

1                   A bill to be entitled  
2           An act relating to regulated professions and  
3           occupations; amending s. 326.004, F.S.; deleting a  
4           requirement that yacht and ship brokers maintain a  
5           separate license for each branch office and related  
6           fees; amending s. 447.02, F.S.; deleting a definition;  
7           repealing s. 447.04, F.S., relating to business  
8           agents, licenses, and permits; repealing s. 447.041,  
9           F.S., relating to hearings; repealing s. 447.045,  
10          F.S., relating to certain confidential information;  
11          repealing s. 447.06, F.S., relating to the required  
12          registration of labor organizations; amending s.  
13          447.09, F.S.; deleting prohibitions against specified  
14          actions; repealing s. 447.12, F.S., relating to  
15          registration fees; repealing s. 447.16, F.S., relating  
16          to the applicability of ch. 447, F.S.; repealing part  
17          VII of ch. 468, F.S., relating to the regulation of  
18          talent agencies; amending s. 468.451, F.S.; revising  
19          legislative intent related to the regulation of  
20          athlete agents; reordering and amending s. 468.452,  
21          F.S.; deleting the term "department"; repealing s.  
22          468.453, F.S., relating to the licensure of athlete  
23          agents; repealing s. 468.4536, F.S., relating to  
24          renewal of such licenses; amending s. 468.454, F.S.;  
25          revising the information that must be stated in agent  
26          contracts; deleting a condition under which an agent

27 contract is void and unenforceable; repealing s.  
28 468.456, F.S., relating to prohibited acts for athlete  
29 agents; repealing s. 468.4561, F.S., relating to  
30 unlicensed activity and penalties for violations;  
31 amending s. 468.45615, F.S.; conforming provisions to  
32 changes made by the act; amending s. 468.4565, F.S.;  
33 deleting provisions authorizing the Department of  
34 Business and Professional Regulation to access and  
35 inspect certain records of athlete agents and related  
36 disciplinary actions and subpoena powers; repealing s.  
37 468.457, F.S., relating to rulemaking authority;  
38 amending s. 469.006, F.S.; requiring that a license be  
39 in the name of a qualifying agent rather than the name  
40 of a business organization; requiring the qualifying  
41 agent, rather than the business organization, to  
42 report certain changes in information; conforming  
43 provisions to changes made by the act; amending s.  
44 469.009, F.S.; deleting the authority of the  
45 department to reprimand, censure, or impose probation  
46 on certain business organizations; amending s.  
47 474.203, F.S.; excluding veterinary acupuncture and  
48 massage from certain provisions in ch. 474, F.S.;  
49 defining terms; amending s. 477.0132, F.S.; excluding  
50 the practices of hair wrapping and body wrapping from  
51 regulation under the Florida Cosmetology Act; amending  
52 s. 477.0135, F.S.; providing that a license or

53 registration is not required for a person whose  
54 occupation or practice is confined solely to adding  
55 polish to nails or solely to hair wrapping or body  
56 wrapping; amending ss. 477.019, 477.026, 477.0265, and  
57 477.029, F.S.; conforming provisions to changes made  
58 by the act; amending s. 481.203, F.S.; defining the  
59 term "business organization"; deleting the definition  
60 of the term "certificate of authorization"; amending  
61 s. 481.219, F.S.; revising the process by which a  
62 business organization obtains the requisite license to  
63 perform architectural services; requiring that a  
64 licensee or an applicant apply to qualify a business  
65 organization under certain circumstances; specifying  
66 application requirements; authorizing the Board of  
67 Architecture and Interior Design to deny an  
68 application under certain circumstances; requiring  
69 that a qualifying agent be a registered architect or a  
70 registered interior designer under certain  
71 circumstances; requiring that a qualifying agent  
72 notify the department when she or he ceases to be  
73 affiliated with a business organization; prohibiting a  
74 business organization from engaging in certain  
75 practices until it is qualified by a qualifying agent;  
76 authorizing a business organization to proceed with  
77 specified contracts under a temporary certificate in  
78 certain circumstances; defining the term "incomplete

79 | contract"; requiring the qualifying agent to give  
80 | written notice to the department before engaging in  
81 | practice under her or his own name or in affiliation  
82 | with another business organization; requiring the  
83 | board to certify an applicant to qualify one or more  
84 | business organizations or to operate using a  
85 | fictitious name under certain circumstances;  
86 | specifying that a qualifying agent for a business  
87 | organization is jointly and severally liable with the  
88 | business organization for certain damages; conforming  
89 | provisions to changes made by the act; amending ss.  
90 | 481.221 and 481.229, F.S.; conforming provisions to  
91 | changes made by the act; reordering and amending s.  
92 | 481.303, F.S.; deleting the term "certificate of  
93 | authorization"; amending s. 481.321, F.S.; revising  
94 | provisions that require persons to display certificate  
95 | numbers under certain circumstances; conforming  
96 | provisions to changes made by the act; amending ss.  
97 | 481.311, 481.317, and 481.319, F.S.; conforming  
98 | provisions to changes made by the act; amending s.  
99 | 481.329, F.S.; conforming a cross-reference; amending  
100 | s. 489.503, F.S.; deleting an exemption from  
101 | regulation for certain persons; exempting a person who  
102 | installs certain low-voltage landscape lighting from  
103 | specified requirements; amending s. 489.518, F.S.;  
104 | exempting certain persons from initial training for

105 | burglar alarm system agents; amending s. 492.111,  
 106 | F.S.; revising the requirements for an individual to  
 107 | practice or offer to practice professional geology  
 108 | through a firm, corporation, or partnership; requiring  
 109 | a firm, corporation, or partnership to be qualified by  
 110 | one or more individuals licensed as a professional  
 111 | geologist under certain circumstances; revising  
 112 | provisions specifying which persons must notify the  
 113 | department of changes in the geologist of record;  
 114 | deleting provisions relating to certificates of  
 115 | authorization; conforming provisions to changes made  
 116 | by the act; amending ss. 492.104, 492.113, and  
 117 | 492.115, F.S.; conforming provisions to changes made  
 118 | by the act; providing an effective date.

119 |

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

121 |

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

124 | 326.004 Licensing.—

125 | (13) Each broker must maintain a principal place of  
 126 | business in this state and may establish branch offices in the  
 127 | state. ~~A separate license must be maintained for each branch~~  
 128 | ~~office. The division shall establish by rule a fee not to exceed~~  
 129 | ~~\$100 for each branch office license.~~

130 | Section 2. Subsection (3) of section 447.02, Florida

131 Statutes, is amended to read:

132 447.02 Definitions.—The following terms, when used in this  
 133 chapter, shall have the meanings ascribed to them in this  
 134 section:

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

137 Section 3. Section 447.04, Florida Statutes, is repealed.

138 Section 4. Section 447.041, Florida Statutes, is repealed.

139 Section 5. Section 447.045, Florida Statutes, is repealed.

140 Section 6. Section 447.06, Florida Statutes, is repealed.

141 Section 7. Subsections (6) and (8) of section 447.09,  
 142 Florida Statutes, are amended to read:

143 447.09 Right of franchise preserved; penalties.—It shall  
 144 be unlawful for any person:

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

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

149 Section 8. Section 447.12, Florida Statutes, is repealed.

150 Section 9. Section 447.16, Florida Statutes, is repealed.

151 Section 10. Part VII of chapter 468, Florida Statutes,  
 152 consisting of ss. 468.401, 468.402, 468.403, 468.404, 468.405,  
 153 468.406, 468.407, 468.408, 468.409, 468.410, 468.411, 468.412,  
 154 468.413, 468.414, and 468.415, is repealed.

