

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 Board
4 of Architecture and Interior Design, to conform; deleting
5 provisions establishing the Florida Board of Auctioneers;
6 repealing chapter 326, F.S., relating to the Yacht and
7 Ship Brokers' Act and the licensure of yacht and ship
8 brokers and salespersons; amending ss. 212.06 and 213.053,
9 F.S., to conform; repealing part VI of chapter 468, F.S.,
10 relating to the licensure of auctioneers, apprentices, and
11 auction businesses, the Florida Board of Auctioneers, the
12 Auctioneer Recovery Fund, and the conduct of auctions;
13 amending s. 538.03, F.S., to conform; repealing part VII
14 of chapter 468, F.S., relating to the licensure and
15 regulation of talent agencies; repealing part IX of
16 chapter 468, F.S., relating to the licensure and
17 regulation of athlete agents; amending s. 477.0132, F.S.;
18 deleting provisions requiring the registration of persons
19 whose occupation or practice is confined solely to hair
20 braiding, hair wrapping, or body wrapping; providing that
21 the Florida Cosmetology Act does not apply to such
22 persons; amending ss. 477.019, 477.026, 477.0265, and
23 477.029, F.S., to conform; repealing ss. 481.2131 and
24 481.2251, F.S., relating to the practice of interior
25 design by registered interior designers and disciplinary
26 proceedings against registered interior designers;
27 deleting provisions relating to the registration of
28 interior designers and the regulation of interior design;

29 | amending s. 481.201, F.S.; deleting legislative findings
30 | relating to the practice of interior design, to conform;
31 | amending s. 481.203, F.S.; revising definitions relating
32 | to the practice of architecture and deleting definitions
33 | relating to the practice of interior design; specifying
34 | that the practice of architecture includes interior
35 | design; amending s. 481.205, F.S.; renaming the Board of
36 | Architecture and Interior Design, to conform; revising
37 | membership of the board; conforming provisions; amending
38 | ss. 481.207, 481.209, 481.211, 481.213, 481.215, and
39 | 481.217, F.S., to conform; amending s. 481.219, F.S.;
40 | deleting provisions permitting the practice of or offer to
41 | practice interior design through certain business
42 | organizations; deleting provisions requiring certificates
43 | of authorization for certain business organizations
44 | offering interior design services to the public;
45 | conforming provisions; amending ss. 481.221, 481.222,
46 | 481.223, 481.229, 481.231, and 553.79, F.S., to conform;
47 | amending s. 558.002, F.S.; revising the definition of
48 | "design professional" for purposes of provisions relating
49 | to alternative dispute resolution of construction defects,
50 | to conform; repealing chapter 496, F.S., relating to the
51 | registration of professional fundraising consultants and
52 | professional solicitors and the regulation of solicitation
53 | of charitable contributions and charitable sales
54 | promotions; amending ss. 110.181, 316.2045, 320.023,
55 | 322.081, 413.033, 550.0351, 550.1647, 741.0305, 775.0861,
56 | 790.166, 843.16, and 849.0935, F.S., to conform; repealing

57 s. 500.459, F.S., relating to the regulation of water
58 vending machines and the permitting of water vending
59 machine operators; amending s. 500.511, F.S.; deleting
60 provisions for the deposit of operator permitting fees,
61 the enforcement of the state's water vending machine
62 regulations, penalties, and the preemption of county and
63 municipal water vending machine regulations, to conform;
64 repealing ss. 501.012-501.019, F.S., relating to the
65 registration of health studios and the regulation of
66 health studio services; amending s. 501.165, F.S., to
67 conform; repealing s. 501.143, F.S., relating to the Dance
68 Studio Act, the registration of ballroom dance studios,
69 and the regulation of dance studio lessons and services;
70 repealing s. 205.1969, F.S., relating to the issuance by
71 counties and municipalities of business tax receipts to
72 health studios and ballroom dance studios, to conform;
73 repealing part IV of chapter 501, F.S., relating to the
74 Florida Telemarketing Act, the licensure of commercial
75 telephone sellers and salespersons, and the regulation of
76 commercial telephone solicitation; repealing s. 205.1973,
77 F.S., relating to the issuance by counties and
78 municipalities of business tax receipts to telemarketing
79 businesses, to conform; amending ss. 501.165, 648.44,
80 772.102, and 895.02, F.S., to conform; repealing chapter
81 507, F.S., relating to the registration of movers and
82 moving brokers and the regulation of household moving
83 services; repealing s. 205.1975, F.S., relating to the
84 issuance by counties and municipalities of business tax

85 receipts to movers and moving brokers, to conform;
86 amending s. 509.242, F.S.; revising the license
87 classifications of public lodging establishments for
88 purposes of provisions regulating such establishments;
89 amending s. 509.221, F.S.; conforming a cross-reference;
90 repealing chapter 555, F.S., relating to the regulation of
91 outdoor theaters in which audiences view performances from
92 parked vehicles; repealing part VIII of chapter 559, F.S.,
93 relating to the Sale of Business Opportunities Act and the
94 regulation of certain business opportunities; repealing
95 part IX of chapter 559, F.S., relating to the registration
96 of motor vehicle repair shops, the Motor Vehicle Repair
97 Advisory Council, and the regulation of motor vehicle
98 repair; amending ss. 320.27, 445.025, and 713.585, F.S.,
99 to conform; repealing part XI of chapter 559, F.S.,
100 relating to the Florida Sellers of Travel Act, the
101 registration of sellers of travel, certification of
102 certain business activities, and the regulation of
103 prearranged travel, tourist-related services, tour-guide
104 services, and vacation certificates; repealing s.
105 205.1971, F.S., relating to the issuance by counties and
106 municipalities of business tax receipts to sellers of
107 travel, to conform; amending ss. 501.604, 501.608,
108 636.044, and 721.11, F.S., to conform; repealing s.
109 686.201, F.S., relating to contracts with sales
110 representatives involving commissions; repealing s.
111 817.559, F.S., relating to the labeling of television
112 picture tubes; providing an effective date.

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

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 within the Division of Professions:

1. Board of Architecture ~~and Interior Design~~, created under part I of chapter 481.

~~2. Florida Board of Auctioneers, created under part VI of chapter 468.~~

2.3. Barbers' Board, created under chapter 476.

3.4. Florida Building Code Administrators and Inspectors Board, created under part XII of chapter 468.

4.5. Construction Industry Licensing Board, created under part I of chapter 489.

5.6. Board of Cosmetology, created under chapter 477.

6.7. Electrical Contractors' Licensing Board, created under part II of chapter 489.

7.8. Board of Employee Leasing Companies, created under part XI of chapter 468.

8.9. Board of Landscape Architecture, created under part II of chapter 481.

9.10. Board of Pilot Commissioners, created under chapter 310.

141 ~~10.11.~~ Board of Professional Engineers, created under
 142 chapter 471.

143 ~~11.12.~~ Board of Professional Geologists, created under
 144 chapter 492.

145 ~~12.13.~~ Board of Veterinary Medicine, created under chapter
 146 474.

147 ~~13.14.~~ Home inspection services licensing program, created
 148 under part XV of chapter 468.

149 ~~14.15.~~ Mold-related services licensing program, created
 150 under part XVI of chapter 468.

151 Section 2. Chapter 326, Florida Statutes, consisting of
 152 sections 326.001, 326.002, 326.003, 326.004, 326.005, and
 153 326.006, is repealed.

154 Section 3. Paragraph (e) of subsection (1) of section
 155 212.06, Florida Statutes, is amended to read:

156 212.06 Sales, storage, use tax; collectible from dealers;
 157 "dealer" defined; dealers to collect from purchasers;
 158 legislative intent as to scope of tax.—

159 (1)

160 (e)1. Notwithstanding any other provision of this chapter,
 161 tax shall not be imposed on any vessel registered under s.
 162 328.52 by a vessel dealer or vessel manufacturer with respect to
 163 a vessel used solely for demonstration, sales promotional, or
 164 testing purposes. The term "promotional purposes" shall include,
 165 but not be limited to, participation in fishing tournaments. For
 166 the purposes of this paragraph, "promotional purposes" means the
 167 entry of the vessel in a marine-related event where prospective
 168 purchasers would be in attendance, where the vessel is entered

169 in the name of the dealer or manufacturer, and where the vessel
 170 is clearly marked as for sale, on which vessel the name of the
 171 dealer or manufacturer is clearly displayed, and which vessel
 172 has never been transferred into the dealer's or manufacturer's
 173 accounting books from an inventory item to a capital asset for
 174 depreciation purposes.

175 2. The provisions of this paragraph do not apply to any
 176 vessel when used for transporting persons or goods for
 177 compensation; when offered, let, or rented to another for
 178 consideration; when offered for rent or hire as a means of
 179 transportation for compensation; or when offered or used to
 180 provide transportation for persons solicited through personal
 181 contact or through advertisement on a "share expense" basis.

182 3. Notwithstanding any other provision of this chapter,
 183 tax may not be imposed on any vessel imported into this state
 184 for the sole purpose of being offered for sale at retail by a
 185 yacht broker or yacht dealer ~~registered in this state~~ if the
 186 vessel remains under the care, custody, and control of the
 187 ~~registered~~ broker or dealer and the owner of the vessel does not
 188 make personal use of the vessel during that time. The provisions
 189 of this chapter govern the taxability of any sale or use of the
 190 vessel subsequent to its importation under this provision.

191 Section 4. Paragraph (i) of subsection (8) of section
 192 213.053, Florida Statutes, is amended to read:

193 213.053 Confidentiality and information sharing.—

194 (8) Notwithstanding any other provision of this section,
 195 the department may provide:

196 (i) Information relative to chapter ~~chapters~~ 212 and

197 former chapter 326 to the Division of Florida Condominiums,
 198 Timeshares, and Mobile Homes of the Department of Business and
 199 Professional Regulation in the conduct of its official duties.

200
 201 Disclosure of information under this subsection shall be
 202 pursuant to a written agreement between the executive director
 203 and the agency. Such agencies, governmental or nongovernmental,
 204 shall be bound by the same requirements of confidentiality as
 205 the Department of Revenue. Breach of confidentiality is a
 206 misdemeanor of the first degree, punishable as provided by s.
 207 775.082 or s. 775.083.

208 Section 5. Part VI of chapter 468, Florida Statutes,
 209 consisting of sections 468.381, 468.382, 468.383, 468.384,
 210 468.385, 468.3851, 468.3852, 468.3855, 468.386, 468.387,
 211 468.388, 468.389, 468.391, 468.392, 468.393, 468.394, 468.395,
 212 468.396, 468.397, 468.398, and 468.399, is repealed.

213 Section 6. Paragraphs (m) through (q) of subsection (2) of
 214 section 538.03, Florida Statutes, are redesignated as paragraphs
 215 (l) through (p), respectively, and present paragraph (l) of that
 216 subsection is amended to read:

217 538.03 Definitions; applicability.—

218 (2) This chapter does not apply to:

219 ~~(1) Any auction business as defined in s. 468.382(1).~~

220 Section 7. Part VII of chapter 468, Florida Statutes,
 221 consisting of sections 468.401, 468.402, 468.403, 468.404,
 222 468.405, 468.406, 468.407, 468.408, 468.409, 468.410, 468.411,
 223 468.412, 468.413, 468.414, and 468.415, is repealed.

224 Section 8. Part IX of chapter 468, Florida Statutes,
 225 consisting of sections 468.451, 468.452, 468.453, 468.4535,
 226 468.4536, 468.454, 468.456, 468.4561, 468.45615, 468.4562,
 227 468.4565, and 468.457, is repealed.

228 Section 9. Section 477.0132, Florida Statutes, is amended
 229 to read:

230 (Substantial rewording of section. See
 231 s. 477.0132, F.S., for present text.)

232 477.0132 Hair braiding, hair wrapping, and body wrapping;
 233 application of chapter.—This chapter does not apply to a person
 234 whose occupation or practice is confined solely to hair
 235 braiding, hair wrapping, or body wrapping.

