

By Senator Brandes

24-00188A-17

20171396__

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 a
6 requirement that the Division of Florida Condominiums,
7 Timeshares, and Mobile Homes establish a certain fee;
8 amending s. 447.02, F.S.; deleting a definition;
9 repealing s. 447.04, F.S., relating to business
10 agents, licenses, and permits; repealing s. 447.041,
11 F.S., relating to hearings; repealing s. 447.045,
12 F.S., relating to certain confidential information;
13 repealing s. 447.06, F.S., relating to the required
14 registration of labor organizations; amending s.
15 447.09, F.S.; deleting prohibitions against specified
16 actions; repealing s. 447.12, F.S., relating to
17 registration fees; repealing s. 447.16, F.S., relating
18 to the applicability of ch. 447, F.S.; repealing part
19 VII of ch. 468, F.S., relating to the regulation of
20 talent agencies; amending s. 468.451, F.S.; revising
21 legislative intent related to the regulation of
22 athlete agents; reordering and amending s. 468.452,
23 F.S.; deleting the term "department"; repealing s.
24 468.453, F.S., relating to the licensure of athlete
25 agents; repealing s. 468.4536, F.S., relating to
26 renewal of such licenses; amending s. 468.454, F.S.;
27 revising the information that must be stated in agent
28 contracts; deleting a condition under which an agent
29 contract is void and unenforceable; repealing s.

24-00188A-17

20171396__

30 468.456, F.S., relating to prohibited acts for athlete
31 agents; repealing s. 468.4561, F.S., relating to
32 unlicensed activity and penalties for violations;
33 amending s. 468.45615, F.S.; conforming provisions to
34 changes made by the act; amending s. 468.4565, F.S.;
35 deleting provisions authorizing the Department of
36 Business and Professional Regulation to access and
37 inspect certain records of athlete agents, to take
38 certain related disciplinary actions, and to exercise
39 certain subpoena powers; repealing s. 468.457, F.S.,
40 relating to rulemaking authority; amending s. 469.006,
41 F.S.; requiring that a license be in the name of a
42 qualifying agent, rather than the name of a business
43 organization; requiring the qualifying agent, rather
44 than the business organization, to report certain
45 changes in information; conforming provisions to
46 changes made by the act; amending s. 469.009, F.S.;
47 deleting the authority of the department to reprimand,
48 censure, or impose probation on certain business
49 organizations; amending s. 477.013, F.S.; redefining
50 the term "hair braiding"; amending s. 477.0132, F.S.;
51 excluding the practices of hair wrapping and body
52 wrapping from regulation under the Florida Cosmetology
53 Act; amending s. 477.0135, F.S.; providing that a
54 license or registration is not required for a person
55 whose occupation or practice is confined solely to
56 adding polish to nails or solely to hair wrapping or
57 body wrapping; amending ss. 477.019, 477.026,
58 477.0265, and 477.029, F.S.; conforming provisions to

24-00188A-17

20171396__

59 changes made by the act; amending s. 481.203, F.S.;

60 defining the term "business organization"; deleting

61 the definition of the term "certificate of

62 authorization"; amending s. 481.219, F.S.; revising

63 the process by which a business organization obtains

64 the requisite license to perform architectural

65 services; requiring that a licensee or an applicant

66 apply to qualify a business organization under certain

67 circumstances; specifying application requirements;

68 authorizing the Board of Architecture and Interior

69 Design to deny an application under certain

70 circumstances; requiring that a qualifying agent be a

71 registered architect or a registered interior designer

72 under certain circumstances; requiring that a

73 qualifying agent notify the department when she or he

74 ceases to be affiliated with a business organization;

75 prohibiting a business organization from engaging in

76 certain practices until it is qualified by a

77 qualifying agent; authorizing a business organization

78 to proceed with specified contracts under a temporary

79 certificate in certain circumstances; defining the

80 term "incomplete contract"; requiring the qualifying

81 agent to give written notice to the department before

82 engaging in an architectural or interior design

83 practice under her or his own name or in affiliation

84 with another business organization; requiring the

85 board to allow an applicant to qualify one or more

86 business organizations or to operate using a

87 fictitious name under certain circumstances;

24-00188A-17

20171396__

88 conforming provisions to changes made by the act;
89 amending ss. 481.221 and 481.229, F.S.; conforming
90 provisions to changes made by the act; reordering and
91 amending s. 481.303, F.S.; deleting the term
92 "certificate of authorization"; amending s. 481.321,
93 F.S.; revising provisions that require persons to
94 display certificate numbers under certain
95 circumstances; conforming provisions to changes made
96 by the act; amending ss. 481.311, 481.317, and
97 481.319, F.S.; conforming provisions to changes made
98 by the act; amending s. 481.329, F.S.; conforming a
99 cross-reference; amending s. 489.503, F.S.; deleting
100 an exemption from regulation for certain persons;
101 amending s. 489.518, F.S.; exempting certain persons
102 from initial training for burglar alarm system agents;
103 providing an effective date.

