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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Criminal and Civil Justice
(Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 62 and 63

insert:

Section 4. Subsection (4) is added to section 120.565,
Florida Statutes, to read:

120.565 Declaratory statement by agencies.—

(4) (a) Any person may seek a declaratory statement
regarding an agency's opinion as to the effect of the
petitioner's criminal background on his or her eligibility for a



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11 specific occupational or professional license, registration, or
12 certificate issued by the agency based on the applicable
13 statutes and rules for the occupation or profession. The
14 petition may include mitigating factors or other information the
15 petitioner believes is relevant to establish the petitioner's
16 eligibility, including, but not limited to, the time elapsed
17 since completion of or lawful release from confinement,
18 supervision, or nonmonetary condition imposed by the court for a
19 disqualifying offense, and the petitioner's standing in his or
20 her community. A person may seek a declaratory statement under
21 this subsection before attaining any education, training,
22 experience, or other prerequisites for the license,
23 registration, or certification.

24 (b) The agency's conclusion in the declaratory statement
25 must indicate whether:

26 1. The petitioner is disqualified from obtaining the
27 license, registration, or certification due to the petitioner's
28 criminal background, regardless of the petitioner's education,
29 training, experience, or other prerequisites required for the
30 license, registration, or certification.

31 2. The petitioner is not eligible for a specified
32 occupational or professional license, registration, or
33 certification because of his or her criminal background, but
34 that the conclusion may be reversed upon the petitioner's
35 presentation of evidence of rehabilitation or mitigation
36 identified by the agency in the declaratory statement at any
37 time subsequent to the issuance of the declaratory statement.

38 3. Federal laws or regulations may impede the petitioner's
39 licensure, registration, or certification in the profession or



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40 occupation.

41 4. Conditions or restrictions imposed by the court on the
42 petitioner for a disqualifying offense may impede the
43 petitioner's licensure, registration, or certification in the
44 profession or occupation.

45 (c) The agency's conclusion in the declaratory statement
46 shall be binding on the agency as to the petitioner, unless the
47 petitioner's subsequent criminal history constitutes an
48 independent basis for denial of the petitioner's application for
49 a license, registration, or certification in the profession or
50 occupation. The agency's conclusion is subject to judicial
51 review pursuant to s. 120.68.

52 (d) A person seeking a declaratory statement under this
53 subsection must submit to the agency, in addition to the
54 petition for a declaratory statement:

- 55 1. A fee set by the agency not to exceed \$100;
56 2. A certified copy of each criminal judgment rendered
57 against the petitioner; and
58 3. A complete set of electronic fingerprints.

59 (e) The agency shall submit the fingerprints to the
60 Department of Law Enforcement for a state criminal history
61 record check and the Department of Law Enforcement shall forward
62 them to the Federal Bureau of Investigation for a national
63 criminal history record check. The agency shall review the
64 criminal history record results to determine if the petitioner
65 meets licensure, registration, or certification requirements.
66 The petitioner shall pay the actual cost of state and federal
67 processing in addition to the fee in subparagraph (d)1.

68 Section 5. Subsection (13) of section 326.004, Florida



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69 Statutes, is amended to read:

70 326.004 Licensing.—

71 (13) Each broker must maintain a principal place of
72 business in this state and may establish branch offices in the
73 state. ~~A separate license must be maintained for each branch~~
74 ~~office. The division shall establish by rule a fee not to exceed~~
75 ~~\$100 for each branch office license.~~

76 Section 6. Subsection (3) of section 447.02, Florida
77 Statutes, is amended to read:

78 447.02 Definitions.—The following terms, when used in this
79 chapter, shall have the meanings ascribed to them in this
80 section:

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

83 Section 7. Section 447.04, Florida Statutes, is repealed.

84 Section 8. Section 447.041, Florida Statutes, is repealed.

85 Section 9. Section 447.045, Florida Statutes, is repealed.

86 Section 10. Section 447.06, Florida Statutes, is repealed.

87 Section 11. Subsections (6) and (8) of section 447.09,

88 Florida Statutes, are amended to read:

89 447.09 Right of franchise preserved; penalties.—It shall be
90 unlawful for any person:

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

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

95 Section 12. Section 447.12, Florida Statutes, is repealed.

96 Section 13. Section 447.16, Florida Statutes, is repealed.

97 Section 14. Subsection (4) of section 447.305, Florida



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98 Statutes, is amended to read:

99 447.305 Registration of employee organization.—

100 ~~(4) Notification of registrations and renewals of~~
101 ~~registration shall be furnished at regular intervals by the~~
102 ~~commission to the Department of Business and Professional~~
103 ~~Regulation.~~

104 Section 15. Present subsections (3) through (12) of section
105 455.213, Florida Statutes, are redesignated as subsections (4)
106 through (13), respectively, subsection (2) of that section is
107 amended, and a new subsection (3) is added to that section, to
108 read:

109 455.213 General licensing provisions.—

110 (2) Before the issuance of any license, the department may
111 charge an initial license fee as determined by rule of the
112 applicable board or, if no such board exists, by rule of the
113 department. Upon receipt of the appropriate license fee, except
114 as provided in subsection (4) ~~(3)~~, the department shall issue a
115 license to any person certified by the appropriate board, or its
116 designee, or the department when there is no board, as having
117 met the applicable requirements imposed by law or rule. However,
118 an applicant who is not otherwise qualified for licensure is not
119 entitled to licensure solely based on a passing score on a
120 required examination. Upon a determination by the department
121 that it erroneously issued a license, or upon the revocation of
122 a license by the applicable board, or by the department when
123 there is no board, the licensee must surrender his or her
124 license to the department.

125 (3) (a) Notwithstanding any other provision of law, the
126 board shall use the process in this subsection for review of an



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127 applicant's criminal record to determine his or her eligibility
128 for licensure as a:

129 1. Barber under chapter 476;

130 2. Cosmetologist or cosmetology specialist under chapter
131 477; or

132 3. Any of the following construction professions under
133 chapter 489:

134 a. Air-conditioning contractor;

135 b. Electrical contractor;

136 c. Mechanical contractor;

137 d. Plumbing contractor;

138 e. Pollutant storage systems contractor;

139 f. Roofing contractor;

140 g. Septic tank contractor;

141 h. Sheet metal contractor;

142 i. Solar contractor;

143 j. Swimming pool and spa contractor;

144 k. Underground utility and excavation contractor; and

145 l. Other specialty contractors.

146 (b) A conviction for a crime more than 5 years before the
147 date of the application may not be grounds for denial of a
148 license specified in paragraph (a). For purposes of this
149 paragraph, the term "conviction" means a determination of guilt
150 that is the result of a plea or trial, regardless of whether
151 adjudication is withheld.

152 (c)1. A person may apply for a license before his or her
153 lawful release from confinement or supervision. The department
154 may not charge an applicant an additional fee for being confined
155 or under supervision. The board may not deny an application for



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156 a license solely on the basis of the applicant's current
157 confinement or supervision.

158 2. After a license application is approved, the board may
159 stay the issuance of a license until the applicant is lawfully
160 released from confinement or supervision and the applicant
161 notifies the board of such release. The board must verify the
162 applicant's release with the Department of Corrections before it
163 issues a license.

164 3. If an applicant is unable to appear in person due to his
165 or her confinement or supervision, the board must permit the
166 applicant to appear by teleconference or video conference, as
167 appropriate, at any meeting of the board or other hearing by the
168 agency concerning his or her application.

