

1 A bill to be entitled
2 An act relating to the deregulation of professions and
3 occupations; amending s. 20.165, F.S.; renaming the
4 Board of Architecture and Interior Design as the Board
5 of Architecture within the Department of Business and
6 Professional Regulation; deleting a provision
7 establishing the Florida Board of Auctioneers;
8 amending s. 326.004, F.S.; deleting the requirement
9 for a yacht broker to maintain a separate license for
10 each branch office; deleting the requirement for the
11 division to establish a fee; amending s. 447.02, F.S.;
12 conforming provisions; repealing s. 447.04, F.S.,
13 relating to licensure and permit requirements for
14 business agents; repealing s. 447.041, F.S., relating
15 to hearings for persons or labor organizations denied
16 licensure as a business agent; repealing s. 447.045,
17 F.S., relating to confidential information obtained
18 during the application process; repealing s. 447.06,
19 F.S., relating to required registration of labor
20 organizations; amending s. 447.09, F.S.; deleting
21 certain prohibited actions relating to the right of
22 franchise of a member of a labor organization;
23 repealing s. 447.12, F.S., relating to registration
24 fees; repealing s. 447.16, F.S., relating to
25 applicability; amending s. 447.305, F.S.; deleting a

26 provision that requires notification of registrations
27 and renewals to the department; amending s. 468.381,
28 F.S.; revising legislative findings and intent related
29 to auctioneers and auction businesses; amending s.
30 468.382, F.S.; revising definitions; repealing s.
31 468.384, F.S., relating to the Florida Board of
32 Auctioneers; repealing s. 468.385, F.S., relating to
33 licensure requirements for the practice of
34 auctioneering; repealing s. 468.3851, F.S., relating
35 to licensure renewal; repealing s. 468.3852, F.S.,
36 relating to license reactivation; repealing s.
37 468.3855, F.S., relating to training requirements for
38 auctioneer apprenticeships; repealing s. 468.386,
39 F.S., relating to fees and local licensing
40 requirements; repealing s. 468.387, F.S., relating to
41 licensure by endorsement; amending s. 468.388, F.S.;
42 deleting certain requirements relating to auctioneer
43 licenses with regard to the conduct of an auction;
44 amending s. 468.389, F.S.; revising penalties to
45 provide grounds for a civil cause of action for
46 damages; amending s. 468.391, F.S.; conforming cross-
47 references; repealing ss. 468.392, 468.393, 468.394,
48 468.395, 468.396, 468.397, 468.398, and 458.399, F.S.,
49 relating to the Auctioneer Recovery Fund, surcharges
50 and assessments on license fees, payment of interest

51 | earned into the recovery fund, recovery from the
52 | recovery fund, claims against a single licensee in
53 | excess of a specified dollar limitation and joinder of
54 | claims, payment of claims from the recovery fund,
55 | suspension of a judgment debtor's license, and the
56 | expenditure of excess funds; amending s. 468.401,
57 | F.S.; deleting definitions; repealing ss. 468.402,
58 | 468.403, 468.404, and 408.405, F.S., relating to
59 | duties and authority of the department with regard to
60 | licensure of talent agencies, licensure requirements,
61 | license fees and renewals, and qualification for a
62 | talent agency license; amending s. 468.406, F.S.;
63 | revising the requirement for an owner or operator of a
64 | talent agency to provide an itemized schedule of fees
65 | and charges; repealing s. 468.407, F.S., relating to
66 | the form and posting requirements for a license;
67 | amending s. 468.408, F.S.; conforming provisions;
68 | amending s. 468.409, F.S.; deleting a requirement for
69 | record inspection; amending s. 468.410, F.S.; deleting
70 | a requirement to include specified information in a
71 | contract between a talent agency and applicant;
72 | amending s. 468.412, F.S.; deleting recordkeeping and
73 | posting requirements; amending s. 468.413, F.S.;
74 | revising criminal penalties; conforming provisions;
75 | repealing s. 468.414, F.S., relating to the deposit of

76 certain funds in the Professional Regulation Trust
 77 Fund; amending s. 468.415, F.S.; revising the penalty
 78 for sexual misconduct in the operation of a talent
 79 agency; amending s. 469.006, F.S.; revising licensure
 80 requirements for asbestos abatement consulting or
 81 contracting as a partnership, corporation, business
 82 trust, or other legal entity; amending s. 469.009,
 83 F.S.; conforming provisions; amending s. 476.034,
 84 F.S.; defining the terms "restricted barber" and
 85 "restricted barbering"; amending s. 476.114, F.S.;
 86 revising training requirements for licensure as a
 87 barber; providing requirements for licensure by
 88 examination as a restricted barber; amending s.
 89 476.144, F.S.; requiring the department to license an
 90 applicant who the board certifies is qualified to
 91 practice restricted barbering; amending s. 477.013,
 92 F.S.; revising and providing definitions; repealing s.
 93 477.0132, F.S., relating to registration for hair
 94 braiding, hair wrapping, and body wrapping; amending
 95 s. 477.0135, F.S.; providing that licensure or
 96 registration is not required for persons whose
 97 occupation or practice is confined solely to hair
 98 braiding, hair wrapping, and body wrapping; amending
 99 s. 477.019, F.S.; conforming provisions; amending s.
 100 477.0201, F.S.; providing requirements for

101 registration as a nail specialist, facial specialist,
102 or full specialist; amending ss. 477.026, 477.0265,
103 and 477.029; conforming provisions; repealing ss.
104 481.2131 and 481.2251, F.S., relating to the practice
105 and regulation of interior design, registration for
106 interior designers, and disciplinary proceedings
107 against registered interior designers; amending s.
108 481.201, F.S.; deleting legislative findings relating
109 to the practice of interior design; amending s.
110 481.203, F.S.; revising the definition of the term
111 "architecture" to include interior design; deleting
112 the definition of the term "certificate of
113 authorization"; defining the term "business
114 organization"; amending s. 481.205, F.S.; renaming the
115 Board of Architecture and Interior Design as the Board
116 of Architecture; revising membership of the board;
117 conforming provisions; amending ss. 481.207, 481.209,
118 481.213, 481.215, and 481.217, F.S.; conforming
119 provisions; amending s. 481.219, F.S.; deleting
120 provisions permitting the practice of or offer to
121 practice interior design through certain business
122 organizations; deleting provisions requiring
123 certificates of authorization for certain business
124 organizations offering interior design services to the
125 public; requiring a licensee or applicant in the

126 practice of architecture to apply to qualify as a
 127 business organization; providing requirements for
 128 qualification; amending ss. 481.221, 481.222, 481.223,
 129 481.229, 481.231, 553.79, and 558.002, F.S.;
 130 conforming provisions; amending s. 481.303, F.S.;
 131 deleting the definition of the term "certificate of
 132 authorization"; amending ss. 481.311 and 481.317,
 133 F.S.; conforming provisions; amending s. 481.319,
 134 F.S.; deleting the requirement for a certificate of
 135 authorization; authorizing landscape architects to
 136 practice through a corporation or partnership;
 137 amending s. 481.321, F.S.; revising requirements
 138 related to the display of a certificate number;
 139 amending s. 481.329, F.S.; conforming a cross-
 140 reference; amending s. 287.055, F.S.; conforming a
 141 provision; amending s. 492.104, F.S.; making
 142 conforming and technical changes; amending s. 492.111,
 143 F.S.; deleting the requirements for a certificate of
 144 authorization for a professional geologist; amending
 145 ss. 492.113 and 492.115, F.S.; conforming provisions;
 146 amending s. 548.003, F.S.; deleting the requirement
 147 that the Florida State Boxing Commission adopt rules
 148 relating to a knockdown timekeeper; amending s.
 149 548.017, F.S.; deleting the licensure requirement for
 150 a timekeeper or announcer; providing an effective

151 date.

152

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

154

155 Section 1. Paragraph (a) of subsection (4) of section
156 20.165, Florida Statutes, is amended to read:

157 20.165 Department of Business and Professional
158 Regulation.—There is created a Department of Business and
159 Professional Regulation.

160 (4) (a) The following boards and programs are established
161 within the Division of Professions:

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

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

166 ~~2.3.~~ Barbers' Board, created under chapter 476.

167 ~~3.4.~~ Florida Building Code Administrators and Inspectors
168 Board, created under part XII of chapter 468.

169 ~~4.5.~~ Construction Industry Licensing Board, created under
170 part I of chapter 489.

171 ~~5.6.~~ Board of Cosmetology, created under chapter 477.

172 ~~6.7.~~ Electrical Contractors' Licensing Board, created
173 under part II of chapter 489.

174 ~~7.8.~~ Board of Employee Leasing Companies, created under
175 part XI of chapter 468.

176 8.9. Board of Landscape Architecture, created under part
 177 II of chapter 481.

178 9.10. Board of Pilot Commissioners, created under chapter
 179 310.

180 10.11. Board of Professional Engineers, created under
 181 chapter 471.

182 11.12. Board of Professional Geologists, created under
 183 chapter 492.

184 12.13. Board of Veterinary Medicine, created under chapter
 185 474.

186 13.14. Home inspection services licensing program, created
 187 under part XV of chapter 468.

188 14.15. Mold-related services licensing program, created
 189 under part XVI of chapter 468.

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

192 326.004 Licensing.—

193 (13) Each broker must maintain a principal place of
 194 business in this state and may establish branch offices in the
 195 state. ~~A separate license must be maintained for each branch~~
 196 ~~office. The division shall establish by rule a fee not to exceed~~
 197 ~~\$100 for each branch office license.~~

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

200 447.02 Definitions.—The following terms, when used in this

201 chapter, shall have the meanings ascribed to them in this
 202 section:

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

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

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

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

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

209 Section 8. Subsections (6) and (8) of section 447.09,
 210 Florida Statutes, are amended to read:

211 447.09 Right of franchise preserved; penalties.—It shall
 212 be unlawful for any person:

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

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

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

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

219 Section 11. Subsection (4) of section 447.305, Florida
 220 Statutes, is amended to read:

221 447.305 Registration of employee organization.—

222 ~~(4) Notification of registrations and renewals of
 223 registration shall be furnished at regular intervals by the
 224 commission to the Department of Business and Professional
 225 Regulation.~~

226 Section 12. Section 468.381, Florida Statutes, is amended
 227 to read:

228 468.381 Purpose.—The Legislature finds that dishonest or
 229 unscrupulous ~~unqualified~~ auctioneers and ~~apprentices and~~
 230 ~~unreliable~~ auction businesses present a significant threat to
 231 the public. It is the intent of the Legislature to protect the
 232 public by creating civil and criminal causes of action against a
 233 ~~board to regulate~~ auctioneers, ~~apprentices,~~ and auction
 234 businesses ~~and by requiring a license to operate.~~

235 Section 13. Section 468.382, Florida Statutes, is amended
 236 to read:

237 468.382 Definitions.—As used in this act, the term:

238 (1) ~~(8)~~ "Absolute auction" means an auction that requires
 239 no minimum opening bid that limits the sale other than to the
 240 highest bidder.

241 (2) ~~(7)~~ "Agricultural product" means the natural products
 242 from a farm, nursery, grove, orchard, vineyard, garden, or
 243 apiary, including livestock, tobacco, and vegetables and
 244 includes those agricultural products as defined in chapter 618.

245 (3) ~~(1)~~ "Auction business" means a sole proprietorship,
 246 partnership, or corporation which in the regular course of
 247 business arranges, manages, sponsors, advertises, promotes, or
 248 carries out auctions, employs auctioneers to conduct auctions in
 249 its facilities, or uses or allows the use of its facilities for
 250 auctions.

251 ~~(4)-(2)~~ "Auctioneer" means any person who conducts auctions
 252 within the state licensed pursuant to this part who holds a
 253 valid Florida auctioneer license.

254 ~~(3)~~ "Apprentice" means any person who is being trained as
 255 an auctioneer by a licensed auctioneer.

256 ~~(4)~~ "Board" means the Florida Board of Auctioneers.

257 ~~(5)~~ "Department" means the Department of Business and
 258 Professional Regulation.

259 ~~(5)-(6)~~ "Livestock" means any animal included in the
 260 definition of "livestock" by s. 585.01 or s. 588.13.

261 Section 14. Section 468.384, Florida Statutes, is
 262 repealed.

263 Section 15. Section 468.385, Florida Statutes, is
 264 repealed.

265 Section 16. Section 468.3851, Florida Statutes, is
 266 repealed.

267 Section 17. Section 468.3852, Florida Statutes, is
 268 repealed.

269 Section 18. Section 468.3855, Florida Statutes, is
 270 repealed.

271 Section 19. Section 468.386, Florida Statutes, is
 272 repealed.

273 Section 20. Section 468.387, Florida Statutes, is
 274 repealed.

275 Section 21. Subsections (6) through (11) of section

276 468.388, Florida Statutes, are renumbered as subsections (4)
 277 through (9), respectively, and present subsections (3), (4),
 278 (5), (9), (10), and (11) are amended to read:

279 468.388 Conduct of an auction.—

280 (3) Each auctioneer or auction business shall maintain a
 281 record book of all sales. ~~The record book shall be open to~~
 282 ~~inspection by the board at reasonable times.~~

283 ~~(4) Each auction must be conducted by an auctioneer who~~
 284 ~~has an active license or by an apprentice who has an active~~
 285 ~~apprentice auctioneer license and who has received prior written~~
 286 ~~sponsor consent. Each auction must be conducted under the~~
 287 ~~auspices of a licensed auction business. Any auctioneer or~~
 288 ~~apprentice auctioneer conducting an auction, and any auction~~
 289 ~~business under whose auspices such auction is held, shall be~~
 290 ~~responsible for determining that any auctioneer, apprentice, or~~
 291 ~~auction business with whom they are associated in conducting~~
 292 ~~such auction has an active Florida auctioneer, apprentice, or~~
 293 ~~auction business license.~~

294 ~~(5) The principal auctioneer shall prominently display at~~
 295 ~~the auction site the licenses of the principal auctioneer, the~~
 296 ~~auction business, and any other licensed auctioneers or~~
 297 ~~apprentices who are actively participating in the auction. If~~
 298 ~~such a display is not practicable, then an oral announcement at~~
 299 ~~the beginning of the auction or a prominent written announcement~~
 300 ~~that these licenses are available for inspection at the auction~~

301 ~~site must be made.~~

302 (7)~~(9)~~ The auction business under which the auction is
 303 conducted is responsible for all other aspects of the auction as
 304 required by this part ~~board rule~~. The auction business may
 305 delegate in whole, or in part, different aspects of the auction
 306 only to the extent that such delegation is permitted by law and
 307 that such delegation will not impede the principal auctioneer's
 308 ability to ensure the proper conduct of his or her independent
 309 responsibility for the auction. The auction business under whose
 310 auspices the auction is conducted is responsible for ensuring
 311 compliance as required by this part ~~board rule~~.

