

By Senator Albritton

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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 to changes made by the act;
13 repealing s. 447.04, F.S., relating to licensure and
14 permit requirements for business agents; repealing s.
15 447.041, F.S., relating to hearings for persons or
16 labor organizations denied licensure as a business
17 agent; repealing s. 447.045, F.S., relating to
18 confidential information obtained during the
19 application process; repealing s. 447.06, F.S.,
20 relating to required registration of labor
21 organizations; amending s. 447.09, F.S.; deleting
22 certain prohibited actions relating to the right of
23 franchise of a member of a labor organization;
24 repealing s. 447.12, F.S., relating to registration
25 fees; repealing s. 447.16, F.S., relating to
26 applicability; amending s. 447.305, F.S.; deleting a
27 provision that requires notification of registrations
28 and renewals to the department; amending s. 455.213,
29 F.S.; requiring the Department of Business and

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30 Professional Regulation or a board to seek reciprocal
31 licensing agreements with other states under certain
32 circumstances; providing requirements; repealing s.
33 468.381, F.S., relating to purpose; amending s.
34 468.382, F.S.; revising definitions; repealing s.
35 468.384, F.S., relating to the Florida Board of
36 Auctioneers; repealing s. 468.385, F.S., relating to
37 licensure requirements for the practice of
38 auctioneering; repealing s. 468.3851, F.S., relating
39 to licensure renewal; repealing s. 468.3852, F.S.,
40 relating to license reactivation; repealing s.
41 468.3855, F.S., relating to training requirements for
42 auctioneer apprenticeships; repealing s. 468.386,
43 F.S., relating to fees and local licensing
44 requirements; repealing s. 468.387, F.S., relating to
45 licensure by endorsement; amending s. 468.388, F.S.;
46 deleting certain requirements relating to auctioneer
47 licenses with regard to the conduct of an auction;
48 amending s. 468.389, F.S.; revising prohibited acts
49 and penalties; amending s. 468.391, F.S.; conforming
50 cross-references; repealing ss. 468.392, 468.393,
51 468.394, 468.395, 468.396, 468.397, 468.398, and
52 458.399, F.S., relating to the Auctioneer Recovery
53 Fund, surcharges and assessments on license fees,
54 payment of interest earned into the recovery fund,
55 recovery from the recovery fund, claims against a
56 single licensee in excess of a specified dollar
57 limitation and joinder of claims, payment of claims
58 from the recovery fund, suspension of a judgment

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59 debtor's license, and the expenditure of excess funds,
60 respectively; amending s. 468.401, F.S.; revising
61 definitions; repealing ss. 468.402, 468.403, 468.404,
62 and 468.405, F.S., relating to duties and authority of
63 the Department of Business and Professional Regulation
64 with regard to licensure of talent agencies, licensure
65 requirements, license fees and renewals, and
66 qualification for a talent agency license,
67 respectively; amending s. 468.406, F.S.; requiring an
68 owner or operator of a talent agency to post an
69 itemized schedule of fees, charges, and commissions in
70 a specified place; repealing s. 468.407, F.S.,
71 relating to the form and posting requirements for a
72 license; amending s. 468.408, F.S.; conforming
73 provisions to changes made by the act; amending s.
74 468.409, F.S.; deleting a requirement for record
75 inspection; amending s. 468.410, F.S.; deleting a
76 requirement to include specified information in a
77 contract between a talent agency and applicant;
78 amending s. 468.412, F.S.; deleting recordkeeping and
79 posting requirements; amending s. 468.413, F.S.;
80 revising criminal penalties; conforming provisions to
81 changes made by the act; repealing s. 468.414, F.S.,
82 relating to the deposit of certain funds in the
83 Professional Regulation Trust Fund; amending s.
84 468.415, F.S.; prohibiting any agent, owner, or
85 operator who commits sexual misconduct in the
86 operation of a talent agency from acting as an agent,
87 owner, or operator of a Florida talent agency;