169 4. If an applicant is confined or under supervision, the
170 Department of Corrections and the board shall cooperate and
171 coordinate to facilitate the appearance of the applicant at a
172 board meeting or agency hearing in person, by teleconference, or
173 by video conference, as appropriate.

174 (d) The board shall adopt rules specifying the crimes that,
175 if committed, and regardless of adjudication, do not relate to
176 the practice of the profession or the ability to practice the
177 profession and do not constitute grounds for denial of a
178 license.

179 (e) The board shall adopt rules specifying the crimes that,
180 if committed, and regardless of adjudication, relate to the
181 practice of the profession or the ability to practice the
182 profession and may constitute grounds for denial of a license.

183 Section 16. Present subsections (2) through (8) of section
184 464.203, Florida Statutes, are redesignated as subsections (3)



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185 through (9), respectively, and a new subsection (2) is added to
186 that section, to read:

187 464.203 Certified nursing assistants; certification
188 requirement.—

189 (2) (a) 1. Except as provided in s. 435.07(4), a conviction
190 for a crime more than 7 years before the date of the application
191 may not be grounds for denial of a certificate to practice as a
192 certified nursing assistant.

193 2. Except as provided in s. 435.07(4), a conviction for a
194 crime more than 7 years before the date of the application may
195 not be grounds for failure of a required background screening.

196 3. For purposes of this paragraph, the term "conviction"
197 means a determination of guilt that is the result of a plea or
198 trial, regardless of whether adjudication is withheld.

199 (b) 1. A person may apply for a certificate to practice as a
200 certified nursing assistant before his or her lawful release
201 from confinement or supervision. The department may not charge
202 an applicant an additional fee for being confined or under
203 supervision. The board may not deny an application for a
204 certificate solely on the basis of the person's current
205 confinement or supervision.

206 2. After a certification application is approved, the board
207 may stay the issuance of a certificate until the applicant
208 notifies the board of his or her lawful release from confinement
209 or supervision. The board must verify the applicant's release
210 with the Department of Corrections before it issues a license.

211 3. If an applicant is unable to appear in person due to his
212 or her confinement or supervision, the board must permit the
213 applicant to appear by teleconference or video conference, as



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214 appropriate, at any meeting of the board or other hearing by the
215 agency concerning his or her application.

216 4. If an applicant is confined or under supervision, the
217 Department of Corrections and the board shall cooperate and
218 coordinate to facilitate the appearance of the applicant at a
219 board meeting or agency hearing in person, by teleconference, or
220 by video conference, as appropriate.

221 (d) The board shall adopt rules specifying the crimes that,
222 if committed, and regardless of adjudication, do not relate to
223 the practice of the profession or the ability to practice the
224 profession and do not constitute grounds for denial of a
225 certification.

226 (e) The board shall adopt rules specifying the crimes that,
227 if committed, and regardless of adjudication, relate to the
228 practice of the profession or the ability to practice the
229 profession and may constitute grounds for denial of a
230 certification.

231 Section 17. Subsection (4) of section 400.211, Florida
232 Statutes, is amended to read:

233 400.211 Persons employed as nursing assistants;
234 certification requirement.—

235 (4) When employed by a nursing home facility for a 12-month
236 period or longer, a nursing assistant, to maintain
237 certification, shall submit to a performance review every 12
238 months and must receive regular inservice education based on the
239 outcome of such reviews. The inservice training must meet all of
240 the following requirements:

241 (a) Be sufficient to ensure the continuing competence of
242 nursing assistants and must meet the standard specified in s.



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243 464.203(8). ~~s. 464.203(7);~~

244 (b) Include, at a minimum:

245 1. Techniques for assisting with eating and proper feeding;

246 2. Principles of adequate nutrition and hydration;

247 3. Techniques for assisting and responding to the

248 cognitively impaired resident or the resident with difficult

249 behaviors;

250 4. Techniques for caring for the resident at the end-of-

251 life; and

252 5. Recognizing changes that place a resident at risk for

253 pressure ulcers and falls. ~~;~~ ~~and~~

254 (c) Address areas of weakness as determined in nursing

255 assistant performance reviews and may address the special needs

256 of residents as determined by the nursing home facility staff.

257

258 Costs associated with this training may not be reimbursed from

259 additional Medicaid funding through interim rate adjustments.

260 Section 18. Paragraphs (a) and (e) of subsection (2),

261 subsection (3), paragraph (b) of subsection (4), and subsection

262 (6) of section 469.006, Florida Statutes, are amended to read:

263 469.006 Licensure of business organizations; qualifying

264 agents.-

265 (2) (a) If the applicant proposes to engage in consulting or

266 contracting as a partnership, corporation, business trust, or

267 other legal entity, or in any name other than the applicant's

268 legal name, ~~the legal entity must apply for licensure through a~~

269 ~~qualifying agent or the individual applicant must apply for~~

270 licensure under the fictitious name of the business

271 organization.



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272 (e) ~~A~~ The license, ~~when issued upon application of a~~
273 ~~business organization,~~ must be in the name of the qualifying
274 agent business organization, and the name of the business
275 organization ~~qualifying agent~~ must be noted on the license
276 ~~thereon.~~ If there is a change in any information that is
277 required to be stated on the application, the qualifying agent
278 ~~business organization~~ shall, within 45 days after such change
279 occurs, mail the correct information to the department.

280 (3) The qualifying agent must ~~shall~~ be licensed under this
281 chapter in order for the business organization to be qualified
282 ~~licensed~~ in the category of the business conducted for which the
283 qualifying agent is licensed. If any qualifying agent ceases to
284 be affiliated with such business organization, the agent shall
285 so inform the department. In addition, if such qualifying agent
286 is the only licensed individual affiliated with the business
287 organization, the business organization shall notify the
288 department of the termination of the qualifying agent and has
289 ~~shall have~~ 60 days after ~~from~~ the date of termination of the
290 qualifying agent's affiliation with the business organization ~~in~~
291 ~~which~~ to employ another qualifying agent. The business
292 organization may not engage in consulting or contracting until a
293 qualifying agent is employed, unless the department has granted
294 a temporary nonrenewable license to the financially responsible
295 officer, the president, the sole proprietor, a partner, or, in
296 the case of a limited partnership, the general partner, who
297 assumes all responsibilities of a primary qualifying agent for
298 the entity. This temporary license only allows ~~shall only allow~~
299 the entity to proceed with incomplete contracts.

300 (4)



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301 (b) Upon a favorable determination by the department, after
302 investigation of the financial responsibility, credit, and
303 business reputation of the qualifying agent and the new business
304 organization, the department shall issue, without any
305 examination, a new license in the qualifying agent's business
306 ~~organization's~~ name, and the name of the business organization
307 ~~qualifying agent~~ shall be noted thereon.

308 (6) Each qualifying agent shall pay the department an
309 amount equal to the original fee for licensure ~~of a new business~~
310 ~~organization.~~ if the qualifying agent for a business
311 organization desires to qualify additional business
312 organizations. ~~The department shall require the agent to~~
313 present evidence of supervisory ability and financial
314 responsibility of each such organization. Allowing a licensee to
315 qualify more than one business organization must ~~shall~~ be
316 conditioned upon the licensee showing that the licensee has both
317 the capacity and intent to adequately supervise each business
318 organization. The department may ~~shall~~ not limit the number of
319 business organizations that ~~which~~ the licensee may qualify
320 except upon the licensee's failure to provide such information
321 as is required under this subsection or upon a finding that the
322 ~~such~~ information or evidence ~~as is~~ supplied is incomplete or
323 unpersuasive in showing the licensee's capacity and intent to
324 comply with the requirements of this subsection. A qualification
325 for an additional business organization may be revoked or
326 suspended upon a finding by the department that the licensee has
327 failed in the licensee's responsibility to adequately supervise
328 the operations of the business organization. Failure to
329 adequately supervise the operations of a business organization



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330 ~~is shall be~~ grounds for denial to qualify additional business
331 organizations.

