

By the Committee on Judiciary; and Senator Passidomo

590-03415-17

2017802c1

1 A bill to be entitled
2 An act relating to regulated professions and
3 occupations; amending s. 287.055, F.S.; redefining the
4 term "design-build firm"; amending s. 326.004, F.S.;
5 deleting a requirement that yacht and ship brokers
6 maintain a separate license for each branch office and
7 related fees; amending s. 447.02, F.S.; deleting a
8 definition; repealing s. 447.04, F.S., relating to
9 business agents, licenses, and permits; repealing s.
10 447.041, F.S., relating to hearings; repealing s.
11 447.045, F.S., relating to certain confidential
12 information; repealing s. 447.06, F.S., relating to
13 the required registration of labor organizations;
14 amending s. 447.09, F.S.; deleting prohibitions
15 against specified actions; repealing s. 447.12, F.S.,
16 relating to registration fees; repealing s. 447.16,
17 F.S., relating to the applicability of ch. 447, F.S.;
18 amending s. 468.401, F.S.; deleting the definitions of
19 the terms "department," "license," and "licensee";
20 repealing s. 468.402, F.S., relating to the duties of
21 the Department of Business and Professional
22 Regulation; repealing s. 468.403, F.S., relating to
23 licensure and application requirements for owners and
24 operators of talent agencies; repealing s. 468.404,
25 F.S., relating to fees and renewal of talent agency
26 licenses; repealing s. 468.405, F.S., relating to
27 qualification for talent agency licenses; amending s.
28 468.406, F.S.; deleting the requirement for talent
29 agencies to file with the department an itemized

590-03415-17

2017802c1

30 schedule of certain fees and an amended or
31 supplemental schedule under certain circumstances;
32 repealing s. 468.407, F.S., relating to license
33 contents and posting; amending s. 468.408, F.S.;
34 deleting a requirement that a talent agency file a
35 bond for each talent agency license; deleting a
36 departmental requirement to approve talent agency
37 bonds; requiring that a bonding company notify the
38 talent agency, rather than the department, of certain
39 claims; amending s. 468.409, F.S.; deleting provisions
40 requiring talent agencies to make specified records
41 readily available for inspection by the department;
42 amending s. 468.410, F.S.; deleting a reference to the
43 department in talent agency contracts; amending s.
44 468.412, F.S.; revising the information that talent
45 agencies are required to enter on records; revising
46 the requirements for talent agencies to post certain
47 laws and rules; revising the information required in
48 talent agency publications; amending s. 468.413, F.S.;
49 deleting provisions relating to criminal violations
50 for failing to obtain or maintain licensure with the
51 department; deleting provisions authorizing the court
52 to suspend or revoke a license; deleting a provision
53 authorizing the department to impose a \$5,000 fine
54 under certain circumstances; repealing s. 468.414,
55 F.S., relating to collection and deposit of fines,
56 fees, and penalties by the department; amending s.
57 468.415, F.S.; deleting a provision authorizing the
58 department to permanently revoke a license; amending

590-03415-17

2017802c1

59 s. 469.006, F.S.; requiring an individual applicant to
60 apply for licensure in the name of the business
61 organization that he or she proposes to operate under;
62 requiring that a license be in the name of a
63 qualifying agent rather than the name of a business
64 organization; requiring the qualifying agent, rather
65 than the business organization, to report certain
66 changes in information; conforming provisions to
67 changes made by the act; amending s. 469.009, F.S.;

68 deleting the authority of the department to reprimand,
69 censure, or impose probation on certain business
70 organizations; amending s. 476.034, F.S.; defining and
71 redefining terms; amending s. 476.114, F.S.; providing
72 requirements for licensure by examination to practice
73 restricted barbering; conforming a provision to
74 changes made by the act; amending s. 477.013, F.S.;

75 revising the definition of the term "specialty";
76 repealing s. 477.0132, F.S., relating to hair
77 braiding, hair wrapping, and body wrapping
78 registration; amending s. 477.0135, F.S.; exempting
79 from certain licensure and registration requirements
80 persons whose occupations or practices are confined
81 solely to hair braiding, hair wrapping, or body
82 wrapping; amending s. 477.019, F.S.; deleting an
83 exemption from certain continuing education
84 requirements for persons whose occupations or
85 practices are confined solely to hair braiding, hair
86 wrapping, or body wrapping; amending s. 477.026, F.S.;

87 conforming a provision to changes made by the act;

590-03415-17

2017802c1

88 amending s. 481.203, F.S.; defining the term "business
89 organization"; deleting the definition of the term
90 "certificate of authorization"; amending s. 481.219,
91 F.S.; revising the process by which a business
92 organization obtains the requisite license to perform
93 architectural services; requiring that a licensee or
94 an applicant apply to qualify a business organization
95 under certain circumstances; specifying application
96 requirements; authorizing the Board of Architecture
97 and Interior Design to deny an application under
98 certain circumstances; requiring that a qualifying
99 agent be a registered architect or a registered
100 interior designer under certain circumstances;
101 requiring that a qualifying agent notify the
102 department when she or he ceases to be affiliated with
103 a business organization; prohibiting a business
104 organization from engaging in certain practices until
105 it is qualified by a qualifying agent; authorizing the
106 executive director or the chair of the board to
107 authorize a certain registered architect or interior
108 designer to temporarily serve as the business
109 organization's qualifying agent for a specified
110 timeframe under certain circumstances; requiring the
111 qualifying agent to give written notice to the
112 department before engaging in practice under her or
113 his own name or in affiliation with another business
114 organization; requiring the board to certify an
115 applicant to qualify one or more business
116 organizations or to operate using a fictitious name

590-03415-17

2017802c1

117 under certain circumstances; conforming provisions to
118 changes made by the act; amending s. 481.221, F.S.;
119 requiring a business organization to include the
120 license number of a certain registered architect or
121 interior designer in any advertising; providing an
122 exception; conforming provisions to changes made by
123 the act; amending s. 481.229, F.S.; conforming
124 provisions to changes made by the act; reordering and
125 amending s. 481.303, F.S.; defining and redefining
126 terms; amending s. 481.321, F.S.; revising provisions
127 that require persons to display certificate numbers
128 under certain circumstances; conforming provisions to
129 changes made by the act; amending ss. 481.311,
130 481.317, and 481.319, F.S.; conforming provisions to
131 changes made by the act; amending s. 481.329, F.S.;
132 conforming a cross-reference; amending s. 548.017,
133 F.S.; revising the persons required to be licensed by
134 the State Boxing Commission; amending s. 548.003,
135 F.S.; conforming a provision to changes made by the
136 act; providing an effective date.

137

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

139

140 Section 1. Paragraph (h) of subsection (2) of section
141 287.055, Florida Statutes, is amended to read:

142 287.055 Acquisition of professional architectural,
143 engineering, landscape architectural, or surveying and mapping
144 services; definitions; procedures; contingent fees prohibited;
145 penalties.—

590-03415-17

2017802c1

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

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

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

153 2. Is certified under s. 471.023 to practice or to offer to
154 practice engineering; qualified ~~certified~~ under s. 481.219 to
155 practice or to offer to practice architecture; or qualified
156 ~~certified~~ under s. 481.319 to practice or to offer to practice
157 landscape architecture.