312 (8)~~(10)~~(a) When settlement is not made immediately after
 313 an auction, all sale proceeds received for another person must
 314 be deposited in an escrow or trust account in an insured bank or
 315 savings and loan association located in this state within 2
 316 working days after the auction. A maximum of \$100 may be kept in
 317 the escrow account for administrative purposes.

318 (b) Each auction business shall maintain, for not less
 319 than 2 years, a separate ledger showing the funds held for
 320 another person deposited and disbursed by the auction business
 321 for each auction. The escrow or trust account must be reconciled
 322 monthly with the bank statement. A signed and dated record shall
 323 be maintained for a 2-year period ~~and be available for~~
 324 ~~inspection by the department or at the request of the board.~~

325 (c) Any interest which accrues to sale proceeds on deposit

326 shall be the property of the seller for whom the funds were
 327 received unless the parties have agreed otherwise by written
 328 agreement executed prior to the auction.

329 (d) Unless otherwise provided by written agreement
 330 executed prior to the auction, funds received by an auctioneer
 331 or auction business ~~a licensee~~ from the seller or his or her
 332 agent for expenses, including advertising, must be expended for
 333 the purposes advanced or refunded to the seller at the time of
 334 final settlement. Any funds so received shall be maintained in
 335 an escrow or trust account in an insured bank or savings and
 336 loan association located in this state. However, this does not
 337 prohibit advanced payment of a flat fee.

338 ~~(11) (a) All advertising by an auctioneer or auction~~
 339 ~~business shall include the name and Florida license number of~~
 340 ~~such auctioneer and auction business. The term "advertising"~~
 341 ~~shall not include articles of clothing, directional signs, or~~
 342 ~~other promotional novelty items.~~

343 (9) (a) (b) No ~~licensed~~ auctioneer, apprentice, or auction
 344 business may disseminate or cause to be disseminated any
 345 advertisement or advertising which is false, deceptive,
 346 misleading, or untruthful. Any advertisement or advertising
 347 shall be deemed to be false, deceptive, misleading, or
 348 untruthful if it:

- 349 1. Contains misrepresentations of facts.
- 350 2. Is misleading or deceptive because, in its content or

351 in the context in which it is presented, it makes only a partial
 352 disclosure of relevant facts.

353 3. Creates false or unjustified expectations of the
 354 services to be performed.

355 ~~4. Contains any representation or claim which the~~
 356 ~~advertising licensee fails to perform.~~

357 ~~5. Fails to include the name and license number of the~~
 358 ~~principal auctioneer and the auction business.~~

359 ~~6. Fails to include the name and license number of the~~
 360 ~~sponsor if an apprentice is acting as the principal auctioneer.~~

361 4.7. Advertises an auction as absolute without specifying
 362 any and all items to be sold with reserve or with minimum bids.

363 ~~5.8.~~ Fails to include the percentage amount of any buyer's
 364 premium or surcharge which is a condition to sale.

365 (b)~~(e)~~ The provisions of this subsection apply to media
 366 exposure of any nature, regardless of whether it is in the form
 367 of paid advertising.

368 (c)~~(d)~~ The auction business shall be responsible for the
 369 content of all advertising disseminated in preparation for an
 370 auction.

371 Section 22. Section 468.389, Florida Statutes, is amended
 372 to read:

373 468.389 Prohibited acts; penalties.—

374 ~~(1)~~ The following acts shall be grounds for a civil cause
 375 of action for damages against the auctioneer, auction business,

376 or any owner or manager thereof, or, in the case of corporate
 377 ownership, any substantial stockholder of the corporation owning
 378 the auction business ~~the disciplinary activities provided in~~
 379 ~~subsections (2) and (3):~~

380 (1)(a) A violation of any law relating to trade or
 381 commerce of this state or of the state in which an auction is
 382 conducted.

383 (2)(b) Misrepresentation of property for sale at auction
 384 or making false promises concerning the use, value, or condition
 385 of such property by an auctioneer or auction business or by
 386 anyone acting as an agent of or with the consent of the
 387 auctioneer or auction business.

388 (3)(e) Failure to account for or to pay or return, within
 389 a reasonable time not to exceed 30 days, money or property
 390 belonging to another which has come into the control of an
 391 auctioneer or auction business through an auction.

392 (4)(d) False, deceptive, misleading, or untruthful
 393 advertising.

394 (5)(e) Any conduct in connection with a sales transaction
 395 which demonstrates bad faith or dishonesty.

396 (6)(f) Using or permitting the use of false bidders,
 397 cappers, or shells.

398 ~~(g) Making any material false statement on a license~~
 399 ~~application.~~

400 (7)(h) Commingling money or property of another person

401 with his or her own. Every auctioneer and auction business shall
 402 maintain a separate trust or escrow account in an insured bank
 403 or savings and loan association located in this state in which
 404 shall be deposited all proceeds received for another person
 405 through an auction sale.

406 (8)~~(i)~~ Refusal or neglect of any auctioneer or other
 407 receiver of public moneys to pay the moneys so received into the
 408 State Treasury at the times and under the regulations prescribed
 409 by law.

410 (9)~~(j)~~ Violating a statute ~~or administrative rule~~
 411 regulating practice under this part ~~or a lawful disciplinary~~
 412 ~~order of the board or the department.~~

413 ~~(k) Having a license to practice a comparable profession~~
 414 ~~revoked, suspended, or otherwise acted against by another state,~~
 415 ~~territory, or country.~~

416 (10)~~(l)~~ Being convicted or found guilty, regardless of
 417 adjudication, of a crime in any jurisdiction which directly
 418 relates to the practice or the ability to practice the
 419 profession of auctioneering.

420 ~~(2) When the board finds any person guilty of any of the~~
 421 ~~prohibited acts set forth in subsection (1), it may enter an~~
 422 ~~order imposing one or more of the following penalties:~~

423 ~~(a) Refusal to certify to the department an application~~
 424 ~~for licensure.~~

425 ~~(b) Revocation or suspension of a license.~~

426 ~~(c) Imposition of an administrative fine not to exceed~~
 427 ~~\$1,000 for each count or separate offense.~~

428 ~~(d) Issuance of a reprimand.~~

429 ~~(e) Placement of the auctioneer on probation for a period~~
 430 ~~of time and subject to conditions as the board may specify,~~
 431 ~~including requiring the auctioneer to successfully complete the~~
 432 ~~licensure examination.~~

433 ~~(f) Requirement that the person in violation make~~
 434 ~~restitution to each consumer affected by that violation. Proof~~
 435 ~~of such restitution shall be a signed and notarized release~~
 436 ~~executed by the consumer or the consumer's estate.~~

437 ~~(3)(a) Failure to pay a fine within a reasonable time, as~~
 438 ~~prescribed by board rule, may be grounds for disciplinary~~
 439 ~~action.~~

440 ~~(b) The department may file for an injunction or bring any~~
 441 ~~other appropriate civil action against anyone who violates this~~
 442 ~~part.~~

443 Section 23. Section 468.391, Florida Statutes, is amended
 444 to read:

445 468.391 Penalty.—Any auctioneer, ~~apprentice,~~ or auction
 446 business or any owner or manager thereof, or, in the case of
 447 corporate ownership, any substantial stockholder of the
 448 corporation owning the auction business, who ~~operates without an~~
 449 ~~active license or~~ violates s. 468.389(3), (5), (6), (7), or (8)
 450 ~~468.389(1)(c), (e), (f), (h), or (i)~~ commits a felony of the

451 third degree, punishable as provided in s. 775.082 or s.
 452 775.083.

453 Section 24. Section 468.392, Florida Statutes, is
 454 repealed.

455 Section 25. Section 468.393, Florida Statutes, is
 456 repealed.

457 Section 26. Section 468.394, Florida Statutes, is
 458 repealed.

459 Section 27. Section 468.395, Florida Statutes, is
 460 repealed.

461 Section 28. Section 468.396, Florida Statutes, is
 462 repealed.

463 Section 29. Section 468.397, Florida Statutes, is
 464 repealed.

465 Section 30. Section 468.398, Florida Statutes, is
 466 repealed.

467 Section 31. Section 468.399, Florida Statutes, is
 468 repealed.

469 Section 32. Section 468.401, Florida Statutes, is amended
 470 to read:

471 468.401 ~~Regulation of~~ Talent agencies; definitions.—As
 472 used in this part, the term ~~or any rule adopted pursuant hereto:~~

473 (1)(8) "Artist" means a person performing on the
 474 professional stage or in the production of television, radio, or
 475 motion pictures; a musician or group of musicians; or a model.

476 (2)~~(7)~~ "Buyer" or "employer" means a person, company,
 477 partnership, or corporation that uses the services of a talent
 478 agency to provide artists.

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

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

483 (b) Any money received by any person in excess of that
 484 which has been paid out by such person for transportation,
 485 transfer of baggage, or board and lodging for any applicant for
 486 employment; or

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

492 (4) "Engagement" means any employment or placement of an
 493 artist, where the artist performs in his or her artistic
 494 capacity. However, the term "engagement" shall not apply to
 495 procuring opera, music, theater, or dance engagements for any
 496 organization defined in s. 501(c)(3) of the Internal Revenue
 497 Code or any nonprofit Florida arts organization that has
 498 received a grant from the Division of Cultural Affairs of the
 499 Department of State or has participated in the state touring
 500 program of the Division of Cultural Affairs.

501 ~~(5)-(6)~~ "Operator" means the person who is or who will be
 502 in actual charge of a talent agency.

503 ~~(6)-(2)~~ "Owner" means any partner in a partnership, member
 504 of a firm, or principal officer or officers of a corporation,
 505 whose partnership, firm, or corporation owns a talent agency, or
 506 any individual who is the sole owner of a talent agency.

507 ~~(7)-(9)~~ "Person" means any individual, company, society,
 508 firm, partnership, association, corporation, manager, or any
 509 agent or employee of any of the foregoing.

510 ~~(8)-(1)~~ "Talent agency" means any person who, for
 511 compensation, engages in the occupation or business of procuring
 512 or attempting to procure engagements for an artist.

513 ~~(5) "Department" means the Department of Business and
 514 Professional Regulation.~~

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

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

520 Section 33. Section 468.402, Florida Statutes, is
 521 repealed.

522 Section 34. Section 468.403, Florida Statutes, is
 523 repealed.

524 Section 35. Section 468.404, Florida Statutes, is
 525 repealed.

526 Section 36. Section 468.405, Florida Statutes, is
 527 repealed.

528 Section 37. Subsection (1) of section 468.406, Florida
 529 Statutes, is amended to read:

530 468.406 Fees to be charged by talent agencies; rates;
 531 display.—

532 (1) Each owner or operator of a talent agency shall post
 533 ~~applicant for a license shall file with the application an~~
 534 itemized schedule of maximum fees, charges, and commissions that
 535 ~~which it intends to charge and collect for its services. This~~
 536 ~~schedule may thereafter be raised only by filing with the~~
 537 ~~department an amended or supplemental schedule at least 30 days~~
 538 ~~before the change is to become effective. The schedule shall be~~
 539 ~~posted~~ in a conspicuous place in each place of business of the
 540 agency. The schedule ~~and~~ shall be printed in not less than a 30-
 541 point boldfaced type, except that an agency that uses written
 542 contracts containing maximum fee schedules need not post such
 543 schedules.

544 Section 38. Section 468.407, Florida Statutes, is
 545 repealed.

546 Section 39. Subsection (1) of section 468.408, Florida
 547 Statutes, is amended to read:

548 468.408 Bond required.—

549 (1) A ~~There shall be filed with the department for each~~
 550 talent agency shall obtain ~~license~~ a bond in the form of a

551 surety by a reputable company engaged in the bonding business
 552 and authorized to do business in this state. The bond shall be
 553 for the penal sum of \$5,000, with one or more sureties ~~to be~~
 554 ~~approved by the department~~, and be conditioned that the talent
 555 agency applicant conform to and not violate any of the duties,
 556 terms, conditions, provisions, or requirements of this part.

557 (a) If any person is aggrieved by the misconduct of any
 558 talent agency, the person may maintain an action in his or her
 559 own name upon the bond of the agency in any court having
 560 jurisdiction of the amount claimed. All such claims shall be
 561 assignable, and the assignee shall be entitled to the same
 562 remedies, upon the bond of the agency or otherwise, as the
 563 person aggrieved would have been entitled to if such claim had
 564 not been assigned. Any claim or claims so assigned may be
 565 enforced in the name of such assignee.

566 (b) The bonding company shall notify the talent agency
 567 ~~department~~ of any claim against such bond, and a copy of such
 568 notice shall be sent to the talent agency against which the
 569 claim is made.