155 Section 11. Section 468.451, Florida Statutes, is amended  
 156 to read:

157 468.451 Legislative findings and intent.—The Legislature  
 158 finds that dishonest or unscrupulous practices by agents who  
 159 solicit representation of student athletes can cause significant  
 160 harm to student athletes and the academic institutions for which  
 161 they play. It is the intent of the Legislature to provide civil  
 162 and criminal causes of action against athlete agents to protect  
 163 the interests of student athletes and academic institutions ~~by~~  
 164 ~~regulating the activities of athlete agents.~~

165 Section 12. Subsections (4) through (7) of section  
 166 468.452, Florida Statutes, are reordered and amended to read:

167 468.452 Definitions.—For purposes of this part, the term:

168 ~~(4) "Department" means the Department of Business and~~  
 169 ~~Professional Regulation.~~

170 (6)~~(5)~~ "Student athlete" means any student who:

171 (a) Resides in Florida, has informed, in writing, a  
 172 college or university of the student's intent to participate in  
 173 that school's intercollegiate athletics, or who does participate  
 174 in that school's intercollegiate athletics and is eligible to do  
 175 so; or

176 (b) Does not reside in Florida, but has informed, in  
 177 writing, a college or university in Florida of the student's  
 178 intent to participate in that school's intercollegiate  
 179 athletics, or who does participate in that school's  
 180 intercollegiate athletics and is eligible to do so.

181 (4)~~(6)~~ "Financial services" means the counseling on or the  
 182 making or execution of investment and other financial decisions

183 by the agent on behalf of the student athlete.

184 (5)-(7) "Participation" means practicing, competing, or  
 185 otherwise representing a college or university in  
 186 intercollegiate athletics.

187 Section 13. Section 468.453, Florida Statutes, is  
 188 repealed.

189 Section 14. Section 468.4536, Florida Statutes, is  
 190 repealed.

191 Section 15. Subsections (2) and (12) of section 468.454,  
 192 Florida Statutes, are amended to read:

193 468.454 Contracts.—

194 (2) An agent contract must state:

195 (a) The amount and method of calculating the consideration  
 196 to be paid by the student athlete for services to be provided by  
 197 the athlete agent and any other consideration the agent has  
 198 received or will receive from any other source under the  
 199 contract;

200 (b) The name of any person ~~not listed in the licensure~~  
 201 ~~application~~ who will be compensated because the student athlete  
 202 signed the agent contract;

203 (c) A description of any expenses that the student athlete  
 204 agrees to reimburse;

205 (d) A description of the services to be provided to the  
 206 student athlete;

207 (e) The duration of the contract; and

208 (f) The date of execution.

209 ~~(12) An agent contract between a student athlete and a~~  
 210 ~~person not licensed under this part is void and unenforceable.~~

211 Section 16. Section 468.456, Florida Statutes, is  
 212 repealed.

213 Section 17. Section 468.4561, Florida Statutes, is  
 214 repealed.

215 Section 18. Section 468.45615, Florida Statutes, is  
 216 amended to read:

217 468.45615 Provision of illegal inducements to athletes  
 218 ~~prohibited; penalties; license suspension.-~~

219 (1) A Any person who offers anything of value to another  
 220 person to induce a student athlete to enter into an agreement by  
 221 which the athlete agent will represent the student athlete  
 222 commits violates s. 468.456(1)(f) is guilty of a felony of the  
 223 second degree, punishable as provided in s. 775.082, s. 775.083,  
 224 s. 775.084, s. 775.089, or s. 775.091. Negotiations regarding an  
 225 athlete agent's fee are not considered an inducement.

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

235 (b) Regardless of whether adjudication is withheld, any  
 236 person who knowingly actively assists in the illegal recruitment  
 237 or solicitation of student athletes for a person who has been  
 238 convicted or found guilty of, or entered a plea of nolo  
 239 contendere to, a violation of this section is guilty of a felony  
 240 of the second degree, punishable as provided in s. 775.082, s.  
 241 775.083, s. 775.084, s. 775.089, or s. 775.091.

242 ~~(3) In addition to any other penalties provided in this~~  
 243 ~~section, the court may suspend the license of the person pending~~  
 244 ~~the outcome of any administrative action against the person by~~  
 245 ~~the department.~~

246 (3)-(4)(a) An athlete agent, with the intent to induce a  
 247 student athlete to enter into an agent contract, may not:

- 248 1. Give any materially false or misleading information or
- 249 make a materially false promise or representation;
- 250 2. Furnish anything of value to a student athlete before
- 251 the student athlete enters into the agent contract; or
- 252 3. Furnish anything of value to any individual other than
- 253 the student athlete or another athlete agent.

254 (b) An athlete agent may not intentionally:

- 255 1. ~~Initiate contact with a student athlete unless licensed~~  
 256 ~~under this part;~~
- 257 2. Refuse or fail to retain or permit inspection of the  
 258 records required to be retained by s. 468.4565;
- 259 3. ~~Provide materially false or misleading information in~~  
 260 ~~an application for licensure;~~

261           ~~2.4.~~ Predate or postdate an agent contract;  
 262           ~~3.5.~~ Fail to give notice of the existence of an agent  
 263 contract as required by s. 468.454(6); or  
 264           ~~4.6.~~ Fail to notify a student athlete before the student  
 265 athlete signs or otherwise authenticates an agent contract for a  
 266 sport that the signing or authentication may make the student  
 267 athlete ineligible to participate as a student athlete in that  
 268 sport.

269           (c) An athlete agent who violates this subsection commits  
 270 a felony of the second degree, punishable as provided in s.  
 271 775.082, s. 775.083, or s. 775.084.

272           Section 19. Section 468.4565, Florida Statutes, is amended  
 273 to read:

274           468.4565 Business records requirement.—

275           ~~(1)~~ An athlete agent shall establish and maintain complete  
 276 financial and business records. The athlete agent shall save  
 277 each entry into a financial or business record for at least 5  
 278 years after ~~from~~ the date of entry. These records must include:

279           (1) ~~(a)~~ The name and address of each individual represented  
 280 by the athlete agent;

281           (2) ~~(b)~~ Any agent contract entered into by the athlete  
 282 agent; and

283           (3) ~~(c)~~ Any direct costs incurred by the athlete agent in  
 284 the recruitment or solicitation of a student athlete to enter  
 285 into an agent contract.