332 Section 19. Subsection (1) of section 469.009, Florida
333 Statutes, is amended to read:

334 469.009 License revocation, suspension, and denial of
335 issuance or renewal.—

336 (1) The department may revoke, suspend, or deny the
337 issuance or renewal of a license; reprimand, censure, or place
338 on probation any contractor, consultant, or financially
339 responsible officer, ~~or business organization~~; require financial
340 restitution to a consumer; impose an administrative fine not to
341 exceed \$5,000 per violation; require continuing education; or
342 assess costs associated with any investigation and prosecution
343 if the contractor or consultant, or business organization or
344 officer or agent thereof, is found guilty of any of the
345 following acts:

346 (a) Willfully or deliberately disregarding or violating the
347 health and safety standards of the Occupational Safety and
348 Health Act of 1970, the Construction Safety Act, the National
349 Emission Standards for Asbestos, the Environmental Protection
350 Agency Asbestos Abatement Projects Worker Protection Rule, the
351 Florida Statutes or rules promulgated thereunder, or any
352 ordinance enacted by a political subdivision of this state.

353 (b) Violating any provision of chapter 455.

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

356 (d) Acting in the capacity of an asbestos contractor or
357 asbestos consultant under any license issued under this chapter
358 except in the name of the licensee as set forth on the issued



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359 license.

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

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

363 (g) Being convicted or found guilty of, or entering a plea
364 of nolo contendere to, regardless of adjudication, a crime in
365 any jurisdiction which directly relates to the practice of
366 asbestos consulting or contracting or the ability to practice
367 asbestos consulting or contracting.

368 (h) Knowingly violating any building code, lifesafety code,
369 or county or municipal ordinance relating to the practice of
370 asbestos consulting or contracting.

371 (i) Performing any act which assists a person or entity in
372 engaging in the prohibited unlicensed practice of asbestos
373 consulting or contracting, if the licensee knows or has
374 reasonable grounds to know that the person or entity was
375 unlicensed.

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

378 Financial mismanagement or misconduct occurs when:

379 1. Valid liens have been recorded against the property of a
380 contractor's customer for supplies or services ordered by the
381 contractor for the customer's job; the contractor has received
382 funds from the customer to pay for the supplies or services; and
383 the contractor has not had the liens removed from the property,
384 by payment or by bond, within 75 days after the date of such
385 liens;

386 2. The contractor has abandoned a customer's job and the
387 percentage of completion is less than the percentage of the



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388 total contract price paid to the contractor as of the time of
389 abandonment, unless the contractor is entitled to retain such
390 funds under the terms of the contract or refunds the excess
391 funds within 30 days after the date the job is abandoned; or

392 3. The contractor's job has been completed, and it is shown
393 that the customer has had to pay more for the contracted job
394 than the original contract price, as adjusted for subsequent
395 change orders, unless such increase in cost was the result of
396 circumstances beyond the control of the contractor, was the
397 result of circumstances caused by the customer, or was otherwise
398 permitted by the terms of the contract between the contractor
399 and the customer.

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

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

405 (m) Abandoning an asbestos abatement project in which the
406 asbestos contractor is engaged or under contract as a
407 contractor. A project may be presumed abandoned after 20 days if
408 the contractor terminates the project without just cause and
409 without proper notification to the owner, including the reason
410 for termination; if the contractor fails to reasonably secure
411 the project to safeguard the public while work is stopped; or if
412 the contractor fails to perform work without just cause for 20
413 days.

414 (n) Signing a statement with respect to a project or
415 contract falsely indicating that the work is bonded; falsely
416 indicating that payment has been made for all subcontracted



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417 work, labor, and materials which results in a financial loss to
418 the owner, purchaser, or contractor; or falsely indicating that
419 workers' compensation and public liability insurance are
420 provided.

421 (o) Committing fraud or deceit in the practice of asbestos
422 consulting or contracting.

423 (p) Committing incompetency or misconduct in the practice
424 of asbestos consulting or contracting.

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

428 (r) Intimidating, threatening, coercing, or otherwise
429 discouraging the service of a notice to owner under part I of
430 chapter 713 or a notice to contractor under chapter 255 or part
431 I of chapter 713.

432 (s) Failing to satisfy, within a reasonable time, the terms
433 of a civil judgment obtained against the licensee, or the
434 business organization qualified by the licensee, relating to the
435 practice of the licensee's profession.

436
437 For the purposes of this subsection, construction is considered
438 to be commenced when the contract is executed and the contractor
439 has accepted funds from the customer or lender.

440 Section 20. Subsections (2) and (3) of section 476.034,
441 Florida Statutes, are amended, and subsections (6) and (7) are
442 added to that section, to read:

443 476.034 Definitions.—As used in this act:

444 (2) "Barbering" means any of the following practices when
445 done for remuneration and for the public, but not when done for



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446 the treatment of disease or physical or mental ailments:
447 shaving, cutting, trimming, coloring, shampooing, arranging,
448 dressing, curling, or waving the hair or beard or applying oils,
449 creams, lotions, or other preparations to the face, scalp, or
450 neck, either by hand or by mechanical appliances, and includes
451 any services defined as restricted barbering.

452 (3) "Barbershop" means any place of business wherein the
453 practice of barbering or restricted barbering is carried on.

454 (6) "Restricted barber" means a person who is licensed to
455 engage in the practice of restricted barbering in this state
456 under the authority of this chapter and is subject to the same
457 requirements and restrictions as a barber, except as
458 specifically provided in s. 476.114.

459 (7) "Restricted barbering" means any of the following
460 practices when done for remuneration and for the public, but not
461 when done for the treatment of disease or physical or mental
462 ailments:

463 (a) Hair cutting and styling, including the application of
464 hair tonics and hair spray, but not including the application of
465 other chemical preparations or solutions to the hair;

466 (b) Full facial shaves;

467 (c) Mustache and beard trimming; and

468 (d) Shampooing hair, including the application of shampoos
469 and conditioners, and blow drying the hair.

470 Section 21. Section 476.114, Florida Statutes, is amended
471 to read:

472 476.114 Examination; prerequisites.—

473 (1) A person desiring to be licensed as a barber shall
474 apply to the department for licensure and-



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475 ~~(2) An applicant~~ shall be eligible for licensure by
476 examination to practice barbering if the applicant:
477 (a) Is at least 16 years of age;
478 (b) Pays the required application fee; and
479 (c)1. Holds an active valid license to practice barbering
480 in another state, has held the license for at least 1 year, and
481 does not qualify for licensure by endorsement as provided for in
482 s. 476.144(5); or

483 2. Has received a minimum of 1,200 hours of training as
484 established by the board, which shall include, but ~~shall~~ not be
485 limited to, the equivalent of completion of services directly
486 related to the practice of barbering at one of the following:
487 a. A school of barbering licensed pursuant to chapter 1005;
488 b. A barbering program within the public school system; or
489 c. A government-operated barbering program in this state.