236 Section 10. Subsection (7) of section 477.019, Florida
 237 Statutes, is amended to read:

238 477.019 Cosmetologists; qualifications; licensure;
 239 supervised practice; license renewal; endorsement; continuing
 240 education.—

241 (7) (a) The board shall prescribe by rule continuing
 242 education requirements intended to ensure protection of the
 243 public through updated training of licensees and registered
 244 specialists, not to exceed 16 hours biennially, as a condition
 245 for renewal of a license or registration as a specialist under
 246 this chapter. Continuing education courses shall include, but
 247 not be limited to, the following subjects as they relate to the
 248 practice of cosmetology: human immunodeficiency virus and
 249 acquired immune deficiency syndrome; Occupational Safety and
 250 Health Administration regulations; workers' compensation issues;
 251 state and federal laws and rules as they pertain to

252 cosmetologists, cosmetology, salons, specialists, specialty
 253 salons, and booth renters; chemical makeup as it pertains to
 254 hair, skin, and nails; and environmental issues. Courses given
 255 at cosmetology conferences may be counted toward the number of
 256 continuing education hours required if approved by the board.

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

261 (b)(e) The board may, by rule, require any licensee in
 262 violation of a continuing education requirement to take a
 263 refresher course or refresher course and examination in addition
 264 to any other penalty. The number of hours for the refresher
 265 course may not exceed 48 hours.

266 Section 11. Paragraph (f) of subsection (1) of section
 267 477.026, Florida Statutes, is amended to read:

268 477.026 Fees; disposition.—

269 (1) The board shall set fees according to the following
 270 schedule:

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

273 Section 12. Paragraph (g) of subsection (1) of section
 274 477.0265, Florida Statutes, is amended to read:

275 477.0265 Prohibited acts.—

276 (1) It is unlawful for any person to:

277 (g) Advertise or imply that skin care services ~~or body~~
 278 ~~wrapping~~, as performed under this chapter, have any relationship
 279 to the practice of massage therapy as defined in s. 480.033(3),

280 | except those practices or activities defined in s. 477.013.

281 | Section 13. Paragraphs (a) of subsection (1) of section
282 | 477.029, Florida Statutes, is amended to read:

283 | 477.029 Penalty.—

284 | (1) It is unlawful for any person to:

285 | (a) Hold himself or herself out as a cosmetologist or
286 | ~~specialist, hair wrapper, hair braider, or body wrapper~~ unless
287 | duly licensed, ~~or~~ registered, or otherwise authorized, as
288 | provided in this chapter.

289 | Section 14. Sections 481.2131 and 481.2251, Florida
290 | Statutes, are repealed.

291 | Section 15. Section 481.201, Florida Statutes, is amended
292 | to read:

293 | 481.201 Purpose.—The primary legislative purpose for
294 | enacting this part is to ensure that every architect practicing
295 | in this state meets minimum requirements for safe practice. It
296 | is the legislative intent that architects who fall below minimum
297 | competency or who otherwise present a danger to the public shall
298 | be prohibited from practicing in this state. ~~The Legislature~~
299 | ~~further finds that it is in the interest of the public to limit~~
300 | ~~the practice of interior design to interior designers or~~
301 | ~~architects who have the design education and training required~~
302 | ~~by this part or to persons who are exempted from the provisions~~
303 | ~~of this part.~~

304 | Section 16. Section 481.203, Florida Statutes, is amended
305 | to read:

306 | 481.203 Definitions.—As used in this part, the term:

307 | (1)~~(3)~~ "Architect" or "registered architect" means a

308 natural person who is licensed under this part to engage in the
309 practice of architecture.

310 (2)~~(6)~~ "Architecture" means the rendering or offering to
311 render services in connection with the design and construction
312 of a structure or group of structures which have as their
313 principal purpose human habitation or use, ~~and~~ the utilization
314 of space within and surrounding such structures. These services
315 include planning, providing preliminary study designs, drawings
316 and specifications, job-site inspection, and administration of
317 construction contracts.

318 (3)~~(1)~~ "Board" means the Board of Architecture ~~and~~
319 Interior Design.

320 (4)~~(5)~~ "Certificate of authorization" means a certificate
321 issued by the department to a corporation or partnership to
322 practice architecture ~~or interior design~~.

323 (5)~~(4)~~ "Certificate of registration" means a license
324 issued by the department to a natural person to engage in the
325 practice of architecture ~~or interior design~~.

326 (6)~~(2)~~ "Department" means the Department of Business and
327 Professional Regulation.

328 (7)~~(15)~~ "Interior decorator services" includes the
329 selection or assistance in selection of surface materials,
330 window treatments, wallcoverings, paint, floor coverings,
331 surface-mounted lighting, surface-mounted fixtures, and loose
332 furnishings not subject to regulation under applicable building
333 codes.

334 ~~(8)~~ "Interior design" means ~~designs, consultations,~~
335 ~~studies, drawings, specifications, and administration of design~~

336 ~~construction contracts relating to nonstructural interior~~
337 ~~elements of a building or structure. "Interior design" includes,~~
338 ~~but is not limited to, reflected ceiling plans, space planning,~~
339 ~~furnishings, and the fabrication of nonstructural elements~~
340 ~~within and surrounding interior spaces of buildings. "Interior~~
341 ~~design" specifically excludes the design of or the~~
342 ~~responsibility for architectural and engineering work, except~~
343 ~~for specification of fixtures and their location within interior~~
344 ~~spaces. As used in this subsection, "architectural and~~
345 ~~engineering interior construction relating to the building~~
346 ~~systems" includes, but is not limited to, construction of~~
347 ~~structural, mechanical, plumbing, heating, air conditioning,~~
348 ~~ventilating, electrical, or vertical transportation systems, or~~
349 ~~construction which materially affects lifesafety systems~~
350 ~~pertaining to firesafety protection such as fire-rated~~
351 ~~separations between interior spaces, fire-rated vertical shafts~~
352 ~~in multistory structures, fire-rated protection of structural~~
353 ~~elements, smoke evacuation and compartmentalization, emergency~~
354 ~~ingress or egress systems, and emergency alarm systems.~~

355 ~~(9) "Registered interior designer" or "interior designer"~~
356 ~~means a natural person who is licensed under this part.~~

357 ~~(10) "Nonstructural element" means an element which does~~
358 ~~not require structural bracing and which is something other than~~
359 ~~a load-bearing wall, load-bearing column, or other load-bearing~~
360 ~~element of a building or structure which is essential to the~~
361 ~~structural integrity of the building.~~

362 ~~(11) "Reflected ceiling plan" means a ceiling design plan~~
363 ~~which is laid out as if it were projected downward and which may~~

364 ~~include lighting and other elements.~~

365 ~~(12) "Space planning" means the analysis, programming, or~~
 366 ~~design of spatial requirements, including preliminary space~~
 367 ~~layouts and final planning.~~

368 ~~(13) "Common area" means an area that is held out for use~~
 369 ~~by all tenants or owners in a multiple unit dwelling, including,~~
 370 ~~but not limited to, a lobby, elevator, hallway, laundry room,~~
 371 ~~clubhouse, or swimming pool.~~

372 ~~(14) "Diversified interior design experience" means~~
 373 ~~experience which substantially encompasses the various elements~~
 374 ~~of interior design services set forth under the definition of~~
 375 ~~"interior design" in subsection (8).~~

376 (8)~~(16)~~ "Responsible supervising control" means the
 377 exercise of direct personal supervision and control throughout
 378 the preparation of documents, instruments of service, or any
 379 other work requiring the seal and signature of a licensee under
 380 this part.

381 (9)~~(12)~~ "Space planning" means the analysis, programming,
 382 or design of spatial requirements, including preliminary space
 383 layouts and final planning.

384 (10)~~(7)~~ "Townhouse" is a single-family dwelling unit not
 385 exceeding three stories in height which is constructed in a
 386 series or group of attached units with property lines separating
 387 such units. Each townhouse shall be considered a separate
 388 building and shall be separated from adjoining townhouses by the
 389 use of separate exterior walls meeting the requirements for zero
 390 clearance from property lines as required by the type of
 391 construction and fire protection requirements; or shall be

CS/HB 5005

2011

392 separated by a party wall; or may be separated by a single wall
 393 meeting the following requirements:

394 (a) Such wall shall provide not less than 2 hours of fire
 395 resistance. Plumbing, piping, ducts, or electrical or other
 396 building services shall not be installed within or through the
 397 2-hour wall unless such materials and methods of penetration
 398 have been tested in accordance with the Standard Building Code.

399 (b) Such wall shall extend from the foundation to the
 400 underside of the roof sheathing, and the underside of the roof
 401 shall have at least 1 hour of fire resistance for a width not
 402 less than 4 feet on each side of the wall.

403 (c) Each dwelling unit sharing such wall shall be designed
 404 and constructed to maintain its structural integrity independent
 405 of the unit on the opposite side of the wall.

406 Section 17. Subsection (1) and paragraph (a) of subsection
 407 (3) of section 481.205, Florida Statutes, are amended to read:

408 481.205 Board of Architecture ~~and Interior Design.~~

409 (1) The Board of Architecture ~~and Interior Design~~ is
 410 created within the Department of Business and Professional
 411 Regulation. The board shall consist of seven ~~11~~ members. Five
 412 members must be registered architects who have been engaged in
 413 the practice of architecture for at least 5 years; ~~three members~~
 414 ~~must be registered interior designers who have been offering~~
 415 ~~interior design services for at least 5 years and who are not~~
 416 ~~also registered architects;~~ and two ~~three~~ members must be
 417 laypersons who are not, and have never been, architects,
 418 ~~interior designers,~~ or members of any closely related profession
 419 or occupation. At least one member of the board must be 60 years

420 of age or older.

421 (3) (a) Notwithstanding the provisions of ss. 455.225,
 422 455.228, and 455.32, the duties and authority of the department
 423 to receive complaints and investigate and discipline persons
 424 licensed under this part, including the ability to determine
 425 legal sufficiency and probable cause; to initiate proceedings
 426 and issue final orders for summary suspension or restriction of
 427 a license pursuant to s. 120.60(6); to issue notices of
 428 noncompliance, notices to cease and desist, subpoenas, and
 429 citations; to retain legal counsel, investigators, or
 430 prosecutorial staff in connection with the licensed practice of
 431 architecture ~~and interior design~~; and to investigate and deter
 432 the unlicensed practice of architecture ~~and interior design~~ as
 433 provided in s. 455.228 are delegated to the board. All
 434 complaints and any information obtained pursuant to an
 435 investigation authorized by the board are confidential and
 436 exempt from s. 119.07(1) as provided in s. 455.225(2) and (10).

437 Section 18. Section 481.207, Florida Statutes, is amended
 438 to read:

439 481.207 Fees.—The board, by rule, may establish separate
 440 fees for architects ~~and interior designers~~, to be paid for
 441 applications, examination, reexamination, licensing and renewal,
 442 delinquency, reinstatement, and recordmaking and recordkeeping.
 443 The examination fee shall be in an amount that covers the cost
 444 of obtaining and administering the examination and shall be
 445 refunded if the applicant is found ineligible to sit for the
 446 examination. The application fee is nonrefundable. The fee for
 447 initial application and examination for architects ~~and interior~~

448 ~~designers~~ may not exceed \$775 plus the actual per applicant cost
 449 to the department for purchase of the examination from the
 450 National Council of Architectural Registration Boards ~~or the~~
 451 ~~National Council of Interior Design Qualifications,~~
 452 ~~respectively,~~ or similar national organizations. The biennial
 453 renewal fee for architects may not exceed \$200. ~~The biennial~~
 454 ~~renewal fee for interior designers may not exceed \$500.~~ The
 455 delinquency fee may not exceed the biennial renewal fee
 456 established by the board for an active license. The board shall
 457 establish fees that are adequate to ensure the continued
 458 operation of the board and to fund the proportionate expenses
 459 incurred by the department which are allocated to the regulation
 460 of architects ~~and interior designers~~. Fees shall be based on
 461 department estimates of the revenue required to implement this
 462 part and the provisions of law with respect to the regulation of
 463 architects ~~and interior designers~~.