104
105 Be It Enacted by the Legislature of the State of Florida:

106
107 Section 1. Subsection (13) of section 326.004, Florida
108 Statutes, is amended to read:

109 326.004 Licensing.—

110 (13) Each broker must maintain a principal place of
111 business in this state and may establish branch offices in the
112 state. ~~A separate license must be maintained for each branch
113 office. The division shall establish by rule a fee not to exceed
114 \$100 for each branch office license.~~

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

24-00188A-17

20171396__

117 447.02 Definitions.—The following terms, when used in this
118 chapter, shall have the meanings ascribed to them in this
119 section:

120 ~~(3) The term “department” means the Department of Business~~
121 ~~and Professional Regulation.~~

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

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

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

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

126 Section 7. Subsections (6) and (8) of section 447.09,

127 Florida Statutes, are amended to read:

128 447.09 Right of franchise preserved; penalties.—It shall be
129 unlawful for any person:

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

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

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

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

136 Section 10. Part VII of chapter 468, Florida Statutes,
137 consisting of ss. 468.401, 468.402, 468.403, 468.404, 468.405,
138 468.406, 468.407, 468.408, 468.409, 468.410, 468.411, 468.412,
139 468.413, 468.414, and 468.415, Florida Statutes, is repealed.

140 Section 11. Section 468.451, Florida Statutes, is amended
141 to read:

142 468.451 Legislative findings and intent.—The Legislature
143 finds that dishonest or unscrupulous practices by agents who
144 solicit representation of student athletes can cause significant
145 harm to student athletes and the academic institutions for which

24-00188A-17

20171396__

146 they play. It is the intent of the Legislature to provide civil
147 and criminal causes of action against athlete agents to protect
148 the interests of student athletes and academic institutions ~~by~~
149 ~~regulating the activities of athlete agents.~~

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

152 468.452 Definitions.—For purposes of this part, the term:

153 ~~(4) "Department" means the Department of Business and~~
154 ~~Professional Regulation.~~

155 (6)~~(5)~~ "Student athlete" means any student who:

156 (a) Resides in Florida, has informed, in writing, a college
157 or university of the student's intent to participate in that
158 school's intercollegiate athletics, or who does participate in
159 that school's intercollegiate athletics and is eligible to do
160 so; or

161 (b) Does not reside in Florida, but has informed, in
162 writing, a college or university in Florida of the student's
163 intent to participate in that school's intercollegiate
164 athletics, or who does participate in that school's
165 intercollegiate athletics and is eligible to do so.

166 (4)~~(6)~~ "Financial services" means the counseling on or the
167 making or execution of investment and other financial decisions
168 by the agent on behalf of the student athlete.

169 (5)~~(7)~~ "Participation" means practicing, competing, or
170 otherwise representing a college or university in
171 intercollegiate athletics.

172 Section 13. Section 468.453, Florida Statutes, is repealed.

173 Section 14. Section 468.4536, Florida Statutes, is
174 repealed.

24-00188A-17

20171396__

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

177 468.454 Contracts.—

178 (2) An agent contract must state:

179 (a) The amount and method of calculating the consideration
180 to be paid by the student athlete for services to be provided by
181 the athlete agent and any other consideration the agent has
182 received or will receive from any other source under the
183 contract;

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

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

189 (d) A description of the services to be provided to the
190 student athlete;

191 (e) The duration of the contract; and

192 (f) The date of execution.

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

195 Section 16. Section 468.456, Florida Statutes, is repealed.

196 Section 17. Section 468.4561, Florida Statutes, is
197 repealed.

198 Section 18. Section 468.45615, Florida Statutes, is amended
199 to read:

200 468.45615 Provision of illegal inducements to athletes
201 ~~prohibited; penalties; license suspension.—~~

202 (1) A Any person who offers anything of value to another
203 person to induce a student athlete to enter into an agreement by

24-00188A-17

20171396__

204 which the athlete agent will represent the student athlete
205 commits ~~violates s. 468.456(1)(f) is guilty of~~ a felony of the
206 second degree, punishable as provided in s. 775.082, s. 775.083,
207 s. 775.084, s. 775.089, or s. 775.091. Negotiations regarding an
208 athlete agent's fee are not considered an inducement.

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

218 (b) Regardless of whether adjudication is withheld, any
219 person who knowingly actively assists in the illegal recruitment
220 or solicitation of student athletes for a person who has been
221 convicted or found guilty of, or entered a plea of nolo
222 contendere to, a violation of this section is guilty of a felony
223 of the second degree, punishable as provided in s. 775.082, s.
224 775.083, s. 775.084, s. 775.089, or s. 775.091.