570 Section 40. Section 468.409, Florida Statutes, is amended
 571 to read:

572 468.409 Records required to be kept.—Each talent agency
 573 shall keep on file the application, registration, or contract of
 574 each artist. In addition, such file must include the name and
 575 address of each artist, the amount of the compensation received,

576 and all attempts to procure engagements for the artist. No such
 577 agency or employee thereof shall knowingly make any false entry
 578 in applicant files or receipt files. Each card or document in
 579 such files shall be preserved for a period of 1 year after the
 580 date of the last entry thereon. ~~Records required under this~~
 581 ~~section shall be readily available for inspection by the~~
 582 ~~department during reasonable business hours at the talent~~
 583 ~~agency's principal office. A talent agency must provide the~~
 584 ~~department with true copies of the records in the manner~~
 585 ~~prescribed by the department.~~

586 Section 41. Subsection (3) of section 468.410, Florida
 587 Statutes, is amended to read:

588 468.410 Prohibition against registration fees; referral.-

589 (3) A talent agency shall give each applicant a copy of a
 590 contract, within 24 hours after the contract's execution, which
 591 lists the services to be provided and the fees to be charged.
 592 ~~The contract shall state that the talent agency is regulated by~~
 593 ~~the department and shall list the address and telephone number~~
 594 ~~of the department.~~

595 Section 42. Subsections (4) through (11) of section
 596 468.412, Florida Statutes, are renumbered as subsections (3)
 597 through (10), respectively, and present subsections (2), (3),
 598 (4), (6), and (11) are amended to read:

599 468.412 Talent agency regulations; prohibited acts.-

600 (2) Each talent agency shall keep records in which shall

601 be entered:

602 (a) The name and address of each artist employing such
603 talent agency;

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

605 (c) The employment in which each such artist is engaged at
606 the time of employing such talent agency and the amount of
607 compensation of the artist in such employment, if any, and the
608 employments subsequently secured by such artist during the term
609 of the contract between the artist and the talent agency and the
610 amount of compensation received by the artist pursuant thereto. +
611 ~~and~~

612 ~~(d) Other information which the department may require~~
613 ~~from time to time.~~

614 ~~(3) All books, records, and other papers kept pursuant to~~
615 ~~this act by any talent agency shall be open at all reasonable~~
616 ~~hours to the inspection of the department and its agents. Each~~
617 ~~talent agency shall furnish to the department, upon request, a~~
618 ~~true copy of such books, records, and papers, or any portion~~
619 ~~thereof, and shall make such reports as the department may~~
620 ~~prescribe from time to time.~~

621 (3)~~(4)~~ Each talent agency shall post in a conspicuous
622 place in the office of such talent agency a printed copy of this
623 part ~~and of the rules adopted under this part. Such copies shall~~
624 ~~also contain the name and address of the officer charged with~~
625 ~~enforcing this part. The department shall furnish to talent~~

626 ~~agencies printed copies of any statute or rule required to be~~
 627 ~~posted under this subsection.~~

628 (5)~~(6)~~ No talent agency may publish or cause to be
 629 published any false, fraudulent, or misleading information,
 630 representation, notice, or advertisement. All advertisements of
 631 a talent agency by means of card, circulars, or signs, and in
 632 newspapers and other publications, and all letterheads,
 633 receipts, and blanks shall be printed and contain the ~~licensed~~
 634 ~~name, department license number,~~ and address of the talent
 635 agency and the words "talent agency." No talent agency may give
 636 any false information or make any false promises or
 637 representations concerning an engagement or employment to any
 638 applicant who applies for an engagement or employment.

639 (10)~~(11)~~ A talent agency may assign an engagement contract
 640 to another talent agency ~~licensed in this state~~ only if the
 641 artist agrees in writing to the assignment. The assignment must
 642 occur, and written notice of the assignment must be given to the
 643 artist, within 30 days after the artist agrees in writing to the
 644 assignment.

645 Section 43. Section 468.413, Florida Statutes, is amended
 646 to read:

647 468.413 Legal requirements; penalties.—

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

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

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

656 (1)~~(2)~~ Each of the following acts constitutes a
 657 misdemeanor of the second degree, punishable as provided in s.
 658 775.082 or s. 775.083:

659 ~~(a) Relocating a business as a talent agency, or operating~~
 660 ~~under any name other than that designated on the license, unless~~
 661 ~~written notification is given to the department and to the~~
 662 ~~surety or sureties on the original bond, and unless the license~~
 663 ~~is returned to the department for the recording thereon of such~~
 664 ~~changes.~~

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

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

671 (a)~~(d)~~ Failing to maintain the records required by s.
 672 468.409 or knowingly making false entries in such records.

673 (b)~~(e)~~ Requiring as a condition to registering or
 674 obtaining employment or placement for any applicant that the
 675 applicant subscribe to, purchase, or attend any publication,

676 postcard service, advertisement, resume service, photography
677 service, school, acting school, workshop, or acting workshop.

678 (c)~~(f)~~ Failing to give each applicant a copy of a contract
679 which lists the services to be provided and the fees to be
680 charged by, ~~which states that the talent agency is regulated by~~
681 ~~the department, and which lists the address and telephone number~~
682 ~~of the department.~~

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

685 (e)~~(h)~~ Knowingly sending or causing to be sent any artist
686 to a prospective employer or place of business, the character or
687 operation of which employer or place of business the talent
688 agency knows to be in violation of the laws of the United States
689 or of this state.

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

694 (2)~~(4)~~ In the event that ~~the department or~~ any state
695 attorney shall have probable cause to believe that a talent
696 agency or other person has violated any provision of subsection
697 (1), an action may be brought by ~~the department or~~ any state
698 attorney to enjoin such talent agency or any person from
699 continuing such violation, or engaging therein or doing any acts
700 in furtherance thereof, and for such other relief as to the

701 court seems appropriate. ~~In addition to this remedy, the~~
 702 ~~department may assess a penalty against any talent agency or any~~
 703 ~~person in an amount not to exceed \$5,000.~~

704 Section 44. Section 468.414, Florida Statutes, is
 705 repealed.

706 Section 45. Section 468.415, Florida Statutes, is amended
 707 to read:

708 468.415 Sexual misconduct in the operation of a talent
 709 agency.—The talent agent-artist relationship is founded on
 710 mutual trust. Sexual misconduct in the operation of a talent
 711 agency means violation of the talent agent-artist relationship
 712 through which the talent agent uses the relationship to induce
 713 or attempt to induce the artist to engage or attempt to engage
 714 in sexual activity. Sexual misconduct is prohibited in the
 715 operation of a talent agency. ~~If~~ Any agent, owner, or operator
 716 of a ~~licensed~~ talent agency who commits ~~is found to have~~
 717 ~~committed~~ sexual misconduct in the operation of a talent agency,
 718 ~~the agency license shall be permanently revoked. Such agent,~~
 719 ~~owner, or operator~~ shall be permanently prohibited from acting
 720 ~~disqualified from present and future licensure as~~ an agent,
 721 owner, or operator of a ~~Florida~~ talent agency.

722 Section 46. Paragraphs (a) and (e) of subsection (2),
 723 subsection (3), paragraph (b) of subsection (4), and subsection
 724 (6) of section 469.006, Florida Statutes, are amended to read:

725 469.006 Licensure of business organizations; qualifying

726 agents.-

727 (2) (a) If the applicant proposes to engage in consulting
 728 or contracting as a partnership, corporation, business trust, or
 729 other legal entity, or in any name other than the applicant's
 730 legal name, the ~~legal entity must apply for licensure through a~~
 731 ~~qualifying agent or the~~ individual applicant must apply for
 732 licensure under the fictitious name of the business
 733 organization.

734 (e) ~~A~~ The license, ~~when issued upon application of a~~
 735 ~~business organization,~~ must be in the name of the qualifying
 736 agent business organization, and the name of the business
 737 organization ~~qualifying agent~~ must be noted on the license
 738 ~~thereon~~. If there is a change in any information that is
 739 required to be stated on the application, the qualifying agent
 740 ~~business organization~~ shall, within 45 days after such change
 741 occurs, mail the correct information to the department.

742 (3) The qualifying agent must ~~shall~~ be licensed under this
 743 chapter in order for the business organization to be qualified
 744 ~~licensed~~ in the category of the business conducted for which the
 745 qualifying agent is licensed. If any qualifying agent ceases to
 746 be affiliated with such business organization, the agent shall
 747 so inform the department. In addition, if such qualifying agent
 748 is the only licensed individual affiliated with the business
 749 organization, the business organization shall notify the
 750 department of the termination of the qualifying agent and has

751 ~~shall have~~ 60 days after ~~from~~ the date of termination of the
 752 qualifying agent's affiliation with the business organization ~~in~~
 753 ~~which~~ to employ another qualifying agent. The business
 754 organization may not engage in consulting or contracting until a
 755 qualifying agent is employed, unless the department has granted
 756 a temporary nonrenewable license to the financially responsible
 757 officer, the president, the sole proprietor, a partner, or, in
 758 the case of a limited partnership, the general partner, who
 759 assumes all responsibilities of a primary qualifying agent for
 760 the entity. This temporary license only allows ~~shall only allow~~
 761 the entity to proceed with incomplete contracts.

762 (4)

763 (b) Upon a favorable determination by the department,
 764 after investigation of the financial responsibility, credit, and
 765 business reputation of the qualifying agent and the new business
 766 organization, the department shall issue, without any
 767 examination, a new license in the qualifying agent's business
 768 ~~organization's~~ name, and the name of the business organization
 769 ~~qualifying agent~~ shall be noted thereon.

770 (6) Each qualifying agent shall pay the department an
 771 amount equal to the original fee for licensure ~~of a new business~~
 772 ~~organization.~~ if the qualifying agent for a business
 773 organization desires to qualify additional business
 774 organizations. 7 The department shall require the agent to
 775 present evidence of supervisory ability and financial

776 responsibility of each such organization. Allowing a licensee to
 777 qualify more than one business organization must ~~shall~~ be
 778 conditioned upon the licensee showing that the licensee has both
 779 the capacity and intent to adequately supervise each business
 780 organization. The department may ~~shall~~ not limit the number of
 781 business organizations that ~~which~~ the licensee may qualify
 782 except upon the licensee's failure to provide such information
 783 as is required under this subsection or upon a finding that the
 784 ~~such~~ information or evidence ~~as is~~ supplied is incomplete or
 785 unpersuasive in showing the licensee's capacity and intent to
 786 comply with the requirements of this subsection. A qualification
 787 for an additional business organization may be revoked or
 788 suspended upon a finding by the department that the licensee has
 789 failed in the licensee's responsibility to adequately supervise
 790 the operations of the business organization. Failure to
 791 adequately supervise the operations of a business organization
 792 is ~~shall be~~ grounds for denial to qualify additional business
 793 organizations.

794 Section 47. Subsection (1) of section 469.009, Florida
 795 Statutes, is amended to read:

796 469.009 License revocation, suspension, and denial of
 797 issuance or renewal.—

798 (1) The department may revoke, suspend, or deny the
 799 issuance or renewal of a license; reprimand, censure, or place
 800 on probation any contractor, consultant, or financially

801 responsible officer, ~~or business organization~~; require financial
 802 restitution to a consumer; impose an administrative fine not to
 803 exceed \$5,000 per violation; require continuing education; or
 804 assess costs associated with any investigation and prosecution
 805 if the contractor or consultant, or business organization or
 806 officer or agent thereof, is found guilty of any of the
 807 following acts:

808 (a) Willfully or deliberately disregarding or violating
 809 the health and safety standards of the Occupational Safety and
 810 Health Act of 1970, the Construction Safety Act, the National
 811 Emission Standards for Asbestos, the Environmental Protection
 812 Agency Asbestos Abatement Projects Worker Protection Rule, the
 813 Florida Statutes or rules promulgated thereunder, or any
 814 ordinance enacted by a political subdivision of this state.

815 (b) Violating any provision of chapter 455.

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

818 (d) Acting in the capacity of an asbestos contractor or
 819 asbestos consultant under any license issued under this chapter
 820 except in the name of the licensee as set forth on the issued
 821 license.

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

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

825 (g) Being convicted or found guilty of, or entering a plea

826 of nolo contendere to, regardless of adjudication, a crime in
 827 any jurisdiction which directly relates to the practice of
 828 asbestos consulting or contracting or the ability to practice
 829 asbestos consulting or contracting.

830 (h) Knowingly violating any building code, lifesafety
 831 code, or county or municipal ordinance relating to the practice
 832 of asbestos consulting or contracting.

833 (i) Performing any act which assists a person or entity in
 834 engaging in the prohibited unlicensed practice of asbestos
 835 consulting or contracting, if the licensee knows or has
 836 reasonable grounds to know that the person or entity was
 837 unlicensed.

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

840 Financial mismanagement or misconduct occurs when:

841 1. Valid liens have been recorded against the property of
 842 a contractor's customer for supplies or services ordered by the
 843 contractor for the customer's job; the contractor has received
 844 funds from the customer to pay for the supplies or services; and
 845 the contractor has not had the liens removed from the property,
 846 by payment or by bond, within 75 days after the date of such
 847 liens;

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

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

854 3. The contractor's job has been completed, and it is
 855 shown that the customer has had to pay more for the contracted
 856 job than the original contract price, as adjusted for subsequent
 857 change orders, unless such increase in cost was the result of
 858 circumstances beyond the control of the contractor, was the
 859 result of circumstances caused by the customer, or was otherwise
 860 permitted by the terms of the contract between the contractor
 861 and the customer.

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

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

867 (m) Abandoning an asbestos abatement project in which the
 868 asbestos contractor is engaged or under contract as a
 869 contractor. A project may be presumed abandoned after 20 days if
 870 the contractor terminates the project without just cause and
 871 without proper notification to the owner, including the reason
 872 for termination; if the contractor fails to reasonably secure
 873 the project to safeguard the public while work is stopped; or if
 874 the contractor fails to perform work without just cause for 20
 875 days.

876 (n) Signing a statement with respect to a project or
 877 contract falsely indicating that the work is bonded; falsely
 878 indicating that payment has been made for all subcontracted
 879 work, labor, and materials which results in a financial loss to
 880 the owner, purchaser, or contractor; or falsely indicating that
 881 workers' compensation and public liability insurance are
 882 provided.

883 (o) Committing fraud or deceit in the practice of asbestos
 884 consulting or contracting.

885 (p) Committing incompetency or misconduct in the practice
 886 of asbestos consulting or contracting.

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

890 (r) Intimidating, threatening, coercing, or otherwise
 891 discouraging the service of a notice to owner under part I of
 892 chapter 713 or a notice to contractor under chapter 255 or part
 893 I of chapter 713.

894 (s) Failing to satisfy, within a reasonable time, the
 895 terms of a civil judgment obtained against the licensee, or the
 896 business organization qualified by the licensee, relating to the
 897 practice of the licensee's profession.