490
491 The board shall establish by rule procedures whereby the school
492 or program may certify that a person is qualified to take the
493 required examination after the completion of a minimum of 1,000
494 actual school hours. If the person passes the examination, she
495 or he shall have satisfied this requirement; but if the person
496 fails the examination, she or he shall not be qualified to take
497 the examination again until the completion of the full
498 requirements provided by this section.

499 (2) A person desiring to be licensed as a restricted barber
500 shall apply to the department for licensure and shall be
501 eligible for licensure by examination to practice restricted
502 barbering if the applicant:

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



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504 (b) Pays the required application fee; and
505 (c)1. Holds an active valid license to practice barbering
506 in another state, has held the license for at least 1 year, and
507 does not qualify for licensure by endorsement as provided for in
508 s. 476.144(5); or
509 2. Has received a minimum of 325 hours of training in
510 sanitation, safety, and laws and rules, as established by the
511 board, which must include, but not be limited to, the equivalent
512 of completion of services directly related to the practice of
513 restricted barbering at one of the following:
514 a. A school of barbering licensed pursuant to chapter 1005;
515 b. A barbering program within the public school system; or
516 c. A government-operated barbering program in this state.
517 (3) An applicant who meets the requirements set forth in
518 subparagraphs (1)(c)1. and 2. subparagraphs (2)(c)1. and 2. who
519 fails to pass the examination may take subsequent examinations
520 as many times as necessary to pass, except that the board may
521 specify by rule reasonable timeframes for rescheduling the
522 examination and additional training requirements for applicants
523 who, after the third attempt, fail to pass the examination.
524 Before ~~Prior to~~ reexamination, the applicant must file the
525 appropriate form and pay the reexamination fee as required by
526 rule.
527 Section 22. Subsections (1) and (6) of section 476.144,
528 Florida Statutes, are amended to read:
529 476.144 Licensure.—
530 (1) The department shall license any applicant who the
531 board certifies is qualified to practice barbering or restricted
532 barbering in this state.



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533 (6) A person may apply for a restricted license to practice
534 barbering. The board shall adopt rules specifying procedures for
535 an applicant to obtain a restricted license if the applicant:

536 (a)1. Has successfully completed a restricted barber
537 course, as established by rule of the board, at a school of
538 barbering licensed pursuant to chapter 1005, a barbering program
539 within the public school system, or a government-operated
540 barbering program in this state; or

541 2.a. Holds or has within the previous 5 years held an
542 active valid license to practice barbering in another state or
543 country or has held a Florida barbering license which has been
544 declared null and void for failure to renew the license, and the
545 applicant fulfilled the requirements of s. 476.114(2)(c)2. for
546 initial licensure; and

547 b. Has not been disciplined relating to the practice of
548 barbering in the previous 5 years; and

549 (b) Passes a written examination on the laws and rules
550 governing the practice of barbering in Florida, as established
551 by the board.

552
553 ~~The restricted license shall limit the licensee's practice to~~
554 ~~those specific areas in which the applicant has demonstrated~~
555 ~~competence pursuant to rules adopted by the board.~~

556 Section 23. Subsections (6) and (9) of section 477.013,
557 Florida Statutes, are amended to read:

558 477.013 Definitions.—As used in this chapter:

559 (6) "Specialty" means the practice of one or more of the
560 following:

561 (a) "Nail specialty" means manicuring, or the cutting,



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562 polishing, tinting, coloring, cleansing, adding, or extending of
563 the nails, and massaging of the hands. This term includes any
564 procedure or process for the affixing of artificial nails,
565 except those nails which may be applied solely by use of a
566 simple adhesive; and-

567 ~~(b)~~ pedicuring, or the shaping, polishing, tinting, or
568 cleansing of the nails of the feet, and massaging or beautifying
569 of the feet.

570 ~~(b)~~~~(e)~~ "Facial specialty" means facials, or the massaging
571 or treating of the face or scalp with oils, creams, lotions, or
572 other preparations, and skin care services.

573 (c) "Full specialty" means all services within the
574 definition of nail specialty and facial specialty, including
575 manicuring, pedicuring, and facial services.

576 (9) "Hair braiding" means the weaving or interweaving of
577 natural human hair or commercial hair, including the use of hair
578 extensions or wefts, for compensation without cutting, coloring,
579 permanent waving, relaxing, removing, or chemical treatment ~~and~~
580 ~~does not include the use of hair extensions or wefts.~~

581 Section 24. Section 477.0132, Florida Statutes, is
582 repealed.

583 Section 25. Subsections (7) through (11) are added to
584 section 477.0135, Florida Statutes, to read:

585 477.0135 Exemptions.-

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

589 (8) A license or registration is not required for a person
590 whose occupation or practice is confined solely to hair wrapping



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591 as defined in s. 477.013(10).

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

595 (10) A license or registration is not required for a person
596 whose occupation or practice is confined solely to applying
597 polish to fingernails and toenails.

598 (11) A license or registration is not required for a person
599 whose occupation or practice is confined solely to makeup
600 application.

601 Section 26. Paragraph (b) of subsection (7) of section
602 477.019, Florida Statutes, is amended to read:

603 477.019 Cosmetologists; qualifications; licensure;
604 supervised practice; license renewal; endorsement; continuing
605 education.—

606 (7)

607 ~~(b) Any person whose occupation or practice is confined~~
608 ~~solely to hair braiding, hair wrapping, or body wrapping is~~
609 ~~exempt from the continuing education requirements of this~~
610 ~~subsection.~~

611 Section 27. Present subsections (2) through (6) of section
612 477.0201, Florida Statutes, are redesignated as subsections (4)
613 through (8), respectively, new subsections (2) and (3) are added
614 to that section, and subsection (1) of that section is amended
615 to read:

616 477.0201 Specialty registration; qualifications;
617 registration renewal; endorsement.—

618 (1) Any person is qualified for registration as a
619 specialist in a nail ~~any one or more of the specialty practice~~



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620 ~~practices~~ within the practice of cosmetology under this chapter
621 who:

622 (a) Is at least 16 years of age or has received a high
623 school diploma.

624 (b) Has received at least 150 hours of training as
625 established by the board, which must focus primarily on
626 sanitation and safety and must include, but not be limited to,
627 the equivalent of completion of services directly related to the
628 practice of a nail ~~a certificate of completion in a~~ specialty
629 pursuant to s. 477.013(6) (a) ~~477.013(6)~~ from one of the
630 following:

631 1. A school licensed pursuant to s. 477.023.

632 2. A school licensed pursuant to chapter 1005 or the
633 equivalent licensing authority of another state.

634 3. A specialty program within the public school system.

635 4. A specialty division within the Cosmetology Division of
636 the Florida School for the Deaf and the Blind, provided the
637 training programs comply with minimum curriculum requirements
638 established by the board.

639 (2) Any person is qualified for registration as a
640 specialist in a facial specialty practice within the practice of
641 cosmetology under this chapter who:

642 (a) Is at least 16 years of age or has received a high
643 school diploma.

644 (b) Has received at least 165 hours of training as
645 established by the board, which must focus on sanitation and
646 safety and must include, but not be limited to, the equivalent
647 of completion of services directly related to the practice of
648 facial specialty pursuant to s. 477.013(6) (b) from one of the



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649 following:

650 1. A school licensed pursuant to s. 477.023.

651 2. A school licensed pursuant to chapter 1005 or the
652 equivalent licensing authority of another state.

653 3. A specialty program within the public school system.

654 4. A specialty division within the Cosmetology Division of
655 the Florida School for the Deaf and the Blind, provided the
656 training programs comply with minimum curriculum requirements
657 established by the board.