225 ~~(3) In addition to any other penalties provided in this~~
226 ~~section, the court may suspend the license of the person pending~~
227 ~~the outcome of any administrative action against the person by~~
228 ~~the department.~~

229 (3)~~(4)~~(a) An athlete agent, with the intent to induce a
230 student athlete to enter into an agent contract, may not:

231 1. Give any materially false or misleading information or
232 make a materially false promise or representation;

24-00188A-17

20171396__

233 2. Furnish anything of value to a student athlete before
234 the student athlete enters into the agent contract; or

235 3. Furnish anything of value to any individual other than
236 the student athlete or another athlete agent.

237 (b) An athlete agent may not intentionally:

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

240 2. Refuse or fail to retain or permit inspection of the
241 records required to be retained by s. 468.4565;

242 3. ~~Provide materially false or misleading information in an~~
243 ~~application for licensure;~~

244 2.4. Predate or postdate an agent contract;

245 3.5. Fail to give notice of the existence of an agent
246 contract as required by s. 468.454(6); or

247 4.6. Fail to notify a student athlete before the student
248 athlete signs or otherwise authenticates an agent contract for a
249 sport that the signing or authentication may make the student
250 athlete ineligible to participate as a student athlete in that
251 sport.

252 (c) An athlete agent who violates this subsection commits a
253 felony of the second degree, punishable as provided in s.
254 775.082, s. 775.083, or s. 775.084.

255 Section 19. Section 468.4565, Florida Statutes, is amended
256 to read:

257 468.4565 Business records requirement.—

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

24-00188A-17

20171396__

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

264 (2)~~(b)~~ Any agent contract entered into by the athlete
 265 agent; and

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

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

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

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

281 469.006 Licensure of business organizations; qualifying
 282 agents.—

283 (2) (a) If the applicant proposes to engage in consulting or
 284 contracting as a partnership, corporation, business trust, or
 285 other legal entity, or in any name other than the applicant's
 286 legal name, ~~the legal entity must apply for licensure through a~~
 287 ~~qualifying agent or the individual applicant must apply for~~
 288 licensure under the name of the business organization ~~fictitious~~
 289 ~~name.~~

290 (e) A ~~The license, when issued upon application of a~~

24-00188A-17

20171396__

291 ~~business organization,~~ must be in the name of the qualifying
292 agent business organization, and the name of the business
293 organization ~~qualifying agent~~ must be noted on the license
294 ~~thereon.~~ If there is a change in any information that is
295 required to be stated on the application, the qualifying agent
296 ~~business organization~~ shall, within 45 days after such change
297 occurs, mail the correct information to the department.

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

318 (4)

319 (b) Upon a favorable determination by the department, after

24-00188A-17

20171396__

320 investigation of the financial responsibility, credit, and
321 business reputation of the qualifying agent and the new business
322 organization, the department shall issue, without any
323 examination, a new license in the qualifying agent's business
324 ~~organization's~~ name, and the name of the business organization
325 ~~qualifying agent~~ shall be noted on the license ~~thereon~~.

326 (6) Each qualifying agent shall pay the department an
327 amount equal to the original fee for licensure ~~of a new business~~
328 ~~organization~~. if the qualifying agent for a business
329 organization desires to qualify additional business
330 organizations. The department shall require the agent to
331 present evidence of supervisory ability and financial
332 responsibility of each such organization. Allowing a licensee to
333 qualify more than one business organization must ~~shall~~ be
334 conditioned upon the licensee showing that the licensee has both
335 the capacity and intent to adequately supervise each business
336 organization. The department may ~~shall~~ not limit the number of
337 business organizations that ~~which~~ the licensee may qualify
338 except upon the licensee's failure to provide such information
339 as is required under this subsection or upon a finding that the
340 ~~such~~ information or evidence ~~as is~~ supplied is incomplete or
341 unpersuasive in showing the licensee's capacity and intent to
342 comply with the requirements of this subsection. A qualification
343 for an additional business organization may be revoked or
344 suspended upon a finding by the department that the licensee has
345 failed in the licensee's responsibility to adequately supervise
346 the operations of the business organization. Failure to
347 adequately supervise the operations of a business organization
348 is ~~shall be~~ grounds for denial to qualify additional business

24-00188A-17

20171396__

349 organizations.

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

352 469.009 License revocation, suspension, and denial of
353 issuance or renewal.—

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

364 (a) Willfully or deliberately disregarding or violating the
365 health and safety standards of the Occupational Safety and
366 Health Act of 1970, the Construction Safety Act, the National
367 Emission Standards for Asbestos, the Environmental Protection
368 Agency Asbestos Abatement Projects Worker Protection Rule, the
369 Florida Statutes or rules promulgated thereunder, or any
370 ordinance enacted by a political subdivision of this state.