898

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

902 Section 48. Subsections (2) and (3) of section 476.034,
903 Florida Statutes, are amended, and subsections (6) and (7) are
904 added to that section, to read:

905 476.034 Definitions.—As used in this act:

906 (2) "Barbering" means any of the following practices when
907 done for remuneration and for the public, but not when done for
908 the treatment of disease or physical or mental ailments:
909 shaving, cutting, trimming, coloring, shampooing, arranging,
910 dressing, curling, or waving the hair or beard or applying oils,
911 creams, lotions, or other preparations to the face, scalp, or
912 neck, either by hand or by mechanical appliances, and includes
913 any services defined as restricted barbering.

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

916 (6) "Restricted barber" means a person who is licensed to
917 engage in the practice of restricted barbering in this state
918 under the authority of this chapter and is subject to the same
919 requirements and restrictions as a barber, except as
920 specifically provided in s. 476.114.

921 (7) "Restricted barbering" means any of the following
922 practices when done for remuneration and for the public, but not
923 when done for the treatment of disease or physical or mental

924 ailments:

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

928 (b) Full facial shaves;

929 (c) Mustache and beard trimming; and

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

932 Section 49. Section 476.114, Florida Statutes, is amended
 933 to read:

934 476.114 Examination; prerequisites.—

935 (1) A person desiring to be licensed as a barber shall
 936 apply to the department for licensure and—

937 ~~(2) An applicant~~ shall be eligible for licensure by
 938 examination to practice barbering if the applicant:

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

940 (b) Pays the required application fee; and

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

945 2. Has received a minimum of 600 ~~1,200~~ hours of training
 946 in sanitation, safety, and laws and rules, as established by the
 947 board, which shall include, but shall not be limited to, the
 948 equivalent of completion of services directly related to the

949 practice of barbering at one of the following:

- 950 a. A school of barbering licensed pursuant to chapter
- 951 1005;
- 952 b. A barbering program within the public school system; or
- 953 c. A government-operated barbering program in this state.

954
 955 ~~The board shall establish by rule procedures whereby the school~~
 956 ~~or program may certify that a person is qualified to take the~~
 957 ~~required examination after the completion of a minimum of 1,000~~
 958 ~~actual school hours. If the person passes the examination, she~~
 959 ~~or he shall have satisfied this requirement; but if the person~~
 960 ~~fails the examination, she or he shall not be qualified to take~~
 961 ~~the examination again until the completion of the full~~
 962 ~~requirements provided by this section.~~

963 (2) A person desiring to be licensed as a restricted
 964 barber shall apply to the department for licensure and shall be
 965 eligible for licensure by examination to practice restricted
 966 barbering if the applicant:

- 967 (a) Is at least 16 years of age;
- 968 (b) Pays the required application fee; and
- 969 (c)1. Holds an active valid license to practice barbering
 970 in another state, has held the license for at least 1 year, and
 971 does not qualify for licensure by endorsement as provided for in
 972 s. 476.144(5); or
- 973 2. Has received a minimum of 325 hours of training in

974 sanitation, safety, and laws and rules, as established by the
 975 board, which shall include, but not be limited to, the
 976 equivalent of completion of services directly related to the
 977 practice of restricted barbering at one of the following:

- 978 a. A school of barbering licensed pursuant to chapter
 979 1005;
- 980 b. A barbering program within the public school system; or
- 981 c. A government-operated barbering program in this state.

982 (3) An applicant who meets the requirements set forth in
 983 paragraph (1)(c)1. and 2. subparagraphs (2)(c)1. and 2. who
 984 fails to pass the examination may take subsequent examinations
 985 as many times as necessary to pass, except that the board may
 986 specify by rule reasonable timeframes for rescheduling the
 987 examination and additional training requirements for applicants
 988 who, after the third attempt, fail to pass the examination.
 989 Prior to reexamination, the applicant must file the appropriate
 990 form and pay the reexamination fee as required by rule.

991 Section 50. Subsections (1) and (6) of section 476.144,
 992 Florida Statutes, are amended to read:

993 476.144 Licensure.—

994 (1) The department shall license any applicant who the
 995 board certifies is qualified to practice barbering or restricted
 996 barbering in this state.

997 (6) A person may apply for a restricted license to
 998 practice barbering. The board shall adopt rules specifying

999 | procedures for an applicant to obtain a restricted license if
 1000 | the applicant:

1001 | (a)1. Has successfully completed a restricted barber
 1002 | course, as established by rule of the board, at a school of
 1003 | barbering licensed pursuant to chapter 1005, a barbering program
 1004 | within the public school system, or a government-operated
 1005 | barbering program in this state; or

1006 | 2.a. Holds or has within the previous 5 years held an
 1007 | active valid license to practice barbering in another state or
 1008 | country or has held a Florida barbering license which has been
 1009 | declared null and void for failure to renew the license, and the
 1010 | applicant fulfilled the requirements of s. 476.114(2)(c)2. for
 1011 | initial licensure; and

1012 | b. Has not been disciplined relating to the practice of
 1013 | barbering in the previous 5 years; and

1014 | (b) Passes a written examination on the laws and rules
 1015 | governing the practice of barbering in Florida, as established
 1016 | by the board.

1017 |
 1018 | ~~The restricted license shall limit the licensee's practice to~~
 1019 | ~~those specific areas in which the applicant has demonstrated~~
 1020 | ~~competence pursuant to rules adopted by the board.~~

1021 | Section 51. Subsections (6) and (9) of section 477.013,
 1022 | Florida Statutes, are amended to read:

1023 | 477.013 Definitions.—As used in this chapter:

1024 (6) "Specialty" means the practice of one or more of the
 1025 following:

1026 (a) "Nail specialty" means manicuring, or the cutting,
 1027 polishing, tinting, coloring, cleansing, adding, or extending of
 1028 the nails, and massaging of the hands. This term includes any
 1029 procedure or process for the affixing of artificial nails,
 1030 except those nails which may be applied solely by use of a
 1031 simple adhesive; and-

1032 ~~(b)~~ pedicuring, or the shaping, polishing, tinting, or
 1033 cleansing of the nails of the feet, and massaging or beautifying
 1034 of the feet.

1035 ~~(b)(e)~~ "Facial specialty" means facials, or the massaging
 1036 or treating of the face or scalp with oils, creams, lotions, or
 1037 other preparations, and skin care services.

1038 (c) "Full specialty" means all services within the
 1039 definition of nail specialty and facial specialty, including
 1040 manicuring, pedicuring, and facial services.

1041 (9) "Hair braiding" means the weaving or interweaving of
 1042 natural human hair or commercial hair for compensation without
 1043 cutting, coloring, permanent waving, relaxing, removing, or
 1044 chemical treatment and does not include the use of adhesives or
 1045 bonders ~~hair extensions or wefts~~.

1046 Section 52. Section 477.0132, Florida Statutes, is
 1047 repealed.

1048 Section 53. Subsections (7), (8), and (9) are added to
 1049 section 477.0135, Florida Statutes, to read:

1050 477.0135 Exemptions.—

1051 (7) A license or registration is not required for a person
 1052 whose occupation or practice is confined solely to hair braiding
 1053 as defined in s. 477.013(9).

1054 (8) A license or registration is not required for a person
 1055 whose occupation or practice is confined solely to hair wrapping
 1056 as defined in s. 477.013(10).

1057 (9) A license or registration is not required for a person
 1058 whose occupation or practice is confined solely to body wrapping
 1059 as defined in s. 477.013(12).

1060 Section 54. Paragraph (b) of subsection (7) of section
 1061 477.019, Florida Statutes, is amended to read:

1062 477.019 Cosmetologists; qualifications; licensure;
 1063 supervised practice; license renewal; endorsement; continuing
 1064 education.—

1065 (7)

1066 ~~(b) Any person whose occupation or practice is confined~~
 1067 ~~solely to hair braiding, hair wrapping, or body wrapping is~~
 1068 ~~exempt from the continuing education requirements of this~~
 1069 ~~subsection.~~

1070 Section 55. Subsections (2) through (6) of section
 1071 477.0201, Florida Statutes, are renumbered as subsections (4)

1072 through (8), respectively, subsection (1) is amended, and new
 1073 subsections (2) and (3) are added to that section, to read:

1074 477.0201 Specialty registration; qualifications;
 1075 registration renewal; endorsement.—

1076 (1) Any person is qualified for registration as a
 1077 specialist in a nail ~~any one or more of the specialty practice~~
 1078 ~~practices~~ within the practice of cosmetology under this chapter
 1079 who:

1080 (a) Is at least 16 years of age or has received a high
 1081 school diploma.

1082 (b) Has received a minimum of 150 hours of training as
 1083 established by the board, which shall focus primarily on
 1084 sanitation and safety and shall include, but shall not be
 1085 limited to, the equivalent of completion of services directly
 1086 related to the practice of a nail ~~certificate of completion in a~~
 1087 specialty pursuant to s. 477.013(6)(a) ~~477.013(6)~~ from one of
 1088 the following:

1089 1. A school licensed pursuant to s. 477.023.

1090 2. A school licensed pursuant to chapter 1005 or the
 1091 equivalent licensing authority of another state.

1092 3. A specialty program within the public school system.

1093 4. A specialty division within the Cosmetology Division of
 1094 the Florida School for the Deaf and the Blind, provided the
 1095 training programs comply with minimum curriculum requirements
 1096 established by the board.

1097 (2) Any person is qualified for registration as a
 1098 specialist in a facial specialty practice within the practice of
 1099 cosmetology under this chapter who:

1100 (a) Is at least 16 years of age or has received a high
 1101 school diploma.

1102 (b) Has received a minimum of 165 hours of training as
 1103 established by the board, which shall focus on sanitation and
 1104 safety and shall include, but not be limited to, the equivalent
 1105 of completion of services directly related to the practice of
 1106 facial specialty pursuant to s. 477.013(6)(b) from one of the
 1107 following:

1108 1. A school licensed pursuant to s. 477.023.

1109 2. A school licensed pursuant to chapter 1005 or the
 1110 equivalent licensing authority of another state.

1111 3. A specialty program within the public school system.

1112 4. A specialty division within the Cosmetology Division of
 1113 the Florida School for the Deaf and the Blind, provided the
 1114 training programs comply with minimum curriculum requirements
 1115 established by the board.

1116 (3) Any person is qualified for registration as a
 1117 specialist in a full specialty practice within the practice of
 1118 cosmetology under this chapter who:

1119 (a) Is at least 16 years of age or has received a high
 1120 school diploma.

1121 (b) Has received a minimum of 300 hours of training as

1122 established by the board, which shall focus primarily on
 1123 sanitation and safety and shall include, but not be limited to,
 1124 the equivalent of completion of services directly related to the
 1125 practice of full specialty pursuant to s. 477.013(6)(c) from one
 1126 of the following:

- 1127 1. A school licensed pursuant to s. 477.023.
- 1128 2. A school licensed pursuant to chapter 1005 or the
 1129 equivalent licensing authority of another state.
- 1130 3. A specialty program within the public school system.
- 1131 4. A specialty division within the Cosmetology Division of
 1132 the Florida School for the Deaf and the Blind, provided the
 1133 training programs comply with minimum curriculum requirements
 1134 established by the board.

1135 Section 56. Paragraph (f) of subsection (1) of section
 1136 477.026, Florida Statutes, is amended to read:

1137 477.026 Fees; disposition.—

1138 (1) The board shall set fees according to the following
 1139 schedule:

1140 ~~(f) For hair braiders, hair wrappers, and body wrappers,~~
 1141 ~~fees for registration shall not exceed \$25.~~

1142 Section 57. Paragraph (f) of subsection (1) of section
 1143 477.0265, Florida Statutes, is amended to read:

1144 477.0265 Prohibited acts.—

1145 (1) It is unlawful for any person to:

1146 (f) Advertise or imply that skin care services ~~or body~~

1147 ~~wrapping~~, as performed under this chapter, have any relationship
 1148 to the practice of massage therapy as defined in s. 480.033(3),
 1149 except those practices or activities defined in s. 477.013.

1150 Section 58. Paragraph (a) of subsection (1) of section
 1151 477.029, Florida Statutes, is amended to read:

1152 477.029 Penalty.—

1153 (1) It is unlawful for any person to:

1154 (a) Hold himself or herself out as a cosmetologist or
 1155 ~~specialist, hair wrapper, hair braider, or body wrapper~~ unless
 1156 duly licensed or registered, or otherwise authorized, as
 1157 provided in this chapter.

1158 Section 59. Section 481.2131, Florida Statutes, is
 1159 repealed.

1160 Section 60. Section 481.2251, Florida Statutes, is
 1161 repealed.

1162 Section 61. Section 481.201, Florida Statutes, is amended
 1163 to read:

1164 481.201 Purpose.—The primary legislative purpose for
 1165 enacting this part is to ensure that every architect practicing
 1166 in this state meets minimum requirements for safe practice. It
 1167 is the legislative intent that architects who fall below minimum
 1168 competency or who otherwise present a danger to the public shall
 1169 be prohibited from practicing in this state. ~~The Legislature~~
 1170 ~~further finds that it is in the interest of the public to limit~~
 1171 ~~the practice of interior design to interior designers or~~

1172 ~~architects who have the design education and training required~~
 1173 ~~by this part or to persons who are exempted from the provisions~~
 1174 ~~of this part.~~

1175 Section 62. Section 481.203, Florida Statutes, is amended
 1176 to read:

1177 481.203 Definitions.—As used in this part, the term:

1178 (1)~~(3)~~ "Architect" or "registered architect" means a
 1179 natural person who is licensed under this part to engage in the
 1180 practice of architecture.

1181 (2)~~(6)~~ "Architecture" means the rendering or offering to
 1182 render services in connection with the design and construction
 1183 of a structure or group of structures which have as their
 1184 principal purpose human habitation or use, ~~and~~ the utilization
 1185 of space within and surrounding such structures, and interior
 1186 design. These services include planning, providing preliminary
 1187 study designs, drawings and specifications, job-site inspection,
 1188 and administration of construction contracts.

1189 (3)~~(1)~~ "Board" means the Board of Architecture ~~and~~
 1190 ~~Interior Design~~.