158 Section 2. Subsection (13) of section 326.004, Florida
159 Statutes, is amended to read:

160 326.004 Licensing.—

161 (13) Each broker must maintain a principal place of
162 business in this state and may establish branch offices in the
163 state. ~~A separate license must be maintained for each branch
164 office. The division shall establish by rule a fee not to exceed
165 \$100 for each branch office license.~~

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

168 447.02 Definitions.—The following terms, when used in this
169 chapter, shall have the meanings ascribed to them in this
170 section:

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

173 Section 4. Section 447.04, Florida Statutes, is repealed.

174 Section 5. Section 447.041, Florida Statutes, is repealed.

590-03415-17

2017802c1

175 Section 6. Section 447.045, Florida Statutes, is repealed.

176 Section 7. Section 447.06, Florida Statutes, is repealed.

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

178 Florida Statutes, are amended to read:

179 447.09 Right of franchise preserved; penalties.—It shall be
180 unlawful for any person:

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

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

185 Section 9. Section 447.12, Florida Statutes, is repealed.

186 Section 10. Section 447.16, Florida Statutes, is repealed.

187 Section 11. Section 468.401, Florida Statutes, is amended
188 to read:

189 468.401 ~~Regulation of~~ Talent agencies; definitions.—As used
190 in this part ~~or any rule adopted pursuant hereto:~~

191 (8)~~(1)~~ "Talent agency" means any person who, for
192 compensation, engages in the occupation or business of procuring
193 or attempting to procure engagements for an artist.

194 (6)~~(2)~~ "Owner" means any partner in a partnership, member
195 of a firm, or principal officer or officers of a corporation,
196 whose partnership, firm, or corporation owns a talent agency, or
197 any individual who is the sole owner of a talent agency.

198 (3) "Compensation" means any one or more of the following:

199 (a) Any money or other valuable consideration paid or
200 promised to be paid for services rendered by any person
201 conducting the business of a talent agency under this part;

202 (b) Any money received by any person in excess of that
203 which has been paid out by such person for transportation,

590-03415-17

2017802c1

204 transfer of baggage, or board and lodging for any applicant for
205 employment; or

206 (c) The difference between the amount of money received by
207 any person who furnishes employees, performers, or entertainers
208 for circus, vaudeville, theatrical, or other entertainments,
209 exhibitions, engagements, or performances and the amount paid by
210 him or her to such employee, performer, or entertainer.

211 (4) "Engagement" means any employment or placement of an
212 artist, where the artist performs in his or her artistic
213 capacity. However, the term "engagement" shall not apply to
214 procuring opera, music, theater, or dance engagements for any
215 organization defined in s. 501(c)(3) of the Internal Revenue
216 Code or any nonprofit Florida arts organization that has
217 received a grant from the Division of Cultural Affairs of the
218 Department of State or has participated in the state touring
219 program of the Division of Cultural Affairs.

220 ~~(5) "Department" means the Department of Business and~~
221 ~~Professional Regulation.~~

222 (5)~~(6)~~ "Operator" means the person who is or who will be in
223 actual charge of a talent agency.

224 (2)~~(7)~~ "Buyer" or "employer" means a person, company,
225 partnership, or corporation that uses the services of a talent
226 agency to provide artists.

227 (1)~~(8)~~ "Artist" means a person performing on the
228 professional stage or in the production of television, radio, or
229 motion pictures; a musician or group of musicians; or a model.

230 (7)~~(9)~~ "Person" means any individual, company, society,
231 firm, partnership, association, corporation, manager, or any
232 agent or employee of any of the foregoing.

590-03415-17

2017802c1

233 ~~(10) "License" means a license issued by the Department of~~
234 ~~Business and Professional Regulation to carry on the business of~~
235 ~~a talent agency under this part.~~

236 ~~(11) "Licensee" means a talent agency which holds a valid~~
237 ~~unrevoked and unforfeited license issued under this part.~~

238 Section 12. Section 468.402, Florida Statutes, is repealed.

239 Section 13. Section 468.403, Florida Statutes, is repealed.

240 Section 14. Section 468.404, Florida Statutes, is repealed.

241 Section 15. Section 468.405, Florida Statutes, is repealed.

242 Section 16. Subsection (1) of section 468.406, Florida
243 Statutes, is amended to read:

244 468.406 Fees to be charged by talent agencies; rates;
245 display.-

246 (1) Each owner or operator of a talent agency shall post
247 ~~applicant for a license shall file with the application an~~
248 ~~itemized schedule of maximum fees, charges, and commissions that~~
249 ~~which it intends to charge and collect for its services. This~~
250 ~~schedule may thereafter be raised only by filing with the~~
251 ~~department an amended or supplemental schedule at least 30 days~~
252 ~~before the change is to become effective. The schedule shall be~~
253 ~~posted~~ in a conspicuous place in each place of business of the
254 agency, and the schedule shall be printed in not less than a 30-
255 point boldfaced type, except that an agency that uses written
256 contracts containing maximum fee schedules need not post such
257 schedules.

258 Section 17. Section 468.407, Florida Statutes, is repealed.

259 Section 18. Subsection (1) of section 468.408, Florida
260 Statutes, is amended to read:

261 468.408 Bond required.-

590-03415-17

2017802c1

262 (1) ~~A There shall be filed with the department for each~~
263 talent agency shall obtain ~~license~~ a bond in the form of a
264 surety by a reputable company engaged in the bonding business
265 and authorized to do business in this state. The bond shall be
266 for the penal sum of \$5,000, with one or more sureties ~~to be~~
267 ~~approved by the department~~, and be conditioned that the talent
268 agency applicant conform to and not violate any of the duties,
269 terms, conditions, provisions, or requirements of this part.

270 (a) If any person is aggrieved by the misconduct of any
271 talent agency, the person may maintain an action in his or her
272 own name upon the bond of the agency in any court having
273 jurisdiction of the amount claimed. All such claims shall be
274 assignable, and the assignee shall be entitled to the same
275 remedies, upon the bond of the agency or otherwise, as the
276 person aggrieved would have been entitled to if such claim had
277 not been assigned. Any claim or claims so assigned may be
278 enforced in the name of such assignee.

279 (b) The bonding company shall notify the talent agency
280 ~~department~~ of any claim against such bond, and a copy of such
281 notice shall be sent to the talent agency against which the
282 claim is made.