371 (b) Violating any provision of chapter 455.

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

374 (d) Acting in the capacity of an asbestos contractor or
375 asbestos consultant under any license issued under this chapter
376 except in the name of the licensee as set forth on the issued
377 license.

24-00188A-17

20171396__

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

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

381 (g) Being convicted or found guilty of, or entering a plea
382 of nolo contendere to, regardless of adjudication, a crime in
383 any jurisdiction which directly relates to the practice of
384 asbestos consulting or contracting or the ability to practice
385 asbestos consulting or contracting.

386 (h) Knowingly violating any building code, lifesafety code,
387 or county or municipal ordinance relating to the practice of
388 asbestos consulting or contracting.

389 (i) Performing any act which assists a person or entity in
390 engaging in the prohibited unlicensed practice of asbestos
391 consulting or contracting, if the licensee knows or has
392 reasonable grounds to know that the person or entity was
393 unlicensed.

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

396 Financial mismanagement or misconduct occurs when:

397 1. Valid liens have been recorded against the property of a
398 contractor's customer for supplies or services ordered by the
399 contractor for the customer's job; the contractor has received
400 funds from the customer to pay for the supplies or services; and
401 the contractor has not had the liens removed from the property,
402 by payment or by bond, within 75 days after the date of such
403 liens;

404 2. The contractor has abandoned a customer's job and the
405 percentage of completion is less than the percentage of the
406 total contract price paid to the contractor as of the time of

24-00188A-17

20171396__

407 abandonment, unless the contractor is entitled to retain such
408 funds under the terms of the contract or refunds the excess
409 funds within 30 days after the date the job is abandoned; or

410 3. The contractor's job has been completed, and it is shown
411 that the customer has had to pay more for the contracted job
412 than the original contract price, as adjusted for subsequent
413 change orders, unless such increase in cost was the result of
414 circumstances beyond the control of the contractor, was the
415 result of circumstances caused by the customer, or was otherwise
416 permitted by the terms of the contract between the contractor
417 and the customer.

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

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

423 (m) Abandoning an asbestos abatement project in which the
424 asbestos contractor is engaged or under contract as a
425 contractor. A project may be presumed abandoned after 20 days if
426 the contractor terminates the project without just cause and
427 without proper notification to the owner, including the reason
428 for termination; if the contractor fails to reasonably secure
429 the project to safeguard the public while work is stopped; or if
430 the contractor fails to perform work without just cause for 20
431 days.

432 (n) Signing a statement with respect to a project or
433 contract falsely indicating that the work is bonded; falsely
434 indicating that payment has been made for all subcontracted
435 work, labor, and materials which results in a financial loss to

24-00188A-17

20171396__

436 the owner, purchaser, or contractor; or falsely indicating that
437 workers' compensation and public liability insurance are
438 provided.

439 (o) Committing fraud or deceit in the practice of asbestos
440 consulting or contracting.

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

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

446 (r) Intimidating, threatening, coercing, or otherwise
447 discouraging the service of a notice to owner under part I of
448 chapter 713 or a notice to contractor under chapter 255 or part
449 I of chapter 713.

450 (s) Failing to satisfy, within a reasonable time, the terms
451 of a civil judgment obtained against the licensee, or the
452 business organization qualified by the licensee, relating to the
453 practice of the licensee's profession.

454

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

458 Section 23. Subsection (9) of section 477.013, Florida
459 Statutes, is amended to read:

460 477.013 Definitions.—As used in this chapter:

461 (9) "Hair braiding" means the weaving or interweaving of
462 natural human hair for compensation without cutting, coloring,
463 permanent waving, relaxing, removing, or chemical treatment ~~and~~
464 ~~does not include the use of hair extensions or wefts.~~

24-00188A-17

20171396__

465 Section 24. Section 477.0132, Florida Statutes, is amended
466 to read:

467 477.0132 Hair braiding, ~~hair wrapping, and body wrapping~~
468 registration.—

469 (1) (a) Persons whose occupation or practice is confined
470 solely to hair braiding must register with the department, pay
471 the applicable registration fee, and take a two-day 16-hour
472 course. The course shall be board approved and consist of 5
473 hours of HIV/AIDS and other communicable diseases, 5 hours of
474 sanitation and sterilization, 4 hours of disorders and diseases
475 of the scalp, and 2 hours of studies regarding laws affecting
476 hair braiding.

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

484 ~~(c) Unless otherwise licensed or exempted from licensure~~
485 ~~under this chapter, any person whose occupation or practice is~~
486 ~~body wrapping must register with the department, pay the~~
487 ~~applicable registration fee, and take a two-day 12-hour course.~~
488 ~~The course shall be board approved and consist of education in~~
489 ~~HIV/AIDS and other communicable diseases, sanitation and~~
490 ~~sterilization, disorders and diseases of the skin, and studies~~
491 ~~regarding laws affecting body wrapping.~~

492 ~~(d)~~ Only the board may review, evaluate, and approve a
493 course required of an applicant for registration under this

24-00188A-17

20171396__

494 subsection in the occupation or practice of hair braiding,~~hair~~
495 ~~wrapping, or body wrapping~~. A provider of such a course is not
496 required to hold a license under chapter 1005.