286           ~~(2)~~ The department shall have access to and shall have the

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287 ~~right to inspect and examine the financial or business records~~  
288 ~~of an athlete agent during normal business hours. Refusal or~~  
289 ~~failure of an athlete agent to provide the department access to~~  
290 ~~financial and business records shall be the basis for~~  
291 ~~disciplinary action by the department pursuant to s. 455.225.~~  
292 ~~The department may exercise its subpoena powers to obtain the~~  
293 ~~financial and business records of an athlete agent.~~

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

296 Section 21. Paragraphs (a) and (e) of subsection (2),  
297 subsection (3), paragraph (b) of subsection (4), and subsection  
298 (6) of section 469.006, Florida Statutes, are amended to read:

299 469.006 Licensure of business organizations; qualifying  
300 agents.—

301 (2) (a) If the applicant proposes to engage in consulting  
302 or contracting as a partnership, corporation, business trust, or  
303 other legal entity, or in any name other than the applicant's  
304 legal name, ~~the legal entity must apply for licensure through a~~  
305 ~~qualifying agent or the individual applicant must apply for~~  
306 ~~licensure under the name of the business organization ~~fictitious~~~~  
307 ~~name.~~

308 (e) A ~~The license, when issued upon application of a~~  
309 ~~business organization,~~ must be in the name of the qualifying  
310 agent business organization, and the name of the business  
311 organization ~~qualifying agent~~ must be noted on the license  
312 ~~thereon.~~ If there is a change in any information that is

313 required to be stated on the application, the qualifying agent  
314 ~~business organization~~ shall, within 45 days after such change  
315 occurs, mail the correct information to the department.

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

336 (4)

337 (b) Upon a favorable determination by the department,  
338 after investigation of the financial responsibility, credit, and

339 business reputation of the qualifying agent and the new business  
340 organization, the department shall issue, without any  
341 examination, a new license in the qualifying agent's ~~business~~  
342 ~~organization's~~ name, and the name of the business organization  
343 ~~qualifying agent~~ shall be noted thereon.

344 (6) Each qualifying agent shall pay the department an  
345 amount equal to the original fee for licensure ~~of a new business~~  
346 ~~organization~~. if the qualifying agent for a business  
347 organization desires to qualify additional business  
348 organizations. 7 The department shall require the agent to  
349 present evidence of supervisory ability and financial  
350 responsibility of each such organization. Allowing a licensee to  
351 qualify more than one business organization must ~~shall~~ be  
352 conditioned upon the licensee showing that the licensee has both  
353 the capacity and intent to adequately supervise each business  
354 organization. The department may ~~shall~~ not limit the number of  
355 business organizations that ~~which~~ the licensee may qualify  
356 except upon the licensee's failure to provide such information  
357 as is required under this subsection or upon a finding that the  
358 ~~such~~ information or evidence ~~as is~~ supplied is incomplete or  
359 unpersuasive in showing the licensee's capacity and intent to  
360 comply with the requirements of this subsection. A qualification  
361 for an additional business organization may be revoked or  
362 suspended upon a finding by the department that the licensee has  
363 failed in the licensee's responsibility to adequately supervise  
364 the operations of the business organization. Failure to

365 adequately supervise the operations of a business organization  
366 is ~~shall be~~ grounds for denial to qualify additional business  
367 organizations.

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

370 469.009 License revocation, suspension, and denial of  
371 issuance or renewal.—

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

382 (a) Willfully or deliberately disregarding or violating  
383 the health and safety standards of the Occupational Safety and  
384 Health Act of 1970, the Construction Safety Act, the National  
385 Emission Standards for Asbestos, the Environmental Protection  
386 Agency Asbestos Abatement Projects Worker Protection Rule, the  
387 Florida Statutes or rules promulgated thereunder, or any  
388 ordinance enacted by a political subdivision of this state.

389 (b) Violating any provision of chapter 455.

390 (c) Failing in any material respect to comply with the

391 provisions of this chapter or any rule promulgated hereunder.

392 (d) Acting in the capacity of an asbestos contractor or  
 393 asbestos consultant under any license issued under this chapter  
 394 except in the name of the licensee as set forth on the issued  
 395 license.

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

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

399 (g) Being convicted or found guilty of, or entering a plea  
 400 of nolo contendere to, regardless of adjudication, a crime in  
 401 any jurisdiction which directly relates to the practice of  
 402 asbestos consulting or contracting or the ability to practice  
 403 asbestos consulting or contracting.

404 (h) Knowingly violating any building code, lifesafety  
 405 code, or county or municipal ordinance relating to the practice  
 406 of asbestos consulting or contracting.

407 (i) Performing any act which assists a person or entity in  
 408 engaging in the prohibited unlicensed practice of asbestos  
 409 consulting or contracting, if the licensee knows or has  
 410 reasonable grounds to know that the person or entity was  
 411 unlicensed.

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

414 Financial mismanagement or misconduct occurs when:

415 1. Valid liens have been recorded against the property of  
 416 a contractor's customer for supplies or services ordered by the

417 contractor for the customer's job; the contractor has received  
418 funds from the customer to pay for the supplies or services; and  
419 the contractor has not had the liens removed from the property,  
420 by payment or by bond, within 75 days after the date of such  
421 liens;

422 2. The contractor has abandoned a customer's job and the  
423 percentage of completion is less than the percentage of the  
424 total contract price paid to the contractor as of the time of  
425 abandonment, unless the contractor is entitled to retain such  
426 funds under the terms of the contract or refunds the excess  
427 funds within 30 days after the date the job is abandoned; or

428 3. The contractor's job has been completed, and it is  
429 shown that the customer has had to pay more for the contracted  
430 job than the original contract price, as adjusted for subsequent  
431 change orders, unless such increase in cost was the result of  
432 circumstances beyond the control of the contractor, was the  
433 result of circumstances caused by the customer, or was otherwise  
434 permitted by the terms of the contract between the contractor  
435 and the customer.

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

438 (l) Failing in any material respect to comply with the  
439 provisions of this chapter, or violating a rule or lawful order  
440 of the department.

441 (m) Abandoning an asbestos abatement project in which the  
442 asbestos contractor is engaged or under contract as a

443 contractor. A project may be presumed abandoned after 20 days if  
444 the contractor terminates the project without just cause and  
445 without proper notification to the owner, including the reason  
446 for termination; if the contractor fails to reasonably secure  
447 the project to safeguard the public while work is stopped; or if  
448 the contractor fails to perform work without just cause for 20  
449 days.

450 (n) Signing a statement with respect to a project or  
451 contract falsely indicating that the work is bonded; falsely  
452 indicating that payment has been made for all subcontracted  
453 work, labor, and materials which results in a financial loss to  
454 the owner, purchaser, or contractor; or falsely indicating that  
455 workers' compensation and public liability insurance are  
456 provided.