283 Section 19. Section 468.409, Florida Statutes, is amended
284 to read:

285 468.409 Records required to be kept.—Each talent agency
286 shall keep on file the application, registration, or contract of
287 each artist. In addition, such file must include the name and
288 address of each artist, the amount of the compensation received,
289 and all attempts to procure engagements for the artist. No such
290 agency or employee thereof shall knowingly make any false entry

590-03415-17

2017802c1

291 in applicant files or receipt files. Each card or document in
292 such files shall be preserved for a period of 1 year after the
293 date of the last entry thereon. ~~Records required under this~~
294 ~~section shall be readily available for inspection by the~~
295 ~~department during reasonable business hours at the talent~~
296 ~~agency's principal office. A talent agency must provide the~~
297 ~~department with true copies of the records in the manner~~
298 ~~prescribed by the department.~~

299 Section 20. Subsection (3) of section 468.410, Florida
300 Statutes, is amended to read:

301 468.410 Prohibition against registration fees; referral.—

302 (3) A talent agency shall give each applicant a copy of a
303 contract, within 24 hours after the contract's execution, which
304 lists the services to be provided and the fees to be charged.
305 ~~The contract shall state that the talent agency is regulated by~~
306 ~~the department and shall list the address and telephone number~~
307 ~~of the department.~~

308 Section 21. Section 468.412, Florida Statutes, is amended
309 to read:

310 468.412 Talent agency regulations; prohibited acts.—

311 (1) A talent agency shall maintain a record sheet for each
312 booking. This shall be the only required record of placement and
313 shall be kept for a period of 1 year after the date of the last
314 entry in the buyer's file.

315 (2) Each talent agency shall keep records in which shall be
316 entered:

317 (a) The name and address of each artist employing such
318 talent agency;

319 (b) The amount of fees received from each such artist; and

590-03415-17

2017802c1

320 (c) The employment in which each such artist is engaged at
321 the time of employing such talent agency and the amount of
322 compensation of the artist in such employment, if any, and the
323 employments subsequently secured by such artist during the term
324 of the contract between the artist and the talent agency and the
325 amount of compensation received by the artist pursuant thereto.7
326 and

327 ~~(d) Other information which the department may require from~~
328 ~~time to time.~~

329 ~~(3) All books, records, and other papers kept pursuant to~~
330 ~~this act by any talent agency shall be open at all reasonable~~
331 ~~hours to the inspection of the department and its agents. Each~~
332 ~~talent agency shall furnish to the department, upon request, a~~
333 ~~true copy of such books, records, and papers, or any portion~~
334 ~~thereof, and shall make such reports as the department may~~
335 ~~prescribe from time to time.~~

336 ~~(3)(4)~~ Each talent agency shall post in a conspicuous place
337 in the office of such talent agency a printed copy of this part
338 and of the rules adopted under this part. Such copies shall also
339 contain the name and address of the officer charged with
340 enforcing this part. The department shall furnish to talent
341 agencies printed copies of any statute or rule required to be
342 posted under this subsection.

343 ~~(4)(a)(5)(a)~~ No talent agency may knowingly issue a
344 contract for employment containing any term or condition which,
345 if complied with, would be in violation of law, or attempt to
346 fill an order for help to be employed in violation of law.

347 (b) A talent agency must advise an artist, in writing, that
348 the artist has a right to rescind a contract for employment

590-03415-17

2017802c1

349 within the first 3 business days after the contract's execution.
350 Any engagement procured by the talent agency for the artist
351 during the first 3 business days of the contract remains
352 commissionable to the talent agency.

353 (5)~~(6)~~ No talent agency may publish or cause to be
354 published any false, fraudulent, or misleading information,
355 representation, notice, or advertisement. All advertisements of
356 a talent agency by means of card, circulars, or signs, and in
357 newspapers and other publications, and all letterheads,
358 receipts, and blanks shall be printed and contain the ~~licensed~~
359 name, ~~department license number~~, and address of the talent
360 agency and the words "talent agency." No talent agency may give
361 any false information or make any false promises or
362 representations concerning an engagement or employment to any
363 applicant who applies for an engagement or employment.

364 (6)~~(7)~~ No talent agency may send or cause to be sent any
365 person as an employee to any house of ill fame, to any house or
366 place of amusement for immoral purposes, to any place resorted
367 to for the purposes of prostitution, to any place for the
368 modeling or photographing of a minor in the nude in the absence
369 of written permission from the minor's parents or legal
370 guardians, the character of which places the talent agency could
371 have ascertained upon reasonable inquiry.

372 (7)~~(8)~~ No talent agency, without the written consent of the
373 artist, may divide fees with anyone, including, but not limited
374 to, an agent or other employee of an employer, a buyer, a
375 casting director, a producer, a director, or any venue that uses
376 entertainment. For purposes of this subsection, to "divide fees"
377 includes the sharing among two or more persons of those fees

590-03415-17

2017802c1

378 charged to an artist for services performed on behalf of that
379 artist, the total amount of which fees exceeds the amount that
380 would have been charged to the artist by the talent agency
381 alone.

382 (8)~~(9)~~ If a talent agency collects from an artist a fee or
383 expenses for obtaining employment for the artist, and the artist
384 fails to procure such employment, or the artist fails to be paid
385 for such employment if procured, such talent agency shall, upon
386 demand therefor, repay to the artist the fee and expenses so
387 collected. Unless repayment thereof is made within 48 hours
388 after demand therefor, the talent agency shall pay to the artist
389 an additional sum equal to the amount of the fee.

390 (9)~~(10)~~ Each talent agency must maintain a permanent office
391 and must maintain regular operating hours at that office.

392 (10)~~(11)~~ A talent agency may assign an engagement contract
393 to another talent agency licensed in this state only if the
394 artist agrees in writing to the assignment. The assignment must
395 occur, and written notice of the assignment must be given to the
396 artist, within 30 days after the artist agrees in writing to the
397 assignment.

398 Section 22. Section 468.413, Florida Statutes, is amended
399 to read:

400 468.413 Legal requirements; penalties.—

401 ~~(1) Each of the following acts constitutes a felony of the~~
402 ~~third degree, punishable as provided in s. 775.082, s. 775.083,~~
403 ~~or s. 775.084:~~

404 ~~(a) Owning or operating, or soliciting business as, a~~
405 ~~talent agency in this state without first procuring a license~~
406 ~~from the department.~~

590-03415-17

2017802c1

407 ~~(b) Obtaining or attempting to obtain a license by means of~~
408 ~~fraud, misrepresentation, or concealment.~~

409 ~~(2)~~ Each of the following acts constitutes a misdemeanor of
410 the second degree, punishable as provided in s. 775.082 or s.
411 775.083:

412 ~~(a) Relocating a business as a talent agency, or operating~~
413 ~~under any name other than that designated on the license, unless~~
414 ~~written notification is given to the department and to the~~
415 ~~surety or sureties on the original bond, and unless the license~~
416 ~~is returned to the department for the recording thereon of such~~
417 ~~changes.~~

418 ~~(b) Assigning or attempting to assign a license issued~~
419 ~~under this part.~~

420 ~~(c) Failing to show on a license application whether or not~~
421 ~~the agency or any owner of the agency is financially interested~~
422 ~~in any other business of like nature and, if so, failing to~~
423 ~~specify such interest or interests.~~

424 (a)~~(d)~~ Failing to maintain the records required by s.
425 468.409 or knowingly making false entries in such records.