464 Section 19. Section 481.209, Florida Statutes, is amended
 465 to read:

466 481.209 Examinations.—

467 ~~(1)~~ A person desiring to be licensed as a registered
 468 architect shall apply to the department to take the licensure
 469 examination. The department shall administer the licensure
 470 examination for architects to each applicant who the board
 471 certifies:

472 (1) ~~(a)~~ Has completed the application form and remitted a
 473 nonrefundable application fee and an examination fee which is
 474 refundable if the applicant is found to be ineligible to take
 475 the examination;

476 (2) (a) ~~(b) 1.~~ Is a graduate of a school or college of
 477 architecture accredited by the National Architectural
 478 Accreditation Board; or

479 (b) 2. Is a graduate of an approved architectural
 480 curriculum, evidenced by a degree from an unaccredited school or
 481 college of architecture approved by the board. The board shall
 482 adopt rules providing for the review and approval of
 483 unaccredited schools and colleges of architecture and courses of
 484 architectural study based on a review and inspection by the
 485 board of the curriculum of accredited schools and colleges of
 486 architecture in the United States; and

487 (3) (e) Has completed, prior to examination, 1 year of the
 488 internship experience required by s. 481.211(1).

489 ~~(2) A person desiring to be licensed as a registered
 490 interior designer shall apply to the department for licensure.
 491 The department shall administer the licensure examination for
 492 interior designers to each applicant who has completed the
 493 application form and remitted the application and examination
 494 fees specified in s. 481.207 and who the board certifies:~~

495 ~~(a) Is a graduate from an interior design program of 5
 496 years or more and has completed 1 year of diversified interior
 497 design experience;~~

498 ~~(b) Is a graduate from an interior design program of 4
 499 years or more and has completed 2 years of diversified interior
 500 design experience;~~

501 ~~(c) Has completed at least 3 years in an interior design
 502 curriculum and has completed 3 years of diversified interior
 503 design experience; or~~

504 ~~(d) Is a graduate from an interior design program of at~~
505 ~~least 2 years and has completed 4 years of diversified interior~~
506 ~~design experience.~~

507
508 ~~Subsequent to October 1, 2000, for the purpose of having the~~
509 ~~educational qualification required under this subsection~~
510 ~~accepted by the board, the applicant must complete his or her~~
511 ~~education at a program, school, or college of interior design~~
512 ~~whose curriculum has been approved by the board as of the time~~
513 ~~of completion. Subsequent to October 1, 2003, all of the~~
514 ~~required amount of educational credits shall have been obtained~~
515 ~~in a program, school, or college of interior design whose~~
516 ~~curriculum has been approved by the board, as of the time each~~
517 ~~educational credit is gained. The board shall adopt rules~~
518 ~~providing for the review and approval of programs, schools, and~~
519 ~~colleges of interior design and courses of interior design study~~
520 ~~based on a review and inspection by the board of the curriculum~~
521 ~~of programs, schools, and colleges of interior design in the~~
522 ~~United States, including those programs, schools, and colleges~~
523 ~~accredited by the Foundation for Interior Design Education~~
524 ~~Research. The board shall adopt rules providing for the review~~
525 ~~and approval of diversified interior design experience required~~
526 ~~by this subsection.~~

527 Section 20. Subsection (2) of section 481.211, Florida
528 Statutes, is amended to read:

529 481.211 Architecture internship required.-

530 (2) Each applicant for licensure shall complete 1 year of
531 the internship experience required by this section subsequent to

532 graduation from a school or college of architecture as defined
 533 in s. 481.209~~(1)~~.

534 Section 21. Subsections (1) through (4) of section
 535 481.213, Florida Statutes, are amended to read:

536 481.213 Licensure.—

537 (1) The department shall license any applicant who the
 538 board certifies is qualified for licensure and who has paid the
 539 initial licensure fee. ~~Licensure as an architect under this~~
 540 ~~section shall be deemed to include all the rights and privileges~~
 541 ~~of licensure as an interior designer under this section.~~

542 (2) The board shall certify for licensure by examination
 543 any applicant who passes the prescribed licensure examination
 544 and satisfies the requirements of ss. 481.209 and 481.211, for
 545 architects, ~~or the requirements of s. 481.209, for interior~~
 546 ~~designers.~~

547 (3) The board shall certify as qualified for a license by
 548 endorsement as an architect ~~or as an interior designer~~ an
 549 applicant who:

550 (a) Qualifies to take the prescribed licensure
 551 examination, and has passed the prescribed licensure examination
 552 or a substantially equivalent examination in another
 553 jurisdiction, as set forth in s. 481.209 for architects ~~or~~
 554 ~~interior designers, as applicable,~~ and has satisfied the
 555 internship requirements set forth in s. 481.211 for architects;

556 (b) Holds a valid license to practice architecture ~~or~~
 557 ~~interior design~~ issued by another jurisdiction of the United
 558 States, if the criteria for issuance of such license were
 559 substantially equivalent to the licensure criteria that existed

560 in this state at the time the license was issued; ~~provided,~~
 561 ~~however, that an applicant who has been licensed for use of the~~
 562 ~~title "interior design" rather than licensed to practice~~
 563 ~~interior design shall not qualify hereunder; or~~

564 (c) Has passed the prescribed licensure examination and
 565 holds a valid certificate issued by the National Council of
 566 Architectural Registration Boards, and holds a valid license to
 567 practice architecture issued by another state or jurisdiction of
 568 the United States. For the purposes of this paragraph, any
 569 applicant licensed in another state or jurisdiction after June
 570 30, 1984, must also hold a degree in architecture and such
 571 degree must be equivalent to that required in s.

572 481.209(2)(1)(b). Also for the purposes of this paragraph, any
 573 applicant licensed in another state or jurisdiction after June
 574 30, 1985, must have completed an internship equivalent to that
 575 required by s. 481.211 and any rules adopted with respect
 576 thereto.

577 (4) The board may refuse to certify any applicant who has
 578 violated any of the provisions of s. 481.223, or s. 481.225, ~~or~~
 579 ~~s. 481.2251~~, as applicable.

580 Section 22. Subsections (3) and (5) of section 481.215,
 581 Florida Statutes, are amended to read:

582 481.215 Renewal of license.—

583 (3) A ~~No~~ license renewal may not ~~shall~~ be issued to an
 584 architect ~~or an interior designer~~ by the department until the
 585 licensee submits proof satisfactory to the department that,
 586 during the 2 years before ~~prior to~~ application for renewal, the
 587 licensee participated per biennium in not less than 20 hours of

CS/HB 5005

2011

588 | at least 50 minutes each per biennium of continuing education
 589 | approved by the board. The board shall approve only continuing
 590 | education that builds upon the basic knowledge of architecture
 591 | ~~or interior design~~. The board may make exception from the
 592 | requirements of continuing education in emergency or hardship
 593 | cases.

594 | (5) The board shall require, by rule adopted pursuant to
 595 | ss. 120.536(1) and 120.54, a specified number of hours in
 596 | specialized or advanced courses, approved by the Florida
 597 | Building Commission, on any portion of the Florida Building
 598 | Code, adopted pursuant to part IV of chapter 553, relating to
 599 | the licensee's ~~respective~~ area of practice.

600 | Section 23. Subsection (1) of section 481.217, Florida
 601 | Statutes, is amended to read:

602 | 481.217 Inactive status.—

603 | (1) The board may prescribe by rule continuing education
 604 | requirements as a condition of reactivating a license. The
 605 | continuing education requirements for reactivating a license for
 606 | a registered architect may not exceed 12 contact hours for each
 607 | year the license was inactive. ~~The minimum continuing education~~
 608 | ~~requirement for reactivating a license for a registered interior~~
 609 | ~~designer shall be those of the most recent biennium plus one-~~
 610 | ~~half of the requirements in s. 481.215 for each year or part~~
 611 | ~~thereof during which the license was inactive. The board shall~~
 612 | ~~only approve continuing education that builds upon the basic~~
 613 | ~~knowledge of interior design.~~

614 | Section 24. Section 481.219, Florida Statutes, is amended
 615 | to read:

616 481.219 Certification of partnerships, limited liability
 617 companies, and corporations.—

618 (1) The practice of or the offer to practice architecture
 619 ~~or interior design~~ by licensees through a corporation, limited
 620 liability company, or partnership offering architectural ~~or~~
 621 ~~interior design~~ services to the public, or by a corporation,
 622 limited liability company, or partnership offering architectural
 623 ~~or interior design~~ services to the public through licensees
 624 under this part as agents, employees, officers, or partners, is
 625 permitted, subject to ~~the provisions of~~ this section.

626 (2) For the purposes of this section, a certificate of
 627 authorization is ~~shall be~~ required for a corporation, limited
 628 liability company, partnership, or person practicing under a
 629 fictitious name, offering architectural services to the public
 630 jointly or separately. However, when an individual is practicing
 631 architecture in her or his own name, she or he is ~~shall not be~~
 632 required to be certified under this section. ~~Certification under~~
 633 ~~this subsection to offer architectural services shall include~~
 634 ~~all the rights and privileges of certification under subsection~~
 635 ~~(3) to offer interior design services.~~

636 ~~(3) For the purposes of this section, a certificate of~~
 637 ~~authorization shall be required for a corporation, limited~~
 638 ~~liability company, partnership, or person operating under a~~
 639 ~~fictitious name, offering interior design services to the public~~
 640 ~~jointly or separately. However, when an individual is practicing~~
 641 ~~interior design in her or his own name, she or he shall not be~~
 642 ~~required to be certified under this section.~~

643 (3)-(4) All final construction documents and instruments of

CS/HB 5005

2011

644 service which include drawings, specifications, plans, reports,
 645 or other papers or documents involving the practice of
 646 architecture which are prepared or approved for the use of the
 647 corporation, limited liability company, or partnership and filed
 648 for public record within the state shall bear the signature and
 649 seal of the licensee who prepared or approved them and the date
 650 on which they were sealed.

651 ~~(5) All drawings, specifications, plans, reports, or other~~
 652 ~~papers or documents prepared or approved for the use of the~~
 653 ~~corporation, limited liability company, or partnership by an~~
 654 ~~interior designer in her or his professional capacity and filed~~
 655 ~~for public record within the state shall bear the signature and~~
 656 ~~seal of the licensee who prepared or approved them and the date~~
 657 ~~on which they were sealed.~~

658 (4)~~(6)~~ The department shall issue a certificate of
 659 authorization to any applicant who the board certifies as
 660 qualified for a certificate of authorization and who has paid
 661 the fee set in s. 481.207.

662 (5)~~(7)~~ The board shall certify an applicant as qualified
 663 for a certificate of authorization to offer architectural ~~or~~
 664 ~~interior design~~ services, provided that:

665 ~~(a)~~ one or more of the principal officers of the
 666 corporation or limited liability company, or one or more
 667 partners of the partnership, and all personnel of the
 668 corporation, limited liability company, or partnership who act
 669 in its behalf in this state as architects, are registered as
 670 provided by this part; ~~or~~

671 ~~(b) One or more of the principal officers of the~~

672 ~~corporation or one or more partners of the partnership, and all~~
 673 ~~personnel of the corporation, limited liability company, or~~
 674 ~~partnership who act in its behalf in this state as interior~~
 675 ~~designers, are registered as provided by this part.~~

676 (6)~~(8)~~ The department shall adopt rules establishing a
 677 procedure for the biennial renewal of certificates of
 678 authorization.

679 (7)~~(9)~~ The department shall renew a certificate of
 680 authorization upon receipt of the renewal application and
 681 biennial renewal fee.

682 (8)~~(10)~~ Each partnership, limited liability company, and
 683 corporation certified under this section shall notify the
 684 department within 30 days of any change in the information
 685 contained in the application upon which the certification is
 686 based. Any registered architect ~~or interior designer~~ who
 687 qualifies the corporation, limited liability company, or
 688 partnership as provided in subsection (6) ~~(7)~~ shall be
 689 responsible for ensuring responsible supervising control of
 690 projects of the entity and upon termination of her or his
 691 employment with a partnership, limited liability company, or
 692 corporation certified under this section shall notify the
 693 department of the termination within 30 days.