457 (o) Committing fraud or deceit in the practice of asbestos  
458 consulting or contracting.

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

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

464 (r) Intimidating, threatening, coercing, or otherwise  
465 discouraging the service of a notice to owner under part I of  
466 chapter 713 or a notice to contractor under chapter 255 or part  
467 I of chapter 713.

468 (s) Failing to satisfy, within a reasonable time, the

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469 terms of a civil judgment obtained against the licensee, or the  
470 business organization qualified by the licensee, relating to the  
471 practice of the licensee's profession.

472

473 For the purposes of this subsection, construction is considered  
474 to be commenced when the contract is executed and the contractor  
475 has accepted funds from the customer or lender.

476 Section 23. Subsection (9) is added to section 474.203,  
477 Florida Statutes, to read:

478 474.203 Exemptions.—This chapter does not apply to:

479 (9) The performance of veterinary acupressure or  
480 veterinary massage.

481 (a) For purposes of this subsection, the term "veterinary  
482 acupressure" means the stimulation with finger pressure, rather  
483 than the insertion of needles, of the same points on an animal's  
484 body which are targeted in acupuncture. The term does not  
485 include the prescribing of drugs or the diagnosis of or  
486 prognosis for a medical condition of the animal.

487 (b) For the purposes of this subsection, the term  
488 "veterinary massage" means the use of fingers, hands, and  
489 machines to manipulate the animal's soft tissues to improve the  
490 healing and recovery of the animal. The term does not include  
491 the prescribing of drugs or the diagnosis of or prognosis for a  
492 medical condition of the animal.

493

494 For the purposes of chapters 465 and 893, persons exempt

495 pursuant to subsection (1), subsection (2), or subsection (4)  
 496 are deemed to be duly licensed practitioners authorized by the  
 497 laws of this state to prescribe drugs or medicinal supplies.

498 Section 24. Section 477.0132, Florida Statutes, is amended  
 499 to read:

500 477.0132 Hair braiding, ~~hair wrapping, and body wrapping~~  
 501 registration.-

502 (1) (a) Persons whose occupation or practice is confined  
 503 solely to hair braiding must register with the department, pay  
 504 the applicable registration fee, and take a two-day 16-hour  
 505 course. The course shall be board approved and consist of 5  
 506 hours of HIV/AIDS and other communicable diseases, 5 hours of  
 507 sanitation and sterilization, 4 hours of disorders and diseases  
 508 of the scalp, and 2 hours of studies regarding laws affecting  
 509 hair braiding.

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

517 ~~(c) Unless otherwise licensed or exempted from licensure~~  
 518 ~~under this chapter, any person whose occupation or practice is~~  
 519 ~~body wrapping must register with the department, pay the~~  
 520 ~~applicable registration fee, and take a two-day 12-hour course.~~

521 ~~The course shall be board approved and consist of education in~~  
 522 ~~HIV/AIDS and other communicable diseases, sanitation and~~  
 523 ~~sterilization, disorders and diseases of the skin, and studies~~  
 524 ~~regarding laws affecting body wrapping.~~

525 ~~(d)~~ Only the board may review, evaluate, and approve a  
 526 course required of an applicant for registration under this  
 527 subsection in the occupation or practice of hair braiding, ~~hair~~  
 528 ~~wrapping, or body wrapping.~~ A provider of such a course is not  
 529 required to hold a license under chapter 1005.

530 (2) Hair braiding is, ~~hair wrapping, and body wrapping~~ are  
 531 not required to be practiced in a cosmetology salon or specialty  
 532 salon. When hair braiding, ~~hair wrapping, or body wrapping~~ is  
 533 practiced outside a cosmetology salon or specialty salon,  
 534 disposable implements must be used or all implements must be  
 535 sanitized in a disinfectant approved for hospital use or  
 536 approved by the federal Environmental Protection Agency.

537 (3) Pending issuance of registration, a person is eligible  
 538 to practice hair braiding, ~~hair wrapping, or body wrapping~~ upon  
 539 submission of a registration application that includes proof of  
 540 successful completion of the education requirements and payment  
 541 of the applicable fees required by this chapter.

542 Section 25. Subsections (7), (8), and (9) are added to  
 543 section 477.0135, Florida Statutes, to read:

544 477.0135 Exemptions.—

545 (7) A license or registration is not required for a person  
 546 whose occupation or practice is confined solely to adding polish

547 to fingernails and toenails.

548 (8) A license or registration is not required for a person  
 549 whose occupation or practice is confined solely to hair wrapping  
 550 as defined in s. 477.013(10).

551 (9) A license or registration is not required for a person  
 552 whose occupation or practice is confined solely to body wrapping  
 553 as defined in s. 477.013(12).

554 Section 26. Paragraph (b) of subsection (7) of section  
 555 477.019, Florida Statutes, is amended to read:

556 477.019 Cosmetologists; qualifications; licensure;  
 557 supervised practice; license renewal; endorsement; continuing  
 558 education.—

559 (7)

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

564 Section 27. Paragraph (f) of subsection (1) of section  
 565 477.026, Florida Statutes, is amended to read:

566 477.026 Fees; disposition.—

567 (1) The board shall set fees according to the following  
 568 schedule:

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

571 Section 28. Paragraph (f) of subsection (1) of section  
 572 477.0265, Florida Statutes, is amended to read:

573 477.0265 Prohibited acts.—

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

575 (f) Advertise or imply that skin care services ~~or body~~  
 576 ~~wrapping, as performed under this chapter,~~ have any relationship  
 577 to the practice of massage therapy as defined in s. 480.033(3),  
 578 except those practices or activities defined in s. 477.013.

579 Section 29. Paragraph (a) of subsection (1) of section  
 580 477.029, Florida Statutes, is amended to read:

581 477.029 Penalty.—

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

583 (a) Hold himself or herself out as a cosmetologist,  
 584 specialist, or ~~hair wrapper,~~ hair braider, ~~or body wrapper~~  
 585 unless duly licensed or registered, or otherwise authorized, as  
 586 provided in this chapter.