426 (b)~~(e)~~ Requiring as a condition to registering or obtaining
427 employment or placement for any applicant that the applicant
428 subscribe to, purchase, or attend any publication, postcard
429 service, advertisement, resume service, photography service,
430 school, acting school, workshop, or acting workshop.

431 (c)~~(f)~~ Failing to give each applicant a copy of a contract
432 which lists the services to be provided and the fees to be
433 charged by, ~~which states that the talent agency is regulated by~~
434 ~~the department, and which lists the address and telephone number~~
435 ~~of the department.~~

590-03415-17

2017802c1

436 (d)~~(g)~~ Failing to maintain a record sheet as required by s.
437 468.412(1).

438 (e)~~(h)~~ Knowingly sending or causing to be sent any artist
439 to a prospective employer or place of business, the character or
440 operation of which employer or place of business the talent
441 agency knows to be in violation of the laws of the United States
442 or of this state.

443 ~~(3) The court may, in addition to other punishment provided~~
444 ~~for in subsection (2), suspend or revoke the license of any~~
445 ~~licensee under this part who has been found guilty of any~~
446 ~~misdemeanor listed in subsection (2).~~

447 (2)~~(4)~~ In the event that ~~the department or~~ any state
448 attorney shall have probable cause to believe that a talent
449 agency or other person has violated any provision of subsection
450 (1), an action may be brought by the ~~department or any state~~
451 attorney to enjoin such talent agency or any person from
452 continuing such violation, or engaging therein or doing any acts
453 in furtherance thereof, and for such other relief as to the
454 court seems appropriate. ~~In addition to this remedy, the~~
455 ~~department may assess a penalty against any talent agency or any~~
456 ~~person in an amount not to exceed \$5,000.~~

457 Section 23. Section 468.414, Florida Statutes, is repealed.

458 Section 24. Section 468.415, Florida Statutes, is amended
459 to read:

460 468.415 Sexual misconduct in the operation of a talent
461 agency.—The talent agent-artist relationship is founded on
462 mutual trust. Sexual misconduct in the operation of a talent
463 agency means violation of the talent agent-artist relationship
464 through which the talent agent uses the relationship to induce

590-03415-17

2017802c1

465 or attempt to induce the artist to engage or attempt to engage
466 in sexual activity. Sexual misconduct is prohibited in the
467 operation of a talent agency. ~~If Any agent, owner, or operator~~
468 ~~of a licensed talent agency who commits is found to have~~
469 ~~committed~~ sexual misconduct in the operation of a talent agency,
470 ~~the agency license shall be permanently revoked. Such agent,~~
471 ~~owner, or operator~~ shall be permanently prohibited from acting
472 ~~disqualified from present and future licensure as an agent,~~
473 ~~owner,~~ or operator of a ~~Florida~~ talent agency.

474 Section 25. Paragraphs (a) and (e) of subsection (2),
475 subsection (3), paragraph (b) of subsection (4), and subsection
476 (6) of section 469.006, Florida Statutes, are amended to read:

477 469.006 Licensure of business organizations; qualifying
478 agents.-

479 (2) (a) If the applicant proposes to engage in consulting or
480 contracting as a partnership, corporation, business trust, or
481 other legal entity, or in any name other than the applicant's
482 legal name, ~~the legal entity must apply for licensure through a~~
483 ~~qualifying agent or the individual applicant must apply for~~
484 licensure under the name of the business organization ~~fictitious~~
485 ~~name.~~

486 (e) ~~A~~ The license, ~~when issued upon application of a~~
487 ~~business organization,~~ must be in the name of the qualifying
488 agent business organization, and the name of the business
489 organization ~~qualifying agent~~ must be noted on the license
490 ~~thereon.~~ If there is a change in any information that is
491 required to be stated on the application, the qualifying agent
492 ~~business organization~~ shall, within 45 days after such change
493 occurs, mail the correct information to the department.

590-03415-17

2017802c1

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

514 (4)

515 (b) Upon a favorable determination by the department, after
516 investigation of the financial responsibility, credit, and
517 business reputation of the qualifying agent and the new business
518 organization, the department shall issue, without any
519 examination, a new license in the qualifying agent's business
520 ~~organization's~~ name, and the name of the business organization
521 ~~qualifying agent~~ shall be noted thereon.

522 (6) Each qualifying agent shall pay the department an

590-03415-17

2017802c1

523 amount equal to the original fee for licensure ~~of a new business~~
524 ~~organization.~~ if the qualifying agent for a business
525 organization desires to qualify additional business
526 organizations.7 The department shall require the agent to
527 present evidence of supervisory ability and financial
528 responsibility of each such organization. Allowing a licensee to
529 qualify more than one business organization must ~~shall~~ be
530 conditioned upon the licensee showing that the licensee has both
531 the capacity and intent to adequately supervise each business
532 organization. The department may ~~shall~~ not limit the number of
533 business organizations that ~~which~~ the licensee may qualify
534 except upon the licensee's failure to provide such information
535 as is required under this subsection or upon a finding that the
536 ~~such~~ information or evidence ~~as is~~ supplied is incomplete or
537 unpersuasive in showing the licensee's capacity and intent to
538 comply with the requirements of this subsection. A qualification
539 for an additional business organization may be revoked or
540 suspended upon a finding by the department that the licensee has
541 failed in the licensee's responsibility to adequately supervise
542 the operations of the business organization. Failure to
543 adequately supervise the operations of a business organization
544 is ~~shall be~~ grounds for denial to qualify additional business
545 organizations.

546 Section 26. Subsection (1) of section 469.009, Florida
547 Statutes, is amended to read:

548 469.009 License revocation, suspension, and denial of
549 issuance or renewal.—

550 (1) The department may revoke, suspend, or deny the
551 issuance or renewal of a license; reprimand, censure, or place

590-03415-17

2017802c1

552 on probation any contractor, consultant, or financially
553 responsible officer, ~~or business organization~~; require financial
554 restitution to a consumer; impose an administrative fine not to
555 exceed \$5,000 per violation; require continuing education; or
556 assess costs associated with any investigation and prosecution
557 if the contractor or consultant, or business organization or
558 officer or agent thereof, is found guilty of any of the
559 following acts:

560 (a) Willfully or deliberately disregarding or violating the
561 health and safety standards of the Occupational Safety and
562 Health Act of 1970, the Construction Safety Act, the National
563 Emission Standards for Asbestos, the Environmental Protection
564 Agency Asbestos Abatement Projects Worker Protection Rule, the
565 Florida Statutes or rules promulgated thereunder, or any
566 ordinance enacted by a political subdivision of this state.

567 (b) Violating any provision of chapter 455.

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

570 (d) Acting in the capacity of an asbestos contractor or
571 asbestos consultant under any license issued under this chapter
572 except in the name of the licensee as set forth on the issued
573 license.