1191 (4)~~(5)~~ "Business organization" means a partnership, a
 1192 limited liability company, a corporation, or an individual
 1193 operating under a fictitious name "~~Certificate of authorization~~"
 1194 ~~means a certificate issued by the department to a corporation or~~
 1195 ~~partnership to practice architecture or interior design.~~

1196 (5)~~(4)~~ "Certificate of registration" means a license
 1197 issued by the department to a natural person to engage in the
 1198 practice of architecture or interior design.

1199 (6)~~(13)~~ "Common area" means an area that is held out for
 1200 use by all tenants or owners in a multiple-unit dwelling,
 1201 including, but not limited to, a lobby, elevator, hallway,
 1202 laundry room, clubhouse, or swimming pool.

1203 (7)~~(2)~~ "Department" means the Department of Business and
 1204 Professional Regulation.

1205 (8)~~(14)~~ "Diversified interior design experience" means
 1206 experience which substantially encompasses the various elements
 1207 of interior design services set forth under the definition of
 1208 "interior design" in subsection (10)~~(8)~~.

1209 (9)~~(15)~~ "Interior decorator services" includes the
 1210 selection or assistance in selection of surface materials,
 1211 window treatments, wallcoverings, paint, floor coverings,
 1212 surface-mounted lighting, surface-mounted fixtures, and loose
 1213 furnishings not subject to regulation under applicable building
 1214 codes.

1215 (10)~~(8)~~ "Interior design" means designs, consultations,
 1216 studies, drawings, specifications, and administration of design
 1217 construction contracts relating to nonstructural interior
 1218 elements of a building or structure. "Interior design" includes,
 1219 but is not limited to, reflected ceiling plans, space planning,
 1220 furnishings, and the fabrication of nonstructural elements

1221 within and surrounding interior spaces of buildings. "Interior
 1222 design" specifically excludes the design of or the
 1223 responsibility for architectural and engineering work, except
 1224 for specification of fixtures and their location within interior
 1225 spaces. As used in this subsection, "architectural and
 1226 engineering interior construction relating to the building
 1227 systems" includes, but is not limited to, construction of
 1228 structural, mechanical, plumbing, heating, air-conditioning,
 1229 ventilating, electrical, or vertical transportation systems, or
 1230 construction which materially affects lifesafety systems
 1231 pertaining to firesafety protection such as fire-rated
 1232 separations between interior spaces, fire-rated vertical shafts
 1233 in multistory structures, fire-rated protection of structural
 1234 elements, smoke evacuation and compartmentalization, emergency
 1235 ingress or egress systems, and emergency alarm systems.

1236 ~~(9) "Registered interior designer" or "interior designer"~~
 1237 ~~means a natural person who is licensed under this part.~~

1238 (11)~~(10)~~ "Nonstructural element" means an element which
 1239 does not require structural bracing and which is something other
 1240 than a load-bearing wall, load-bearing column, or other load-
 1241 bearing element of a building or structure which is essential to
 1242 the structural integrity of the building.

1243 (12)~~(11)~~ "Reflected ceiling plan" means a ceiling design
 1244 plan which is laid out as if it were projected downward and
 1245 which may include lighting and other elements.

1246 (13)~~(16)~~ "Responsible supervising control" means the
 1247 exercise of direct personal supervision and control throughout
 1248 the preparation of documents, instruments of service, or any
 1249 other work requiring the seal and signature of a licensee under
 1250 this part.

1251 (14)~~(12)~~ "Space planning" means the analysis, programming,
 1252 or design of spatial requirements, including preliminary space
 1253 layouts and final planning.

1254 (15)~~(7)~~ "Townhouse" is a single-family dwelling unit not
 1255 exceeding three stories in height which is constructed in a
 1256 series or group of attached units with property lines separating
 1257 such units. Each townhouse shall be considered a separate
 1258 building and shall be separated from adjoining townhouses by the
 1259 use of separate exterior walls meeting the requirements for zero
 1260 clearance from property lines as required by the type of
 1261 construction and fire protection requirements; or shall be
 1262 separated by a party wall; or may be separated by a single wall
 1263 meeting the following requirements:

1264 (a) Such wall shall provide not less than 2 hours of fire
 1265 resistance. Plumbing, piping, ducts, or electrical or other
 1266 building services shall not be installed within or through the
 1267 2-hour wall unless such materials and methods of penetration
 1268 have been tested in accordance with the Standard Building Code.

1269 (b) Such wall shall extend from the foundation to the
 1270 underside of the roof sheathing, and the underside of the roof

1271 shall have at least 1 hour of fire resistance for a width not
1272 less than 4 feet on each side of the wall.

1273 (c) Each dwelling unit sharing such wall shall be designed
1274 and constructed to maintain its structural integrity independent
1275 of the unit on the opposite side of the wall.

1276 Section 63. Subsection (1) and paragraph (a) of subsection
1277 (3) of section 481.205, Florida Statutes, are amended to read:

1278 481.205 Board of Architecture ~~and Interior Design~~.—

1279 (1) The Board of Architecture ~~and Interior Design~~ is
1280 created within the Department of Business and Professional
1281 Regulation. The board shall consist of seven ~~11~~ members. Five
1282 members must be registered architects who have been engaged in
1283 the practice of architecture for at least 5 years; ~~three members~~
1284 ~~must be registered interior designers who have been offering~~
1285 ~~interior design services for at least 5 years and who are not~~
1286 ~~also registered architects;~~ and two ~~three~~ members must be
1287 laypersons who are not, and have never been, architects,
1288 ~~interior designers,~~ or members of any closely related profession
1289 or occupation. At least one member of the board must be 60 years
1290 of age or older.

1291 (3) (a) Notwithstanding the provisions of ss. 455.225,
1292 455.228, and 455.32, the duties and authority of the department
1293 to receive complaints and investigate and discipline persons
1294 licensed under this part, including the ability to determine
1295 legal sufficiency and probable cause; to initiate proceedings

1296 and issue final orders for summary suspension or restriction of
 1297 a license pursuant to s. 120.60(6); to issue notices of
 1298 noncompliance, notices to cease and desist, subpoenas, and
 1299 citations; to retain legal counsel, investigators, or
 1300 prosecutorial staff in connection with the licensed practice of
 1301 architecture ~~and interior design~~; and to investigate and deter
 1302 the unlicensed practice of architecture ~~and interior design~~ as
 1303 provided in s. 455.228 are delegated to the board. All
 1304 complaints and any information obtained pursuant to an
 1305 investigation authorized by the board are confidential and
 1306 exempt from s. 119.07(1) as provided in s. 455.225(2) and (10).

1307 Section 64. Section 481.207, Florida Statutes, is amended
 1308 to read:

1309 481.207 Fees.—The board, by rule, may establish separate
 1310 fees for architects ~~and interior designers~~, to be paid for
 1311 applications, examination, reexamination, licensing and renewal,
 1312 delinquency, reinstatement, and recordmaking and recordkeeping.
 1313 The examination fee shall be in an amount that covers the cost
 1314 of obtaining and administering the examination and shall be
 1315 refunded if the applicant is found ineligible to sit for the
 1316 examination. The application fee is nonrefundable. The fee for
 1317 initial application and examination for architects ~~and interior~~
 1318 ~~designers~~ may not exceed \$775 plus the actual per applicant cost
 1319 to the department for purchase of the examination from the
 1320 National Council of Architectural Registration Boards ~~or the~~

1321 ~~National Council of Interior Design Qualifications,~~
 1322 ~~respectively,~~ or similar national organizations. The biennial
 1323 renewal fee for architects may not exceed \$200. ~~The biennial~~
 1324 ~~renewal fee for interior designers may not exceed \$500.~~ The
 1325 delinquency fee may not exceed the biennial renewal fee
 1326 established by the board for an active license. The board shall
 1327 establish fees that are adequate to ensure the continued
 1328 operation of the board and to fund the proportionate expenses
 1329 incurred by the department which are allocated to the regulation
 1330 of architects ~~and interior designers~~. Fees shall be based on
 1331 department estimates of the revenue required to implement this
 1332 part and the provisions of law with respect to the regulation of
 1333 architects ~~and interior designers~~.

1334 Section 65. Section 481.209, Florida Statutes, is amended
 1335 to read:

1336 481.209 Examinations.—

1337 ~~(1)~~ A person desiring to be licensed as a registered
 1338 architect by initial examination shall apply to the department,
 1339 complete the application form, and remit a nonrefundable
 1340 application fee. The department shall license any applicant who
 1341 the board certifies~~+~~

1342 ~~(a)~~ has passed the licensure examination prescribed by
 1343 board rule~~+~~ and

1344 ~~(b)~~ is a graduate of a school or college of architecture
 1345 with a program accredited by the National Architectural

1346 Accreditation Board.

1347 ~~(2) A person desiring to be licensed as a registered~~
1348 ~~interior designer shall apply to the department for licensure.~~
1349 ~~The department shall administer the licensure examination for~~
1350 ~~interior designers to each applicant who has completed the~~
1351 ~~application form and remitted the application and examination~~
1352 ~~fees specified in s. 481.207 and who the board certifies:~~

1353 ~~(a) Is a graduate from an interior design program of 5~~
1354 ~~years or more and has completed 1 year of diversified interior~~
1355 ~~design experience;~~

1356 ~~(b) Is a graduate from an interior design program of 4~~
1357 ~~years or more and has completed 2 years of diversified interior~~
1358 ~~design experience;~~

1359 ~~(c) Has completed at least 3 years in an interior design~~
1360 ~~curriculum and has completed 3 years of diversified interior~~
1361 ~~design experience; or~~

1362 ~~(d) Is a graduate from an interior design program of at~~
1363 ~~least 2 years and has completed 4 years of diversified interior~~
1364 ~~design experience.~~

1365 ~~Subsequent to October 1, 2000, for the purpose of having the~~
1366 ~~educational qualification required under this subsection~~
1367 ~~accepted by the board, the applicant must complete his or her~~
1368 ~~education at a program, school, or college of interior design~~
1369 ~~whose curriculum has been approved by the board as of the time~~
1370 ~~of completion. Subsequent to October 1, 2003, all of the~~

1371 ~~required amount of educational credits shall have been obtained~~
 1372 ~~in a program, school, or college of interior design whose~~
 1373 ~~curriculum has been approved by the board, as of the time each~~
 1374 ~~educational credit is gained. The board shall adopt rules~~
 1375 ~~providing for the review and approval of programs, schools, and~~
 1376 ~~colleges of interior design and courses of interior design study~~
 1377 ~~based on a review and inspection by the board of the curriculum~~
 1378 ~~of programs, schools, and colleges of interior design in the~~
 1379 ~~United States, including those programs, schools, and colleges~~
 1380 ~~accredited by the Foundation for Interior Design Education~~
 1381 ~~Research. The board shall adopt rules providing for the review~~
 1382 ~~and approval of diversified interior design experience required~~
 1383 ~~by this subsection.~~

1384 Section 66. Subsections (1) through (4) of section
 1385 481.213, Florida Statutes, are amended to read:

1386 481.213 Licensure.—

1387 (1) The department shall license any applicant who the
 1388 board certifies is qualified for licensure and who has paid the
 1389 initial licensure fee. ~~Licensure as an architect under this~~
 1390 ~~section shall be deemed to include all the rights and privileges~~
 1391 ~~of licensure as an interior designer under this section.~~

1392 (2) The board shall certify for licensure by examination
 1393 any applicant who passes the prescribed licensure examination
 1394 and satisfies the requirements of ss. 481.209 and 481.211, ~~for~~
 1395 ~~architects, or the requirements of s. 481.209, for interior~~

1396 ~~designers.~~

1397 (3) The board shall certify as qualified for a license by
 1398 endorsement as an architect ~~or as an interior designer~~ an
 1399 applicant who:

1400 (a) Qualifies to take the prescribed licensure
 1401 examination, and has passed the prescribed licensure examination
 1402 or a substantially equivalent examination in another
 1403 jurisdiction, as set forth in s. 481.209 for architects ~~or~~
 1404 ~~interior designers, as applicable,~~ and has satisfied the
 1405 internship requirements set forth in s. 481.211 for architects;

1406 (b) Holds a valid license to practice architecture ~~or~~
 1407 ~~interior design~~ issued by another jurisdiction of the United
 1408 States, if the criteria for issuance of such license were
 1409 substantially equivalent to the licensure criteria that existed
 1410 in this state at the time the license was issued; ~~provided,~~
 1411 ~~however, that an applicant who has been licensed for use of the~~
 1412 ~~title "interior design" rather than licensed to practice~~
 1413 ~~interior design shall not qualify hereunder;~~ or

1414 (c) Has passed the prescribed licensure examination and
 1415 holds a valid certificate issued by the National Council of
 1416 Architectural Registration Boards, and holds a valid license to
 1417 practice architecture issued by another state or jurisdiction of
 1418 the United States.

1419 (4) The board may refuse to certify any applicant who has
 1420 violated any of the provisions of s. 481.223, or s. 481.225, ~~or~~
 1421 ~~s. 481.2251~~, as applicable.

1422 Section 67. Subsections (3) and (5) of section 481.215,
 1423 Florida Statutes, are amended to read:

1424 481.215 Renewal of license.—

1425 (3) A ~~No~~ license renewal may not ~~shall~~ be issued to an
 1426 architect ~~or an interior designer~~ by the department until the
 1427 licensee submits proof satisfactory to the department that,
 1428 during the 2 years before ~~prior to~~ application for renewal, the
 1429 licensee participated per biennium in not less than 20 hours of
 1430 at least 50 minutes each per biennium of continuing education
 1431 approved by the board. The board shall approve only continuing
 1432 education that builds upon the basic knowledge of architecture
 1433 ~~or interior design~~. The board may make exception from the
 1434 requirements of continuing education in emergency or hardship
 1435 cases.

1436 (5) The board shall require, by rule adopted pursuant to
 1437 ss. 120.536(1) and 120.54, a specified number of hours in
 1438 specialized or advanced courses, approved by the Florida
 1439 Building Commission, on any portion of the Florida Building
 1440 Code, adopted pursuant to part IV of chapter 553, relating to
 1441 the licensee's ~~respective~~ area of practice.