587 Section 30. Subsection (5) of section 481.203, Florida  
 588 Statutes, is amended to read:

589 481.203 Definitions.—As used in this part:

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

595 Section 31. Section 481.219, Florida Statutes, is amended  
 596 to read:

597 481.219 Business organization; qualifying agents  
 598 ~~Certification of partnerships, limited liability companies, and~~

599 ~~corporations.~~

600 (1) A licensee may ~~The practice of or the offer to~~  
 601 practice architecture or interior design ~~by licensees~~ through a  
 602 business organization that offers ~~corporation, limited liability~~  
 603 ~~company, or partnership offering~~ architectural or interior  
 604 design services to the public, or through ~~by~~ a business  
 605 organization that offers ~~corporation, limited liability company,~~  
 606 ~~or partnership offering~~ architectural or interior design  
 607 services to the public through such licensees ~~under this part~~ as  
 608 agents, employees, officers, or partners, ~~is permitted, subject~~  
 609 ~~to the provisions of this section.~~

610 (2) If a licensee or an applicant proposes to engage in  
 611 the practice of architecture or interior design as a business  
 612 organization, the licensee or applicant must apply to qualify  
 613 the business organization ~~For the purposes of this section, a~~  
 614 ~~certificate of authorization shall be required for a~~  
 615 ~~corporation, limited liability company, partnership, or person~~  
 616 ~~practicing under a fictitious name, offering architectural~~  
 617 ~~services to the public jointly or separately. However, when an~~  
 618 ~~individual is practicing architecture in her or his own name,~~  
 619 ~~she or he shall not be required to be certified under this~~  
 620 ~~section. Certification under this subsection to offer~~  
 621 ~~architectural services shall include all the rights and~~  
 622 ~~privileges of certification under subsection (3) to offer~~  
 623 ~~interior design services.~~

624 (a) An application to qualify a business organization

625 must:

626 1. If the business is a partnership, state the names of  
627 the partnership and its partners.

628 2. If the business is a corporation, state the names of  
629 the corporation and its officers and directors and the name of  
630 each of its stockholders who is also an officer or a director.

631 3. If the business is operating under a fictitious name,  
632 state the fictitious name under which it is doing business.

633 4. If the business is not a partnership, a corporation, or  
634 operating under a fictitious name, state the name of such other  
635 legal entity and its members.

636 (b) The board may deny an application to qualify a  
637 business organization if the applicant or any person required to  
638 be named pursuant to paragraph (a) has been involved in past  
639 disciplinary actions or on any grounds for which an individual  
640 registration or certification may be denied.

641 (3) (a) A business organization may not engage in the  
642 practice of architecture unless its qualifying agent is a  
643 registered architect under this part. A business organization  
644 may not engage in the practice of interior design unless its  
645 qualifying agent is a registered architect or a registered  
646 interior designer under this part. A qualifying agent who  
647 terminates her or his affiliation with a business organization  
648 shall immediately notify the department of such termination. If  
649 the qualifying agent who terminates her or his affiliation is  
650 the only qualifying agent for a business organization, the

651 business organization must be qualified by another qualifying  
652 agent within 60 days after the termination. Except as provided  
653 in paragraph (b), such a business organization may not engage in  
654 the practice of architecture or interior design until it is  
655 qualified by a qualifying agent.

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

673 (c) A qualifying agent shall notify the department in  
674 writing before engaging in the practice of architecture or  
675 interior design in her or his own name or in affiliation with a  
676 different business organization, and she or he or such business

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677 organization shall supply the same information to the department  
678 as required of applicants under this part ~~For the purposes of~~  
679 ~~this section, a certificate of authorization shall be required~~  
680 ~~for a corporation, limited liability company, partnership, or~~  
681 ~~person operating under a fictitious name, offering interior~~  
682 ~~design services to the public jointly or separately. However,~~  
683 ~~when an individual is practicing interior design in her or his~~  
684 ~~own name, she or he shall not be required to be certified under~~  
685 ~~this section.~~

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

695 (5) All drawings, specifications, plans, reports, or other  
696 papers or documents prepared or approved for the use of the  
697 business organization ~~corporation, limited liability company, or~~  
698 ~~partnership~~ by an interior designer in her or his professional  
699 capacity and filed for public record within the state must ~~shall~~  
700 bear the signature and seal of the licensee who prepared or  
701 approved them and the date on which they were sealed.

702 (6) ~~The department shall issue a certificate of~~

703 ~~authorization to any applicant who the board certifies as~~  
 704 ~~qualified for a certificate of authorization and who has paid~~  
 705 ~~the fee set in s. 481.207.~~

706 ~~(7)~~ The board shall allow ~~certify~~ an applicant to qualify  
 707 one or more business organizations ~~as qualified for a~~  
 708 ~~certificate of authorization~~ to offer architectural or interior  
 709 design services, or to use a fictitious name to offer such  
 710 services, if one of the following criteria is met ~~provided that:~~

711 (a) One or more of the principal officers of the  
 712 corporation or limited liability company, or one or more  
 713 partners of the partnership, and all personnel of the  
 714 corporation, limited liability company, or partnership who act  
 715 in its behalf in this state as architects, are registered as  
 716 provided by this part. ~~;~~

717 (b) One or more of the principal officers of the  
 718 corporation or one or more partners of the partnership, and all  
 719 personnel of the corporation, limited liability company, or  
 720 partnership who act in its behalf in this state as interior  
 721 designers, are registered as provided by this part.

722 ~~(8) The department shall adopt rules establishing a~~  
 723 ~~procedure for the biennial renewal of certificates of~~  
 724 ~~authorization.~~

725 ~~(9) The department shall renew a certificate of~~  
 726 ~~authorization upon receipt of the renewal application and~~  
 727 ~~biennial renewal fee.~~

728 ~~(7)-(10)~~ Each qualifying agent approved to qualify a

729 business organization ~~partnership, limited liability company,~~  
 730 ~~and corporation certified~~ under this section shall notify the  
 731 department within 30 days of any change in the information  
 732 contained in the application upon which the qualification  
 733 ~~certification~~ is based. Any registered architect or interior  
 734 designer who qualifies the business organization shall ensure  
 735 ~~corporation, limited liability company, or partnership as~~  
 736 ~~provided in subsection (7)~~ shall be responsible for ensuring  
 737 responsible supervising control of projects of the business  
 738 organization ~~entity~~ and upon termination of her or his  
 739 employment with a business organization qualified ~~partnership,~~  
 740 ~~limited liability company, or corporation certified~~ under this  
 741 section shall notify the department of the termination within 30  
 742 days.

743 (8) A licensed qualifying agent for a business  
 744 organization is jointly and severally liable with the business  
 745 organization for any damages resulting from the actions of the  
 746 business organization.

747 (9) ~~(11)~~ A business organization is not ~~No corporation,~~  
 748 ~~limited liability company, or partnership shall be~~ relieved of  
 749 responsibility for the conduct or acts of its agents, employees,  
 750 or officers by reason of its compliance with this section.  
 751 However, except as provided in s. 558.0035, the architect who  
 752 signs and seals the construction documents and instruments of  
 753 service is ~~shall be~~ liable for the professional services  
 754 performed, and the interior designer who signs and seals the

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755 interior design drawings, plans, or specifications is ~~shall be~~  
756 liable for the professional services performed.

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

762 ~~(10)(13) Nothing in This section may not shall be~~  
763 construed to mean that a certificate of registration to practice  
764 architecture or interior design must ~~shall~~ be held by a business  
765 organization ~~corporation, limited liability company, or~~  
766 ~~partnership. Nothing in This section does not prohibit prohibits~~  
767 corporations, limited liability companies, and partnerships from  
768 joining together to offer architectural, engineering, interior  
769 design, surveying and mapping, and landscape architectural  
770 services, or any combination of such services, to the public if,  
771 ~~provided that~~ each corporation, limited liability company, or  
772 partnership otherwise meets the requirements of law.