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

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

577 (g) Being convicted or found guilty of, or entering a plea
578 of nolo contendere to, regardless of adjudication, a crime in
579 any jurisdiction which directly relates to the practice of
580 asbestos consulting or contracting or the ability to practice

590-03415-17

2017802c1

581 asbestos consulting or contracting.

582 (h) Knowingly violating any building code, lifesafety code,
583 or county or municipal ordinance relating to the practice of
584 asbestos consulting or contracting.

585 (i) Performing any act which assists a person or entity in
586 engaging in the prohibited unlicensed practice of asbestos
587 consulting or contracting, if the licensee knows or has
588 reasonable grounds to know that the person or entity was
589 unlicensed.

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

592 Financial mismanagement or misconduct occurs when:

593 1. Valid liens have been recorded against the property of a
594 contractor's customer for supplies or services ordered by the
595 contractor for the customer's job; the contractor has received
596 funds from the customer to pay for the supplies or services; and
597 the contractor has not had the liens removed from the property,
598 by payment or by bond, within 75 days after the date of such
599 liens;

600 2. The contractor has abandoned a customer's job and the
601 percentage of completion is less than the percentage of the
602 total contract price paid to the contractor as of the time of
603 abandonment, unless the contractor is entitled to retain such
604 funds under the terms of the contract or refunds the excess
605 funds within 30 days after the date the job is abandoned; or

606 3. The contractor's job has been completed, and it is shown
607 that the customer has had to pay more for the contracted job
608 than the original contract price, as adjusted for subsequent
609 change orders, unless such increase in cost was the result of

590-03415-17

2017802c1

610 circumstances beyond the control of the contractor, was the
611 result of circumstances caused by the customer, or was otherwise
612 permitted by the terms of the contract between the contractor
613 and the customer.

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

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

619 (m) Abandoning an asbestos abatement project in which the
620 asbestos contractor is engaged or under contract as a
621 contractor. A project may be presumed abandoned after 20 days if
622 the contractor terminates the project without just cause and
623 without proper notification to the owner, including the reason
624 for termination; if the contractor fails to reasonably secure
625 the project to safeguard the public while work is stopped; or if
626 the contractor fails to perform work without just cause for 20
627 days.

628 (n) Signing a statement with respect to a project or
629 contract falsely indicating that the work is bonded; falsely
630 indicating that payment has been made for all subcontracted
631 work, labor, and materials which results in a financial loss to
632 the owner, purchaser, or contractor; or falsely indicating that
633 workers' compensation and public liability insurance are
634 provided.

635 (o) Committing fraud or deceit in the practice of asbestos
636 consulting or contracting.

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

590-03415-17

2017802c1

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

642 (r) Intimidating, threatening, coercing, or otherwise
643 discouraging the service of a notice to owner under part I of
644 chapter 713 or a notice to contractor under chapter 255 or part
645 I of chapter 713.

646 (s) Failing to satisfy, within a reasonable time, the terms
647 of a civil judgment obtained against the licensee, or the
648 business organization qualified by the licensee, relating to the
649 practice of the licensee's profession.

650

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

654 Section 27. Subsection (2) of section 476.034, Florida
655 Statutes, is amended, and subsections (6) and (7) are added to
656 that section, to read:

657 476.034 Definitions.—As used in this act:

658 (2) "Barbering" means any of the following practices when
659 done for remuneration and for the public, but not when done for
660 the treatment of disease or physical or mental ailments:

661 shaving, cutting, trimming, coloring, shampooing, arranging,
662 dressing, curling, or waving the hair or beard or applying oils,
663 creams, lotions, or other preparations to the face, scalp, or
664 neck, either by hand or by mechanical appliances, and includes
665 restricted barbering services.

666 (6) "Restricted barber" means a person who is licensed to
667 engage in the practice of restricted barbering in this state

590-03415-17

2017802c1

668 under the authority of this chapter and is subject to the same
669 requirements and restrictions as a barber, except as specified
670 in s. 476.114.

671 (7) "Restricted barbering" means any of the following
672 practices when done for remuneration and for the public, but not
673 when done for the treatment of disease or physical or mental
674 ailments: shaving, cutting, trimming, shampooing, arranging,
675 dressing, or curling the hair or beard, including the
676 application of shampoo, hair conditioners, shaving creams, hair
677 tonic, and hair spray to the face, scalp, or neck, either by
678 hand or by mechanical appliances. The term does not include the
679 application of oils, creams, lotions, or other preparations to
680 the face, scalp, or neck.

681 Section 28. Present subsection (3) of section 476.114,
682 Florida Statutes, is redesignated as subsection (4) and amended,
683 and a new subsection (3) is added to that section, to read:

684 476.114 Examination; prerequisites.—

685 (3) An applicant is eligible for licensure by examination
686 to practice restricted barbering if he or she:

687 (a) Is at least 16 years of age;

688 (b) Pays the required application fee; and

689 (c)1. Holds an active valid license to practice barbering
690 in another state, has held the license for at least 1 year, and
691 does not qualify for licensure by endorsement as provided for in
692 s. 476.144(5); or

693 2. Has received a minimum of 1,000 hours of training as
694 established by the board, which must include, but is not limited
695 to, the equivalent of completion of services directly related to
696 the practice of restricted barbering at one of the following:

590-03415-17

2017802c1

- 697 a. A school of barbering licensed pursuant to chapter 1005;
698 b. A barbering program within the public school system; or
699 c. A government-operated barbering program in this state.

700 ~~(4)-(3)~~ An applicant who meets the requirements set forth in
701 subparagraphs (2) (c)1. and 2. or subparagraphs (3) (c)1. and 2.
702 who fails to pass the examination may take subsequent
703 examinations as many times as necessary to pass, except that the
704 board may specify by rule reasonable timeframes for rescheduling
705 the examination and additional training requirements for
706 applicants who, after the third attempt, fail to pass the
707 examination. Prior to reexamination, the applicant must file the
708 appropriate form and pay the reexamination fee as required by
709 rule.

710 Section 29. Subsection (6) of section 477.013, Florida
711 Statutes, is amended to read:

712 477.013 Definitions.—As used in this chapter:

713 (6) "Specialty" means the practice of one or more of the
714 following:

715 (a) Nail specialty, which includes:

716 1. Manicuring, or the cutting, polishing, tinting,
717 coloring, cleansing, adding, or extending of the nails, and
718 massaging of the hands. This term includes any procedure or
719 process for the affixing of artificial nails, except those nails
720 which may be applied solely by use of a simple adhesive; and-

721 ~~2.(b)~~ Pedicuring, or the shaping, polishing, tinting, or
722 cleansing of the nails of the feet, and massaging or beautifying
723 of the feet.

724 ~~(b)-(c)~~ Facial specialty, which includes facials, or the
725 massaging or treating of the face or scalp with oils, creams,

590-03415-17

2017802c1

726 lotions, or other preparations, and skin care services.