694 (9)~~(11)~~ A ~~Ne~~ corporation, limited liability company, or
 695 partnership may not ~~shall~~ be relieved of responsibility for the
 696 conduct or acts of its agents, employees, or officers by reason
 697 of its compliance with this section. However, the architect who
 698 signs and seals the construction documents and instruments of
 699 service is ~~shall be~~ liable for the professional services

CS/HB 5005

2011

700 performed, and the interior designer who signs and seals the
 701 interior design drawings, plans, or specifications shall be
 702 liable for the professional services performed.

703 (10)~~(12)~~ Disciplinary action against a corporation,
 704 limited liability company, or partnership shall be administered
 705 in the same manner and on the same grounds as disciplinary
 706 action against a registered architect ~~or interior designer,~~
 707 ~~respectively.~~

708 (11)~~(13)~~ Nothing in This section does not shall be
 709 ~~construed to~~ mean that a certificate of registration to practice
 710 architecture ~~or interior design~~ shall be held by a corporation,
 711 limited liability company, or partnership. ~~Nothing in This~~
 712 section does not prohibit ~~prohibits~~ corporations, limited
 713 liability companies, and partnerships from joining together to
 714 offer architectural, engineering, ~~interior design,~~ surveying and
 715 mapping, and landscape architectural services, or any
 716 combination of such services, to the public, provided that each
 717 corporation, limited liability company, or partnership otherwise
 718 meets the requirements of law.

719 ~~(14) Corporations, limited liability companies, or~~
 720 ~~partnerships holding a valid certificate of authorization to~~
 721 ~~practice architecture shall be permitted to use in their title~~
 722 ~~the term "interior designer" or "registered interior designer."~~

723 Section 25. Section 481.221, Florida Statutes, is amended
 724 to read:

725 481.221 Seals; display of certificate number.—

726 (1) The board shall prescribe, by rule, one or more forms
 727 of seals to be used by registered architects holding valid

728 certificates of registration.

729 (2) Each registered architect shall obtain one seal in a
 730 form approved by rule of the board and may, in addition,
 731 register her or his seal electronically in accordance with ss.
 732 668.001-668.006. All final construction documents and
 733 instruments of service which include drawings, plans,
 734 specifications, or reports prepared or issued by the registered
 735 architect and being filed for public record shall bear the
 736 signature and seal of the registered architect who prepared or
 737 approved the document and the date on which they were sealed.
 738 The signature, date, and seal shall be evidence of the
 739 authenticity of that to which they are affixed. Final plans,
 740 specifications, or reports prepared or issued by a registered
 741 architect may be transmitted electronically and may be signed by
 742 the registered architect, dated, and sealed electronically with
 743 the seal in accordance with ss. 668.001-668.006.

744 ~~(3) The board shall adopt a rule prescribing the~~
 745 ~~distinctly different seals to be used by registered interior~~
 746 ~~designers holding valid certificates of registration. Each~~
 747 ~~registered interior designer shall obtain a seal as prescribed~~
 748 ~~by the board, and all drawings, plans, specifications, or~~
 749 ~~reports prepared or issued by the registered interior designer~~
 750 ~~and being filed for public record shall bear the signature and~~
 751 ~~seal of the registered interior designer who prepared or~~
 752 ~~approved the document and the date on which they were sealed.~~
 753 ~~The signature, date, and seal shall be evidence of the~~
 754 ~~authenticity of that to which they are affixed. Final plans,~~
 755 ~~specifications, or reports prepared or issued by a registered~~

756 ~~interior designer may be transmitted electronically and may be~~
 757 ~~signed by the registered interior designer, dated, and sealed~~
 758 ~~electronically with the seal in accordance with ss. 668.001-~~
 759 ~~668.006.~~

760 (3)~~(4)~~ No registered architect shall affix, or permit to
 761 be affixed, her or his seal or signature to any final
 762 construction document or instrument of service which includes
 763 any plan, specification, drawing, or other document which
 764 depicts work which she or he is not competent to perform.

765 ~~(5) No registered interior designer shall affix, or permit~~
 766 ~~to be affixed, her or his seal or signature to any plan,~~
 767 ~~specification, drawing, or other document which depicts work~~
 768 ~~which she or he is not competent or licensed to perform.~~

769 ~~(7) No registered interior designer shall affix her or his~~
 770 ~~signature or seal to any plans, specifications, or other~~
 771 ~~documents which were not prepared by her or him or under her or~~
 772 ~~his responsible supervising control or by another registered~~
 773 ~~interior designer and reviewed, approved, or modified and~~
 774 ~~adopted by her or him as her or his own work according to rules~~
 775 ~~adopted by the board.~~

776 ~~(9) Studies, drawings, specifications, and other related~~
 777 ~~documents prepared by a registered interior designer in~~
 778 ~~providing interior design services shall be of a sufficiently~~
 779 ~~high standard to clearly and accurately indicate all essential~~
 780 ~~parts of the work to which they refer.~~

781 (4)~~(10)~~ Each registered architect and each ~~or interior~~
 782 ~~designer, and each~~ corporation, limited liability company, or
 783 partnership holding a certificate of authorization, shall

784 include its certificate number in any newspaper, telephone
785 directory, or other advertising medium used by the registered
786 architect, ~~interior designer~~, corporation, limited liability
787 company, or partnership. A corporation, limited liability
788 company, or partnership is not required to display the
789 certificate number of individual registered architects ~~or~~
790 ~~interior designers~~ employed by or working within the
791 corporation, limited liability company, or partnership.

792 (5) ~~(11)~~ When the certificate of registration of a
793 registered architect ~~or interior designer~~ has been revoked or
794 suspended by the board, the registered architect ~~or interior~~
795 ~~designer~~ shall surrender her or his seal to the secretary of the
796 board within a period of 30 days after the revocation or
797 suspension has become effective. If the certificate of the
798 registered architect ~~or interior designer~~ has been suspended for
799 a period of time, her or his seal shall be returned to her or
800 him upon expiration of the suspension period.

801 (6) ~~(12)~~ A person may not sign and seal by any means any
802 final plan, specification, or report after her or his
803 certificate of registration has expired or is suspended or
804 revoked. A registered architect ~~or interior designer~~ whose
805 certificate of registration is suspended or revoked shall,
806 within 30 days after the effective date of the suspension or
807 revocation, surrender her or his seal to the executive director
808 of the board and confirm in writing to the executive director
809 the cancellation of the registered architect's ~~or interior~~
810 ~~designer's~~ electronic signature in accordance with ss. 668.001-
811 668.006. When a registered architect's ~~or interior designer's~~

CS/HB 5005

2011

812 certificate of registration is suspended for a period of time,
 813 her or his seal shall be returned upon expiration of the period
 814 of suspension.

815 Section 26. Section 481.222, Florida Statutes, is amended
 816 to read:

817 481.222 Architects performing building code inspection
 818 services.—Notwithstanding any other provision of law, a person
 819 who is currently licensed to practice as an architect under this
 820 part may provide building code inspection services described in
 821 s. 468.603(6) and (7) to a local government or state agency upon
 822 its request, without being certified by the Florida Building
 823 Code Administrators and Inspectors Board under part XII of
 824 chapter 468. With respect to the performance of such building
 825 code inspection services, the architect is subject to the
 826 disciplinary guidelines of this part and s. 468.621(1)(c)-(h).
 827 Any complaint processing, investigation, and discipline that
 828 arise out of an architect's performance of building code
 829 inspection services shall be conducted by the Board of
 830 Architecture ~~and Interior Design~~ rather than the Florida
 831 Building Code Administrators and Inspectors Board. An architect
 832 may not perform plans review as an employee of a local
 833 government upon any job that the architect or the architect's
 834 company designed.

835 Section 27. Section 481.223, Florida Statutes, is amended
 836 to read:

837 481.223 Prohibitions; penalties; injunctive relief.—

838 (1) A person may not knowingly:

839 (a) Practice architecture unless the person is an

CS/HB 5005

2011

840 architect or a registered architect; however, a licensed
841 architect who has been licensed by the board and who chooses to
842 relinquish or not to renew his or her license may use the title
843 "Architect, Retired" but may not otherwise render any
844 architectural services.

845 ~~(b) Practice interior design unless the person is a~~
846 ~~registered interior designer unless otherwise exempted herein;~~
847 ~~however, an interior designer who has been licensed by the board~~
848 ~~and who chooses to relinquish or not to renew his or her license~~
849 ~~may use the title "Interior Designer, Retired" but may not~~
850 ~~otherwise render any interior design services.~~

851 (b)(e) Use the name or title "architect" or "registered
852 architect," ~~or "interior designer" or "registered interior~~
853 ~~designer,"~~ or words to that effect, when the person is not then
854 the holder of a valid license issued pursuant to this part.

855 (c)(d) Present as his or her own the license of another.

856 (d)(e) Give false or forged evidence to the board or a
857 member thereof.

858 (e)(f) Use or attempt to use an architect ~~or interior~~
859 ~~designer~~ license that has been suspended, revoked, or placed on
860 inactive or delinquent status.

861 (f)(g) Employ unlicensed persons to practice architecture
862 ~~or interior design.~~

863 (g)(h) Conceal information relative to violations of this
864 part.

865 (2) Any person who violates any provision of subsection
866 (1) commits a misdemeanor of the first degree, punishable as
867 provided in s. 775.082 or s. 775.083.

CS/HB 5005

2011

868 (3) (a) Notwithstanding chapter 455 or any other law to the
 869 contrary, an affected person may maintain an action for
 870 injunctive relief to restrain or prevent a person from violating
 871 paragraph (1) (a), ~~paragraph (1) (b)~~, or paragraph (1) (b) ~~(e)~~. The
 872 prevailing party is entitled to actual costs and attorney's
 873 fees.

874 (b) For purposes of this subsection, the term "affected
 875 person" means a person directly affected by the actions of a
 876 person suspected of violating paragraph (1) (a), ~~paragraph~~
 877 ~~(1) (b)~~, or paragraph (1) (b) ~~(e)~~ and includes, but is not limited
 878 to, the department, any person who received services from the
 879 alleged violator, or any private association composed primarily
 880 of members of the profession the alleged violator is practicing
 881 or offering to practice or holding himself or herself out as
 882 qualified to practice.