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88 amending s. 468.524, F.S.; deleting specified
89 exemptions from the time restriction for an employee
90 leasing company to reapply for licensure; amending s.
91 468.613, F.S.; providing for waiver of specified
92 requirements for certification under certain
93 circumstances; amending s. 468.8314, F.S.; requiring
94 an applicant for a license by endorsement to maintain
95 a specified insurance policy; requiring the department
96 to certify an applicant who holds a specified license
97 issued by another state or territory of the United
98 States under certain circumstances; amending s.
99 468.8414, F.S.; providing additional licensure
100 requirements for mold remediators; amending s.
101 469.006, F.S.; providing additional licensure
102 requirements for asbestos abatement consulting or
103 contracting as a partnership, corporation, business
104 trust, or other legal entity; amending s. 469.009,
105 F.S.; conforming provisions to changes made by the
106 act; amending s. 471.005, F.S.; revising definitions;
107 amending s. 471.011, F.S.; conforming a provision to
108 changes made by the act; amending s. 471.015, F.S.;
109 revising licensure requirements for engineers who hold
110 specified licenses in another state; amending s.
111 471.023, F.S.; providing requirements for
112 qualification of a business organization; providing
113 requirements for a qualifying agent; deleting the
114 administration of disciplinary action against a
115 business organization; amending s. 473.308, F.S.;
116 deleting continuing education requirements for license

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117 by endorsement for certified public accountants;
118 amending s. 474.202, F.S.; revising the definition of
119 the term "limited-service veterinary medical practice"
120 to include certain vaccinations or immunizations;
121 amending s. 474.207, F.S.; revising education
122 requirements for licensure by examination; amending s.
123 474.217, F.S.; requiring the Department of Business
124 and Professional Regulation to issue a license by
125 endorsement to certain applicants who successfully
126 complete a specified examination; amending s. 476.114,
127 F.S.; revising training requirements for licensure as
128 a barber; amending s. 476.144, F.S.; requiring the
129 department to license an applicant who is licensed to
130 practice barbering in another state; amending s.
131 477.013, F.S.; revising the definition of the term
132 "hair braiding"; repealing s. 477.0132, F.S., relating
133 to registration for hair braiding, hair wrapping, and
134 body wrapping; amending s. 477.0135, F.S.; providing
135 additional exemptions from license or registration
136 requirements for specified occupations or practices;
137 amending s. 477.019, F.S.; conforming provisions to
138 changes made by the act; amending s. 477.0201, F.S.;
139 providing requirements for registration as a
140 specialist; amending s. 477.026, F.S.; conforming
141 provisions to changes made by the act; amending s.
142 477.0263, F.S.; providing certain cosmetology services
143 may be performed in a location other than a licensed
144 salon under certain circumstances; amending ss.
145 477.0265 and 477.029, F.S.; conforming provisions to

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146 changes made by the act; amending s. 481.201, F.S.;

147 deleting legislative findings relating to the practice

148 of interior design; amending s. 481.203, F.S.;

149 revising definitions; amending s. 481.205, F.S.;

150 renaming the Board of Architecture and Interior Design

151 as the Board of Architecture; revising membership of

152 the board; conforming provisions; amending ss.

153 481.207, 481.209, and 481.213, F.S.; conforming

154 provisions; amending s. 481.2131, F.S.; requiring

155 certain interior designers to include proof of

156 completed specified examination requirements when

157 submitting documents for the issuance of a building

158 permit; providing that a license or registration is

159 not required for specified persons to practice;

160 amending ss. 481.215 and 481.217, F.S.; conforming

161 provisions to changes made by the act; amending s.