1442 Section 68. Subsection (1) of section 481.217, Florida
 1443 Statutes, is amended to read:

1444 481.217 Inactive status.—

1445 (1) The board may prescribe by rule continuing education
 1446 requirements as a condition of reactivating a license. The rules
 1447 may not require more than one renewal cycle of continuing
 1448 education to reactivate a license for a registered architect ~~or~~
 1449 ~~interior designer. For interior design, the board may approve~~
 1450 ~~only continuing education that builds upon the basic knowledge~~
 1451 ~~of interior design.~~

1452 Section 69. Section 481.219, Florida Statutes, is amended
 1453 to read:

1454 481.219 Qualification of business organizations
 1455 ~~certification of partnerships, limited liability companies, and~~
 1456 ~~corporations.—~~

1457 (1) A licensee may ~~The practice of or the offer to~~
 1458 ~~practice architecture or interior design by licensees through a~~
 1459 business organization that offers ~~corporation, limited liability~~
 1460 ~~company, or partnership offering architectural or interior~~
 1461 ~~design services to the public, or through~~ by ~~by~~ a corporation,
 1462 limited liability company, or partnership offering architectural
 1463 ~~or interior design~~ services to the public through such licensees
 1464 under this part as agents, employees, officers, or partners, ~~is~~
 1465 ~~permitted, subject to the provisions of this section.~~

1466 (2) If a licensee or an applicant proposes to engage in
 1467 the practice of architecture as a business organization, the
 1468 licensee or applicant must apply to qualify the business

1469 organization ~~For the purposes of this section, a certificate of~~
 1470 ~~authorization shall be required for a corporation, limited~~
 1471 ~~liability company, partnership, or person practicing under a~~
 1472 ~~fictitious name, offering architectural services to the public~~
 1473 ~~jointly or separately. However, when an individual is practicing~~
 1474 ~~architecture in her or his own name, she or he shall not be~~
 1475 ~~required to be certified under this section. Certification under~~
 1476 ~~this subsection to offer architectural services shall include~~
 1477 ~~all the rights and privileges of certification under subsection~~
 1478 ~~(3) to offer interior design services.~~

1479 (a) An application to qualify a business organization
 1480 must:

1481 1. If the business is a partnership, state the names of
 1482 the partnership and its partners.

1483 2. If the business is a corporation, state the names of
 1484 the corporation and its officers and directors and the name of
 1485 each of its stockholders who is also an officer or a director.

1486 3. If the business is operating under a fictitious name,
 1487 state the fictitious name under which it is doing business.

1488 4. If the business is not a partnership, a corporation, or
 1489 operating under a fictitious name, state the name of such other
 1490 legal entity and its members.

1491 (b) The board may deny an application to qualify a
 1492 business organization if the applicant or any person required to
 1493 be named pursuant to paragraph (a) has been involved in past

1494 disciplinary actions or on any grounds for which an individual
 1495 registration or certification may be denied.

1496 (3) (a) A business organization may not engage in the
 1497 practice of architecture unless its qualifying agent is a
 1498 registered architect under this part. A qualifying agent who
 1499 terminates her or his affiliation with a business organization
 1500 shall immediately notify the department of such termination. If
 1501 such agent is the only qualifying agent for a business
 1502 organization, the business organization must be qualified by
 1503 another qualifying agent within 60 days after the termination.
 1504 Except as provided in paragraph (b), such a business
 1505 organization may not engage in the practice of architecture
 1506 until it is qualified by a qualifying agent.

1507 (b) In the event a qualifying agent ceases employment with
 1508 the business organization, the executive director or the chair
 1509 of the board may authorize another registered architect employed
 1510 by the business organization to temporarily serve as its
 1511 qualifying agent for no more than 60 days. The business
 1512 organization is not authorized to operate beyond such period
 1513 under this chapter absent replacement of the qualifying agent
 1514 who has ceased employment.

1515 (c) A qualifying agent shall notify the department in
 1516 writing before engaging in the practice of architecture in her
 1517 or his own name or in affiliation with a different business
 1518 organization, and she or he or such business organization shall

1519 supply the same information to the department as required of
 1520 applicants under this part

1521 ~~(3) For the purposes of this section, a certificate of~~
 1522 ~~authorization shall be required for a corporation, limited~~
 1523 ~~liability company, partnership, or person operating under a~~
 1524 ~~fictitious name, offering interior design services to the public~~
 1525 ~~jointly or separately. However, when an individual is practicing~~
 1526 ~~interior design in her or his own name, she or he shall not be~~
 1527 ~~required to be certified under this section.~~

1528 (4) All final construction documents and instruments of
 1529 service which include drawings, specifications, plans, reports,
 1530 or other papers or documents that involve ~~involving~~ the practice
 1531 of architecture which are prepared or approved for the use of
 1532 the business organization ~~corporation, limited liability~~
 1533 ~~company, or partnership~~ and filed for public record within the
 1534 state must ~~shall~~ bear the signature and seal of the licensee who
 1535 prepared or approved them and the date on which they were
 1536 sealed.

1537 ~~(5) All drawings, specifications, plans, reports, or other~~
 1538 ~~papers or documents prepared or approved for the use of the~~
 1539 ~~corporation, limited liability company, or partnership by an~~
 1540 ~~interior designer in her or his professional capacity and filed~~
 1541 ~~for public record within the state shall bear the signature and~~
 1542 ~~seal of the licensee who prepared or approved them and the date~~
 1543 ~~on which they were sealed.~~

1544 ~~(6) The department shall issue a certificate of~~
 1545 ~~authorization to any applicant who the board certifies as~~
 1546 ~~qualified for a certificate of authorization and who has paid~~
 1547 ~~the fee set in s. 481.207.~~

1548 ~~(5)(7)~~ The board shall allow ~~certify~~ an applicant to
 1549 qualify one or more business organizations ~~as qualified for a~~
 1550 ~~certificate of authorization to offer architectural or interior~~
 1551 ~~design services, or to use a fictitious name to offer such~~
 1552 services, if provided that:

1553 ~~(a)~~ one or more of the principal officers of the
 1554 corporation or limited liability company, or one or more
 1555 partners of the partnership, and all personnel of the
 1556 corporation, limited liability company, or partnership who act
 1557 in its behalf in this state as architects, are registered as
 1558 provided by this part. ~~;~~ ~~or~~

1559 ~~(b) One or more of the principal officers of the~~
 1560 ~~corporation or one or more partners of the partnership, and all~~
 1561 ~~personnel of the corporation, limited liability company, or~~
 1562 ~~partnership who act in its behalf in this state as interior~~
 1563 ~~designers, are registered as provided by this part.~~

1564 ~~(8) The department shall adopt rules establishing a~~
 1565 ~~procedure for the biennial renewal of certificates of~~
 1566 ~~authorization.~~

1567 ~~(9) The department shall renew a certificate of~~
 1568 ~~authorization upon receipt of the renewal application and~~

1569 ~~biennial renewal fee.~~
 1570 (6)~~(10)~~ Each qualifying agent approved to qualify a
 1571 business organization partnership,~~limited liability company,~~
 1572 ~~and corporation certified~~ under this section shall notify the
 1573 department within 30 days after ~~of~~ any change in the information
 1574 contained in the application upon which the qualification
 1575 ~~certification~~ is based. Any registered architect ~~or interior~~
 1576 ~~designer~~ who qualifies the business organization shall ensure
 1577 ~~corporation, limited liability company, or partnership as~~
 1578 ~~provided in subsection (7) shall be responsible for ensuring~~
 1579 responsible supervising control of projects of the business
 1580 organization entity and shall notify the department of the ~~upon~~
 1581 termination of her or his employment with a business
 1582 organization qualified partnership,~~limited liability company,~~
 1583 ~~or corporation certified~~ under this section ~~shall notify the~~
 1584 ~~department of the termination~~ within 30 days after such
 1585 termination.
 1586 (7)~~(11)~~ A business organization is not ~~No corporation,~~
 1587 ~~limited liability company, or partnership shall be relieved of~~
 1588 responsibility for the conduct or acts of its agents, employees,
 1589 or officers by reason of its compliance with this section.
 1590 However, except as provided in s. 558.0035, the architect who
 1591 signs and seals the construction documents and instruments of
 1592 service is ~~shall be~~ liable for the professional services
 1593 performed, ~~and the interior designer who signs and seals the~~

1594 ~~interior design drawings, plans, or specifications shall be~~
 1595 ~~liable for the professional services performed.~~

1596 ~~(12) Disciplinary action against a corporation, limited~~
 1597 ~~liability company, or partnership shall be administered in the~~
 1598 ~~same manner and on the same grounds as disciplinary action~~
 1599 ~~against a registered architect or interior designer,~~
 1600 ~~respectively.~~

1601 ~~(8)(13)~~ Nothing in This section may not shall be construed
 1602 to mean that a certificate of registration to practice
 1603 architecture ~~or interior design~~ must shall be held by a business
 1604 organization ~~corporation, limited liability company, or~~
 1605 ~~partnership. Nothing in This section does not prohibit a~~
 1606 business organization from offering ~~prohibits corporations,~~
 1607 ~~limited liability companies, and partnerships from joining~~
 1608 ~~together to offer architectural or, engineering, interior~~
 1609 ~~design, surveying and mapping, and landscape architectural~~
 1610 ~~services, or any combination of such services, to the public if~~
 1611 the business organization, ~~provided that each corporation,~~
 1612 ~~limited liability company, or partnership~~ otherwise meets the
 1613 requirements of law.

1614 ~~(14) Corporations, limited liability companies, or~~
 1615 ~~partnerships holding a valid certificate of authorization to~~
 1616 ~~practice architecture shall be permitted to use in their title~~
 1617 ~~the term "interior designer" or "registered interior designer."~~

1618 Section 70. Subsections (4), (6), and (8) of section

1619 481.221, Florida Statutes, are renumbered as sections (3), (4),
 1620 and (5), respectively, and present subsections (3), (5), (7),
 1621 (9), (10), (11), and (12) of that section are amended to read:

1622 481.221 Seals; display of certificate number.—

1623 ~~(3) The board shall adopt a rule prescribing the~~
 1624 ~~distinctly different seals to be used by registered interior~~
 1625 ~~designers holding valid certificates of registration. Each~~
 1626 ~~registered interior designer shall obtain a seal as prescribed~~
 1627 ~~by the board, and all drawings, plans, specifications, or~~
 1628 ~~reports prepared or issued by the registered interior designer~~
 1629 ~~and being filed for public record shall bear the signature and~~
 1630 ~~seal of the registered interior designer who prepared or~~
 1631 ~~approved the document and the date on which they were sealed.~~
 1632 ~~The signature, date, and seal shall be evidence of the~~
 1633 ~~authenticity of that to which they are affixed. Final plans,~~
 1634 ~~specifications, or reports prepared or issued by a registered~~
 1635 ~~interior designer may be transmitted electronically and may be~~
 1636 ~~signed by the registered interior designer, dated, and sealed~~
 1637 ~~electronically with the seal in accordance with ss. 668.001-~~
 1638 ~~668.006.~~

1639 ~~(5) No registered interior designer shall affix, or permit~~
 1640 ~~to be affixed, her or his seal or signature to any plan,~~
 1641 ~~specification, drawing, or other document which depicts work~~
 1642 ~~which she or he is not competent or licensed to perform.~~

1643 ~~(7) No registered interior designer shall affix her or his~~

1644 ~~signature or seal to any plans, specifications, or other~~
 1645 ~~documents which were not prepared by her or him or under her or~~
 1646 ~~his responsible supervising control or by another registered~~
 1647 ~~interior designer and reviewed, approved, or modified and~~
 1648 ~~adopted by her or him as her or his own work according to rules~~
 1649 ~~adopted by the board.~~

1650 ~~(9) Studies, drawings, specifications, and other related~~
 1651 ~~documents prepared by a registered interior designer in~~
 1652 ~~providing interior design services shall be of a sufficiently~~
 1653 ~~high standard to clearly and accurately indicate all essential~~
 1654 ~~parts of the work to which they refer.~~

1655 ~~(6) (10)~~ Each registered architect must ~~or interior~~
 1656 ~~designer, and each corporation, limited liability company, or~~
 1657 ~~partnership holding a certificate of authorization, shall~~
 1658 include her or his license ~~its certificate~~ number in any
 1659 newspaper, telephone directory, or other advertising medium used
 1660 by the registered licensee ~~architect, interior designer,~~
 1661 ~~corporation, limited liability company, or partnership. Each~~
 1662 business organization must include the license number of the
 1663 registered architect who serves as the qualifying agent for that
 1664 business organization in any newspaper, telephone directory, or
 1665 other advertising medium used by the business organization, but
 1666 is not required to display the license numbers of other
 1667 registered architects employed by the business organization ~~A~~
 1668 ~~corporation, limited liability company, or partnership is not~~

PCB CCS 17-02

ORIGINAL

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1669 ~~required to display the certificate number of individual~~
1670 ~~registered architects or interior designers employed by or~~
1671 ~~working within the corporation, limited liability company, or~~
1672 ~~partnership.~~

1673 (7)~~(11)~~ When the certificate of registration of a
1674 registered architect ~~or interior designer~~ has been revoked or
1675 suspended by the board, the registered architect ~~or interior~~
1676 ~~designer~~ shall surrender her or his seal to the secretary of the
1677 board within a period of 30 days after the revocation or
1678 suspension has become effective. If the certificate of the
1679 registered architect ~~or interior designer~~ has been suspended for
1680 a period of time, her or his seal shall be returned to her or
1681 him upon expiration of the suspension period.

1682 (8)~~(12)~~ A person may not sign and seal by any means any
1683 final plan, specification, or report after her or his
1684 certificate of registration has expired or is suspended or
1685 revoked. A registered architect ~~or interior designer~~ whose
1686 certificate of registration is suspended or revoked shall,
1687 within 30 days after the effective date of the suspension or
1688 revocation, surrender her or his seal to the executive director
1689 of the board and confirm in writing to the executive director
1690 the cancellation of the registered architect's ~~or interior~~
1691 ~~designer's~~ electronic signature in accordance with ss. 668.001-
1692 668.006. When a registered architect's ~~or interior designer's~~
1693 certificate of registration is suspended for a period of time,

1694 her or his seal shall be returned upon expiration of the period
 1695 of suspension.