727 (c) Full specialty, which includes manicuring, pedicuring,
728 and facial services, including all services as described in
729 paragraphs (a) and (b).

730 Section 30. Section 477.0132, Florida Statutes, is
731 repealed.

732 Section 31. Subsections (7), (8), and (9) are added to
733 section 477.0135, Florida Statutes, to read:

734 477.0135 Exemptions.—

735 (7) A license or registration is not required for a person
736 whose occupation or practice is confined solely to hair braiding
737 as defined in s. 477.013(9).

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

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

744 Section 32. Paragraph (b) of subsection (7) of section
745 477.019, Florida Statutes, is amended to read:

746 477.019 Cosmetologists; qualifications; licensure;
747 supervised practice; license renewal; endorsement; continuing
748 education.—

749 (7)

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

754 Section 33. Paragraph (f) of subsection (1) of section

590-03415-17

2017802c1

755 477.026, Florida Statutes, is amended to read:

756 477.026 Fees; disposition.—

757 (1) The board shall set fees according to the following
758 schedule:

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

761 Section 34. Subsection (5) of section 481.203, Florida
762 Statutes, is amended to read:

763 481.203 Definitions.—As used in this part:

764 (5) “Business organization” means a partnership, a limited
765 liability company, a corporation, or an individual operating
766 under a fictitious name ~~“Certificate of authorization” means a~~
767 ~~certificate issued by the department to a corporation or~~
768 ~~partnership to practice architecture or interior design.~~

769 Section 35. Section 481.219, Florida Statutes, is amended
770 to read:

771 481.219 Business organization; qualifying agents
772 ~~Certification of partnerships, limited liability companies, and~~
773 ~~corporations.—~~

774 (1) A licensee may ~~The practice of or the offer to practice~~
775 ~~architecture or interior design by licensees through a~~ business
776 organization that offers ~~corporation, limited liability company,~~
777 ~~or partnership offering~~ architectural or interior design
778 services to the public, or through ~~by~~ a business organization
779 that offers ~~corporation, limited liability company, or~~
780 ~~partnership offering~~ architectural or interior design services
781 to the public through such licensees ~~under this part~~ as agents,
782 employees, officers, or partners, ~~is permitted, subject to the~~
783 ~~provisions of this section.~~

590-03415-17

2017802c1

784 (2) If a licensee or an applicant proposes to engage in the
785 practice of architecture or interior design as a business
786 organization, the licensee or applicant must apply to qualify
787 the business organization ~~For the purposes of this section, a~~
788 ~~certificate of authorization shall be required for a~~
789 ~~corporation, limited liability company, partnership, or person~~
790 ~~practicing under a fictitious name, offering architectural~~
791 ~~services to the public jointly or separately. However, when an~~
792 ~~individual is practicing architecture in her or his own name,~~
793 ~~she or he shall not be required to be certified under this~~
794 ~~section. Certification under this subsection to offer~~
795 ~~architectural services shall include all the rights and~~
796 ~~privileges of certification under subsection (3) to offer~~
797 ~~interior design services.~~

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

799 1. If the business is a partnership, state the names of the
800 partnership and its partners.

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

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

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

809 (b) The board may deny an application to qualify a business
810 organization if the applicant or any person required to be named
811 pursuant to paragraph (a) has been involved in past disciplinary
812 actions or on any grounds for which an individual registration

590-03415-17

2017802c1

813 or certification may be denied.

814 (3) (a) A business organization may not engage in the
815 practice of architecture unless its qualifying agent is a
816 registered architect under this part. A business organization
817 may not engage in the practice of interior design unless its
818 qualifying agent is a registered architect or a registered
819 interior designer under this part. A qualifying agent who
820 terminates her or his affiliation with a business organization
821 shall immediately notify the department of such termination. If
822 the qualifying agent who terminates her or his affiliation is
823 the only qualifying agent for a business organization, the
824 business organization must be qualified by another qualifying
825 agent within 60 days after the termination. Except as provided
826 in paragraph (b), the business organization may not engage in
827 the practice of architecture or interior design until it is
828 qualified by a qualifying agent.

829 (b) In the event a qualifying architect or interior
830 designer ceases employment with the business organization, the
831 executive director or the chair of the board may authorize
832 another registered architect or interior designer employed by
833 the business organization to temporarily serve as its qualifying
834 agent for a period of no more than 60 days. The business
835 organization is not authorized to operate beyond such period
836 under this chapter absent replacement of the qualifying
837 architect or interior designer who has ceased employment.

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

590-03415-17

2017802c1

842 organization shall supply the same information to the department
843 as required of applicants under this part ~~For the purposes of~~
844 ~~this section, a certificate of authorization shall be required~~
845 ~~for a corporation, limited liability company, partnership, or~~
846 ~~person operating under a fictitious name, offering interior~~
847 ~~design services to the public jointly or separately. However,~~
848 ~~when an individual is practicing interior design in her or his~~
849 ~~own name, she or he shall not be required to be certified under~~
850 ~~this section.~~

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

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

867 ~~(6) The department shall issue a certificate of~~
868 ~~authorization to any applicant who the board certifies as~~
869 ~~qualified for a certificate of authorization and who has paid~~
870 ~~the fee set in s. 481.207.~~

590-03415-17

2017802c1

871 (6)~~(7)~~ The board shall allow ~~certify~~ an applicant to
872 qualify one or more business organizations ~~as qualified for a~~
873 ~~certificate of authorization~~ to offer architectural or interior
874 design services, or to use a fictitious name to offer such
875 services, if one of the following criteria is met ~~provided that:~~

876 (a) One or more of the principal officers of the
877 corporation or limited liability company, or one or more
878 partners of the partnership, and all personnel of the
879 corporation, limited liability company, or partnership who act
880 in its behalf in this state as architects, are registered as
881 provided by this part. ~~or~~

882 (b) One or more of the principal officers of the
883 corporation or one or more partners of the partnership, and all
884 personnel of the corporation, limited liability company, or
885 partnership who act in its behalf in this state as interior
886 designers, are registered as provided by this part.

887 ~~(8) The department shall adopt rules establishing a~~
888 ~~procedure for the biennial renewal of certificates of~~
889 ~~authorization.~~

890 ~~(9) The department shall renew a certificate of~~
891 ~~authorization upon receipt of the renewal application and~~
892 ~~biennial renewal fee.~~

893 (7)~~(10)~~ Each qualifying agent approved to qualify a
894 business organization ~~partnership, limited liability company,~~
895 ~~and corporation certified~~ under this section shall notify the
896 department within 30 days after ~~of~~ any change in the information
897 contained in the application upon which the qualification
898 ~~certification~~ is based. Any registered architect or interior
899 designer who qualifies the business organization shall ensure

590-03415-17

2017802c1

900 ~~corporation, limited liability company, or partnership as~~
901 ~~provided in subsection (7) shall be responsible for ensuring~~
902 responsible supervising control of projects of the business
903 organization entity and shall notify the department of the upon
904 termination of her or his employment with a business
905 organization qualified partnership, limited liability company,
906 ~~or corporation certified under this section shall notify the~~
907 ~~department of the termination within 30 days after such~~
908 termination.