883 Section 28. Subsections (5) through (8) of section
 884 481.229, Florida Statutes, are amended to read:

885 481.229 Exceptions; exemptions from licensure.-

886 ~~(5) (a) Nothing contained in this part shall prevent a~~
 887 ~~registered architect or a partnership, limited liability~~
 888 ~~company, or corporation holding a valid certificate of~~
 889 ~~authorization to provide architectural services from performing~~
 890 ~~any interior design service or from using the title "interior~~
 891 ~~designer" or "registered interior designer."~~

892 ~~(b) Notwithstanding any other provision of this part, all~~
 893 ~~persons licensed as architects under this part shall be~~
 894 ~~qualified for interior design licensure upon submission of a~~
 895 ~~completed application for such license and a fee not to exceed~~

CS/HB 5005

2011

896 ~~§30. Such persons shall be exempt from the requirements of s.~~
897 ~~481.209(2). For architects licensed as interior designers,~~
898 ~~satisfaction of the requirements for renewal of licensure as an~~
899 ~~architect under s. 481.215 shall be deemed to satisfy the~~
900 ~~requirements for renewal of licensure as an interior designer~~
901 ~~under that section. Complaint processing, investigation, or~~
902 ~~other discipline-related legal costs related to persons licensed~~
903 ~~as interior designers under this paragraph shall be assessed~~
904 ~~against the architects' account of the Regulatory Trust Fund.~~

905 ~~(c) Notwithstanding any other provision of this part, any~~
906 ~~corporation, partnership, or person operating under a fictitious~~
907 ~~name which holds a certificate of authorization to provide~~
908 ~~architectural services shall be qualified, without fee, for a~~
909 ~~certificate of authorization to provide interior design services~~
910 ~~upon submission of a completed application therefor. For~~
911 ~~corporations, partnerships, and persons operating under a~~
912 ~~fictitious name which hold a certificate of authorization to~~
913 ~~provide interior design services, satisfaction of the~~
914 ~~requirements for renewal of the certificate of authorization to~~
915 ~~provide architectural services under s. 481.219 shall be deemed~~
916 ~~to satisfy the requirements for renewal of the certificate of~~
917 ~~authorization to provide interior design services under that~~
918 ~~section.~~

919 ~~(6) This part shall not apply to:~~

920 ~~(a) A person who performs interior design services or~~
921 ~~interior decorator services for any residential application,~~
922 ~~provided that such person does not advertise as, or represent~~
923 ~~himself or herself as, an interior designer. For purposes of~~

924 ~~this paragraph, "residential applications" includes all types of~~
 925 ~~residences, including, but not limited to, residence buildings,~~
 926 ~~single-family homes, multifamily homes, townhouses, apartments,~~
 927 ~~econdominiums, and domestic outbuildings appurtenant to one-~~
 928 ~~family or two-family residences. However, "residential~~
 929 ~~applications" does not include common areas associated with~~
 930 ~~instances of multiple-unit dwelling applications.~~

931 ~~(b) An employee of a retail establishment providing~~
 932 ~~"interior decorator services" on the premises of the retail~~
 933 ~~establishment or in the furtherance of a retail sale or~~
 934 ~~prospective retail sale, provided that such employee does not~~
 935 ~~advertise as, or represent himself or herself as, an interior~~
 936 ~~designer.~~

937 ~~(7) Nothing in this part shall be construed as authorizing~~
 938 ~~or permitting an interior designer to engage in the business of,~~
 939 ~~or to act as, a contractor within the meaning of chapter 489,~~
 940 ~~unless registered or certified as a contractor pursuant to~~
 941 ~~chapter 489.~~

942 (5)~~(8)~~ A manufacturer of commercial food service equipment
 943 or the manufacturer's representative, distributor, or dealer or
 944 an employee thereof, who prepares designs, specifications, or
 945 layouts for the sale or installation of such equipment is exempt
 946 from licensure as an architect ~~or interior designer~~, if:

947 (a) The designs, specifications, or layouts are not used
 948 for construction or installation that may affect structural,
 949 mechanical, plumbing, heating, air conditioning, ventilating,
 950 electrical, or vertical transportation systems.

951 (b) The designs, specifications, or layouts do not

952 materially affect lifesafety systems pertaining to firesafety
 953 protection, smoke evacuation and compartmentalization, and
 954 emergency ingress or egress systems.

955 (c) Each design, specification, or layout document
 956 prepared by a person or entity exempt under this subsection
 957 contains a statement on each page of the document that the
 958 designs, specifications, or layouts are not architectural,
 959 ~~interior design,~~ or engineering designs, specifications, or
 960 layouts and not used for construction unless reviewed and
 961 approved by a licensed architect or engineer.

962 Section 29. Subsection (1) of section 481.231, Florida
 963 Statutes, is amended to read:

964 481.231 Effect of part locally.-

965 (1) ~~Nothing in~~ This part does not ~~shall be construed to~~
 966 repeal, amend, limit, or otherwise affect any specific provision
 967 of any local building code or zoning law or ordinance that has
 968 been duly adopted, now or hereafter enacted, which is more
 969 restrictive, with respect to the services of registered
 970 architects ~~or registered interior designers,~~ than the provisions
 971 of this part; ~~provided, however, that a licensed architect shall~~
 972 ~~be deemed licensed as an interior designer for purposes of~~
 973 ~~offering or rendering interior design services to a county,~~
 974 ~~municipality, or other local government or political~~
 975 ~~subdivision.~~

976 Section 30. Paragraph (c) of subsection (5) of section
 977 553.79, Florida Statutes, is amended to read:

978 553.79 Permits; applications; issuance; inspections.-

979 (5)

980 (c) The architect or engineer of record may act as the
 981 special inspector provided she or he is on the Board of
 982 Professional Engineers' or the Board of Architecture's
 983 ~~Architecture and Interior Design's~~ list of persons qualified to
 984 be special inspectors. School boards may utilize employees as
 985 special inspectors provided such employees are on one of the
 986 professional licensing board's list of persons qualified to be
 987 special inspectors.

988 Section 31. Subsection (7) of section 558.002, Florida
 989 Statutes, is amended to read:

990 558.002 Definitions.—As used in this chapter, the term:

991 (7) "Design professional" means a person, as defined in s.
 992 1.01, who is licensed in this state as an architect, interior
 993 designer, landscape architect, engineer, or surveyor.

994 Section 32. Chapter 496, Florida Statutes, consisting of
 995 sections 496.401, 496.402, 496.403, 496.404, 496.405, 496.406,
 996 496.407, 496.409, 496.410, 496.411, 496.412, 496.413, 496.414,
 997 496.415, 496.416, 496.417, 496.418, 496.419, 496.420, 496.421,
 998 496.422, 496.423, 496.424, 496.425, 496.4255, and 496.426, is
 999 repealed.

1000 Section 33. Paragraph (b) of subsection (3) of section
 1001 110.181, Florida Statutes, is amended to read:

1002 110.181 Florida State Employees' Charitable Campaign.—

1003 (3) RULEMAKING AUTHORITY; ADMINISTRATIVE REVIEW.—

1004 (b) Department action which adversely affects the
 1005 substantial interests of a party may be subject to a hearing.
 1006 The proceeding shall be conducted in accordance with chapter
 1007 120, ~~except that the time limits set forth in s. 496.405(7)~~

CS/HB 5005

2011

1008 ~~shall prevail to the extent of any conflict.~~

1009 Section 34. Subsections (2) and (3) of section 316.2045,
1010 Florida Statutes, are amended to read:

1011 316.2045 Obstruction of public streets, highways, and
1012 roads.—

1013 (2) It is unlawful, without proper authorization or a
1014 lawful permit, for any person or persons willfully to obstruct
1015 the free, convenient, and normal use of any public street,
1016 highway, or road by any of the means specified in subsection (1)
1017 in order to solicit. Any person who violates the provisions of
1018 this subsection is guilty of a misdemeanor of the second degree,
1019 punishable as provided in s. 775.082 or s. 775.083.

1020 Organizations qualified under s. 501(c)(3) of the Internal
1021 Revenue Code ~~and registered pursuant to chapter 496~~, or persons
1022 or organizations acting on their behalf are exempted from the
1023 provisions of this subsection for activities on streets or roads
1024 not maintained by the state. Permits for the use of any portion
1025 of a state-maintained road or right-of-way shall be required
1026 only for those purposes and in the manner set out in s. 337.406.

1027 (3) Permits for the use of any street, road, or right-of-
1028 way not maintained by the state may be issued by the appropriate
1029 local government. An organization that is qualified under s.
1030 501(c)(3) of the Internal Revenue Code ~~and registered under~~
1031 ~~chapter 496~~, or a person or organization acting on behalf of
1032 that organization, is exempt from local requirements for a
1033 permit issued under this subsection for charitable solicitation
1034 activities on or along streets or roads that are not maintained
1035 by the state under the following conditions:

1036 (a) The organization, or the person or organization acting
 1037 on behalf of the organization, must provide all of the following
 1038 to the local government:

1039 1. No fewer than 14 calendar days prior to the proposed
 1040 solicitation, the name and address of the person or organization
 1041 that will perform the solicitation and the name and address of
 1042 the organization that will receive funds from the solicitation.

1043 2. For review and comment, a plan for the safety of all
 1044 persons participating in the solicitation, as well as the
 1045 motoring public, at the locations where the solicitation will
 1046 take place.

1047 3. Specific details of the location or locations of the
 1048 proposed solicitation and the hours during which the
 1049 solicitation activities will occur.

1050 4. Proof of commercial general liability insurance against
 1051 claims for bodily injury and property damage occurring on
 1052 streets, roads, or rights-of-way or arising from the solicitor's
 1053 activities or use of the streets, roads, or rights-of-way by the
 1054 solicitor or the solicitor's agents, contractors, or employees.
 1055 The insurance shall have a limit of not less than \$1 million per
 1056 occurrence for the general aggregate. The certificate of
 1057 insurance shall name the local government as an additional
 1058 insured and shall be filed with the local government no later
 1059 than 72 hours before the date of the solicitation.

1060 ~~5. Proof of registration with the Department of~~
 1061 ~~Agriculture and Consumer Services pursuant to s. 496.405 or~~
 1062 ~~proof that the soliciting organization is exempt from the~~
 1063 ~~registration requirement.~~

CS/HB 5005

2011

1064 (b) Organizations or persons meeting the requirements of
 1065 subparagraphs (a)1.-5. may solicit for a period not to exceed 10
 1066 cumulative days within 1 calendar year.

1067 (c) All solicitation shall occur during daylight hours
 1068 only.

1069 (d) Solicitation activities shall not interfere with the
 1070 safe and efficient movement of traffic and shall not cause
 1071 danger to the participants or the public.

1072 (e) No person engaging in solicitation activities shall
 1073 persist after solicitation has been denied, act in a demanding
 1074 or harassing manner, or use any sound or voice-amplifying
 1075 apparatus or device.

1076 (f) All persons participating in the solicitation shall be
 1077 at least 18 years of age and shall possess picture
 1078 identification.

1079 (g) Signage providing notice of the solicitation shall be
 1080 posted at least 500 feet before the site of the solicitation.

1081 (h) The local government may stop solicitation activities
 1082 if any conditions or requirements of this subsection are not
 1083 met.

1084 Section 35. Subsection (8) of section 320.023, Florida
 1085 Statutes, is amended to read:

1086 320.023 Requests to establish voluntary checkoff on motor
 1087 vehicle registration application.—

1088 ~~(8) All organizations seeking to establish a voluntary~~
 1089 ~~contribution on a motor vehicle registration application that~~
 1090 ~~are required to operate under the Solicitation of Contributions~~
 1091 ~~Act, as provided in chapter 496, must do so before funds may be~~

1092 ~~distributed.~~

1093 Section 36. Subsection (8) of section 322.081, Florida
 1094 Statutes, is amended to read:

1095 322.081 Requests to establish voluntary checkoff on
 1096 driver's license application.—

1097 ~~(8) All organizations seeking to establish a voluntary~~
 1098 ~~contribution on a driver's license application that are required~~
 1099 ~~to operate under the Solicitation of Contributions Act, as~~
 1100 ~~provided in chapter 496, must do so before funds may be~~
 1101 ~~distributed.~~

1102 Section 37. Paragraph (d) of subsection (3) and paragraph
 1103 (d) of subsection (4) of section 413.033, Florida Statutes, are
 1104 amended to read:

1105 413.033 Definitions.—As used in ss. 413.032-413.037:

1106 (3) "Qualified nonprofit agency for the blind" means an
 1107 agency:

1108 (d) Which meets the criteria for determining nonprofit
 1109 status under the provisions of s. 196.195 ~~and is registered and~~
 1110 ~~in good standing as a charitable organization with the~~
 1111 ~~Department of Agriculture and Consumer Services under the~~
 1112 ~~provisions of chapter 496.~~

1113 (4) "Qualified nonprofit agency for other severely
 1114 handicapped" means an agency:

1115 (d) Which meets the criteria for determining nonprofit
 1116 status under the provisions of s. 196.195 ~~and is registered and~~
 1117 ~~in good standing as a charitable organization with the~~
 1118 ~~Department of Agriculture and Consumer Services under the~~
 1119 ~~provisions of chapter 496.~~

CS/HB 5005

2011

1120 Section 38. Subsection (2) of section 550.0351, Florida
 1121 Statutes, is amended to read:

1122 550.0351 Charity racing days.—

1123 (2) The proceeds of charity performances shall be paid to
 1124 qualified beneficiaries selected by the permitholders from an
 1125 authorized list of charities on file with the division. Eligible
 1126 charities include any charity that provides ~~evidence of~~
 1127 ~~compliance with the provisions of chapter 496 and~~ evidence of
 1128 possession of a valid exemption from federal taxation issued by
 1129 the Internal Revenue Service. In addition, the authorized list
 1130 must include the Racing Scholarship Trust Fund, the Historical
 1131 Resources Operating Trust Fund, major state and private
 1132 institutions of higher learning, and Florida community colleges.