773 ~~(11)(14) A business organization that is qualified by a~~  
774 registered architect may ~~Corporations, limited liability~~  
775 ~~companies, or partnerships holding a valid certificate of~~  
776 ~~authorization to practice architecture shall be permitted to use~~  
777 ~~in their title~~ the term "interior designer" or "registered  
778 interior designer" in its title. designer."

779 Section 32. Subsection (10) of section 481.221, Florida  
780 Statutes, is amended to read:

781 481.221 Seals; display of certificate number.—

782 (10) Each registered architect or interior designer or  
 783 qualifying agent of a business organization must, ~~and each~~  
 784 ~~corporation, limited liability company, or partnership holding a~~  
 785 ~~certificate of authorization, shall include her or his license~~  
 786 ~~its certificate number in any newspaper, telephone directory, or~~  
 787 ~~other advertising medium used by the registered architect or,~~  
 788 ~~interior designer, or business organization corporation, limited~~  
 789 ~~liability company, or partnership. A business organization~~  
 790 ~~corporation, limited liability company, or partnership is not~~  
 791 required to display the certificate number of individual  
 792 registered architects or interior designers employed by or  
 793 working within the business organization ~~corporation, limited~~  
 794 ~~liability company, or partnership.~~

795 Section 33. Paragraphs (a) and (c) of subsection (5) of  
 796 section 481.229, Florida Statutes, are amended to read:

797 481.229 Exceptions; exemptions from licensure.—

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

805 (c) Notwithstanding any other provision of this part, a  
 806 registered architect or qualified business organization

807 ~~certified~~ any corporation, partnership, or person operating  
 808 under a fictitious name which holds a certificate of  
 809 authorization to provide architectural services must ~~shall~~ be  
 810 qualified, without fee, ~~for a certificate of authorization to~~  
 811 provide interior design services upon submission of a completed  
 812 application for qualification ~~therefor~~. ~~For corporations,~~  
 813 ~~partnerships, and persons operating under a fictitious name~~  
 814 ~~which hold a certificate of authorization to provide interior~~  
 815 ~~design services, satisfaction of the requirements for renewal of~~  
 816 ~~the certificate of authorization to provide architectural~~  
 817 ~~services under s. 481.219 shall be deemed to satisfy the~~  
 818 ~~requirements for renewal of the certificate of authorization to~~  
 819 ~~provide interior design services under that section.~~

820 Section 34. Section 481.303, Florida Statutes, is  
 821 reordered and amended to read:

822 481.303 Definitions.—As used in this chapter, the term:

823 (1) "Board" means the Board of Landscape Architecture.

824 (3)~~(2)~~ "Department" means the Department of Business and  
 825 Professional Regulation.

826 (6)~~(3)~~ "Registered landscape architect" means a person who  
 827 holds a license to practice landscape architecture in this state  
 828 under the authority of this act.

829 (2)~~(4)~~ "Certificate of registration" means a license  
 830 issued by the department to a natural person to engage in the  
 831 practice of landscape architecture.

832 ~~(5)~~ "Certificate of authorization" means a license issued

833 ~~by the department to a corporation or partnership to engage in~~  
834 ~~the practice of landscape architecture.~~

835 (4)~~(6)~~ "Landscape architecture" means professional  
836 services, including, but not limited to, the following:

837 (a) Consultation, investigation, research, planning,  
838 design, preparation of drawings, specifications, contract  
839 documents and reports, responsible construction supervision, or  
840 landscape management in connection with the planning and  
841 development of land and incidental water areas, including the  
842 use of Florida-friendly landscaping as defined in s. 373.185,  
843 where, and to the extent that, the dominant purpose of such  
844 services or creative works is the preservation, conservation,  
845 enhancement, or determination of proper land uses, natural land  
846 features, ground cover and plantings, or naturalistic and  
847 aesthetic values;

848 (b) The determination of settings, grounds, and approaches  
849 for and the siting of buildings and structures, outdoor areas,  
850 or other improvements;

851 (c) The setting of grades, shaping and contouring of land  
852 and water forms, determination of drainage, and provision for  
853 storm drainage and irrigation systems where such systems are  
854 necessary to the purposes outlined herein; and

855 (d) The design of such tangible objects and features as  
856 are necessary to the purpose outlined herein.

857 (5)~~(7)~~ "Landscape design" means consultation for and  
858 preparation of planting plans drawn for compensation, including

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859 specifications and installation details for plant materials,  
860 soil amendments, mulches, edging, gravel, and other similar  
861 materials. Such plans may include only recommendations for the  
862 conceptual placement of tangible objects for landscape design  
863 projects. Construction documents, details, and specifications  
864 for tangible objects and irrigation systems shall be designed or  
865 approved by licensed professionals as required by law.

866 Section 35. Subsection (5) of section 481.321, Florida  
867 Statutes, is amended to read:

868 481.321 Seals; display of certificate number.—

869 (5) Each registered landscape architect must ~~and each~~  
870 ~~corporation or partnership holding a certificate of~~  
871 ~~authorization shall~~ include her or his ~~its~~ certificate number in  
872 any newspaper, telephone directory, or other advertising medium  
873 used by the registered landscape architect, corporation, or  
874 partnership. A corporation or partnership must ~~is not required~~  
875 ~~to~~ display the certificate number ~~numbers~~ of at least one  
876 officer, director, owner, or partner who is a individual  
877 registered landscape architect ~~architects~~ employed by or  
878 practicing with the corporation or partnership.

879 Section 36. Subsection (4) of section 481.311, Florida  
880 Statutes, is amended to read:

881 481.311 Licensure.—

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

885 Section 37. Subsection (2) of section 481.317, Florida  
 886 Statutes, is amended to read:

887 481.317 Temporary certificates.—

888 ~~(2) Upon approval by the board and payment of the fee set~~  
 889 ~~in s. 481.307, the department shall grant a temporary~~  
 890 ~~certificate of authorization for work on one specified project~~  
 891 ~~in this state for a period not to exceed 1 year to an out-of-~~  
 892 ~~state corporation, partnership, or firm, provided one of the~~  
 893 ~~principal officers of the corporation, one of the partners of~~  
 894 ~~the partnership, or one of the principals in the fictitiously~~  
 895 ~~named firm has obtained a temporary certificate of registration~~  
 896 ~~in accordance with subsection (1).~~

897 Section 38. Section 481.319, Florida Statutes, is amended  
 898 to read:

899 481.319 Corporate and partnership practice of landscape  
 900 architecture; ~~certificate of authorization.~~—