909 (8)-(11) A business organization is not ~~No corporation,~~
910 ~~limited liability company, or partnership shall be relieved of~~
911 responsibility for the conduct or acts of its agents, employees,
912 or officers by reason of its compliance with this section.
913 However, except as provided in s. 558.0035, the architect who
914 signs and seals the construction documents and instruments of
915 service is ~~shall be~~ liable for the professional services
916 performed, and the interior designer who signs and seals the
917 interior design drawings, plans, or specifications is ~~shall be~~
918 liable for the professional services performed.

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

924 (9)-(13) Nothing in This section may not ~~shall~~ be construed
925 to mean that a certificate of registration to practice
926 architecture or interior design must ~~shall~~ be held by a business
927 organization ~~corporation, limited liability company, or~~
928 ~~partnership. Nothing in This section does not prohibit a~~

590-03415-17

2017802c1

929 ~~business organization from offering prohibits corporations,~~
930 ~~limited liability companies, and partnerships from joining~~
931 ~~together to offer architectural, engineering, interior design,~~
932 ~~surveying and mapping, and landscape architectural services, or~~
933 ~~any combination of such services, to the public if the business~~
934 ~~organization, provided that each corporation, limited liability~~
935 ~~company, or partnership otherwise meets the requirements of law.~~

936 (10) (14) A business organization that is qualified by a
937 registered architect may ~~Corporations, limited liability~~
938 ~~companies, or partnerships holding a valid certificate of~~
939 ~~authorization to practice architecture shall be permitted to use~~
940 ~~in their title the term "interior designer" or "registered~~
941 ~~interior designer" in its title. designer."~~

942 Section 36. Subsection (10) of section 481.221, Florida
943 Statutes, is amended to read:

944 481.221 Seals; display of certificate number.—

945 (10) Each registered architect or interior designer must,
946 ~~and each corporation, limited liability company, or partnership~~
947 ~~holding a certificate of authorization, shall include her or his~~
948 license its certificate number in any newspaper, telephone
949 directory, or other advertising medium used by the registered
950 licensee architect, interior designer, corporation, limited
951 liability company, or partnership. Each business organization
952 must include the license number of the registered architect or
953 interior designer who serves as the qualifying agent for that
954 business organization in any newspaper, telephone directory, or
955 other advertising medium used by the business organization, but
956 is not required to display the license numbers of other
957 registered architects or interior designers employed by the

590-03415-17

2017802c1

958 business organization ~~A corporation, limited liability company,~~
959 ~~or partnership is not required to display the certificate number~~
960 ~~of individual registered architects or interior designers~~
961 ~~employed by or working within the corporation, limited liability~~
962 ~~company, or partnership.~~

963 Section 37. Paragraphs (a) and (c) of subsection (5) of
964 section 481.229, Florida Statutes, are amended to read:

965 481.229 Exceptions; exemptions from licensure.—

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

973 (c) Notwithstanding any other provision of this part, a
974 registered architect or qualified business organization
975 certified ~~any corporation, partnership, or person operating~~
976 ~~under a fictitious name which holds a certificate of~~
977 ~~authorization to provide architectural services~~ must ~~shall~~ be
978 qualified, without fee, ~~for a certificate of authorization to~~
979 provide interior design services upon submission of a completed
980 application for qualification ~~therefor. For corporations,~~
981 ~~partnerships, and persons operating under a fictitious name~~
982 ~~which hold a certificate of authorization to provide interior~~
983 ~~design services, satisfaction of the requirements for renewal of~~
984 ~~the certificate of authorization to provide architectural~~
985 ~~services under s. 481.219 shall be deemed to satisfy the~~
986 ~~requirements for renewal of the certificate of authorization to~~

590-03415-17

2017802c1

987 ~~provide interior design services under that section.~~

988 Section 38. Section 481.303, Florida Statutes, is reordered
989 and amended to read:

990 481.303 Definitions.—As used in this chapter, the term:

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

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

995 (4)~~(2)~~ "Department" means the Department of Business and
996 Professional Regulation.

997 (8)~~(3)~~ "Registered landscape architect" means a person who
998 holds a license to practice landscape architecture in this state
999 under the authority of this act.

1000 (3)~~(4)~~ "Certificate of registration" means a license issued
1001 by the department to a natural person to engage in the practice
1002 of landscape architecture.

1003 ~~(5) "Certificate of authorization" means a license issued~~
1004 ~~by the department to a corporation or partnership to engage in~~
1005 ~~the practice of landscape architecture.~~

1006 (5)~~(6)~~ "Landscape architecture" means professional
1007 services, including, but not limited to, the following:

1008 (a) Consultation, investigation, research, planning,
1009 design, preparation of drawings, specifications, contract
1010 documents and reports, responsible construction supervision, or
1011 landscape management in connection with the planning and
1012 development of land and incidental water areas, including the
1013 use of Florida-friendly landscaping as defined in s. 373.185,
1014 where, and to the extent that, the dominant purpose of such
1015 services or creative works is the preservation, conservation,

590-03415-17

2017802c1

1016 enhancement, or determination of proper land uses, natural land
1017 features, ground cover and plantings, or naturalistic and
1018 aesthetic values;

1019 (b) The determination of settings, grounds, and approaches
1020 for and the siting of buildings and structures, outdoor areas,
1021 or other improvements;

1022 (c) The setting of grades, shaping and contouring of land
1023 and water forms, determination of drainage, and provision for
1024 storm drainage and irrigation systems where such systems are
1025 necessary to the purposes outlined herein; and

1026 (d) The design of such tangible objects and features as are
1027 necessary to the purpose outlined herein.

1028 ~~(6)~~ ~~(7)~~ "Landscape design" means consultation for and
1029 preparation of planting plans drawn for compensation, including
1030 specifications and installation details for plant materials,
1031 soil amendments, mulches, edging, gravel, and other similar
1032 materials. Such plans may include only recommendations for the
1033 conceptual placement of tangible objects for landscape design
1034 projects. Construction documents, details, and specifications
1035 for tangible objects and irrigation systems shall be designed or
1036 approved by licensed professionals as required by law.

1037 (7) "Qualifying agent" means an owner, officer, or director
1038 of the corporation, or partner of the partnership, who is
1039 responsible for the supervision, direction, and management of
1040 projects of the business organization with which she or he is
1041 affiliated and for ensuring that responsible supervising control
1042 is being exercised.

