Committee/Subcommittee hearing bill: Commerce Committee
Representative Beshears offered the following:

Amendment (with title amendment)
Remove lines 1879-2045 and insert:

(2) "Business organization" means any partnership, limited liability company, corporation, or individual operating under a fictitious name.

(4)(2) "Department" means the Department of Business and Professional Regulation.

(8)(3) "Registered landscape architect" means a person who holds a license to practice landscape architecture in this state under the authority of this act.

(3)(4) "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 the practice of landscape architecture.

(5) "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.
(6) "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 projects. Construction documents, details, and specifications for tangible objects and irrigation systems shall be designed or approved by licensed professionals as required by law.

(7) "Qualifying agent" means an owner, officer, or director of the corporation, or partner of the partnership, who is responsible for the supervision, direction, and management of projects of the business organization with which she or he is affiliated and for ensuring that responsible supervising control is being exercised.

Section 78. 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 79. 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-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 80. 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 has applied to be the qualifying agent for the business organization; 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 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 corporation must 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 partnership must file with the department the names and addresses of all partners of the partnership, including the partner or partners duly
115 registered to practice landscape architecture in this state and, 116 also, of an individual or individuals duly registered to 117 practice landscape architecture in this state who shall be in 118 responsible charge of the practice of landscape architecture by 119 said partnership in this state.

(4) Each landscape architect qualifying a partnership or 120 and corporation licensed under this part must notify the 121 department within 1 month after any change in the information 122 contained in the application upon which the license is based. 123 Any landscape architect who terminates her or his employment with a partnership or corporation licensed under this 124 part shall notify the department of the termination within 1 125 month after such termination.

(5) Disciplinary action against a corporation or 128 partnership shall be administered in the same manner and on the 129 same grounds as disciplinary action against a registered 130 landscape architect.

(5)(6) Except as provided in s. 558.0035, the fact that a 133 registered landscape architect practices landscape architecture 134 through a corporation or partnership as provided in this section 135 does not relieve the landscape architect from personal liability 136 for her or his professional acts.

Section 81. Subsection (5) of section 481.321, Florida 138 Statutes, is amended to read:

481.321 Seals; display of certificate number.—

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

Section 82. 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(6), 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 Florida-registered 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 83. Paragraph (h) of subsection (2) of section 287.055, Florida Statutes, is amended to read:

287.055  Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.—

(2) DEFINITIONS.—For purposes of this section:

(h) A "design-build firm" means a partnership, corporation, or other legal entity that:

1. Is certified under s. 489.119 to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; or

2. Is certified under s. 471.023 to practice or to offer to practice engineering; qualified certified under s. 481.219 to practice or to offer to practice architecture; or qualified certified under s. 481.319 to practice or to offer to practice landscape architecture.

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TITLE AMENDMENT

Remove line 132 and insert:
authorization" and adding definitions for "business organization" and "qualifying agent"; amending ss. 481.311 and 481.317,