901 (1) The practice of or offer to practice landscape  
 902 architecture by registered landscape architects registered under  
 903 this part through a corporation or partnership offering  
 904 landscape architectural services to the public, or through a  
 905 corporation or partnership offering landscape architectural  
 906 services to the public through individual registered landscape  
 907 architects as agents, employees, officers, or partners, is  
 908 permitted, subject to the provisions of this section, if:

909 (a) One or more of the principal officers of the  
 910 corporation, or partners of the partnership, and all personnel

911 of the corporation or partnership who act in its behalf as  
 912 landscape architects in this state are registered landscape  
 913 architects; and

914 (b) One or more of the officers, one or more of the  
 915 directors, one or more of the owners of the corporation, or one  
 916 or more of the partners of the partnership is a registered  
 917 landscape architect; ~~and~~

918 ~~(c) The corporation or partnership has been issued a~~  
 919 ~~certificate of authorization by the board as provided herein.~~

920 (2) All documents involving the practice of landscape  
 921 architecture which are prepared for the use of the corporation  
 922 or partnership shall bear the signature and seal of a registered  
 923 landscape architect.

924 (3) A landscape architect applying to practice in the name  
 925 of a ~~An applicant~~ corporation must ~~shall~~ file with the  
 926 department the names and addresses of all officers and board  
 927 members of the corporation, including the principal officer or  
 928 officers, duly registered to practice landscape architecture in  
 929 this state and, also, of all individuals duly registered to  
 930 practice landscape architecture in this state who shall be in  
 931 responsible charge of the practice of landscape architecture by  
 932 the corporation in this state. A landscape architect applying to  
 933 practice in the name of a ~~An applicant~~ partnership must ~~shall~~  
 934 file with the department the names and addresses of all partners  
 935 of the partnership, including the partner or partners duly  
 936 registered to practice landscape architecture in this state and,

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937 also, of an individual or individuals duly registered to  
938 practice landscape architecture in this state who shall be in  
939 responsible charge of the practice of landscape architecture by  
940 said partnership in this state.

941 (4) Each landscape architect qualifying a partnership or  
942 ~~and corporation licensed~~ under this part must ~~shall~~ notify the  
943 department within 1 month of any change in the information  
944 contained in the application upon which the license is based.  
945 Any landscape architect who terminates her or his ~~or her~~  
946 employment with a partnership or corporation licensed under this  
947 part shall notify the department of the termination within 1  
948 month.

949 (5) ~~Disciplinary action against a corporation or~~  
950 ~~partnership shall be administered in the same manner and on the~~  
951 ~~same grounds as disciplinary action against a registered~~  
952 ~~landscape architect.~~

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

958 Section 39. Subsection (5) of section 481.329, Florida  
959 Statutes, is amended to read:

960 481.329 Exceptions; exemptions from licensure.—

961 (5) This part does not prohibit any person from engaging  
962 in the practice of landscape design, as defined in s. 481.303(5)

963 ~~s. 481.303(7)~~, or from submitting for approval to a governmental  
964 agency planting plans that are independent of, or a component  
965 of, construction documents that are prepared by a Florida-  
966 registered professional. Persons providing landscape design  
967 services shall not use the title, term, or designation  
968 "landscape architect," "landscape architectural," "landscape  
969 architecture," "L.A.," "landscape engineering," or any  
970 description tending to convey the impression that she or he is a  
971 landscape architect unless she or he is registered as provided  
972 in this part.

973 Section 40. Subsection (14) of section 489.503, Florida  
974 Statutes, is amended, and subsection (24) is added to that  
975 section, to read:

976 489.503 Exemptions.—This part does not apply to:

977 (14) The sale of, installation of, repair of, alteration  
978 of, addition to, or design of electrical wiring, fixtures,  
979 appliances, thermostats, apparatus, raceways, computers,  
980 customer premises equipment, customer premises wiring, and  
981 conduit, or any part thereof, ~~by an employee, contractor,~~  
982 ~~subcontractor, or affiliate of a company operating under a~~  
983 ~~certificate issued under chapter 364 or chapter 610, or under a~~  
984 ~~local franchise or right-of-way agreement,~~ if those items are  
985 for the purpose of transmitting data, voice, video, or other  
986 communications, or commands as part of a cable television,  
987 community antenna television, radio distribution,  
988 communications, or telecommunications system. An employee,

989 subcontractor, contractor, or affiliate of a company that  
 990 operates under a certificate issued under chapter 364 or chapter  
 991 610, or under a local franchise or right-of-way agreement, is  
 992 not subject to any local ordinance that requires a permit for  
 993 work related to low-voltage electrical work, including related  
 994 technical codes, regulations, and licensure. The scope of this  
 995 exemption is limited to electrical circuits and equipment  
 996 governed by the applicable provisions of Articles 725 (Classes 2  
 997 and 3 circuits only), 770, 800, 810, and 820 of the National  
 998 Electrical Code, current edition, or 47 C.F.R. part 68, ~~and~~  
 999 ~~employees, contractors, and subcontractors of companies, and~~  
 1000 ~~affiliates thereof, operating under a certificate issued under~~  
 1001 ~~chapter 364 or chapter 610 or under a local franchise or right-~~  
 1002 ~~of-way agreement.~~ This subsection does not relieve any person  
 1003 from licensure as an alarm system contractor.

1004 (24) A person who installs low-voltage landscape lighting  
 1005 that contains a factory-installed electrical cord with a plug  
 1006 and does not require installation, wiring, or a modification to  
 1007 the electrical wiring in a structure.

1008 Section 41. Present paragraphs (a) through (e) of  
 1009 subsection (2) of section 489.518, Florida Statutes, are  
 1010 redesignated as paragraphs (b) through (f), respectively, and a  
 1011 new paragraph (a) is added to that subsection, to read:

1012 489.518 Alarm system agents.—

1013 (2) (a) A person who performs only sales or installations  
 1014 of wireless alarm systems, other than fire alarm systems, in a

1015 single-family residence is not required to complete the initial  
 1016 training required for burglar alarm system agents.

1017 Section 42. Section 492.111, Florida Statutes, is amended  
 1018 to read:

1019 492.111 Practice of professional geology by a firm,  
 1020 corporation, or partnership; ~~certificate of authorization.~~—The  
 1021 practice of, or offer to practice, professional geology by  
 1022 individual professional geologists licensed under the provisions  
 1023 of this chapter through a firm, corporation, or partnership  
 1024 offering geological services to the public through individually  
 1025 licensed professional geologists as agents, employees, officers,  
 1026 or partners thereof is permitted subject to the provisions of  
 1027 this chapter, if ~~provided that~~:

1028 (1) At all times that it offers geological services to the  
 1029 public, the firm, corporation, or partnership is qualified by  
 1030 ~~has on file with the department the name and license number of~~  
 1031 one or more individuals who hold a current, active license as a  
 1032 professional geologist in the state and are serving as a  
 1033 geologist of record for the firm, corporation, or partnership. A  
 1034 geologist of record may be any principal officer or employee of  
 1035 such firm or corporation, or any partner or employee of such  
 1036 partnership, who holds a current, active license as a  
 1037 professional geologist in this state, or any other Florida-  
 1038 licensed professional geologist with whom the firm, corporation,  
 1039 or partnership has entered into a long-term, ongoing  
 1040 relationship, as defined by rule of the board, to serve as one

1041 of its geologists of record. ~~It shall be the responsibility of~~  
 1042 ~~the firm, corporation, or partnership and~~ The geologist of  
 1043 record shall ~~to~~ notify the department of any changes in the  
 1044 relationship or identity of that geologist of record within 30  
 1045 days after such change.