1043 Section 39. Subsection (5) of section 481.321, Florida
1044 Statutes, is amended to read:

590-03415-17

2017802c1

1045 481.321 Seals; display of certificate number.—

1046 (5) Each registered landscape architect must ~~and each~~
1047 ~~corporation or partnership holding a certificate of~~
1048 ~~authorization shall~~ include her or his ~~its~~ certificate number in
1049 any newspaper, telephone directory, or other advertising medium
1050 used by the registered landscape architect, corporation, or
1051 partnership. A corporation or partnership must ~~is not required~~
1052 ~~to~~ display the certificate number ~~numbers~~ of at least one
1053 officer, director, owner, or partner who is a individual
1054 registered landscape architect ~~architects~~ employed by or
1055 practicing with the corporation or partnership.

1056 Section 40. Subsection (4) of section 481.311, Florida
1057 Statutes, is amended to read:

1058 481.311 Licensure.—

1059 ~~(4) The board shall certify as qualified for a certificate~~
1060 ~~of authorization any applicant corporation or partnership who~~
1061 ~~satisfies the requirements of s. 481.319.~~

1062 Section 41. Subsection (2) of section 481.317, Florida
1063 Statutes, is amended to read:

1064 481.317 Temporary certificates.—

1065 ~~(2) Upon approval by the board and payment of the fee set~~
1066 ~~in s. 481.307, the department shall grant a temporary~~
1067 ~~certificate of authorization for work on one specified project~~
1068 ~~in this state for a period not to exceed 1 year to an out-of-~~
1069 ~~state corporation, partnership, or firm, provided one of the~~
1070 ~~principal officers of the corporation, one of the partners of~~
1071 ~~the partnership, or one of the principals in the fictitiously~~
1072 ~~named firm has obtained a temporary certificate of registration~~
1073 ~~in accordance with subsection (1).~~

590-03415-17

2017802c1

1074 Section 42. Section 481.319, Florida Statutes, is amended
1075 to read:

1076 481.319 Corporate and partnership practice of landscape
1077 architecture; ~~certificate of authorization.~~—

1078 (1) The practice of or offer to practice landscape
1079 architecture by registered landscape architects registered under
1080 this part through a corporation or partnership offering
1081 landscape architectural services to the public, or through a
1082 corporation or partnership offering landscape architectural
1083 services to the public through individual registered landscape
1084 architects as agents, employees, officers, or partners, is
1085 permitted, subject to the provisions of this section, if:

1086 (a) One or more of the principal officers of the
1087 corporation, or partners of the partnership, and all personnel
1088 of the corporation or partnership who act in its behalf as
1089 landscape architects in this state are registered landscape
1090 architects; and

1091 (b) One or more of the officers, one or more of the
1092 directors, one or more of the owners of the corporation, or one
1093 or more of the partners of the partnership is a registered
1094 landscape architect and has applied to be the qualifying agent
1095 for the business organization; ~~and~~

1096 ~~(c) The corporation or partnership has been issued a~~
1097 ~~certificate of authorization by the board as provided herein.~~

1098 (2) All documents involving the practice of landscape
1099 architecture which are prepared for the use of the corporation
1100 or partnership must ~~shall~~ bear the signature and seal of a
1101 registered landscape architect.

1102 (3) A landscape architect applying to practice in the name

590-03415-17

2017802c1

1103 of a ~~An applicant~~ corporation must ~~shall~~ file with the
1104 department the names and addresses of all officers and board
1105 members of the corporation, including the principal officer or
1106 officers, duly registered to practice landscape architecture in
1107 this state and, also, of all individuals duly registered to
1108 practice landscape architecture in this state who shall be in
1109 responsible charge of the practice of landscape architecture by
1110 the corporation in this state. A landscape architect applying to
1111 practice in the name of a ~~An applicant~~ partnership must ~~shall~~
1112 file with the department the names and addresses of all partners
1113 of the partnership, including the partner or partners duly
1114 registered to practice landscape architecture in this state and,
1115 also, of an individual or individuals duly registered to
1116 practice landscape architecture in this state who shall be in
1117 responsible charge of the practice of landscape architecture by
1118 said partnership in this state.

1119 (4) Each landscape architect qualifying a partnership or
1120 ~~and corporation licensed~~ under this part must ~~shall~~ notify the
1121 department within 1 month of any change in the information
1122 contained in the application upon which the license is based.
1123 Any landscape architect who terminates her or his ~~or her~~
1124 employment with a partnership or corporation licensed under this
1125 part shall notify the department of the termination within 1
1126 month.

1127 ~~(5) Disciplinary action against a corporation or~~
1128 ~~partnership shall be administered in the same manner and on the~~
1129 ~~same grounds as disciplinary action against a registered~~
1130 ~~landscape architect.~~

1131 (5) ~~(6)~~ Except as provided in s. 558.0035, the fact that a

590-03415-17

2017802c1

1132 registered landscape architect practices landscape architecture
1133 through a corporation or partnership as provided in this section
1134 does not relieve the landscape architect from personal liability
1135 for her or his ~~or her~~ professional acts.

1136 Section 43. Subsection (5) of section 481.329, Florida
1137 Statutes, is amended to read:

1138 481.329 Exceptions; exemptions from licensure.—

1139 (5) This part does not prohibit any person from engaging in
1140 the practice of landscape design, as defined in s. 481.303(6) ~~s.~~
1141 ~~481.303(7)~~, or from submitting for approval to a governmental
1142 agency planting plans that are independent of, or a component
1143 of, construction documents that are prepared by a Florida-
1144 registered professional. Persons providing landscape design
1145 services shall not use the title, term, or designation
1146 "landscape architect," "landscape architectural," "landscape
1147 architecture," "L.A.," "landscape engineering," or any
1148 description tending to convey the impression that she or he is a
1149 landscape architect unless she or he is registered as provided
1150 in this part.

1151 Section 44. Subsection (1) of section 548.017, Florida
1152 Statutes, is amended to read:

1153 548.017 Participants, managers, and other persons required
1154 to have licenses.—

1155 (1) A participant, manager, trainer, second, ~~timekeeper,~~
1156 referee, judge, ~~announcer,~~ physician, matchmaker, or promoter
1157 must be licensed before directly or indirectly acting in such
1158 capacity in connection with any match involving a participant. A
1159 physician approved by the commission must be licensed pursuant
1160 to chapter 458 or chapter 459, must maintain an unencumbered

590-03415-17

2017802c1

1161 license in good standing, and must demonstrate satisfactory
1162 medical training or experience in boxing, or a combination of
1163 both, to the executive director before working as the ringside
1164 physician.

1165 Section 45. Paragraph (i) of subsection (2) of section
1166 548.003, Florida Statutes, is amended to read:

1167 548.003 Florida State Boxing Commission.—

1168 (2) The Florida State Boxing Commission, as created by
1169 subsection (1), shall administer the provisions of this chapter.
1170 The commission has authority to adopt rules pursuant to ss.
1171 120.536(1) and 120.54 to implement the provisions of this
1172 chapter and to implement each of the duties and responsibilities
1173 conferred upon the commission, including, but not limited to:

1174 ~~(i) Designation and duties of a knockdown timekeeper.~~

1175 Section 46. This act shall take effect October 1, 2017.