162 481.219, F.S.; deleting provisions permitting the

163 practice of or offer to practice interior design

164 through certain business organizations; deleting

165 provisions requiring certificates of authorization for

166 certain business organizations offering interior

167 design services to the public; requiring a licensee or

168 applicant in the practice of architecture to qualify

169 as a business organization; providing requirements;

170 amending s. 481.221, F.S.; conforming provisions;

171 requiring a registered architect or a qualifying agent

172 for a business organization to display their license

173 number in specified advertisements; providing an

174 exception; amending ss. 481.222 and 481.223, F.S.;

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175 conforming provisions; repealing s. 481.2251, F.S.,
176 relating to the practice and regulation of interior
177 design, registration for interior designers, and
178 disciplinary proceedings against registered interior
179 designers; amending ss. 481.229 and 481.231, F.S.;
180 conforming provisions; amending s. 481.303, F.S.;
181 deleting the definition of the term "certificate of
182 authorization"; amending s. 481.310, F.S.; providing
183 that an applicant who holds a specified degree is not
184 required to demonstrate 1 year of practical experience
185 for licensure; amending s. 481.311, F.S.; requiring
186 the Board of Landscape Architecture to certify an
187 applicant who holds a specified license issued by
188 another state or territory of the United States under
189 certain circumstances; conforming provisions; amending
190 s. 481.317, F.S.; conforming provisions; amending s.
191 481.319, F.S.; deleting the requirement for a
192 certificate of authorization; authorizing landscape
193 architects to practice through a corporation or
194 partnership; amending s. 481.321, F.S.; requiring a
195 landscape architect to display their certificate
196 number in specified advertisements; amending s.
197 481.329, F.S.; conforming a cross-reference; amending
198 s. 489.103, F.S.; revising certain contract prices for
199 exemption; amending s. 489.111, F.S.; providing that
200 an applicant who is exempt from a specified
201 examination is eligible for licensure; amending s.
202 489.113, F.S.; providing that an applicant holding a
203 specified degree does not have to pass a certain

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204 examination; amending s. 489.115, F.S.; requiring the
205 Construction Industry Licensing Board to certify any
206 applicant who holds a specified license to practice
207 contracting issued by another state or territory of
208 the United States under certain circumstances;
209 amending s. 489.511, F.S.; requiring the board to
210 certify as qualified for certification by endorsement
211 any applicant who holds a specified license to
212 practice electrical or alarm system contracting issued
213 by another state or territory of the United States
214 under certain circumstances; amending s. 489.517,
215 F.S.; providing a reduction in certain continuing
216 education hours required for registered contractors;
217 amending s. 489.518, F.S.; requiring a person to have
218 completed a specified amount of training within a
219 certain time period to perform the duties of an alarm
220 system agent; amending s. 492.104, F.S.; conforming
221 provisions to changes made by the act; amending s.
222 492.108, F.S.; requiring the department to issue a
223 license by endorsement to any applicant who has held a
224 specified license to practice geology in another
225 state, trust, territory, or possession of the United
226 States for a certain period of time; providing that an
227 applicant may take the examination required by the
228 board if they have not met the specified examination
229 requirement; amending s. 492.111, F.S.; deleting the
230 requirements for a certificate of authorization for a
231 professional geologist; amending ss. 492.113 and
232 492.115, F.S.; conforming provisions; amending s.

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233 548.003, F.S.; deleting the requirement that the
 234 Florida State Boxing Commission adopt rules relating
 235 to a knockdown timekeeper; amending s. 548.017, F.S.;
 236 deleting the licensure requirement for a timekeeper or
 237 an announcer; amending s. 553.5141, F.S.; conforming
 238 provisions to changes made by the act; amending s.
 239 553.74, F.S.; revising the membership and
 240 qualifications of the Florida Building Commission;
 241 amending ss. 553.79, 558.002, 559.25, and 287.055,
 242 F.S.; conforming provisions to changes made by the
 243 act; providing an effective date.

244

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

246

247 Section 1. Paragraph (a) of subsection (4) of section
 248 20.165, Florida Statutes, is amended to read:

249 20.165 Department of Business and Professional Regulation.—

250 There is created a Department of Business and Professional
 251 Regulation.

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

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

256 ~~2. Florida Board of Auctioneers, created under part VI of~~
 257 ~~chapter 468.~~

258 2.3. Barbers' Board, created under chapter 476.