658 (3) Any person is qualified for registration as a
659 specialist in a full specialty practice within the practice of
660 cosmetology under this chapter who:

661 (a) Is at least 16 years of age or has received a high
662 school diploma.

663 (b) Has received at least 300 hours of training as
664 established by the board, which must focus primarily on
665 sanitation and safety and must include, but not be limited to,
666 the equivalent of completion of services directly related to the
667 practice of full specialty pursuant to s. 477.013(6)(c) from one
668 of the following:

669 1. A school licensed pursuant to s. 477.023.

670 2. A school licensed pursuant to chapter 1005 or the
671 equivalent licensing authority of another state.

672 3. A specialty program within the public school system.

673 4. A specialty division within the Cosmetology Division of
674 the Florida School for the Deaf and the Blind, provided the
675 training programs comply with minimum curriculum requirements
676 established by the board.

677 Section 28. Paragraph (f) of subsection (1) of section



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678 477.026, Florida Statutes, is amended to read:

679 477.026 Fees; disposition.—

680 (1) The board shall set fees according to the following
681 schedule:

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

684 Section 29. Paragraph (f) of subsection (1) of section
685 477.0265, Florida Statutes, is amended to read:

686 477.0265 Prohibited acts.—

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

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

692 Section 30. Paragraph (a) of subsection (1) of section
693 477.029, Florida Statutes, is amended to read:

694 477.029 Penalty.—

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

696 (a) Hold himself or herself out as a cosmetologist ~~or~~
697 ~~specialist, hair wrapper, hair braider, or body wrapper~~ unless
698 duly licensed or registered, or otherwise authorized, as
699 provided in this chapter.

700 Section 31. Subsection (5) of section 481.203, Florida
701 Statutes, is amended to read:

702 481.203 Definitions.—As used in this part:

703 (5) "Business organization" means a partnership, a limited
704 liability company, a corporation, or an individual operating
705 under a fictitious name ~~"Certificate of authorization" means a~~
706 ~~certificate issued by the department to a corporation or~~



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707 ~~partnership to practice architecture or interior design.~~

708 Section 32. Section 481.219, Florida Statutes, is amended
709 to read:

710 481.219 Business organization; qualifying agents
711 ~~Certification of partnerships, limited liability companies, and~~
712 ~~corporations.-~~

713 (1) A licensee may ~~The practice of or the offer to practice~~
714 ~~architecture or interior design by licensees through a business~~
715 ~~organization that offers~~ corporation, limited liability company,
716 ~~or partnership offering~~ architectural or interior design
717 services to the public, or through ~~by~~ a business organization
718 that offers ~~corporation, limited liability company, or~~
719 ~~partnership offering~~ architectural or interior design services
720 to the public through such licensees ~~under this part~~ as agents,
721 employees, officers, or partners, ~~is permitted, subject to the~~
722 ~~provisions of this section.~~

723 (2) If a licensee or an applicant proposes to engage in the
724 practice of architecture or interior design as a business
725 organization, the licensee or applicant must apply to qualify
726 the business organization ~~For the purposes of this section, a~~
727 ~~certificate of authorization shall be required for a~~
728 ~~corporation, limited liability company, partnership, or person~~
729 ~~practicing under a fictitious name, offering architectural~~
730 ~~services to the public jointly or separately. However, when an~~
731 ~~individual is practicing architecture in her or his own name,~~
732 ~~she or he shall not be required to be certified under this~~
733 ~~section. Certification under this subsection to offer~~
734 ~~architectural services shall include all the rights and~~
735 ~~privileges of certification under subsection (3) to offer~~



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736 ~~interior design services.~~

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

738 1. If the business is a partnership, state the names of the
739 partnership and its partners.

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

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

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

748 (b) The board may deny an application to qualify a business
749 organization if the applicant or any person required to be named
750 pursuant to paragraph (a) has been involved in past disciplinary
751 actions or on any grounds for which an individual registration
752 may be denied.

753 (3) (a) A business organization may not engage in the
754 practice of architecture unless its qualifying agent is a
755 registered architect under this part. A business organization
756 may not engage in the practice of interior design unless its
757 qualifying agent is a registered architect or a registered
758 interior designer under this part. A qualifying agent who
759 terminates her or his affiliation with a business organization
760 shall immediately notify the department of such termination. If
761 the qualifying agent who terminates her or his affiliation is
762 the only qualifying agent for a business organization, the
763 business organization must be qualified by another qualifying
764 agent within 60 days after the termination. Except as provided



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765 in paragraph (b), the business organization may not engage in
766 the practice of architecture or interior design until it is
767 qualified by a qualifying agent.

768 (b) In the event a qualifying architect or interior
769 designer ceases employment with the business organization, the
770 executive director or the chair of the board may authorize
771 another registered architect or interior designer employed by
772 the business organization to temporarily serve as its qualifying
773 agent for a period of no more than 60 days. The business
774 organization is not authorized to operate beyond such period
775 under this chapter absent replacement of the qualifying
776 architect or interior designer who has ceased employment.

777 (c) A qualifying agent shall notify the department in
778 writing before engaging in the practice of architecture or
779 interior design in her or his own name or in affiliation with a
780 different business organization, and she or he or such business
781 organization shall supply the same information to the department
782 as required of applicants under this part ~~For the purposes of~~
783 ~~this section, a certificate of authorization shall be required~~
784 ~~for a corporation, limited liability company, partnership, or~~
785 ~~person operating under a fictitious name, offering interior~~
786 ~~design services to the public jointly or separately. However,~~
787 ~~when an individual is practicing interior design in her or his~~
788 ~~own name, she or he shall not be required to be certified under~~
789 ~~this section.~~

790 (4) All final construction documents and instruments of
791 service which include drawings, specifications, plans, reports,
792 or other papers or documents that involve ~~involving~~ the practice
793 of architecture which are prepared or approved for the use of



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794 the business organization ~~corporation, limited liability~~
795 ~~company, or partnership~~ and filed for public record within the
796 state must ~~shall~~ bear the signature and seal of the licensee who
797 prepared or approved them and the date on which they were
798 sealed.

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

806 ~~(6) The department shall issue a certificate of~~
807 ~~authorization to any applicant who the board certifies as~~
808 ~~qualified for a certificate of authorization and who has paid~~
809 ~~the fee set in s. 481.207.~~

810 (6)(7) The board shall allow ~~certify~~ an applicant to
811 qualify one or more business organizations ~~as qualified for a~~
812 ~~certificate of authorization~~ to offer architectural or interior
813 design services, or to use a fictitious name to offer such
814 services, if provided that:

815 (a) One or more of the principal officers of the
816 corporation or limited liability company, or one or more
817 partners of the partnership, and all personnel of the
818 corporation, limited liability company, or partnership who act
819 in its behalf in this state as architects, are registered as
820 provided by this part; or

821 (b) One or more of the principal officers of the
822 corporation or one or more partners of the partnership, and all



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823 personnel of the corporation, limited liability company, or
824 partnership who act in its behalf in this state as interior
825 designers, are registered as provided by this part.