1696 Section 71. Section 481.222, Florida Statutes, is amended
 1697 to read:

1698 481.222 Architects performing building code inspection
 1699 services.—Notwithstanding any other provision of law, a person
 1700 who is currently licensed to practice as an architect under this
 1701 part may provide building code inspection services described in
 1702 s. 468.603(6) and (7) to a local government or state agency upon
 1703 its request, without being certified by the Florida Building
 1704 Code Administrators and Inspectors Board under part XII of
 1705 chapter 468. With respect to the performance of such building
 1706 code inspection services, the architect is subject to the
 1707 disciplinary guidelines of this part and s. 468.621(1)(c)-(h).
 1708 Any complaint processing, investigation, and discipline that
 1709 arise out of an architect's performance of building code
 1710 inspection services shall be conducted by the Board of
 1711 Architecture ~~and Interior Design~~ rather than the Florida
 1712 Building Code Administrators and Inspectors Board. An architect
 1713 may not perform plans review as an employee of a local
 1714 government upon any job that the architect or the architect's
 1715 company designed.

1716 Section 72. Section 481.223, Florida Statutes, are amended
 1717 to read:

1718 481.223 Prohibitions; penalties; injunctive relief.—

1719 (1) A person may not knowingly:

1720 (a) Practice architecture unless the person is an
 1721 architect or a registered architect; however, a licensed
 1722 architect who has been licensed by the board and who chooses to
 1723 relinquish or not to renew his or her license may use the title
 1724 "Architect, Retired" but may not otherwise render any
 1725 architectural services.

1726 ~~(b) Practice interior design unless the person is a~~
 1727 ~~registered interior designer unless otherwise exempted herein;~~
 1728 ~~however, an interior designer who has been licensed by the board~~
 1729 ~~and who chooses to relinquish or not to renew his or her license~~
 1730 ~~may use the title "Interior Designer, Retired" but may not~~
 1731 ~~otherwise render any interior design services.~~

1732 (b)~~(e)~~ Use the name or title "architect" or "registered
 1733 architect," or ~~"interior designer" or "registered interior~~
 1734 ~~designer,"~~ or words to that effect, when the person is not then
 1735 the holder of a valid license issued pursuant to this part.

1736 (c)~~(d)~~ Present as his or her own the license of another.

1737 (d)~~(e)~~ Give false or forged evidence to the board or a
 1738 member thereof.

1739 (e)~~(f)~~ Use or attempt to use an architect ~~or interior~~
 1740 ~~designer~~ license that has been suspended, revoked, or placed on
 1741 inactive or delinquent status.

1742 (f)~~(g)~~ Employ unlicensed persons to practice architecture
 1743 ~~or interior design.~~

1744 (g)~~(h)~~ Conceal information relative to violations of this
 1745 part.

1746 (2) Any person who violates any provision of subsection
 1747 (1) commits a misdemeanor of the first degree, punishable as
 1748 provided in s. 775.082 or s. 775.083.

1749 (3) (a) Notwithstanding chapter 455 or any other law to the
 1750 contrary, an affected person may maintain an action for
 1751 injunctive relief to restrain or prevent a person from violating
 1752 paragraph (1) (a) or paragraph (1) (b)~~, or paragraph (1) (c)~~. The
 1753 prevailing party is entitled to actual costs and attorney's
 1754 fees.

1755 (b) For purposes of this subsection, the term "affected
 1756 person" means a person directly affected by the actions of a
 1757 person suspected of violating paragraph (1) (a) or paragraph
 1758 (1) (b)~~, or paragraph (1) (c)~~ and includes, but is not limited to,
 1759 the department, any person who received services from the
 1760 alleged violator, or any private association composed primarily
 1761 of members of the profession the alleged violator is practicing
 1762 or offering to practice or holding himself or herself out as
 1763 qualified to practice.

1764 Section 73. Subsections (5) through (8) of section
 1765 481.229, Florida Statutes, are amended to read:

1766 481.229 Exceptions; exemptions from licensure.—

1767 ~~(5) (a) Nothing contained in this part shall prevent a~~
 1768 ~~registered architect or a partnership, limited liability~~

1769 ~~company, or corporation holding a valid certificate of~~
1770 ~~authorization to provide architectural services from performing~~
1771 ~~any interior design service or from using the title "interior~~
1772 ~~designer" or "registered interior designer."~~

1773 ~~(b) Notwithstanding any other provision of this part, all~~
1774 ~~persons licensed as architects under this part shall be~~
1775 ~~qualified for interior design licensure upon submission of a~~
1776 ~~completed application for such license and a fee not to exceed~~
1777 ~~\$30. Such persons shall be exempt from the requirements of s.~~
1778 ~~481.209(2). For architects licensed as interior designers,~~
1779 ~~satisfaction of the requirements for renewal of licensure as an~~
1780 ~~architect under s. 481.215 shall be deemed to satisfy the~~
1781 ~~requirements for renewal of licensure as an interior designer~~
1782 ~~under that section. Complaint processing, investigation, or~~
1783 ~~other discipline-related legal costs related to persons licensed~~
1784 ~~as interior designers under this paragraph shall be assessed~~
1785 ~~against the architects' account of the Regulatory Trust Fund.~~

1786 ~~(c) Notwithstanding any other provision of this part, any~~
1787 ~~corporation, partnership, or person operating under a fictitious~~
1788 ~~name which holds a certificate of authorization to provide~~
1789 ~~architectural services shall be qualified, without fee, for a~~
1790 ~~certificate of authorization to provide interior design services~~
1791 ~~upon submission of a completed application therefor. For~~
1792 ~~corporations, partnerships, and persons operating under a~~
1793 ~~fictitious name which hold a certificate of authorization to~~

1794 ~~provide interior design services, satisfaction of the~~
1795 ~~requirements for renewal of the certificate of authorization to~~
1796 ~~provide architectural services under s. 481.219 shall be deemed~~
1797 ~~to satisfy the requirements for renewal of the certificate of~~
1798 ~~authorization to provide interior design services under that~~
1799 ~~section.~~

1800 ~~(6) This part shall not apply to:~~

1801 ~~(a) A person who performs interior design services or~~
1802 ~~interior decorator services for any residential application,~~
1803 ~~provided that such person does not advertise as, or represent~~
1804 ~~himself or herself as, an interior designer. For purposes of~~
1805 ~~this paragraph, "residential applications" includes all types of~~
1806 ~~residences, including, but not limited to, residence buildings,~~
1807 ~~single-family homes, multifamily homes, townhouses, apartments,~~
1808 ~~condominiums, and domestic outbuildings appurtenant to one-~~
1809 ~~family or two-family residences. However, "residential~~
1810 ~~applications" does not include common areas associated with~~
1811 ~~instances of multiple-unit dwelling applications.~~

1812 ~~(b) An employee of a retail establishment providing~~
1813 ~~"interior decorator services" on the premises of the retail~~
1814 ~~establishment or in the furtherance of a retail sale or~~
1815 ~~prospective retail sale, provided that such employee does not~~
1816 ~~advertise as, or represent himself or herself as, an interior~~
1817 ~~designer.~~

1818 ~~(7) Nothing in this part shall be construed as authorizing~~

1819 ~~or permitting an interior designer to engage in the business of,~~
 1820 ~~or to act as, a contractor within the meaning of chapter 489,~~
 1821 ~~unless registered or certified as a contractor pursuant to~~
 1822 ~~chapter 489.~~

1823 (5)~~(8)~~ A manufacturer of commercial food service equipment
 1824 or the manufacturer's representative, distributor, or dealer or
 1825 an employee thereof, who prepares designs, specifications, or
 1826 layouts for the sale or installation of such equipment is exempt
 1827 from licensure as an architect ~~or interior designer~~, if:

1828 (a) The designs, specifications, or layouts are not used
 1829 for construction or installation that may affect structural,
 1830 mechanical, plumbing, heating, air conditioning, ventilating,
 1831 electrical, or vertical transportation systems.

1832 (b) The designs, specifications, or layouts do not
 1833 materially affect lifesafety systems pertaining to firesafety
 1834 protection, smoke evacuation and compartmentalization, and
 1835 emergency ingress or egress systems.

1836 (c) Each design, specification, or layout document
 1837 prepared by a person or entity exempt under this subsection
 1838 contains a statement on each page of the document that the
 1839 designs, specifications, or layouts are not architectural,
 1840 ~~interior design~~, or engineering designs, specifications, or
 1841 layouts and not used for construction unless reviewed and
 1842 approved by a licensed architect or engineer.

1843 Section 74. Subsection (1) of section 481.231, Florida

1844 Statutes, is amended to read:

1845 481.231 Effect of part locally.—

1846 (1) ~~Nothing in~~ This part does not ~~shall be construed to~~
 1847 ~~repeal, amend, limit, or otherwise affect any specific provision~~
 1848 ~~of any local building code or zoning law or ordinance that has~~
 1849 ~~been duly adopted, now or hereafter enacted, which is more~~
 1850 ~~restrictive, with respect to the services of registered~~
 1851 ~~architects or registered interior designers, than the provisions~~
 1852 ~~of this part; provided, however, that a licensed architect shall~~
 1853 ~~be deemed licensed as an interior designer for purposes of~~
 1854 ~~offering or rendering interior design services to a county,~~
 1855 ~~municipality, or other local government or political~~
 1856 ~~subdivision.~~

1857 Section 75. Paragraph (c) of subsection (5) of section
 1858 553.79, Florida Statutes, is amended to read:

1859 553.79 Permits; applications; issuance; inspections.—

1860 (5)

1861 (c) The architect or engineer of record may act as the
 1862 special inspector provided she or he is on the Board of
 1863 Professional Engineers' or the Board of Architecture's
 1864 ~~Architecture and Interior Design's~~ list of persons qualified to
 1865 be special inspectors. School boards may utilize employees as
 1866 special inspectors provided such employees are on one of the
 1867 professional licensing board's list of persons qualified to be
 1868 special inspectors.

1869 Section 76. Subsection (7) of section 558.002, Florida
 1870 Statutes, is amended to read:
 1871 558.002 Definitions.—As used in this chapter, the term:
 1872 (7) "Design professional" means a person, as defined in s.
 1873 1.01, who is licensed in this state as an architect, interior
 1874 ~~designer,~~ landscape architect, engineer, surveyor, or geologist.

1875 Section 77. Section 481.303, Florida Statutes, is amended
 1876 to read:

1877 481.303 Definitions.—As used in this chapter, the term:

1878 (1) "Board" means the Board of Landscape Architecture.

1879 (2)~~(4)~~ "Certificate of registration" means a license
 1880 issued by the department to a natural person to engage in the
 1881 practice of landscape architecture.

1882 (3)~~(2)~~ "Department" means the Department of Business and
 1883 Professional Regulation.

1884 ~~(5) "Certificate of authorization" means a license issued~~
 1885 ~~by the department to a corporation or partnership to engage in~~
 1886 ~~the practice of landscape architecture.~~

1887 (4)~~(6)~~ "Landscape architecture" means professional
 1888 services, including, but not limited to, the following:

1889 (a) Consultation, investigation, research, planning,
 1890 design, preparation of drawings, specifications, contract
 1891 documents and reports, responsible construction supervision, or
 1892 landscape management in connection with the planning and
 1893 development of land and incidental water areas, including the

1894 use of Florida-friendly landscaping as defined in s. 373.185,
 1895 where, and to the extent that, the dominant purpose of such
 1896 services or creative works is the preservation, conservation,
 1897 enhancement, or determination of proper land uses, natural land
 1898 features, ground cover and plantings, or naturalistic and
 1899 aesthetic values;

1900 (b) The determination of settings, grounds, and approaches
 1901 for and the siting of buildings and structures, outdoor areas,
 1902 or other improvements;

1903 (c) The setting of grades, shaping and contouring of land
 1904 and water forms, determination of drainage, and provision for
 1905 storm drainage and irrigation systems where such systems are
 1906 necessary to the purposes outlined herein; and

1907 (d) The design of such tangible objects and features as
 1908 are necessary to the purpose outlined herein.

1909 (5) ~~(7)~~ "Landscape design" means consultation for and
 1910 preparation of planting plans drawn for compensation, including
 1911 specifications and installation details for plant materials,
 1912 soil amendments, mulches, edging, gravel, and other similar
 1913 materials. Such plans may include only recommendations for the
 1914 conceptual placement of tangible objects for landscape design
 1915 projects. Construction documents, details, and specifications
 1916 for tangible objects and irrigation systems shall be designed or
 1917 approved by licensed professionals as required by law.

1918 (6)~~(3)~~ "Registered landscape architect" means a person who
 1919 holds a license to practice landscape architecture in this state
 1920 under the authority of this act.

1921 Section 78. Subsection (4) of section 481.311, Florida
 1922 Statutes, is amended to read:

1923 481.311 Licensure.—

1924 ~~(4) The board shall certify as qualified for a certificate
 1925 of authorization any applicant corporation or partnership who
 1926 satisfies the requirements of s. 481.319.~~

1927 Section 79. Subsection (2) of section 481.317, Florida
 1928 Statutes, is amended to read:

1929 481.317 Temporary certificates.—

1930 ~~(2) Upon approval by the board and payment of the fee set
 1931 in s. 481.307, the department shall grant a temporary
 1932 certificate of authorization for work on one specified project
 1933 in this state for a period not to exceed 1 year to an out-of-
 1934 state corporation, partnership, or firm, provided one of the
 1935 principal officers of the corporation, one of the partners of
 1936 the partnership, or one of the principals in the fictitiously
 1937 named firm has obtained a temporary certificate of registration
 1938 in accordance with subsection (1).~~

1939 Section 80. Section 481.319, Florida Statutes, is amended
 1940 to read:

1941 481.319 Corporate and partnership practice of landscape
 1942 architecture; ~~certificate of authorization.~~—

1943 (1) The practice of or offer to practice landscape
 1944 architecture by registered landscape architects registered under
 1945 this part through a corporation or partnership offering
 1946 landscape architectural services to the public, or through a
 1947 corporation or partnership offering landscape architectural
 1948 services to the public through individual registered landscape
 1949 architects as agents, employees, officers, or partners, is
 1950 permitted, subject to the provisions of this section, if:

1951 (a) One or more of the principal officers of the
 1952 corporation, or partners of the partnership, and all personnel
 1953 of the corporation or partnership who act in its behalf as
 1954 landscape architects in this state are registered landscape
 1955 architects; and

1956 (b) One or more of the officers, one or more of the
 1957 directors, one or more of the owners of the corporation, or one
 1958 or more of the partners of the partnership is a registered
 1959 landscape architect; ~~and~~

1960 ~~(c) The corporation or partnership has been issued a~~
 1961 ~~certificate of authorization by the board as provided herein.~~

1962 (2) All documents involving the practice of landscape
 1963 architecture which are prepared for the use of the corporation
 1964 or partnership shall bear the signature and seal of a registered
 1965 landscape architect.