259 3.4. Florida Building Code Administrators and Inspectors
 260 Board, created under part XII of chapter 468.

261 4.5. Construction Industry Licensing Board, created under

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262 part I of chapter 489.

263 ~~5.6.~~ Board of Cosmetology, created under chapter 477.

264 ~~6.7.~~ Electrical Contractors' Licensing Board, created under
265 part II of chapter 489.

266 ~~7.8.~~ Board of Employee Leasing Companies, created under
267 part XI of chapter 468.

268 ~~8.9.~~ Board of Landscape Architecture, created under part II
269 of chapter 481.

270 ~~9.10.~~ Board of Pilot Commissioners, created under chapter
271 310.

272 ~~10.11.~~ Board of Professional Engineers, created under
273 chapter 471.

274 ~~11.12.~~ Board of Professional Geologists, created under
275 chapter 492.

276 ~~12.13.~~ Board of Veterinary Medicine, created under chapter
277 474.

278 ~~13.14.~~ Home inspection services licensing program, created
279 under part XV of chapter 468.

280 ~~14.15.~~ Mold-related services licensing program, created
281 under part XVI of chapter 468.

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

284 326.004 Licensing.—

285 (13) Each broker must maintain a principal place of
286 business in this state and may establish branch offices in the
287 state. ~~A separate license must be maintained for each branch
288 office. The division shall establish by rule a fee not to exceed
289 \$100 for each branch office license.~~

290 Section 3. Subsection (3) of section 447.02, Florida

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291 Statutes, is amended to read:

292 447.02 Definitions.—The following terms, when used in this
293 chapter, shall have the meanings ascribed to them in this
294 section:

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

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

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

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

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

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

303 447.09 Right of franchise preserved; penalties.—It shall be
304 unlawful for any person:

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

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

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

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

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

313 447.305 Registration of employee organization.—

314 ~~(4) Notification of registrations and renewals of
315 registration shall be furnished at regular intervals by the
316 commission to the Department of Business and Professional
317 Regulation.~~

318 Section 12. Subsection (13) is added to section 455.213,
319 Florida Statutes, to read:

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320 455.213 General licensing provisions.—

321 (13) The department or a board must enter into a reciprocal
322 licensing agreement with other states if the practice act within
323 the purview of this chapter permits such agreement. If a
324 reciprocal licensing agreement exists or if the department or
325 board has determined another state's licensing requirements or
326 examinations to be substantially similar to those under the
327 practice act, the department or board must post on its website
328 which jurisdictions have such reciprocal licensing agreements or
329 substantially similar licenses.

330 Section 13. Section 468.381, Florida Statutes, is repealed.

331 Section 14. Section 468.382, Florida Statutes, is amended
332 to read:

333 468.382 Definitions.—As used in this act, the term:

334 (1)~~(8)~~ "Absolute auction" means an auction that requires no
335 minimum opening bid that limits the sale other than to the
336 highest bidder.

337 (2)~~(7)~~ "Agricultural product" means the natural products
338 from a farm, nursery, grove, orchard, vineyard, garden, or
339 apiary, including livestock, tobacco, and vegetables and
340 includes those agricultural products as defined in chapter 618.

341 (3)~~(1)~~ "Auction business" means a sole proprietorship,
342 partnership, or corporation which in the regular course of
343 business arranges, manages, sponsors, advertises, promotes, or
344 carries out auctions, employs auctioneers to conduct auctions in
345 its facilities, or uses or allows the use of its facilities for
346 auctions.

347 (4)~~(2)~~ "Auctioneer" means any person who conducts auctions
348 within the state ~~licensed pursuant to this part who holds a~~

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349 ~~valid Florida auctioneer license.~~

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

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

353 ~~(5) "Department" means the Department of Business and~~
354 ~~Professional Regulation.~~

355 ~~(5)(6)~~ "Livestock" means any animal included in the
356 definition of "livestock" by s. 585.01 or s. 588.13.