826 ~~(8) The department shall adopt rules establishing a~~
827 ~~procedure for the biennial renewal of certificates of~~
828 ~~authorization.~~

829 ~~(9) The department shall renew a certificate of~~
830 ~~authorization upon receipt of the renewal application and~~
831 ~~biennial renewal fee.~~

832 (7)~~(10)~~ Each qualifying agent approved to qualify a
833 business organization partnership, limited liability company,
834 and corporation certified under this section shall notify the
835 department within 30 days after ~~of~~ any change in the information
836 contained in the application upon which the qualification
837 ~~certification~~ is based. Any registered architect or interior
838 designer who qualifies the business organization shall ensure
839 ~~corporation, limited liability company, or partnership as~~
840 ~~provided in subsection (7) shall be responsible for ensuring~~
841 responsible supervising control of projects of the business
842 organization entity and shall notify the department of the ~~upon~~
843 termination of her or his employment with a business
844 organization qualified partnership, limited liability company,
845 ~~or corporation certified~~ under this section shall notify the
846 department of the termination within 30 days after such
847 termination.

848 ~~(8)~~~~(11)~~ A business organization is not ~~No corporation,~~
849 ~~limited liability company, or partnership shall be relieved of~~
850 responsibility for the conduct or acts of its agents, employees,
851 or officers by reason of its compliance with this section.



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852 However, except as provided in s. 558.0035, the architect who
853 signs and seals the construction documents and instruments of
854 service is ~~shall be~~ liable for the professional services
855 performed, and the interior designer who signs and seals the
856 interior design drawings, plans, or specifications is ~~shall be~~
857 liable for the professional services performed.

858 ~~(12) Disciplinary action against a corporation, limited~~
859 ~~liability company, or partnership shall be administered in the~~
860 ~~same manner and on the same grounds as disciplinary action~~
861 ~~against a registered architect or interior designer,~~
862 ~~respectively.~~

863 ~~(9) (13) Nothing in~~ This section may not shall be construed
864 to mean that a certificate of registration to practice
865 architecture or interior design must shall be held by a business
866 organization ~~corporation, limited liability company, or~~
867 ~~partnership. Nothing in~~ This section does not prohibit a
868 business organization from offering ~~prohibits corporations,~~
869 ~~limited liability companies, and partnerships from joining~~
870 ~~together to offer~~ architectural, engineering, interior design,
871 surveying and mapping, and landscape architectural services, or
872 any combination of such services, to the public if the business
873 organization, ~~provided that each corporation, limited liability~~
874 ~~company, or partnership~~ otherwise meets the requirements of law.

875 ~~(10) (14) A business organization that is qualified by a~~
876 registered architect may use ~~Corporations, limited liability~~
877 ~~companies, or partnerships holding a valid certificate of~~
878 ~~authorization to practice architecture shall be permitted to use~~
879 ~~in their title~~ the term "interior designer" or "registered
880 interior designer" in its title. ~~designer."~~



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881 Section 33. Subsection (10) of section 481.221, Florida
882 Statutes, is amended to read:

883 481.221 Seals; display of certificate number.—

884 (10) Each registered architect or interior designer must,
885 ~~and each corporation, limited liability company, or partnership~~
886 ~~holding a certificate of authorization, shall~~ include her or his
887 license its certificate number in any newspaper, telephone
888 directory, or other advertising medium used by the registered
889 licensee. Each business organization must include the license
890 number of the registered architect or interior designer who
891 serves as the qualifying agent for that business organization in
892 any newspaper, telephone directory, or other advertising medium
893 used by the business organization, but is not required to
894 display the license numbers of other registered architects or
895 interior designers employed by the business organization
896 ~~architect, interior designer, corporation, limited liability~~
897 ~~company, or partnership. A corporation, limited liability~~
898 ~~company, or partnership is not required to display the~~
899 ~~certificate number of individual registered architects or~~
900 ~~interior designers employed by or working within the~~
901 ~~corporation, limited liability company, or partnership.~~

902 Section 34. Paragraphs (a) and (c) of subsection (5) of
903 section 481.229, Florida Statutes, are amended to read:

904 481.229 Exceptions; exemptions from licensure.—

905 (5) (a) ~~Nothing contained in This part~~ does not prohibit
906 shall prevent a registered architect or a qualified business
907 organization partnership, limited liability company, or
908 ~~corporation holding a valid certificate of authorization to~~
909 ~~provide architectural services from performing any interior~~



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910 design service or from using the title "interior designer" or
911 "registered interior designer."

912 (c) Notwithstanding any other provision of this part, a
913 registered architect or business organization qualified any
914 corporation, partnership, or person operating under a fictitious
915 name which holds a certificate of authorization to provide
916 architectural services must ~~shall~~ be qualified, without fee, ~~for~~
917 ~~a certificate of authorization to provide interior design~~
918 ~~services upon submission of a completed application for~~
919 qualification ~~therefor. For corporations, partnerships, and~~
920 ~~persons operating under a fictitious name which hold a~~
921 ~~certificate of authorization to provide interior design~~
922 ~~services, satisfaction of the requirements for renewal of the~~
923 ~~certificate of authorization to provide architectural services~~
924 ~~under s. 481.219 shall be deemed to satisfy the requirements for~~
925 ~~renewal of the certificate of authorization to provide interior~~
926 ~~design services under that section.~~

927 Section 35. Section 481.303, Florida Statutes, is reordered
928 and amended to read:

929 481.303 Definitions.—As used in this chapter, the term:

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

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

934 (4)-(2) "Department" means the Department of Business and
935 Professional Regulation.

936 (7)-(3) "Registered landscape architect" means a person who
937 holds a license to practice landscape architecture in this state
938 under the authority of this act.



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939 (3)~~(4)~~ "Certificate of registration" means a license issued
940 by the department to a natural person to engage in the practice
941 of landscape architecture.

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

945 (5)~~(6)~~ "Landscape architecture" means professional
946 services, including, but not limited to, the following:

947 (a) Consultation, investigation, research, planning,
948 design, preparation of drawings, specifications, contract
949 documents and reports, responsible construction supervision, or
950 landscape management in connection with the planning and
951 development of land and incidental water areas, including the
952 use of Florida-friendly landscaping as defined in s. 373.185,
953 where, and to the extent that, the dominant purpose of such
954 services or creative works is the preservation, conservation,
955 enhancement, or determination of proper land uses, natural land
956 features, ground cover and plantings, or naturalistic and
957 aesthetic values;

958 (b) The determination of settings, grounds, and approaches
959 for and the siting of buildings and structures, outdoor areas,
960 or other improvements;

961 (c) The setting of grades, shaping and contouring of land
962 and water forms, determination of drainage, and provision for
963 storm drainage and irrigation systems where such systems are
964 necessary to the purposes outlined herein; and

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

967 (6)~~(7)~~ "Landscape design" means consultation for and



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968 preparation of planting plans drawn for compensation, including
969 specifications and installation details for plant materials,
970 soil amendments, mulches, edging, gravel, and other similar
971 materials. Such plans may include only recommendations for the
972 conceptual placement of tangible objects for landscape design
973 projects. Construction documents, details, and specifications
974 for tangible objects and irrigation systems shall be designed or
975 approved by licensed professionals as required by law.