1133 Section 39. Section 550.1647, Florida Statutes, is amended
 1134 to read:

1135 550.1647 Greyhound permitholders; unclaimed tickets;
 1136 breaks.—All money or other property represented by any
 1137 unclaimed, uncashed, or abandoned pari-mutuel ticket which has
 1138 remained in the custody of or under the control of any
 1139 permitholder authorized to conduct greyhound racing pari-mutuel
 1140 pools in this state for a period of 1 year after the date the
 1141 pari-mutuel ticket was issued, if the rightful owner or owners
 1142 thereof have made no claim or demand for such money or other
 1143 property within that period of time, shall, with respect to live
 1144 races conducted by the permitholder, be remitted to the state
 1145 pursuant to s. 550.1645; however, such permitholder shall be
 1146 entitled to a credit in each state fiscal year in an amount
 1147 equal to the actual amount remitted in the prior state fiscal

1148 year which may be applied against any taxes imposed pursuant to
 1149 this chapter. In addition, each permitholder shall pay, from any
 1150 source, including the proceeds from performances conducted
 1151 pursuant to s. 550.0351, an amount not less than 10 percent of
 1152 the amount of the credit provided by this section to any bona
 1153 fide organization that promotes or encourages the adoption of
 1154 greyhounds. As used in this chapter, the term "bona fide
 1155 organization that promotes or encourages the adoption of
 1156 greyhounds" means any organization that ~~provides evidence of~~
 1157 ~~compliance with chapter 496~~ and possesses a valid exemption from
 1158 federal taxation issued by the Internal Revenue Service. Such
 1159 bona fide organization, as a condition of adoption, must provide
 1160 sterilization of greyhounds by a licensed veterinarian before
 1161 relinquishing custody of the greyhound to the adopter. The fee
 1162 for sterilization may be included in the cost of adoption.

1163 Section 40. Paragraph (a) of subsection (3) of section
 1164 741.0305, Florida Statutes, is amended to read:

1165 741.0305 Marriage fee reduction for completion of
 1166 premarital preparation course.—

1167 (3) (a) All individuals electing to participate in a
 1168 premarital preparation course shall choose from the following
 1169 list of qualified instructors:

- 1170 1. A psychologist licensed under chapter 490.
- 1171 2. A clinical social worker licensed under chapter 491.
- 1172 3. A marriage and family therapist licensed under chapter
 1173 491.
- 1174 4. A mental health counselor licensed under chapter 491.
- 1175 5. An official representative of a religious institution

1176 ~~which is recognized under s. 496.404(19),~~ if the representative
 1177 has relevant training.

1178 6. Any other provider designated by a judicial circuit,
 1179 including, but not limited to, school counselors who are
 1180 certified to offer such courses. Each judicial circuit may
 1181 establish a roster of area course providers, including those who
 1182 offer the course on a sliding fee scale or for free.

1183 Section 41. Paragraph (a) of subsection (1) of section
 1184 775.0861, Florida Statutes, is amended to read:

1185 775.0861 Offenses against persons on the grounds of
 1186 religious institutions; reclassification.-

1187 (1) For purposes of this section, the term:

1188 (a) "Religious institution" means any church,
 1189 ecclesiastical or denominational organization, or established
 1190 physical place for worship in this state at which nonprofit
 1191 religious services and activities are regularly conducted and
 1192 carried on, and includes those bona fide religious groups which
 1193 do not maintain specific places of worship. The term includes
 1194 any separate group or corporation which forms an integral part
 1195 of a religious institution which is exempt from federal income
 1196 tax under the provisions of s. 501(c)(3) of the Internal Revenue
 1197 Code, and which is not primarily supported by funds solicited
 1198 outside its own membership or congregation ~~is as defined in s.~~
 1199 ~~496.404.~~

1200 Section 42. Paragraph (a) of subsection (8) of section
 1201 790.166, Florida Statutes, is amended to read:

1202 790.166 Manufacture, possession, sale, delivery, display,
 1203 use, or attempted or threatened use of a weapon of mass

1204 destruction or hoax weapon of mass destruction prohibited;
 1205 definitions; penalties.—

1206 (8) For purposes of this section, the term "weapon of mass
 1207 destruction" does not include:

1208 (a) A device or instrument that emits or discharges smoke
 1209 or an offensive, noxious, or irritant liquid, powder, gas, or
 1210 chemical for the purpose of immobilizing, incapacitating, or
 1211 thwarting an attack by a person or animal and that is lawfully
 1212 possessed or used by a person for the purpose of self-protection
 1213 or, as provided in subsection (7), is lawfully possessed or used
 1214 by any member or employee of the Armed Forces of the United
 1215 States, a federal or state governmental agency, or a private
 1216 entity. A member or employee of a federal or state governmental
 1217 agency includes, but is not limited to, a law enforcement
 1218 officer, as defined in s. 784.07; a federal law enforcement
 1219 officer, as defined in s. 901.1505; a firefighter, as defined in
 1220 s. 633.30; and an ambulance driver, emergency medical
 1221 technician, or paramedic, as defined in s. 401.23 ~~emergency~~
 1222 ~~service employee, as defined in s. 496.404.~~

1223 Section 43. Paragraph (d) of subsection (3) of section
 1224 843.16, Florida Statutes, is amended to read:

1225 843.16 Unlawful to install or transport radio equipment
 1226 using assigned frequency of state or law enforcement officers;
 1227 definitions; exceptions; penalties.—

1228 (3) This section does not apply to the following:

1229 (d) Any sworn law enforcement officer as defined in s.
 1230 943.10; a firefighter, as defined in s. 633.30; or an ambulance
 1231 driver, emergency medical technician, or paramedic, as defined

1232 ~~in s. 401.23 or emergency service employee as defined in s.~~
 1233 ~~496.404~~ while using personal transportation to and from work.

1234 Section 44. Subsection (2) of section 849.0935, Florida
 1235 Statutes, is amended to read:

1236 849.0935 Charitable, nonprofit organizations; drawings by
 1237 chance; required disclosures; unlawful acts and practices;
 1238 penalties.—

1239 (2) Section ~~The provisions of s. 849.09 does shall~~ not be
 1240 ~~construed to~~ prohibit an organization qualified under 26 U.S.C.
 1241 s. 501(c)(3), (4), (7), (8), (10), or (19) from conducting
 1242 drawings by chance pursuant to the authority granted by this
 1243 section, ~~provided the organization has complied with all~~
 1244 ~~applicable provisions of chapter 496.~~

1245 Section 45. Section 500.459, Florida Statutes, is
 1246 repealed.

1247 Section 46. Section 500.511, Florida Statutes, is amended
 1248 to read:

1249 500.511 Bottled water plants; packed ice plants; Fees;
 1250 ~~enforcement;~~ preemption.—

1251 ~~(1) FEES. All fees collected under s. 500.459 shall be~~
 1252 ~~deposited into the General Inspection Trust Fund and shall be~~
 1253 ~~accounted for separately and used for the sole purpose of~~
 1254 ~~administering the provisions of such section.~~

1255 ~~(2) ENFORCEMENT AND PENALTIES. In addition to the~~
 1256 ~~provisions contained in s. 500.459, the department may enforce~~
 1257 ~~s. 500.459 in the manner provided in s. 500.121. Any person who~~
 1258 ~~violates a provision of s. 500.459 or any rule adopted under~~
 1259 ~~such section shall be punished as provided in such section.~~

1260 ~~However, criminal penalties may not be imposed against any~~
 1261 ~~person who violates a rule.~~

1262 ~~(3) PREEMPTION OF AUTHORITY TO REGULATE.~~ Regulation of
 1263 bottled water plants, ~~water vending machines, water vending~~
 1264 ~~machine operators,~~ and packaged ice plants is preempted by the
 1265 state. No county or municipality may adopt or enforce any
 1266 ordinance that regulates the licensure or operation of bottled
 1267 water plants, ~~water vending machines,~~ or packaged ice plants,
 1268 unless it is determined that unique conditions exist within the
 1269 county which require the county to regulate such entities in
 1270 order to protect the public health. This subsection does not
 1271 prohibit a county or municipality from requiring a business tax
 1272 pursuant to chapter 205.

1273 Section 47. Sections 501.012, 501.0125, 501.013, 501.014,
 1274 501.015, 501.016, 501.017, 501.018, and 501.019, Florida
 1275 Statutes, are repealed.

1276 Section 48. Paragraph (d) of subsection (2) of section
 1277 501.165, Florida Statutes, is amended to read:

1278 501.165 Automatic renewal of service contracts.—

1279 (2) SERVICE CONTRACTS WITH AUTOMATIC RENEWAL PROVISIONS.—

1280 (d) This subsection does not apply to:

1281 1. A financial institution as defined in s. 655.005(1)(h)
 1282 or any depository institution as defined in 12 U.S.C. s.
 1283 1813(c)(2).

1284 2. A foreign bank maintaining a branch or agency licensed
 1285 under the laws of any state of the United States.

1286 3. Any subsidiary or affiliate of an entity described in
 1287 subparagraph 1. or subparagraph 2.

CS/HB 5005

2011

1288 ~~4. A health studio as defined in s. 501.0125(1).~~
 1289 ~~4.5.~~ Any entity licensed under chapter 624, chapter 627,
 1290 chapter 634, chapter 636, or chapter 641.
 1291 ~~5.6.~~ Any electric utility as defined in s. 366.02(2).
 1292 ~~6.7.~~ Any private company as defined in s. 180.05 providing
 1293 services described in chapter 180 that is competing against a
 1294 governmental entity or has a governmental entity providing
 1295 billing services on its behalf.
 1296 Section 49. Section 501.143, Florida Statutes, is
 1297 repealed.
 1298 Section 50. Section 205.1969, Florida Statutes, is
 1299 repealed.
 1300 Section 51. Part IV of chapter 501, Florida Statutes,
 1301 consisting of sections 501.601, 501.602, 501.603, 501.604,
 1302 501.605, 501.606, 501.607, 501.608, 501.609, 501.611, 501.612,
 1303 501.613, 501.614, 501.615, 501.616, 501.617, 501.618, 501.619,
 1304 501.621, 501.622, 501.623, 501.624, 501.625, and 501.626, is
 1305 repealed.
 1306 Section 52. Section 205.1973, Florida Statutes, is
 1307 repealed.
 1308 Section 53. Paragraph (b) of subsection (1) of section
 1309 501.165, Florida Statutes, is amended to read:
 1310 501.165 Automatic renewal of service contracts.—
 1311 (1) DEFINITIONS.—As used in this section:
 1312 (b) "Consumer" means a natural person ~~an individual, as~~
 1313 ~~defined in s. 501.603,~~ receiving service, maintenance, or repair
 1314 under a service contract. The term does not include an
 1315 individual engaged in business or employed by or otherwise

CS/HB 5005

2011

1316 acting on behalf of a governmental entity if the individual
 1317 enters into the service contract as part of or ancillary to the
 1318 individual's business activities or on behalf of the business or
 1319 governmental entity.

1320 Section 54. Paragraph (c) of subsection (1) of section
 1321 648.44, Florida Statutes, is amended to read:

1322 648.44 Prohibitions; penalty.—

1323 (1) A bail bond agent or temporary bail bond agent may
 1324 not:

1325 (c) Initiate in-person or telephone solicitation after
 1326 9:00 p.m. or before 8:00 a.m., in the case of domestic violence
 1327 cases, at the residence of the detainee or the detainee's
 1328 family. Any solicitation not prohibited by this chapter must
 1329 comply with the telephone solicitation requirements in s. ss.
 1330 501.059(2) and (4), ~~501.613~~, and ~~501.616(6)~~.