357 Section 15. Section 468.384, Florida Statutes, is repealed.

358 Section 16. Section 468.385, Florida Statutes, is repealed.

359 Section 17. Section 468.3851, Florida Statutes, is
360 repealed.

361 Section 18. Section 468.3852, Florida Statutes, is
362 repealed.

363 Section 19. Section 468.3855, Florida Statutes, is
364 repealed.

365 Section 20. Section 468.386, Florida Statutes, is repealed.

366 Section 21. Section 468.387, Florida Statutes, is repealed.

367 Section 22. Subsections (6) through (11) of section
368 468.388, Florida Statutes, are renumbered as subsections (4)
369 through (9), respectively, and present subsections (3), (4),
370 (5), (9), (10), and (11) are amended to read:

371 468.388 Conduct of an auction.—

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

375 ~~(4) Each auction must be conducted by an auctioneer who has~~
376 ~~an active license or by an apprentice who has an active~~
377 ~~apprentice auctioneer license and who has received prior written~~

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378 ~~sponsor consent. Each auction must be conducted under the~~
379 ~~auspices of a licensed auction business. Any auctioneer or~~
380 ~~apprentice auctioneer conducting an auction, and any auction~~
381 ~~business under whose auspices such auction is held, shall be~~
382 ~~responsible for determining that any auctioneer, apprentice, or~~
383 ~~auction business with whom they are associated in conducting~~
384 ~~such auction has an active Florida auctioneer, apprentice, or~~
385 ~~auction business license.~~

386 ~~(5) The principal auctioneer shall prominently display at~~
387 ~~the auction site the licenses of the principal auctioneer, the~~
388 ~~auction business, and any other licensed auctioneers or~~
389 ~~apprentices who are actively participating in the auction. If~~
390 ~~such a display is not practicable, then an oral announcement at~~
391 ~~the beginning of the auction or a prominent written announcement~~
392 ~~that these licenses are available for inspection at the auction~~
393 ~~site must be made.~~

394 ~~(7)~~(9) The auction business under which the auction is
395 conducted is responsible for all other aspects of the auction as
396 required by this part ~~board rule~~. The auction business may
397 delegate in whole, or in part, different aspects of the auction
398 only to the extent that such delegation is permitted by law and
399 that such delegation will not impede the principal auctioneer's
400 ability to ensure the proper conduct of his or her independent
401 responsibility for the auction. The auction business under whose
402 auspices the auction is conducted is responsible for ensuring
403 compliance as required by this part ~~board rule~~.

404 ~~(8)~~(10)(a) When settlement is not made immediately after an
405 auction, all sale proceeds received for another person must be
406 deposited in an escrow or trust account in an insured bank or

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407 savings and loan association located in this state within 2
408 working days after the auction. A maximum of \$100 may be kept in
409 the escrow account for administrative purposes.

410 (b) Each auction business shall maintain, for not less than
411 2 years, a separate ledger showing the funds held for another
412 person deposited and disbursed by the auction business for each
413 auction. The escrow or trust account must be reconciled monthly
414 with the bank statement. A signed and dated record shall be
415 maintained for a 2-year period ~~and be available for inspection~~
416 ~~by the department or at the request of the board.~~

417 (c) Any interest which accrues to sale proceeds on deposit
418 shall be the property of the seller for whom the funds were
419 received unless the parties have agreed otherwise by written
420 agreement executed prior to the auction.

421 (d) Unless otherwise provided by written agreement executed
422 prior to the auction, funds received by an auctioneer or auction
423 business ~~a licensee~~ from the seller or his or her agent for
424 expenses, including advertising, must be expended for the
425 purposes advanced or refunded to the seller at the time of final
426 settlement. Any funds so received shall be maintained in an
427 escrow or trust account in an insured bank or savings and loan
428 association located in this state. However, this does not
429 prohibit advanced payment of a flat fee.