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

978 481.311 Licensure.—

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

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

984 481.317 Temporary certificates.—

985 ~~(2) Upon approval by the board and payment of the fee set~~
986 ~~in s. 481.307, the department shall grant a temporary~~
987 ~~certificate of authorization for work on one specified project~~
988 ~~in this state for a period not to exceed 1 year to an out-of-~~
989 ~~state corporation, partnership, or firm, provided one of the~~
990 ~~principal officers of the corporation, one of the partners of~~
991 ~~the partnership, or one of the principals in the fictitiously~~
992 ~~named firm has obtained a temporary certificate of registration~~
993 ~~in accordance with subsection (1).~~

994 Section 38. Section 481.319, Florida Statutes, is amended
995 to read:

996 481.319 Corporate and partnership practice of landscape



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997 ~~architecture; certificate of authorization.-~~

998 (1) The practice of or offer to practice landscape
999 architecture by registered landscape architects registered under
1000 this part through a corporation or partnership offering
1001 landscape architectural services to the public, or through a
1002 corporation or partnership offering landscape architectural
1003 services to the public through individual registered landscape
1004 architects as agents, employees, officers, or partners, is
1005 permitted, subject to the provisions of this section, if:

1006 (a) One or more of the principal officers of the
1007 corporation, or partners of the partnership, and all personnel
1008 of the corporation or partnership who act in its behalf as
1009 landscape architects in this state are registered landscape
1010 architects; and

1011 (b) One or more of the officers, one or more of the
1012 directors, one or more of the owners of the corporation, or one
1013 or more of the partners of the partnership is a registered
1014 landscape architect and has applied to be the qualifying agent
1015 for the business organization; ~~and~~

1016 ~~(c) The corporation or partnership has been issued a~~
1017 ~~certificate of authorization by the board as provided herein.~~

1018 (2) All documents involving the practice of landscape
1019 architecture which are prepared for the use of the corporation
1020 or partnership shall bear the signature and seal of a registered
1021 landscape architect.

1022 (3) A landscape architect applying to practice in the name
1023 of a An applicant corporation must shall file with the
1024 department the names and addresses of all officers and board
1025 members of the corporation, including the principal officer or



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1026 officers, duly registered to practice landscape architecture in
1027 this state and, also, of all individuals duly registered to
1028 practice landscape architecture in this state who shall be in
1029 responsible charge of the practice of landscape architecture by
1030 the corporation in this state. A landscape architect applying to
1031 practice in the name of a ~~An applicant~~ partnership must shall
1032 file with the department the names and addresses of all partners
1033 of the partnership, including the partner or partners duly
1034 registered to practice landscape architecture in this state and,
1035 also, of an individual or individuals duly registered to
1036 practice landscape architecture in this state who shall be in
1037 responsible charge of the practice of landscape architecture by
1038 said partnership in this state.

1039 (4) Each landscape architect qualifying a partnership or
1040 ~~and corporation licensed~~ under this part must shall notify the
1041 department within 1 month after ~~of~~ any change in the information
1042 contained in the application upon which the license is based.
1043 Any landscape architect who terminates her or his ~~or her~~
1044 employment with a partnership or corporation licensed under this
1045 part shall notify the department of the termination within 1
1046 month after such termination.

1047 ~~(5) Disciplinary action against a corporation or~~
1048 ~~partnership shall be administered in the same manner and on the~~
1049 ~~same grounds as disciplinary action against a registered~~
1050 ~~landscape architect.~~

1051 (5) ~~(6)~~ Except as provided in s. 558.0035, the fact that a
1052 registered landscape architect practices landscape architecture
1053 through a corporation or partnership as provided in this section
1054 does not relieve the landscape architect from personal liability



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1055 for her or his ~~or her~~ professional acts.

1056 Section 39. Subsection (5) of section 481.321, Florida
1057 Statutes, is amended to read:

1058 481.321 Seals; display of certificate number.—

1059 (5) Each registered landscape architect must ~~and each~~
1060 ~~corporation or partnership holding a certificate of~~
1061 ~~authorization shall~~ include her or his ~~its~~ certificate number in
1062 any newspaper, telephone directory, or other advertising medium
1063 used by the registered landscape architect, corporation, or
1064 partnership. A corporation or partnership must ~~is not required~~
1065 ~~to~~ display the certificate number ~~numbers~~ of at least one
1066 officer, director, owner, or partner who is a individual
1067 registered landscape architect ~~architects~~ employed by or
1068 practicing with the corporation or partnership.

1069 Section 40. Subsection (5) of section 481.329, Florida
1070 Statutes, is amended to read:

1071 481.329 Exceptions; exemptions from licensure.—

1072 (5) This part does not prohibit any person from engaging in
1073 the practice of landscape design, as defined in s. 481.303(6)
1074 ~~481.303(7)~~, or from submitting for approval to a governmental
1075 agency planting plans that are independent of, or a component
1076 of, construction documents that are prepared by a Florida-
1077 registered professional. Persons providing landscape design
1078 services may ~~shall~~ not use the title, term, or designation
1079 "landscape architect," "landscape architectural," "landscape
1080 architecture," "L.A.," "landscape engineering," or any
1081 description tending to convey the impression that she or he is a
1082 landscape architect unless she or he is registered as provided
1083 in this part.



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1084 Section 41. Paragraph (h) of subsection (2) of section
1085 287.055, Florida Statutes, is amended to read:

1086 287.055 Acquisition of professional architectural,
1087 engineering, landscape architectural, or surveying and mapping
1088 services; definitions; procedures; contingent fees prohibited;
1089 penalties.—

1090 (2) DEFINITIONS.—For purposes of this section:

1091 (h) A “design-build firm” means a partnership, corporation,
1092 or other legal entity that:

1093 1. Is certified under s. 489.119 to engage in contracting
1094 through a certified or registered general contractor or a
1095 certified or registered building contractor as the qualifying
1096 agent; or

1097 2. Is certified under s. 471.023 to practice or to offer to
1098 practice engineering; qualified ~~certified~~ under s. 481.219 to
1099 practice or to offer to practice architecture; or qualified
1100 ~~certified~~ under s. 481.319 to practice or to offer to practice
1101 landscape architecture.

1102 Section 42. Present paragraphs (j) and (k) of subsection
1103 (2) of section 548.003, Florida Statutes, are redesignated as
1104 paragraphs (i) and (j), respectively, and present paragraph (i)
1105 of that subsection is amended, to read:

1106 548.003 Florida State Boxing Commission.—

1107 (2) The Florida State Boxing Commission, as created by
1108 subsection (1), shall administer the provisions of this chapter.
1109 The commission has authority to adopt rules pursuant to ss.
1110 120.536(1) and 120.54 to implement the provisions of this
1111 chapter and to implement each of the duties and responsibilities
1112 conferred upon the commission, including, but not limited to:



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1113 ~~(i) Designation and duties of a knockdown timekeeper.~~

1114 Section 43. Subsection (1) of section 548.017, Florida
1115 Statutes, is amended to read:

1116 548.017 Participants, managers, and other persons required
1117 to have licenses.—

1118 (1) A participant, manager, trainer, second, ~~timekeeper,~~
1119 referee, judge, ~~announcer,~~ physician, matchmaker, or promoter
1120 must be licensed before directly or indirectly acting in such
1121 capacity in connection with any match involving a participant. A
1122 physician approved by the commission must be licensed pursuant
1123 to chapter 458 or chapter 459, must maintain an unencumbered
1124 license in good standing, and must demonstrate satisfactory
1125 medical training or experience in boxing, or a combination of
1126 both, to the executive director before working as the ringside
1127 physician.