497 (2) Hair braiding is,~~hair wrapping, and body wrapping~~ are
498 not required to be practiced in a cosmetology salon or specialty
499 salon. When hair braiding,~~hair wrapping, or body wrapping~~ is
500 practiced outside a cosmetology salon or specialty salon,
501 disposable implements must be used or all implements must be
502 sanitized in a disinfectant approved for hospital use or
503 approved by the federal Environmental Protection Agency.

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

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

511 477.0135 Exemptions.—

512 (7) A license or registration is not required for a person
513 whose occupation or practice is confined solely to adding polish
514 to fingernails and toenails.

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

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

521 Section 26. Paragraph (b) of subsection (7) of section
522 477.019, Florida Statutes, is amended to read:

24-00188A-17

20171396__

523 477.019 Cosmetologists; qualifications; licensure;
524 supervised practice; license renewal; endorsement; continuing
525 education.—

526 (7)

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

531 Section 27. Paragraph (f) of subsection (1) of section
532 477.026, Florida Statutes, is amended to read:

533 477.026 Fees; disposition.—

534 (1) The board shall set fees according to the following
535 schedule:

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

538 Section 28. Paragraph (f) of subsection (1) of section
539 477.0265, Florida Statutes, is amended to read:

540 477.0265 Prohibited acts.—

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

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

546 Section 29. Paragraph (a) of subsection (1) of section
547 477.029, Florida Statutes, is amended to read:

548 477.029 Penalty.—

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

550 (a) Hold himself or herself out as a cosmetologist,
551 specialist, or ~~hair wrapper,~~ hair braider, ~~or body wrapper~~

24-00188A-17

20171396__

552 unless duly licensed or registered, or otherwise authorized, as
553 provided in this chapter.

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

556 481.203 Definitions.—As used in this part:

557 (5) “Business organization” means a partnership, a limited
558 liability company, a corporation, or an individual operating
559 under a fictitious name ~~“Certificate of authorization” means a~~
560 ~~certificate issued by the department to a corporation or~~
561 ~~partnership to practice architecture or interior design.~~

562 Section 31. Section 481.219, Florida Statutes, is amended
563 to read:

564 481.219 Business organization; qualifying agents
565 ~~Certification of partnerships, limited liability companies, and~~
566 ~~corporations.—~~

567 (1) A licensee may ~~The practice of or the offer to practice~~
568 ~~architecture or interior design by licensees through a~~ business
569 organization that offers ~~corporation, limited liability company,~~
570 ~~or partnership offering~~ architectural or interior design
571 services to the public, or through ~~by~~ a business organization
572 that offers ~~corporation, limited liability company, or~~
573 ~~partnership offering~~ architectural or interior design services
574 to the public through such licensees ~~under this part~~ as agents,
575 employees, officers, or partners, ~~is permitted, subject to the~~
576 ~~provisions of this section.~~

577 (2) If a licensee or an applicant proposes to engage in the
578 practice of architecture or interior design as a business
579 organization, the licensee or applicant must apply to qualify
580 the business organization ~~For the purposes of this section, a~~

24-00188A-17

20171396__

581 ~~certificate of authorization shall be required for a~~
582 ~~corporation, limited liability company, partnership, or person~~
583 ~~practicing under a fictitious name, offering architectural~~
584 ~~services to the public jointly or separately. However, when an~~
585 ~~individual is practicing architecture in her or his own name,~~
586 ~~she or he shall not be required to be certified under this~~
587 ~~section. Certification under this subsection to offer~~
588 ~~architectural services shall include all the rights and~~
589 ~~privileges of certification under subsection (3) to offer~~
590 ~~interior design services.~~

591 (a) An application to qualify a business organization must:

592 1. If the business is a partnership, state the names of the
593 partnership and its partners.

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

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

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

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

607 (3) (a) A business organization may not engage in the
608 practice of architecture unless its qualifying agent is a
609 registered architect under this part. A business organization

24-00188A-17

20171396__

610 may not engage in the practice of interior design unless its
611 qualifying agent is a registered architect or a registered
612 interior designer under this part. A qualifying agent who
613 terminates her or his affiliation with a business organization
614 shall immediately notify the department of such termination. If
615 the qualifying agent who terminates her or his affiliation is
616 the only qualifying agent for a business organization, the
617 business organization must be qualified by another qualifying
618 agent within 60 days after the termination. Except as provided
619 in paragraph (b), such a business organization may not engage in
620 the practice of architecture or interior design until it is
621 qualified by a qualifying agent.

