33. Section 481.303, Florida Statutes, is reordered and amended to read:

- 481.303 Definitions.—As used in this chapter, the term:
- (1) "Board" means the Board of Landscape Architecture.
- $\underline{(3)}$ "Department" means the Department of Business and Professional Regulation.
- $\underline{(6)}$ "Registered landscape architect" means a person who holds a license to practice landscape architecture in this state under the authority of this act.
- (2) "Certificate of registration" means a license issued by the department to a natural person to engage in the practice of landscape architecture.
- (5) "Certificate of authorization" means a license issued by the department to a corporation or partnership to engage in

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the practice of landscape architecture.

- (4) "Landscape architecture" means professional services, including, but not limited to, the following:
- (a) Consultation, investigation, research, planning, design, preparation of drawings, specifications, contract documents and reports, responsible construction supervision, or landscape management in connection with the planning and development of land and incidental water areas, including the use of Florida-friendly landscaping as defined in s. 373.185, where, and to the extent that, the dominant purpose of such services or creative works is the preservation, conservation, enhancement, or determination of proper land uses, natural land features, ground cover and plantings, or naturalistic and aesthetic values;
- (b) The determination of settings, grounds, and approaches for and the siting of buildings and structures, outdoor areas, or other improvements;
- (c) The setting of grades, shaping and contouring of land and water forms, determination of drainage, and provision for storm drainage and irrigation systems where such systems are necessary to the purposes outlined herein; and
- (d) The design of such tangible objects and features as are necessary to the purpose outlined herein.
- (5)(7) "Landscape design" means consultation for and preparation of planting plans drawn for compensation, including specifications and installation details for plant materials, soil amendments, mulches, edging, gravel, and other similar materials. Such plans may include only recommendations for the conceptual placement of tangible objects for landscape design

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projects. Construction documents, details, and specifications for tangible objects and irrigation systems shall be designed or approved by licensed professionals as required by law.

Section 34. Subsection (5) of section 481.321, Florida Statutes, is amended to read:

481.321 Seals; display of certificate number.-

(5) Each registered landscape architect <u>must</u> and each corporation or partnership holding a certificate of authorization shall include <u>her or his</u> its certificate number in any newspaper, telephone directory, or other advertising medium used by the registered landscape architect, corporation, or partnership. A corporation or partnership <u>must</u> is not required to display the certificate <u>number</u> numbers of at least one officer, director, owner, or partner who is a individual registered landscape <u>architect</u> architects employed by or practicing with the corporation or partnership.

Section 35. Subsection (4) of section 481.311, Florida Statutes, is amended to read:

481.311 Licensure.-

(4) The board shall certify as qualified for a certificate of authorization any applicant corporation or partnership who satisfies the requirements of s. 481.319.

Section 36. Subsection (2) of section 481.317, Florida Statutes, is amended to read:

481.317 Temporary certificates.—

(2) Upon approval by the board and payment of the fee set in s. 481.307, the department shall grant a temporary certificate of authorization for work on one specified project in this state for a period not to exceed 1 year to an out-of-

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state corporation, partnership, or firm, provided one of the principal officers of the corporation, one of the partners of the partnership, or one of the principals in the fictitiously named firm has obtained a temporary certificate of registration in accordance with subsection (1).

Section 37. Section 481.319, Florida Statutes, is amended to read:

- 481.319 Corporate and partnership practice of landscape architecture: certificate of authorization.
- (1) The practice of or offer to practice landscape architecture by registered landscape architects registered under this part through a corporation or partnership offering landscape architectural services to the public, or through a corporation or partnership offering landscape architectural services to the public through individual registered landscape architects as agents, employees, officers, or partners, is permitted, subject to the provisions of this section, if:
- (a) One or more of the principal officers of the corporation, or partners of the partnership, and all personnel of the corporation or partnership who act in its behalf as landscape architects in this state are registered landscape architects; and
- (b) One or more of the officers, one or more of the directors, one or more of the owners of the corporation, or one or more of the partners of the partnership is a registered landscape architect; and
- (c) The corporation or partnership has been issued a certificate of authorization by the board as provided herein.
 - (2) All documents involving the practice of landscape

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architecture which are prepared for the use of the corporation or partnership shall bear the signature and seal of a registered landscape architect.