1046 (2) ~~The firm, corporation, or partnership has been issued~~  
 1047 ~~a certificate of authorization by the department as provided in~~  
 1048 ~~this chapter. For purposes of this section, a certificate of~~  
 1049 ~~authorization shall be required of any firm, corporation,~~  
 1050 ~~partnership, association, or person practicing under a~~  
 1051 ~~fictitious name and offering geological services to the public;~~  
 1052 ~~except that, when an individual is practicing professional~~  
 1053 ~~geology in her or his own name, she or he shall not be required~~  
 1054 ~~to obtain a certificate of authorization under this section.~~  
 1055 ~~Such certificate of authorization shall be renewed every 2~~  
 1056 ~~years.~~

1057 ~~(3)~~ All final geological papers or documents involving the  
 1058 practice of the profession of geology which have been prepared  
 1059 or approved for the use of such firm, corporation, or  
 1060 partnership, for delivery to any person for public record with  
 1061 the state, shall be dated and bear the signature and seal of the  
 1062 professional geologist or professional geologists who prepared  
 1063 or approved them.

1064 (3)~~(4)~~ Except as provided in s. 558.0035, the fact that a  
 1065 licensed professional geologist practices through a corporation  
 1066 or partnership does not relieve the registrant from personal

1067 liability for negligence, misconduct, or wrongful acts committed  
1068 by her or him. The partnership and all partners are jointly and  
1069 severally liable for the negligence, misconduct, or wrongful  
1070 acts committed by their agents, employees, or partners while  
1071 acting in a professional capacity. Any officer, agent, or  
1072 employee of a corporation is personally liable and accountable  
1073 only for negligent acts, wrongful acts, or misconduct committed  
1074 by her or him or committed by any person under her or his direct  
1075 supervision and control, while rendering professional services  
1076 on behalf of the corporation. The personal liability of a  
1077 shareholder of a corporation, in her or his capacity as  
1078 shareholder, may be no greater than that of a shareholder-  
1079 employee of a corporation incorporated under chapter 607. The  
1080 corporation is liable up to the full value of its property for  
1081 any negligent acts, wrongful acts, or misconduct committed by  
1082 any of its officers, agents, or employees while they are engaged  
1083 on behalf of the corporation in the rendering of professional  
1084 services.

1085 ~~(5) The firm, corporation, or partnership desiring a~~  
1086 ~~certificate of authorization shall file with the department an~~  
1087 ~~application therefor, upon a form to be prescribed by the~~  
1088 ~~department, accompanied by the required application fee.~~

1089 ~~(6) The department may refuse to issue a certificate of~~  
1090 ~~authorization if any facts exist which would entitle the~~  
1091 ~~department to suspend or revoke an existing certificate of~~  
1092 ~~authorization or if the department, after giving persons~~

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1093 ~~involved a full and fair hearing, determines that any of the~~  
 1094 ~~officers or directors of said firm or corporation, or partners~~  
 1095 ~~of said partnership, have violated the provisions of s. 492.113.~~

1096 Section 43. Section 492.104, Florida Statutes, is amended  
 1097 to read:

1098 492.104 Rulemaking authority.—The Board of Professional  
 1099 Geologists may ~~has authority to~~ adopt rules pursuant to ss.  
 1100 120.536(1) and 120.54 to implement this chapter. Every licensee  
 1101 shall be governed and controlled by this chapter and the rules  
 1102 adopted by the board. The board may establish ~~is authorized to~~  
 1103 ~~set,~~ by rule, fees for application, examination, ~~certificate of~~  
 1104 ~~authorization,~~ late renewal, initial licensure, and license  
 1105 renewal. These fees may ~~should~~ not exceed the cost of  
 1106 implementing the application, examination, initial licensure,  
 1107 and license renewal or other administrative process and are  
 1108 ~~shall be~~ established as follows:

1109 (1) The application fee may ~~shall~~ not exceed \$150 and is  
 1110 ~~shall be~~ nonrefundable.

1111 (2) The examination fee may ~~shall~~ not exceed \$250, and the  
 1112 fee may be apportioned to each part of a multipart examination.  
 1113 The examination fee shall be refundable in whole or part if the  
 1114 applicant is found to be ineligible to take any portion of the  
 1115 licensure examination.

1116 (3) The initial license fee may ~~shall~~ not exceed \$100.

1117 (4) The biennial renewal fee may ~~shall~~ not exceed \$150.

1118 (5) ~~The fee for a certificate of authorization shall not~~

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1119 ~~exceed \$350 and the fee for renewal of the certificate shall not~~  
 1120 ~~exceed \$350.~~

1121 ~~(6)~~ The fee for reactivation of an inactive license may  
 1122 ~~shall~~ not exceed \$50.

1123 (6)~~(7)~~ The fee for a provisional license may ~~shall~~ not  
 1124 exceed \$400.

1125 (7)~~(8)~~ The fee for application, examination, and licensure  
 1126 for a license by endorsement is ~~shall be~~ as provided in this  
 1127 section for licenses in general.

1128 Section 44. Subsection (4) of section 492.113, Florida  
 1129 Statutes, is amended to read:

1130 492.113 Disciplinary proceedings.—

1131 (4) The department shall reissue the license of a  
 1132 disciplined professional geologist ~~or business~~ upon  
 1133 certification by the board that the disciplined person has  
 1134 complied with ~~all of~~ the terms and conditions set forth in the  
 1135 final order.

1136 Section 45. Section 492.115, Florida Statutes, is amended  
 1137 to read:

1138 492.115 Roster of licensed professional geologists.—A  
 1139 roster showing the names and places of business or residence of  
 1140 all licensed professional geologists and all properly qualified  
 1141 firms, corporations, or partnerships practicing ~~holding~~  
 1142 ~~certificates of authorization to practice~~ professional geology  
 1143 in the state shall be prepared annually by the department. A  
 1144 copy of this roster must be made available to ~~shall be~~

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1145 | ~~obtainable by~~ each licensed professional geologist and each  
1146 | firm, corporation, or partnership qualified by a professional  
1147 | geologist ~~holding a certificate of authorization~~, and copies  
1148 | thereof shall be placed on file with the department.

1149 |         Section 46. This act shall take effect July 1, 2016.