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

24-00188A-17

20171396__

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

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

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

24-00188A-17

20171396__

668 ~~(6) The department shall issue a certificate of~~
 669 ~~authorization to any applicant who the board certifies as~~
 670 ~~qualified for a certificate of authorization and who has paid~~
 671 ~~the fee set in s. 481.207.~~

672 (6)(7) The board shall allow ~~certify~~ an applicant to
 673 qualify one or more business organizations ~~as qualified for a~~
 674 ~~certificate of authorization~~ to offer architectural or interior
 675 design services, or to use a fictitious name to offer such
 676 services, if one of the following criteria is met ~~provided that:~~

677 (a) One or more of the principal officers of the
 678 corporation or limited liability company, or one or more
 679 partners of the partnership, and all personnel of the
 680 corporation, limited liability company, or partnership who act
 681 in its behalf in this state as architects, are registered as
 682 provided by this part. ~~† or~~

683 (b) One or more of the principal officers of the
 684 corporation or one or more partners of the partnership, and all
 685 personnel of the corporation, limited liability company, or
 686 partnership who act in its behalf in this state as interior
 687 designers, are registered as provided by this part.

688 ~~(8) The department shall adopt rules establishing a~~
 689 ~~procedure for the biennial renewal of certificates of~~
 690 ~~authorization.~~

691 ~~(9) The department shall renew a certificate of~~
 692 ~~authorization upon receipt of the renewal application and~~
 693 ~~biennial renewal fee.~~

694 (7)(10) Each qualifying agent approved to qualify a
 695 business organization ~~partnership, limited liability company,~~
 696 ~~and corporation certified~~ under this section shall notify the

24-00188A-17

20171396__

697 department within 30 days of any change in the information
698 contained in the application upon which the qualification
699 ~~certification~~ is based. Any registered architect or interior
700 designer who qualifies the business organization shall ensure
701 ~~corporation, limited liability company, or partnership as~~
702 ~~provided in subsection (7) shall be responsible for ensuring~~
703 responsible supervising control of projects of the business
704 organization entity and upon termination of her or his
705 employment with a business organization qualified partnership,
706 ~~limited liability company, or corporation certified under this~~
707 section shall notify the department of the termination within 30
708 days.

709 (8) (11) A business organization is not ~~No corporation,~~
710 ~~limited liability company, or partnership shall be relieved of~~
711 responsibility for the conduct or acts of its agents, employees,
712 or officers by reason of its compliance with this section.
713 However, except as provided in s. 558.0035, the architect who
714 signs and seals the construction documents and instruments of
715 service is ~~shall be~~ liable for the professional services
716 performed, and the interior designer who signs and seals the
717 interior design drawings, plans, or specifications is ~~shall be~~
718 liable for the professional services performed.

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

724 (9) (13) Nothing in This section may not ~~shall~~ be construed
725 to mean that a certificate of registration to practice

24-00188A-17

20171396__

726 architecture or interior design must ~~shall~~ be held by a business
 727 organization ~~corporation, limited liability company, or~~
 728 ~~partnership~~. ~~Nothing in~~ This section does not prohibit ~~prohibits~~
 729 corporations, limited liability companies, and partnerships from
 730 joining together to offer architectural, engineering, interior
 731 design, surveying and mapping, and landscape architectural
 732 services, or any combination of such services, to the public if,
 733 ~~provided that~~ each corporation, limited liability company, or
 734 partnership otherwise meets the requirements of law.

735 (10) ~~(14)~~ A business organization that is qualified by a
 736 registered architect may ~~Corporations, limited liability~~
 737 ~~companies, or partnerships holding a valid certificate of~~
 738 ~~authorization to practice architecture shall be permitted to use~~
 739 ~~in their title~~ the term "interior designer" or "registered
 740 interior designer" in its title. ~~designer."~~

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

743 481.221 Seals; display of certificate number.—

744 (10) Each registered architect or interior designer or
 745 qualifying agent of a business organization must, ~~and each~~
 746 ~~corporation, limited liability company, or partnership holding a~~
 747 ~~certificate of authorization, shall include~~ her or his license
 748 ~~its certificate~~ number in any newspaper, telephone directory, or
 749 other advertising medium used by the registered architect,
 750 interior designer, or business organization ~~corporation, limited~~
 751 ~~liability company, or partnership~~. A business organization
 752 ~~corporation, limited liability company, or partnership~~ is not
 753 required to display the certificate number of individual
 754 registered architects or interior designers employed by or

24-00188A-17

20171396__

755 working within the business organization ~~corporation, limited~~
756 ~~liability company, or partnership.~~