430 ~~(11)(a) All advertising by an auctioneer or auction~~
431 ~~business shall include the name and Florida license number of~~
432 ~~such auctioneer and auction business. The term "advertising"~~
433 ~~shall not include articles of clothing, directional signs, or~~
434 ~~other promotional novelty items.~~

435 (9)(a) ~~(b)~~ No ~~licensed~~ auctioneer, apprentice, or auction

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436 business may disseminate or cause to be disseminated any
437 advertisement or advertising which is false, deceptive,
438 misleading, or untruthful. Any advertisement or advertising
439 shall be deemed to be false, deceptive, misleading, or
440 untruthful if it:

441 1. Contains misrepresentations of facts.

442 2. Is misleading or deceptive because, in its content or in
443 the context in which it is presented, it makes only a partial
444 disclosure of relevant facts.

445 3. Creates false or unjustified expectations of the
446 services to be performed.

447 ~~4. Contains any representation or claim which the~~
448 ~~advertising licensee fails to perform.~~

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

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

453 4.7. Advertises an auction as absolute without specifying
454 any and all items to be sold with reserve or with minimum bids.

455 5.8. Fails to include the percentage amount of any buyer's
456 premium or surcharge which is a condition to sale.

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

460 (c)~~(d)~~ The auction business shall be responsible for the
461 content of all advertising disseminated in preparation for an
462 auction.

463 Section 23. Section 468.389, Florida Statutes, is amended
464 to read:

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465 468.389 Prohibited acts; penalties.—

466 ~~(1)~~ The following acts shall be grounds for a civil cause
467 of action for damages against an auctioneer, auction business,
468 or any owner or manager thereof or, in the case of corporate
469 ownership, any substantial stockholder of the corporation owning
470 the auction business ~~the disciplinary activities provided in~~
471 ~~subsections (2) and (3):~~

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

474 (2)(b) Misrepresentation of property for sale at auction or
475 making false promises concerning the use, value, or condition of
476 such property by an auctioneer or auction business or by anyone
477 acting as an agent of or with the consent of the auctioneer or
478 auction business.

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

483 (4)(d) False, deceptive, misleading, or untruthful
484 advertising.

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

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

489 ~~(g) Making any material false statement on a license~~
490 ~~application.~~

491 (7)(h) Commingling money or property of another person with
492 his or her own. Every auctioneer and auction business shall
493 maintain a separate trust or escrow account in an insured bank

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494 or savings and loan association located in this state in which
495 shall be deposited all proceeds received for another person
496 through an auction sale.

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

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

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

507 (10)~~(l)~~ Being convicted or found guilty, regardless of
508 adjudication, of a crime in any jurisdiction which directly
509 relates to the practice or the ability to practice the
510 profession of auctioneering.

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

514 ~~(a) Refusal to certify to the department an application for~~
515 ~~licensure.~~

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

517 ~~(c) Imposition of an administrative fine not to exceed~~
518 ~~\$1,000 for each count or separate offense.~~

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

520 ~~(e) Placement of the auctioneer on probation for a period~~
521 ~~of time and subject to conditions as the board may specify,~~
522 ~~including requiring the auctioneer to successfully complete the~~

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523 ~~licensure examination.~~

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

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

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

534 Section 24. Section 468.391, Florida Statutes, is amended
535 to read:

536 468.391 Penalty.—Any auctioneer, ~~apprentice,~~ or auction
537 business or any owner or manager thereof, or, in the case of
538 corporate ownership, any substantial stockholder of the
539 corporation owning the auction business, who ~~operates without an~~
540 ~~active license or~~ violates s. 468.389(3), (5), (6), (7), or (8)
541 ~~s. 468.389(1)(c), (e), (f), (h), or (i)~~ commits a felony of the
542 third degree, punishable as provided in s. 775.082 or s.
543 775.083.