1331 Section 55. Paragraph (a) of subsection (1) of section
 1332 772.102, Florida Statutes, is amended to read:

1333 772.102 Definitions.—As used in this chapter, the term:

1334 (1) "Criminal activity" means to commit, to attempt to
 1335 commit, to conspire to commit, or to solicit, coerce, or
 1336 intimidate another person to commit:

1337 (a) Any crime that is chargeable by indictment or
 1338 information under the following provisions:

1339 1. Section 210.18, relating to evasion of payment of
 1340 cigarette taxes.

1341 2. Section 414.39, relating to public assistance fraud.

1342 3. Section 440.105 or s. 440.106, relating to workers'
 1343 compensation.

1344 ~~4.~~ Part IV of chapter 501, relating to telemarketing.

1345 4.5. Chapter 517, relating to securities transactions.

1346 ~~5.6.~~ Section 550.235 or s. 550.3551, relating to dogracing

1347 and horseracing.

1348 6.7. Chapter 550, relating to jai alai frontons.

1349 ~~7.8.~~ Chapter 552, relating to the manufacture,

1350 distribution, and use of explosives.

1351 ~~8.9.~~ Chapter 562, relating to beverage law enforcement.

1352 ~~9.10.~~ Section 624.401, relating to transacting insurance

1353 without a certificate of authority, s. 624.437(4)(c)1., relating

1354 to operating an unauthorized multiple-employer welfare

1355 arrangement, or s. 626.902(1)(b), relating to representing or

1356 aiding an unauthorized insurer.

1357 ~~10.11.~~ Chapter 687, relating to interest and usurious

1358 practices.

1359 ~~11.12.~~ Section 721.08, s. 721.09, or s. 721.13, relating

1360 to real estate timeshare plans.

1361 ~~12.13.~~ Chapter 782, relating to homicide.

1362 ~~13.14.~~ Chapter 784, relating to assault and battery.

1363 ~~14.15.~~ Chapter 787, relating to kidnapping or human

1364 trafficking.

1365 ~~15.16.~~ Chapter 790, relating to weapons and firearms.

1366 ~~16.17.~~ Section 796.03, s. 796.04, s. 796.045, s. 796.05,

1367 or s. 796.07, relating to prostitution.

1368 ~~17.18.~~ Chapter 806, relating to arson.

1369 ~~18.19.~~ Section 810.02(2)(c), relating to specified

1370 burglary of a dwelling or structure.

1371 ~~19.20.~~ Chapter 812, relating to theft, robbery, and

CS/HB 5005

2011

1372 related crimes.

1373 20.21. Chapter 815, relating to computer-related crimes.

1374 21.22. Chapter 817, relating to fraudulent practices,

1375 false pretenses, fraud generally, and credit card crimes.

1376 22.23. Section 827.071, relating to commercial sexual

1377 exploitation of children.

1378 23.24. Chapter 831, relating to forgery and

1379 counterfeiting.

1380 24.25. Chapter 832, relating to issuance of worthless

1381 checks and drafts.

1382 25.26. Section 836.05, relating to extortion.

1383 26.27. Chapter 837, relating to perjury.

1384 27.28. Chapter 838, relating to bribery and misuse of

1385 public office.

1386 28.29. Chapter 843, relating to obstruction of justice.

1387 29.30. Section 847.011, s. 847.012, s. 847.013, s. 847.06,

1388 or s. 847.07, relating to obscene literature and profanity.

1389 30.31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or

1390 s. 849.25, relating to gambling.

1391 31.32. Chapter 893, relating to drug abuse prevention and

1392 control.

1393 32.33. Section 914.22 or s. 914.23, relating to witnesses,

1394 victims, or informants.

1395 33.34. Section 918.12 or s. 918.13, relating to tampering

1396 with jurors and evidence.

1397 Section 56. Paragraph (a) of subsection (1) of section

1398 895.02, Florida Statutes, is amended to read:

1399 895.02 Definitions.—As used in ss. 895.01-895.08, the

CS/HB 5005

2011

1400 term:

1401 (1) "Racketeering activity" means to commit, to attempt to

1402 commit, to conspire to commit, or to solicit, coerce, or

1403 intimidate another person to commit:

1404 (a) Any crime that is chargeable by petition, indictment,

1405 or information under the following provisions of the Florida

1406 Statutes:

1407 1. Section 210.18, relating to evasion of payment of

1408 cigarette taxes.

1409 2. Section 316.1935, relating to fleeing or attempting to

1410 elude a law enforcement officer and aggravated fleeing or

1411 eluding.

1412 3. Section 403.727(3)(b), relating to environmental

1413 control.

1414 4. Section 409.920 or s. 409.9201, relating to Medicaid

1415 fraud.

1416 5. Section 414.39, relating to public assistance fraud.

1417 6. Section 440.105 or s. 440.106, relating to workers'

1418 compensation.

1419 7. Section 443.071(4), relating to creation of a

1420 fictitious employer scheme to commit unemployment compensation

1421 fraud.

1422 8. Section 465.0161, relating to distribution of medicinal

1423 drugs without a permit as an Internet pharmacy.

1424 9. Section 499.0051, relating to crimes involving

1425 contraband and adulterated drugs.

1426 ~~10. Part IV of chapter 501, relating to telemarketing.~~

1427 10.11. Chapter 517, relating to sale of securities and

1428 investor protection.

1429 ~~11.12.~~ Section 550.235 or s. 550.3551, relating to

1430 dogracing and horseracing.

1431 ~~12.13.~~ Chapter 550, relating to jai alai frontons.

1432 ~~13.14.~~ Section 551.109, relating to slot machine gaming.

1433 ~~14.15.~~ Chapter 552, relating to the manufacture,

1434 distribution, and use of explosives.

1435 ~~15.16.~~ Chapter 560, relating to money transmitters, if the

1436 violation is punishable as a felony.

1437 ~~16.17.~~ Chapter 562, relating to beverage law enforcement.

1438 ~~17.18.~~ Section 624.401, relating to transacting insurance

1439 without a certificate of authority, s. 624.437(4)(c)1., relating

1440 to operating an unauthorized multiple-employer welfare

1441 arrangement, or s. 626.902(1)(b), relating to representing or

1442 aiding an unauthorized insurer.

1443 ~~18.19.~~ Section 655.50, relating to reports of currency

1444 transactions, when such violation is punishable as a felony.

1445 ~~19.20.~~ Chapter 687, relating to interest and usurious

1446 practices.

1447 ~~20.21.~~ Section 721.08, s. 721.09, or s. 721.13, relating

1448 to real estate timeshare plans.

1449 ~~21.22.~~ Section 775.13(5)(b), relating to registration of

1450 persons found to have committed any offense for the purpose of

1451 benefiting, promoting, or furthering the interests of a criminal

1452 gang.

1453 ~~22.23.~~ Section 777.03, relating to commission of crimes by

1454 accessories after the fact.

1455 ~~23.24.~~ Chapter 782, relating to homicide.

1456 ~~24.25.~~ Chapter 784, relating to assault and battery.
 1457 ~~25.26.~~ Chapter 787, relating to kidnapping or human
 1458 trafficking.
 1459 ~~26.27.~~ Chapter 790, relating to weapons and firearms.
 1460 ~~27.28.~~ Chapter 794, relating to sexual battery, but only
 1461 if such crime was committed with the intent to benefit, promote,
 1462 or further the interests of a criminal gang, or for the purpose
 1463 of increasing a criminal gang member's own standing or position
 1464 within a criminal gang.
 1465 ~~28.29.~~ Section 796.03, s. 796.035, s. 796.04, s. 796.045,
 1466 s. 796.05, or s. 796.07, relating to prostitution and sex
 1467 trafficking.
 1468 ~~29.30.~~ Chapter 806, relating to arson and criminal
 1469 mischief.
 1470 ~~30.31.~~ Chapter 810, relating to burglary and trespass.
 1471 ~~31.32.~~ Chapter 812, relating to theft, robbery, and
 1472 related crimes.
 1473 ~~32.33.~~ Chapter 815, relating to computer-related crimes.
 1474 ~~33.34.~~ Chapter 817, relating to fraudulent practices,
 1475 false pretenses, fraud generally, and credit card crimes.
 1476 ~~34.35.~~ Chapter 825, relating to abuse, neglect, or
 1477 exploitation of an elderly person or disabled adult.
 1478 ~~35.36.~~ Section 827.071, relating to commercial sexual
 1479 exploitation of children.
 1480 ~~36.37.~~ Chapter 831, relating to forgery and
 1481 counterfeiting.
 1482 ~~37.38.~~ Chapter 832, relating to issuance of worthless
 1483 checks and drafts.

1484 ~~38.39.~~ Section 836.05, relating to extortion.

1485 ~~39.40.~~ Chapter 837, relating to perjury.

1486 ~~40.41.~~ Chapter 838, relating to bribery and misuse of
 1487 public office.

1488 ~~41.42.~~ Chapter 843, relating to obstruction of justice.

1489 ~~42.43.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,
 1490 or s. 847.07, relating to obscene literature and profanity.

1491 ~~43.44.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or
 1492 s. 849.25, relating to gambling.

1493 ~~44.45.~~ Chapter 874, relating to criminal gangs.

1494 ~~45.46.~~ Chapter 893, relating to drug abuse prevention and
 1495 control.

1496 ~~46.47.~~ Chapter 896, relating to offenses related to
 1497 financial transactions.

1498 ~~47.48.~~ Sections 914.22 and 914.23, relating to tampering
 1499 with or harassing a witness, victim, or informant, and
 1500 retaliation against a witness, victim, or informant.

1501 ~~48.49.~~ Sections 918.12 and 918.13, relating to tampering
 1502 with jurors and evidence.

1503 Section 57. Chapter 507, Florida Statutes, consisting of
 1504 sections 507.01, 507.02, 507.03, 507.04, 507.05, 507.06, 507.07,
 1505 507.08, 507.09, 507.10, 507.11, 507.12, and 507.13, is repealed.

1506 Section 58. Section 205.1975, Florida Statutes, is
 1507 repealed.

1508 Section 59. Subsection (1) of section 509.242, Florida
 1509 Statutes, is amended to read:

1510 509.242 Public lodging establishments; classifications.—

1511 (1) A public lodging establishment shall be classified as

CS/HB 5005

2011

1512 a hotel, motel, resort condominium, nontransient apartment,
1513 transient apartment, ~~roominghouse~~, bed and breakfast inn, or
1514 resort dwelling if the establishment satisfies the following
1515 criteria:

1516 (a) Hotel.—A hotel is any public lodging establishment
1517 containing sleeping room accommodations for 25 or more guests
1518 and providing the services generally provided by a hotel and
1519 recognized as a hotel in the community in which it is situated
1520 or by the industry.

1521 (b) Motel.—A motel is any public lodging establishment
1522 which offers rental units with an exit to the outside of each
1523 rental unit, daily or weekly rates, offstreet parking for each
1524 unit, a central office on the property with specified hours of
1525 operation, a bathroom or connecting bathroom for each rental
1526 unit, and at least six rental units, and which is recognized as
1527 a motel in the community in which it is situated or by the
1528 industry.

1529 (c) Resort condominium.—A resort condominium is any unit
1530 or group of units in a condominium, cooperative, or timeshare
1531 plan which is rented more than three times in a calendar year
1532 for periods of less than 30 days or 1 calendar month, whichever
1533 is less, or which is advertised or held out to the public as a
1534 place regularly rented for periods of less than 30 days or 1
1535 calendar month, whichever is less.

1536 (d) Nontransient apartment ~~or roominghouse~~.—A nontransient
1537 apartment ~~or roominghouse~~ is a building or complex of buildings
1538 in which 75 percent or more of the units are available for rent
1539 to nontransient tenants.

1540 (e) Transient apartment ~~or roominghouse~~.—A transient
 1541 apartment ~~or roominghouse~~ is a building or complex of buildings
 1542 in which more than 25 percent of the units are advertised or
 1543 held out to the public as available for transient occupancy.