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

759 481.229 Exceptions; exemptions from licensure.—

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

767 (c) Notwithstanding any other provision of this part, a
768 registered architect or qualified business organization
769 certified ~~any corporation, partnership, or person operating~~
770 ~~under a fictitious name which holds a certificate of~~
771 ~~authorization to provide architectural services~~ must ~~shall~~ be
772 qualified, without fee, ~~for a certificate of authorization to~~
773 provide interior design services upon submission of a completed
774 application for qualification therefor. ~~For corporations,~~
775 ~~partnerships, and persons operating under a fictitious name~~
776 ~~which hold a certificate of authorization to provide interior~~
777 ~~design services, satisfaction of the requirements for renewal of~~
778 ~~the certificate of authorization to provide architectural~~
779 ~~services under s. 481.219 shall be deemed to satisfy the~~
780 ~~requirements for renewal of the certificate of authorization to~~
781 ~~provide interior design services under that section.~~

782 Section 34. Section 481.303, Florida Statutes, is reordered
783 and amended to read:

24-00188A-17

20171396__

784 481.303 Definitions.—As used in this chapter, the term:

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

786 (3)~~(2)~~ "Department" means the Department of Business and
787 Professional Regulation.

788 (6)~~(3)~~ "Registered landscape architect" means a person who
789 holds a license to practice landscape architecture in this state
790 under the authority of this act.

791 (2)~~(4)~~ "Certificate of registration" means a license issued
792 by the department to a natural person to engage in the practice
793 of landscape architecture.

794 ~~(5) "Certificate of authorization" means a license issued~~
795 ~~by the department to a corporation or partnership to engage in~~
796 ~~the practice of landscape architecture.~~

797 (4)~~(6)~~ "Landscape architecture" means professional
798 services, including, but not limited to, the following:

799 (a) Consultation, investigation, research, planning,
800 design, preparation of drawings, specifications, contract
801 documents and reports, responsible construction supervision, or
802 landscape management in connection with the planning and
803 development of land and incidental water areas, including the
804 use of Florida-friendly landscaping as defined in s. 373.185,
805 where, and to the extent that, the dominant purpose of such
806 services or creative works is the preservation, conservation,
807 enhancement, or determination of proper land uses, natural land
808 features, ground cover and plantings, or naturalistic and
809 aesthetic values;

810 (b) The determination of settings, grounds, and approaches
811 for and the siting of buildings and structures, outdoor areas,
812 or other improvements;

24-00188A-17

20171396__

813 (c) The setting of grades, shaping and contouring of land
814 and water forms, determination of drainage, and provision for
815 storm drainage and irrigation systems where such systems are
816 necessary to the purposes outlined herein; and

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

819 (5)~~(7)~~ "Landscape design" means consultation for and
820 preparation of planting plans drawn for compensation, including
821 specifications and installation details for plant materials,
822 soil amendments, mulches, edging, gravel, and other similar
823 materials. Such plans may include only recommendations for the
824 conceptual placement of tangible objects for landscape design
825 projects. Construction documents, details, and specifications
826 for tangible objects and irrigation systems shall be designed or
827 approved by licensed professionals as required by law.

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

830 481.321 Seals; display of certificate number.—

831 (5) Each registered landscape architect must ~~and each~~
832 ~~corporation or partnership holding a certificate of~~
833 ~~authorization shall~~ include her or his ~~its~~ certificate number in
834 any newspaper, telephone directory, or other advertising medium
835 used by the registered landscape architect, corporation, or
836 partnership. A corporation or partnership must ~~is not required~~
837 ~~to~~ display the certificate number ~~numbers~~ of at least one
838 officer, director, owner, or partner who is a individual
839 registered landscape architect ~~architects~~ employed by or
840 practicing with the corporation or partnership.

841 Section 36. Subsection (4) of section 481.311, Florida

24-00188A-17

20171396__

842 Statutes, is amended to read:

843 481.311 Licensure.—

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

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

849 481.317 Temporary certificates.—

850 ~~(2) Upon approval by the board and payment of the fee set~~
851 ~~in s. 481.307, the department shall grant a temporary~~
852 ~~certificate of authorization for work on one specified project~~
853 ~~in this state for a period not to exceed 1 year to an out-of-~~
854 ~~state corporation, partnership, or firm, provided one of the~~
855 ~~principal officers of the corporation, one of the partners of~~
856 ~~the partnership, or one of the principals in the fictitiously~~
857 ~~named firm has obtained a temporary certificate of registration~~
858 ~~in accordance with subsection (1).~~

859 Section 38. Section 481.319, Florida Statutes, is amended
860 to read:

861 481.319 Corporate and partnership practice of landscape
862 architecture; ~~certificate of authorization.~~—

863 (1) The practice of or offer to practice landscape
864 architecture by registered landscape architects registered under
865 this part through a corporation or partnership offering
866 landscape architectural services to the public, or through a
867 corporation or partnership offering landscape architectural
868 services to the public through individual registered landscape
869 architects as agents, employees, officers, or partners, is
870 permitted, subject to the provisions of this section, if:

24-00188A-17

20171396__

871 (a) One or more of the principal officers of the
872 corporation, or partners of the partnership, and all personnel
873 of the corporation or partnership who act in its behalf as
874 landscape architects in this state are registered landscape
875 architects; and

876 (b) One or more of the officers, one or more of the
877 directors, one or more of the owners of the corporation, or one
878 or more of the partners of the partnership is a registered
879 landscape architect; ~~and~~

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

882 (2) All documents involving the practice of landscape
883 architecture which are prepared for the use of the corporation
884 or partnership shall bear the signature and seal of a registered
885 landscape architect.

886 (3) A landscape architect applying to practice in the name
887 of a ~~An applicant~~ corporation ~~must shall~~ file with the
888 department the names and addresses of all officers and board
889 members of the corporation, including the principal officer or
890 officers, duly registered to practice landscape architecture in
891 this state and, also, of all individuals duly registered to
892 practice landscape architecture in this state who shall be in
893 responsible charge of the practice of landscape architecture by
894 the corporation in this state. A landscape architect applying to
895 practice in the name of a ~~An applicant~~ partnership ~~must shall~~
896 file with the department the names and addresses of all partners
897 of the partnership, including the partner or partners duly
898 registered to practice landscape architecture in this state and,
899 also, of an individual or individuals duly registered to

24-00188A-17

20171396__

900 practice landscape architecture in this state who shall be in
901 responsible charge of the practice of landscape architecture by
902 said partnership in this state.

903 (4) Each landscape architect qualifying a partnership or
904 ~~and corporation licensed~~ under this part must shall notify the
905 department within 1 month of any change in the information
906 contained in the application upon which the license is based.
907 Any landscape architect who terminates her or his ~~or her~~
908 employment with a partnership or corporation licensed under this
909 part shall notify the department of the termination within 1
910 month.

911 (5) ~~Disciplinary action against a corporation or~~
912 ~~partnership shall be administered in the same manner and on the~~
913 ~~same grounds as disciplinary action against a registered~~
914 ~~landscape architect.~~

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

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

922 481.329 Exceptions; exemptions from licensure.—

923 (5) This part does not prohibit any person from engaging in
924 the practice of landscape design, as defined in s. 481.303(5) ~~s.~~
925 ~~481.303(7)~~, or from submitting for approval to a governmental
926 agency planting plans that are independent of, or a component
927 of, construction documents that are prepared by a Florida-
928 registered professional. Persons providing landscape design

24-00188A-17

20171396__

929 services shall not use the title, term, or designation
930 "landscape architect," "landscape architectural," "landscape
931 architecture," "L.A.," "landscape engineering," or any
932 description tending to convey the impression that she or he is a
933 landscape architect unless she or he is registered as provided
934 in this part.

935 Section 40. Subsection (14) of section 489.503, Florida
936 Statutes, is amended, to read:

937 489.503 Exemptions.—This part does not apply to:

938 (14) The sale of, installation of, repair of, alteration
939 of, addition to, or design of electrical wiring, fixtures,
940 appliances, thermostats, apparatus, raceways, computers,
941 customer premises equipment, customer premises wiring, and
942 conduit, or any part thereof, ~~by an employee, contractor,~~
943 ~~subcontractor, or affiliate of a company operating under a~~
944 ~~certificate issued under chapter 364 or chapter 610, or under a~~
945 ~~local franchise or right-of-way agreement,~~ if those items are
946 for the purpose of transmitting data, voice, video, or other
947 communications, or commands as part of a cable television,
948 community antenna television, radio distribution,
949 communications, or telecommunications system. An employee,
950 subcontractor, contractor, or affiliate of a company that
951 operates under a certificate issued under chapter 364 or chapter
952 610, or under a local franchise or right-of-way agreement, is
953 not subject to any local ordinance that requires a permit for
954 work related to low-voltage electrical work, including related
955 technical codes, regulations, and licensure. The scope of this
956 exemption is limited to electrical circuits and equipment
957 governed by the applicable provisions of Articles 725 (Classes 2

24-00188A-17

20171396__

958 and 3 circuits only), 770, 800, 810, and 820 of the National
959 Electrical Code, current edition, or 47 C.F.R. part 68, ~~and~~
960 ~~employees, contractors, and subcontractors of companies, and~~
961 ~~affiliates thereof, operating under a certificate issued under~~
962 ~~chapter 364 or chapter 610 or under a local franchise or right-~~
963 ~~of-way agreement.~~ This subsection does not relieve any person
964 from licensure as an alarm system contractor.

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

969 489.518 Alarm system agents.—

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

974 Section 42. This act shall take effect July 1, 2017.