544 Section 25. Section 468.392, Florida Statutes, is repealed.

545 Section 26. Section 468.393, Florida Statutes, is repealed.

546 Section 27. Section 468.394, Florida Statutes, is repealed.

547 Section 28. Section 468.395, Florida Statutes, is repealed.

548 Section 29. Section 468.396, Florida Statutes, is repealed.

549 Section 30. Section 468.397, Florida Statutes, is repealed.

550 Section 31. Section 468.398, Florida Statutes, is repealed.

551 Section 32. Section 468.399, Florida Statutes, is repealed.

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552 Section 33. Section 468.401, Florida Statutes, is amended
553 to read:

554 468.401 ~~Regulation of~~ Talent agencies; definitions.—As used
555 in this part, the term ~~or any rule adopted pursuant hereto~~:

556 (1)~~(8)~~ "Artist" means a person performing on the
557 professional stage or in the production of television, radio, or
558 motion pictures; a musician or group of musicians; or a model.

559 (2)~~(7)~~ "Buyer" or "employer" means a person, company,
560 partnership, or corporation that uses the services of a talent
561 agency to provide artists.

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

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

566 (b) Any money received by any person in excess of that
567 which has been paid out by such person for transportation,
568 transfer of baggage, or board and lodging for any applicant for
569 employment; or

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

575 (4) "Engagement" means any employment or placement of an
576 artist, where the artist performs in his or her artistic
577 capacity. However, the term "engagement" shall not apply to
578 procuring opera, music, theater, or dance engagements for any
579 organization defined in s. 501(c)(3) of the Internal Revenue
580 Code or any nonprofit Florida arts organization that has

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581 received a grant from the Division of Cultural Affairs of the
 582 Department of State or has participated in the state touring
 583 program of the Division of Cultural Affairs.

584 ~~(5) "Department" means the Department of Business and~~
 585 ~~Professional Regulation.~~

586 (5)~~(6)~~ "Operator" means the person who is or who will be in
 587 actual charge of a talent agency.

588 (6)~~(2)~~ "Owner" means any partner in a partnership, member
 589 of a firm, or principal officer or officers of a corporation,
 590 whose partnership, firm, or corporation owns a talent agency, or
 591 any individual who is the sole owner of a talent agency.

592 (7)~~(9)~~ "Person" means any individual, company, society,
 593 firm, partnership, association, corporation, manager, or any
 594 agent or employee of any of the foregoing.

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

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

600 (8)~~(1)~~ "Talent agency" means any person who, for
 601 compensation, engages in the occupation or business of procuring
 602 or attempting to procure engagements for an artist.

603 Section 34. Section 468.402, Florida Statutes, is repealed.

604 Section 35. Section 468.403, Florida Statutes, is repealed.

605 Section 36. Section 468.404, Florida Statutes, is repealed.

606 Section 37. Section 468.405, Florida Statutes, is repealed.

607 Section 38. Subsection (1) of section 468.406, Florida
 608 Statutes, is amended to read:

609 468.406 Fees to be charged by talent agencies; rates;

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610 display.-

611 (1) Each owner or operator of a talent agency shall post in
612 a conspicuous place in each place of business of the agency
613 ~~applicant for a license shall file with the application an~~
614 ~~itemized schedule of maximum fees, charges, and commissions that~~
615 ~~which it intends to charge and collect for its services. The~~
616 ~~This schedule may thereafter be raised only by filing with the~~
617 ~~department an amended or supplemental schedule at least 30 days~~
618 ~~before the change is to become effective. The schedule shall be~~
619 ~~posted in a conspicuous place in each place of business of the~~
620 ~~agency and shall be printed in not less than a 30-point~~
621 ~~boldfaced type, except that an agency that uses written~~
622 ~~contracts containing maximum fee schedules need not post such~~
623 ~~schedules.~~

624 Section 39. Section 468.407, Florida Statutes, is repealed.

625 Section 40. Subsection (1) of section 468.408, Florida
626 Statutes, is amended to read:

627 468.408 Bond required.-

628 (1) An owner or operator of a ~~There shall be filed with the~~
629 ~~department for each talent agency shall obtain license~~ a bond in
630 the form of a surety by a reputable company engaged in the
631 bonding business and authorized to do business in this state.
632 The bond shall be for the penal sum of \$5,000, with one or more
633 sureties ~~to be approved by the department~~, and be conditioned
634 that the owner or operator of the talent agency applicant
635 conform to and not violate any of the duties, terms, conditions,
636 provisions, or requirements of this part.