1966 (3) A landscape architect applying to practice in the name
 1967 of a ~~An applicant~~ corporation must ~~shall~~ file with the

1968 department the names and addresses of all officers and board
 1969 members of the corporation, including the principal officer or
 1970 officers, duly registered to practice landscape architecture in
 1971 this state and, also, of all individuals duly registered to
 1972 practice landscape architecture in this state who shall be in
 1973 responsible charge of the practice of landscape architecture by
 1974 the corporation in this state. A landscape architect applying to
 1975 practice in the name of a ~~An applicant~~ partnership must shall
 1976 file with the department the names and addresses of all partners
 1977 of the partnership, including the partner or partners duly
 1978 registered to practice landscape architecture in this state and,
 1979 also, of an individual or individuals duly registered to
 1980 practice landscape architecture in this state who shall be in
 1981 responsible charge of the practice of landscape architecture by
 1982 said partnership in this state.

1983 (4) Each landscape architect qualifying a partnership or
 1984 ~~and corporation licensed~~ under this part must shall notify the
 1985 department within 1 month after ~~of~~ any change in the information
 1986 contained in the application upon which the license is based.
 1987 Any landscape architect who terminates her or his ~~or her~~
 1988 employment with a partnership or corporation licensed under this
 1989 part shall notify the department of the termination within 1
 1990 month after such termination.

1991 ~~(5) Disciplinary action against a corporation or~~
 1992 ~~partnership shall be administered in the same manner and on the~~

1993 | ~~same grounds as disciplinary action against a registered~~
 1994 | ~~landscape architect.~~

1995 | (5)~~(6)~~ Except as provided in s. 558.0035, the fact that a
 1996 | registered landscape architect practices landscape architecture
 1997 | through a corporation or partnership as provided in this section
 1998 | does not relieve the landscape architect from personal liability
 1999 | for her or his ~~or her~~ professional acts.

2000 | Section 81. Subsection (5) of section 481.321, Florida
 2001 | Statutes, is amended to read:

2002 | 481.321 Seals; display of certificate number.—

2003 | (5) Each registered landscape architect must ~~and each~~
 2004 | ~~corporation or partnership holding a certificate of~~
 2005 | ~~authorization shall~~ include her or his ~~its~~ certificate number in
 2006 | any newspaper, telephone directory, or other advertising medium
 2007 | used by the registered landscape architect, corporation, or
 2008 | partnership. A corporation or partnership must ~~is not required~~
 2009 | ~~to~~ display the certificate number ~~numbers~~ of at least one
 2010 | officer, director, owner, or partner who is a individual
 2011 | registered landscape architect ~~architects~~ employed by or
 2012 | practicing with the corporation or partnership.

2013 | Section 82. Subsection (5) of section 481.329, Florida
 2014 | Statutes, is amended to read:

2015 | 481.329 Exceptions; exemptions from licensure.—

2016 | (5) This part does not prohibit any person from engaging
 2017 | in the practice of landscape design, as defined in s. 481.303(5)

2018 | ~~481.303(7)~~, or from submitting for approval to a governmental
 2019 | agency planting plans that are independent of, or a component
 2020 | of, construction documents that are prepared by a Florida-
 2021 | registered professional. Persons providing landscape design
 2022 | services shall not use the title, term, or designation
 2023 | "landscape architect," "landscape architectural," "landscape
 2024 | architecture," "L.A.," "landscape engineering," or any
 2025 | description tending to convey the impression that she or he is a
 2026 | landscape architect unless she or he is registered as provided
 2027 | in this part.

2028 | Section 83. Paragraph (h) of subsection (2) of section
 2029 | 287.055, Florida Statutes, is amended to read:

2030 | 287.055 Acquisition of professional architectural,
 2031 | engineering, landscape architectural, or surveying and mapping
 2032 | services; definitions; procedures; contingent fees prohibited;
 2033 | penalties.—

2034 | (2) DEFINITIONS.—For purposes of this section:

2035 | (h) A "design-build firm" means a partnership,
 2036 | corporation, or other legal entity that:

2037 | 1. Is certified under s. 489.119 to engage in contracting
 2038 | through a certified or registered general contractor or a
 2039 | certified or registered building contractor as the qualifying
 2040 | agent; or

2041 | 2. Is certified under s. 471.023 to practice or to offer
 2042 | to practice engineering ~~+~~ or certified under s. 481.219 to

2043 practice or to offer to practice architecture; ~~or certified~~
 2044 under s. 481.319 to practice or to offer to practice landscape
 2045 architecture.

2046 Section 84. Section 492.104, Florida Statutes, is amended
 2047 to read:

2048 492.104 Rulemaking authority.—The Board of Professional
 2049 Geologists may ~~has authority to~~ adopt rules pursuant to ss.
 2050 120.536(1) and 120.54 to implement this chapter. Every licensee
 2051 shall be governed and controlled by this chapter and the rules
 2052 adopted by the board. The board may establish ~~is authorized to~~
 2053 ~~set,~~ by rule, fees for application, examination, ~~certificate of~~
 2054 ~~authorization,~~ late renewal, initial licensure, and license
 2055 renewal. These fees may ~~should~~ not exceed the cost of
 2056 implementing the application, examination, initial licensure,
 2057 and license renewal or other administrative process and are
 2058 ~~shall be~~ established as follows:

2059 (1) The application fee may ~~shall~~ not exceed \$150 and is
 2060 ~~shall be~~ nonrefundable.

2061 (2) The examination fee may ~~shall~~ not exceed \$250, and the
 2062 fee may be apportioned to each part of a multipart examination.
 2063 The examination fee shall be refundable in whole or part if the
 2064 applicant is found to be ineligible to take any portion of the
 2065 licensure examination.

2066 (3) The initial license fee may ~~shall~~ not exceed \$100.

2067 (4) The biennial renewal fee may ~~shall~~ not exceed \$150.

2068 ~~(5) The fee for a certificate of authorization shall not~~
 2069 ~~exceed \$350 and the fee for renewal of the certificate shall not~~
 2070 ~~exceed \$350.~~

2071 (5)~~(6)~~ The fee for reactivation of an inactive license may
 2072 ~~shall~~ not exceed \$50.

2073 (6)~~(7)~~ The fee for a provisional license may ~~shall~~ not
 2074 exceed \$400.

2075 (7)~~(8)~~ The fee for application, examination, and licensure
 2076 for a license by endorsement is ~~shall be~~ as provided in this
 2077 section for licenses in general.

2078 Section 85. Section 492.111, Florida Statutes, is amended
 2079 to read:

2080 492.111 Practice of professional geology by a firm,
 2081 corporation, or partnership; ~~certificate of authorization.~~—The
 2082 practice of, or offer to practice, professional geology by
 2083 individual professional geologists licensed under the provisions
 2084 of this chapter through a firm, corporation, or partnership
 2085 offering geological services to the public through individually
 2086 licensed professional geologists as agents, employees, officers,
 2087 or partners thereof is permitted subject to the provisions of
 2088 this chapter, if ~~provided that~~:

2089 (1) At all times that it offers geological services to the
 2090 public, the firm, corporation, or partnership is qualified by
 2091 ~~has on file with the department the name and license number of~~
 2092 one or more individuals who hold a current, active license as a

2093 professional geologist in the state and are serving as a
 2094 geologist of record for the firm, corporation, or partnership. A
 2095 geologist of record may be any principal officer or employee of
 2096 such firm or corporation, or any partner or employee of such
 2097 partnership, who holds a current, active license as a
 2098 professional geologist in this state, or any other Florida-
 2099 licensed professional geologist with whom the firm, corporation,
 2100 or partnership has entered into a long-term, ongoing
 2101 relationship, as defined by rule of the board, to serve as one
 2102 of its geologists of record. ~~It shall be the responsibility of~~
 2103 ~~the firm, corporation, or partnership and~~ The geologist of
 2104 record shall ~~to~~ notify the department of any changes in the
 2105 relationship or identity of that geologist of record within 30
 2106 days after such change.

2107 ~~(2) The firm, corporation, or partnership has been issued~~
 2108 ~~a certificate of authorization by the department as provided in~~
 2109 ~~this chapter. For purposes of this section, a certificate of~~
 2110 ~~authorization shall be required of any firm, corporation,~~
 2111 ~~partnership, association, or person practicing under a~~
 2112 ~~fictitious name and offering geological services to the public;~~
 2113 ~~except that, when an individual is practicing professional~~
 2114 ~~geology in her or his own name, she or he shall not be required~~
 2115 ~~to obtain a certificate of authorization under this section.~~
 2116 ~~Such certificate of authorization shall be renewed every 2~~
 2117 ~~years.~~

2118 (2)~~(3)~~ All final geological papers or documents involving
 2119 the practice of the profession of geology which have been
 2120 prepared or approved for the use of such firm, corporation, or
 2121 partnership, for delivery to any person for public record with
 2122 the state, shall be dated and bear the signature and seal of the
 2123 professional geologist or professional geologists who prepared
 2124 or approved them.

2125 (3)~~(4)~~ Except as provided in s. 558.0035, the fact that a
 2126 licensed professional geologist practices through a corporation
 2127 or partnership does not relieve the registrant from personal
 2128 liability for negligence, misconduct, or wrongful acts committed
 2129 by her or him. The partnership and all partners are jointly and
 2130 severally liable for the negligence, misconduct, or wrongful
 2131 acts committed by their agents, employees, or partners while
 2132 acting in a professional capacity. Any officer, agent, or
 2133 employee of a corporation is personally liable and accountable
 2134 only for negligent acts, wrongful acts, or misconduct committed
 2135 by her or him or committed by any person under her or his direct
 2136 supervision and control, while rendering professional services
 2137 on behalf of the corporation. The personal liability of a
 2138 shareholder of a corporation, in her or his capacity as
 2139 shareholder, may be no greater than that of a shareholder-
 2140 employee of a corporation incorporated under chapter 607. The
 2141 corporation is liable up to the full value of its property for
 2142 any negligent acts, wrongful acts, or misconduct committed by

2143 any of its officers, agents, or employees while they are engaged
 2144 on behalf of the corporation in the rendering of professional
 2145 services.

2146 ~~(5) The firm, corporation, or partnership desiring a~~
 2147 ~~certificate of authorization shall file with the department an~~
 2148 ~~application therefor, upon a form to be prescribed by the~~
 2149 ~~department, accompanied by the required application fee.~~

2150 ~~(6) The department may refuse to issue a certificate of~~
 2151 ~~authorization if any facts exist which would entitle the~~
 2152 ~~department to suspend or revoke an existing certificate of~~
 2153 ~~authorization or if the department, after giving persons~~
 2154 ~~involved a full and fair hearing, determines that any of the~~
 2155 ~~officers or directors of said firm or corporation, or partners~~
 2156 ~~of said partnership, have violated the provisions of s. 492.113.~~

2157 Section 86. Subsection (4) of section 492.113, Florida
 2158 Statutes, is amended to read:

2159 492.113 Disciplinary proceedings.—

2160 (4) The department shall reissue the license of a
 2161 disciplined professional geologist ~~or business~~ upon
 2162 certification by the board that the disciplined person has
 2163 complied with ~~all of~~ the terms and conditions set forth in the
 2164 final order.

2165 Section 87. Section 492.115, Florida Statutes, is amended
 2166 to read:

2167 492.115 Roster of licensed professional geologists.—A

2168 roster showing the names and places of business or residence of
 2169 all licensed professional geologists and all properly qualified
 2170 firms, corporations, or partnerships practicing holding
 2171 ~~certificates of authorization to practice~~ professional geology
 2172 in the state shall be prepared annually by the department. A
 2173 copy of this roster must be made available to ~~shall be~~
 2174 ~~obtainable by~~ each licensed professional geologist and each
 2175 firm, corporation, or partnership qualified by a professional
 2176 geologist holding a certificate of authorization, and copies
 2177 thereof shall be placed on file with the department.

2178 Section 88. Paragraphs (j) and (k) of subsection (2) of
 2179 section 548.003, Florida Statutes, are redesignated as
 2180 paragraphs (i) and (j), respectively, and paragraph (i) of that
 2181 subsection is amended to read:

2182 548.003 Florida State Boxing Commission.—

2183 (2) The Florida State Boxing Commission, as created by
 2184 subsection (1), shall administer the provisions of this chapter.
 2185 The commission has authority to adopt rules pursuant to ss.
 2186 120.536(1) and 120.54 to implement the provisions of this
 2187 chapter and to implement each of the duties and responsibilities
 2188 conferred upon the commission, including, but not limited to:

2189 ~~(i) Designation and duties of a knockdown timekeeper.~~

2190 Section 89. Subsection (1) of section 548.017, Florida
 2191 Statutes, is amended to read:

2192 548.017 Participants, managers, and other persons required

2193 to have licenses.-

2194 (1) A participant, manager, trainer, second, ~~timekeeper,~~
 2195 referee, judge, ~~announcer,~~ physician, matchmaker, or promoter
 2196 must be licensed before directly or indirectly acting in such
 2197 capacity in connection with any match involving a participant. A
 2198 physician approved by the commission must be licensed pursuant
 2199 to chapter 458 or chapter 459, must maintain an unencumbered
 2200 license in good standing, and must demonstrate satisfactory
 2201 medical training or experience in boxing, or a combination of
 2202 both, to the executive director before working as the ringside
 2203 physician.

2204 Section 90. This act shall take effect July 1, 2017.