1544 ~~(f) Roominghouse.—A roominghouse is any public lodging~~
 1545 ~~establishment that may not be classified as a hotel, motel,~~
 1546 ~~resort condominium, nontransient apartment, bed and breakfast~~
 1547 ~~inn, or transient apartment under this section. A roominghouse~~
 1548 ~~includes, but is not limited to, a boardinghouse.~~

1549 (f)~~(g)~~ Resort dwelling.—A resort dwelling is any
 1550 individually or collectively owned one-family, two-family,
 1551 three-family, or four-family dwelling house or dwelling unit
 1552 which is rented more than three times in a calendar year for
 1553 periods of less than 30 days or 1 calendar month, whichever is
 1554 less, or which is advertised or held out to the public as a
 1555 place regularly rented for periods of less than 30 days or 1
 1556 calendar month, whichever is less.

1557 (g)~~(h)~~ Bed and breakfast inn.—A bed and breakfast inn is a
 1558 family home structure, with no more than 15 sleeping rooms,
 1559 which has been modified to serve as a transient public lodging
 1560 establishment, which provides the accommodation and meal
 1561 services generally offered by a bed and breakfast inn, and which
 1562 is recognized as a bed and breakfast inn in the community in
 1563 which it is situated or by the hospitality industry.

1564 Section 60. Subsection (9) of section 509.221, Florida
 1565 Statutes, is amended to read:

1566 509.221 Sanitary regulations.—

1567 (9) Subsections (2), (5), and (6) do not apply to any

1568 facility or unit classified as a resort condominium,
 1569 nontransient apartment, or resort dwelling as described in s.
 1570 509.242(1)(c), (d), and (f)~~(g)~~.

1571 Section 61. Chapter 555, Florida Statutes, consisting of
 1572 sections 555.01, 555.02, 555.03, 555.04, 555.05, 555.07, and
 1573 555.08, is repealed.

1574 Section 62. Part VIII of chapter 559, Florida Statutes,
 1575 consisting of sections 559.80, 559.801, 559.802, 559.803,
 1576 559.805, 559.807, 559.809, 559.811, 559.813, and 559.815, is
 1577 repealed.

1578 Section 63. Part IX of chapter 559, Florida Statutes,
 1579 consisting of sections 559.901, 559.902, 559.903, 559.904,
 1580 559.905, 559.907, 559.909, 559.911, 559.915, 559.916, 559.917,
 1581 559.919, 559.920, 559.921, 559.9215, 559.922, 559.92201, and
 1582 559.9221, is repealed.

1583 Section 64. Paragraph (a) of subsection (9) of section
 1584 320.27, Florida Statutes, is amended to read:

1585 320.27 Motor vehicle dealers.—

1586 (9) DENIAL, SUSPENSION, OR REVOCATION.—

1587 (a) The department may deny, suspend, or revoke any
 1588 license issued hereunder or under the provisions of s. 320.77 or
 1589 s. 320.771 upon proof that an applicant or a licensee has:

- 1590 1. Committed fraud or willful misrepresentation in
 1591 application for or in obtaining a license.
- 1592 2. Been convicted of a felony.
- 1593 3. Failed to honor a bank draft or check given to a motor
 1594 vehicle dealer for the purchase of a motor vehicle by another
 1595 motor vehicle dealer within 10 days after notification that the

1596 bank draft or check has been dishonored. ~~If the transaction is~~
 1597 ~~disputed, the maker of the bank draft or check shall post a bond~~
 1598 ~~in accordance with the provisions of s. 559.917, and no~~
 1599 ~~proceeding for revocation or suspension shall be commenced until~~
 1600 ~~the dispute is resolved.~~

1601 4.a. Failed to provide payment within 10 business days to
 1602 the department for a check payable to the department that was
 1603 dishonored due to insufficient funds in the amount due plus any
 1604 statutorily authorized fee for uttering a worthless check. The
 1605 department shall notify an applicant or licensee when the
 1606 applicant or licensee makes payment to the department by a check
 1607 that is subsequently dishonored by the bank due to insufficient
 1608 funds. The applicant or licensee shall, within 10 business days
 1609 after receiving the notice, provide payment to the department in
 1610 the form of cash in the amount due plus any statutorily
 1611 authorized fee. If the applicant or licensee fails to make such
 1612 payment within 10 business days, the department may deny,
 1613 suspend, or revoke the applicant's or licensee's motor vehicle
 1614 dealer license.

1615 b. Stopped payment on a check payable to the department,
 1616 issued a check payable to the department from an account that
 1617 has been closed, or charged back a credit card transaction to
 1618 the department. If an applicant or licensee commits any such
 1619 act, the department may deny, suspend, or revoke the applicant's
 1620 or licensee's motor vehicle dealer license.

1621 Section 65. Paragraph (a) of subsection (1) of section
 1622 445.025, Florida Statutes, is amended to read:

1623 445.025 Other support services.—Support services shall be

1624 provided, if resources permit, to assist participants in
 1625 complying with work activity requirements outlined in s.
 1626 445.024. If resources do not permit the provision of needed
 1627 support services, the regional workforce board may prioritize or
 1628 otherwise limit provision of support services. This section does
 1629 not constitute an entitlement to support services. Lack of
 1630 provision of support services may be considered as a factor in
 1631 determining whether good cause exists for failing to comply with
 1632 work activity requirements but does not automatically constitute
 1633 good cause for failing to comply with work activity
 1634 requirements, and does not affect any applicable time limit on
 1635 the receipt of temporary cash assistance or the provision of
 1636 services under chapter 414. Support services shall include, but
 1637 need not be limited to:

1638 (1) TRANSPORTATION.—Transportation expenses may be
 1639 provided to any participant when the assistance is needed to
 1640 comply with work activity requirements or employment
 1641 requirements, including transportation to and from a child care
 1642 provider. Payment may be made in cash or tokens in advance or
 1643 through reimbursement paid against receipts or invoices.
 1644 Transportation services may include, but are not limited to,
 1645 cooperative arrangements with the following: public transit
 1646 providers; community transportation coordinators designated
 1647 under chapter 427; school districts; churches and community
 1648 centers; donated motor vehicle programs, van pools, and
 1649 ridesharing programs; small enterprise developments and
 1650 entrepreneurial programs that encourage participants to become
 1651 transportation providers; public and private transportation

1652 | partnerships; and other innovative strategies to expand
 1653 | transportation options available to program participants.

1654 | (a) Regional workforce boards may provide payment for
 1655 | vehicle operational and repair expenses, including repair
 1656 | expenditures necessary to make a vehicle functional; vehicle
 1657 | registration fees; driver's license fees; and liability
 1658 | insurance for the vehicle for a period of up to 6 months.
 1659 | Request for vehicle repairs must be accompanied by an estimate
 1660 | of the cost prepared by a repair facility ~~registered under s.~~
 1661 | ~~559.904.~~

1662 | Section 66. Paragraph (i) of subsection (1) of section
 1663 | 713.585, Florida Statutes, is redesignated as paragraph (h),
 1664 | subsections (12) and (13) of that section are renumbered as
 1665 | subsections (11) and (12), respectively, and present paragraph
 1666 | (h) of subsection (1) and present subsection (11) of that
 1667 | section are amended, to read:

1668 | 713.585 Enforcement of lien by sale of motor vehicle.—A
 1669 | person claiming a lien under s. 713.58 for performing labor or
 1670 | services on a motor vehicle may enforce such lien by sale of the
 1671 | vehicle in accordance with the following procedures:

1672 | (1) The lienor must give notice, by certified mail, return
 1673 | receipt requested, within 15 business days, excluding Saturday
 1674 | and Sunday, from the beginning date of the assessment of storage
 1675 | charges on said motor vehicle, to the registered owner of the
 1676 | vehicle, to the customer as indicated on the order for repair,
 1677 | and to all other persons claiming an interest in or lien
 1678 | thereon, as disclosed by the records of the Department of
 1679 | Highway Safety and Motor Vehicles or of a corresponding agency

1680 of any other state in which the vehicle appears registered. Such
 1681 notice must contain:

1682 ~~(h) Notice that the owner of the vehicle has a right to~~
 1683 ~~recover possession of the vehicle without instituting judicial~~
 1684 ~~proceedings by posting bond in accordance with the provisions of~~
 1685 ~~s. 559.917.~~

1686 ~~(11) Nothing in this section shall operate in derogation~~
 1687 ~~of the rights and remedies established by s. 559.917.~~

1688 Section 67. Part XI of chapter 559, Florida Statutes,
 1689 consisting of sections 559.926, 559.927, 559.928, 559.9285,
 1690 559.929, 559.9295, 559.931, 559.932, 559.933, 559.9335, 559.934,
 1691 559.935, 559.9355, 559.936, 559.937, 559.938, and 559.939, is
 1692 repealed.

1693 Section 68. Section 205.1971, Florida Statutes, is
 1694 repealed.

1695 Section 69. Subsections (21) through (28) of section
 1696 501.604, Florida Statutes, are renumbered as subsections (20)
 1697 through (28), respectively, and present subsection (20) of that
 1698 section is amended to read:

1699 501.604 Exemptions.—The provisions of this part, except
 1700 ss. 501.608 and 501.616(6) and (7), do not apply to:

1701 ~~(20) A person who is registered pursuant to part XI of~~
 1702 ~~chapter 559 and who is soliciting within the scope of the~~
 1703 ~~registration.~~

1704 Section 70. Paragraph (b) of subsection (1) of section
 1705 501.608, Florida Statutes, is amended to read:

1706 501.608 License or affidavit of exemption; occupational
 1707 license.—

CS/HB 5005

2011

1708 (1)
 1709 (b) Any commercial telephone seller claiming to be exempt
 1710 from the act under s. 501.604(2), (3), (5), (6), (9), (10),
 1711 (11), (12), (17), (20) ~~(21)~~, (21) ~~(22)~~, (23) ~~(24)~~, or (25) ~~(26)~~
 1712 must file with the department a notarized affidavit of
 1713 exemption. The affidavit of exemption must be on forms
 1714 prescribed by the department and must require the name of the
 1715 commercial telephone seller, the name of the business, and the
 1716 business address. Any commercial telephone seller maintaining
 1717 more than one business may file a single notarized affidavit of
 1718 exemption that clearly indicates the location of each place of
 1719 business. If a change of ownership occurs, the commercial
 1720 telephone seller must notify the department.

1721 Section 71. Subsection (5) of section 636.044, Florida
 1722 Statutes, is amended to read:

1723 636.044 Agent licensing.—

1724 ~~(5) A person registered as a seller of travel under s.~~
 1725 ~~559.928 is not required to be licensed under this section in~~
 1726 ~~order to sell prepaid limited health service contracts that~~
 1727 ~~cover the cost of transportation provided by an air ambulance~~
 1728 ~~service licensed pursuant to s. 401.251. The prepaid limited~~
 1729 ~~health service contract for such coverage is, however, subject~~
 1730 ~~to all applicable provisions of this chapter.~~

1731 Section 72. Paragraph (d) of subsection (3) of section
 1732 721.11, Florida Statutes, is amended to read:

1733 721.11 Advertising materials; oral statements.—

1734 (3) The term "advertising material" does not include:

1735 (d) Any audio, written, or visual publication or material

CS/HB 5005

2011

1736 relating to the promotion of the availability of any
1737 accommodations or facilities, or both, for transient rental,
1738 ~~including any arrangement governed by part XI of chapter 559,~~ so
1739 long as a mandatory tour of a timeshare plan or attendance at a
1740 mandatory sales presentation is not a term or condition of the
1741 availability of such accommodations or facilities, or both, and
1742 so long as the failure of any transient renter to take a tour of
1743 a timeshare plan or attend a sales presentation does not result
1744 in the transient renter receiving less than what was promised to
1745 the transient renter in such materials.

1746 Section 73. Section 686.201, Florida Statutes, is
1747 repealed.

1748 Section 74. Section 817.559, Florida Statutes, is
1749 repealed.

1750 Section 75. This act shall take effect July 1, 2011.