1128
1129 ===== T I T L E A M E N D M E N T =====

1130 And the title is amended as follows:

1131 Delete lines 2 - 12

1132 and insert:

1133 An act relating to licensing and training; amending s.
1134 944.801, F.S.; authorizing the Department of
1135 Corrections to contract with certain entities to
1136 provide educational services for the Correctional
1137 Education Program; amending s. 951.176, F.S.;
1138 authorizing each county to contract with certain
1139 entities to provide educational services for county
1140 inmates; amending s. 1011.80, F.S.; removing a
1141 provision prohibiting state funds for the operation of



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1142 postsecondary workforce programs from being used for
1143 the education of certain state inmates; amending s.
1144 120.565, F.S.; authorizing a person to seek a
1145 declaratory statement from an agency as to the effect
1146 of the person's criminal background on his or her
1147 eligibility for certain licenses, registrations, or
1148 certificates; specifying that a person may seek a
1149 declaratory statement before meeting any prerequisites
1150 for the license, registration, or certification;
1151 requiring that an agency's conclusion in the
1152 declaratory statement contain certain statements;
1153 providing that the agency's conclusion is binding
1154 except under certain circumstances; requiring a person
1155 seeking a declaratory statement to submit certain
1156 items to the agency and pay certain fees and costs;
1157 providing requirements for the processing of the
1158 fingerprints; requiring the petitioner to pay the
1159 actual cost of processing the fingerprints; amending
1160 s. 326.004, F.S.; deleting the requirement for a yacht
1161 broker to maintain a separate license for each branch
1162 office; deleting the requirement for the Division of
1163 Florida Condominiums, Timeshares, and Mobile Homes to
1164 establish a fee; amending s. 447.02, F.S.; conforming
1165 provisions; repealing s. 447.04, F.S., relating to
1166 licensure and permit requirements for business agents;
1167 repealing s. 447.041, F.S., relating to hearings for
1168 persons or labor organizations denied licensure as
1169 business agents; repealing s. 447.045, F.S., relating
1170 to confidential information obtained during the



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1171 application process; repealing s. 447.06, F.S.,
1172 relating to required registration of labor
1173 organizations; amending s. 447.09, F.S.; deleting
1174 certain prohibited actions relating to the right of
1175 franchise of a member of a labor organization;
1176 repealing s. 447.12, F.S., relating to registration
1177 fees; repealing s. 447.16, F.S., relating to
1178 applicability; amending s. 447.305, F.S.; deleting a
1179 provision that requires notification of registrations
1180 and renewals to the Department of Business and
1181 Professional Regulation; amending s. 455.213, F.S.;
1182 conforming a cross-reference; requiring the board to
1183 use a specified process for the review of an
1184 applicant's criminal record to determine the
1185 applicant's eligibility for certain licenses;
1186 prohibiting the conviction of a crime before a
1187 specified date from being grounds for the denial of
1188 certain licenses; defining the term "conviction";
1189 authorizing a person to apply for a license before his
1190 or her lawful release from confinement or supervision;
1191 prohibiting additional fees for an applicant confined
1192 or under supervision; prohibiting the board from
1193 basing a denial of a license application solely on the
1194 applicant's current confinement or supervision;
1195 authorizing the board to stay the issuance of an
1196 approved license under certain circumstances;
1197 requiring the board to verify an applicant's release
1198 with the Department of Corrections; providing
1199 requirements for the appearance of certain applicants



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1200 at certain meetings; requiring the board to adopt
1201 rules specifying how certain crimes affect an
1202 applicant's eligibility for licensure; amending s.
1203 464.203, F.S.; prohibiting the conviction of a crime
1204 before a specified date from being grounds for the
1205 denial of a certification under certain circumstances;
1206 prohibiting the conviction of a crime before a
1207 specified date from being grounds for the failure of a
1208 background screening; defining the term "conviction";
1209 authorizing a person to apply for certification before
1210 his or her lawful release from confinement or
1211 supervision; prohibiting additional fees for an
1212 applicant confined or under supervision; prohibiting
1213 the board from basing the denial of a certification
1214 solely on the applicant's current confinement or
1215 supervision; authorizing the board to stay the
1216 issuance of an approved certificate under certain
1217 circumstances; requiring the board to verify an
1218 applicant's release with the Department of
1219 Corrections; providing requirements for the appearance
1220 of certain applicants at certain meetings; requiring
1221 the board to adopt rules specifying how certain crimes
1222 may affect an applicant's eligibility for
1223 certification; amending s. 400.211, F.S.; conforming a
1224 cross-reference; amending s. 469.006, F.S.; revising
1225 licensure requirements for asbestos abatement
1226 consulting or contracting as a partnership,
1227 corporation, business trust, or other legal entity;
1228 amending s. 469.009, F.S.; conforming provisions;



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1229 amending s. 476.034, F.S.; defining the terms
1230 "restricted barber" and "restricted barbering";
1231 amending s. 476.114, F.S.; providing requirements for
1232 licensure by examination as a restricted barber;
1233 amending s. 476.144, F.S.; requiring the Department of
1234 Business and Professional Regulation to license an
1235 applicant who the board certifies is qualified to
1236 practice restricted barbering; amending s. 477.013,
1237 F.S.; revising and providing definitions; repealing s.
1238 477.0132, F.S., relating to registration for hair
1239 braiding, hair wrapping, and body wrapping; amending
1240 s. 477.0135, F.S.; providing that licensure or
1241 registration is not required for persons whose
1242 occupation or practice is confined solely to hair
1243 braiding, hair wrapping, body wrapping, nail
1244 polishing, and makeup application; amending s.
1245 477.019, F.S.; conforming provisions; amending s.
1246 477.0201, F.S.; providing requirements for
1247 registration as a nail specialist, facial specialist,
1248 or full specialist; amending ss. 477.026, 477.0265,
1249 and 477.029, F.S.; conforming provisions; amending s.
1250 481.203, F.S.; revising a definition; amending s.
1251 481.219, F.S.; revising the process by which a
1252 business organization obtains the requisite license to
1253 perform architectural services or interior design;
1254 requiring that a licensee or an applicant apply to
1255 qualify a business organization to practice
1256 architecture or interior design; providing application
1257 requirements; authorizing the Board of Architecture



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1258 and Interior Design to deny an application under
1259 certain circumstances; providing notice requirements;
1260 prohibiting a business organization from engaging in
1261 certain practices until it is qualified by a
1262 qualifying agent; authorizing the executive director
1263 or the chair of the board to authorize a temporary
1264 qualifying agent for a specified timeframe under
1265 certain circumstances; requiring the board to allow an
1266 applicant to qualify one or more business
1267 organizations or to operate using a fictitious name
1268 under certain circumstances; deleting a requirement
1269 for the administration of disciplinary action against
1270 a corporation, limited liability company, or
1271 partnership; conforming provisions to changes made by
1272 the act; amending s. 481.221, F.S.; requiring a
1273 business organization to include the license number of
1274 a certain registered architect or interior designer in
1275 any advertising; providing an exception; conforming
1276 provisions to changes made by the act; amending s.
1277 481.229, F.S.; conforming provisions to changes made
1278 by the act; amending s. 481.303, F.S.; revising
1279 definitions; amending ss. 481.311 and 481.317, F.S.;
1280 conforming provisions; amending s. 481.319, F.S.;
1281 deleting the requirement for a certificate of
1282 authorization; authorizing landscape architects to
1283 practice through a corporation or partnership;
1284 amending s. 481.321, F.S.; revising requirements
1285 related to the display of a certificate number;
1286 amending s. 481.329, F.S.; conforming a cross-



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1287 reference; amending s. 287.055, F.S.; conforming a
1288 provision; amending s. 548.003, F.S.; deleting the
1289 requirement that the Florida State Boxing Commission
1290 adopt rules relating to a knockdown timekeeper;
1291 amending s. 548.017, F.S.; deleting the licensure
1292 requirement for a timekeeper or announcer; providing
1293 an