- (3) A landscape architect applying to practice in the name of a An applicant corporation must shall file with the department the names and addresses of all officers and board members of the corporation, including the principal officer or officers, duly registered to practice landscape architecture in this state and, also, of all individuals duly registered to practice landscape architecture in this state who shall be in responsible charge of the practice of landscape architecture by the corporation in this state. A landscape architect applying to practice in the name of a An applicant partnership must shall file with the department the names and addresses of all partners of the partnership, including the partner or partners duly registered to practice landscape architecture in this state and, also, of an individual or individuals duly registered to practice landscape architecture in this state who shall be in responsible charge of the practice of landscape architecture by said partnership in this state.
- (4) Each <u>landscape architect qualifying a partnership or</u> and corporation licensed under this part <u>must shall</u> notify the department within 1 month of any change in the information contained in the application upon which the license is based. Any landscape architect who terminates <u>her or</u> his or her employment with a partnership or corporation licensed under this part shall notify the department of the termination within 1 month.
 - (5) Disciplinary action against a corporation or

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partnership shall be administered in the same manner and on the same grounds as disciplinary action against a registered landscape architect.

(6) Except as provided in s. 558.0035, the fact that a registered landscape architect practices landscape architecture through a corporation or partnership as provided in this section does not relieve the landscape architect from personal liability for her or his or her professional acts.

Section 38. Subsection (5) of section 481.329, Florida Statutes, is amended to read:

481.329 Exceptions; exemptions from licensure.-

(5) This part does not prohibit any person from engaging in the practice of landscape design, as defined in s. 481.303(5) s. 481.303(7), or from submitting for approval to a governmental agency planting plans that are independent of, or a component of, construction documents that are prepared by a Floridaregistered professional. Persons providing landscape design services shall not use the title, term, or designation "landscape architect," "landscape architectural," "landscape architecture," "L.A.," "landscape engineering," or any description tending to convey the impression that she or he is a landscape architect unless she or he is registered as provided in this part.

Section 39. Subsection (14) of section 489.503, Florida Statutes, is amended, and subsection (24) is added to that section, to read:

489.503 Exemptions.—This part does not apply to:

(14) The sale of, installation of, repair of, alteration of, addition to, or design of electrical wiring, fixtures,

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appliances, thermostats, apparatus, raceways, computers, customer premises equipment, customer premises wiring, and conduit, or any part thereof, by an employee, contractor, subcontractor, or affiliate of a company operating under a certificate issued under chapter 364 or chapter 610, or under a local franchise or right-of-way agreement, if those items are for the purpose of transmitting data, voice, video, or other communications, or commands as part of a cable television, community antenna television, radio distribution, communications, or telecommunications system. An employee, subcontractor, contractor, or affiliate of a company that operates under a certificate issued under chapter 364 or chapter 610, or under a local franchise or right-of-way agreement, is not subject to any local ordinance that requires a permit for work related to low-voltage electrical work, including related technical codes, regulations, and licensure. The scope of this exemption is limited to electrical circuits and equipment governed by the applicable provisions of Articles 725 (Classes 2 and 3 circuits only), 770, 800, 810, and 820 of the National Electrical Code, current edition, or 47 C.F.R. part 68, and employees, contractors, and subcontractors of companies, and affiliates thereof, operating under a certificate issued under chapter 364 or chapter 610 or under a local franchise or rightof-way agreement. This subsection does not relieve any person from licensure as an alarm system contractor.

(24) A person who installs low-voltage landscape lighting that contains a factory-installed electrical cord with a plug and does not require installation, wiring, or a modification to the electrical wiring in a structure.

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Section 40. Present paragraphs (a) through (e) of subsection (2) of section 489.518, Florida Statutes, are redesignated as paragraphs (b) through (f), respectively, and a new paragraph (a) is added to that subsection, to read:

489.518 Alarm system agents.—

(2) (a) A person who performs only sales or installations of wireless alarm systems, other than fire alarm systems, in a single-family residence is not required to complete the initial training required for burglar alarm system agents.

Section 41. This act shall take effect July 1, 2016.