637 (a) If any person is aggrieved by the misconduct of any
638 talent agency, the person may maintain an action in his or her

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639 own name upon the bond of the agency in any court having
640 jurisdiction of the amount claimed. All such claims shall be
641 assignable, and the assignee shall be entitled to the same
642 remedies, upon the bond of the agency or otherwise, as the
643 person aggrieved would have been entitled to if such claim had
644 not been assigned. Any claim or claims so assigned may be
645 enforced in the name of such assignee.

646 (b) The bonding company shall notify the talent agency
647 ~~department~~ of any claim against such bond, and a copy of such
648 notice shall be sent to the talent agency against which the
649 claim is made.

650 Section 41. Section 468.409, Florida Statutes, is amended
651 to read:

652 468.409 Records required to be kept.—Each talent agency
653 shall keep on file the application, registration, or contract of
654 each artist. In addition, such file must include the name and
655 address of each artist, the amount of the compensation received,
656 and all attempts to procure engagements for the artist. No such
657 agency or employee thereof shall knowingly make any false entry
658 in applicant files or receipt files. Each card or document in
659 such files shall be preserved for a period of 1 year after the
660 date of the last entry thereon. ~~Records required under this~~
661 ~~section shall be readily available for inspection by the~~
662 ~~department during reasonable business hours at the talent~~
663 ~~agency's principal office. A talent agency must provide the~~
664 ~~department with true copies of the records in the manner~~
665 ~~prescribed by the department.~~

666 Section 42. Subsection (3) of section 468.410, Florida
667 Statutes, is amended to read:

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668 468.410 Prohibition against registration fees; referral.-

669 (3) A talent agency shall give each applicant a copy of a
670 contract, within 24 hours after the contract's execution, which
671 lists the services to be provided and the fees to be charged.
672 ~~The contract shall state that the talent agency is regulated by~~
673 ~~the department and shall list the address and telephone number~~
674 ~~of the department.~~

675 Section 43. Subsections (4) through (11) of section
676 468.412, Florida Statutes, are renumbered as subsections (3)
677 through (10), respectively, and present subsections (2), (3),
678 (4), (6), and (11) are amended to read:

679 468.412 Talent agency regulations; prohibited acts.-

680 (2) Each talent agency shall keep records in which shall be
681 entered:

682 (a) The name and address of each artist employing such
683 talent agency.†

684 (b) The amount of fees received from each such artist.†

685 (c) The employment in which each such artist is engaged at
686 the time of employing such talent agency and the amount of
687 compensation of the artist in such employment, if any, and the
688 employments subsequently secured by such artist during the term
689 of the contract between the artist and the talent agency and the
690 amount of compensation received by the artist pursuant thereto.†
691 and

692 ~~(d) Other information which the department may require from~~
693 ~~time to time.~~

694 ~~(3) All books, records, and other papers kept pursuant to~~
695 ~~this act by any talent agency shall be open at all reasonable~~
696 ~~hours to the inspection of the department and its agents. Each~~

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697 ~~talent agency shall furnish to the department, upon request, a~~
698 ~~true copy of such books, records, and papers, or any portion~~
699 ~~thereof, and shall make such reports as the department may~~
700 ~~prescribe from time to time.~~

701 (3)~~(4)~~ Each talent agency shall post in a conspicuous place
702 in the office of such talent agency a printed copy of this part
703 and ~~of the rules adopted under this part. Such copies shall also~~
704 ~~contain the name and address of the officer charged with~~
705 ~~enforcing this part. The department shall furnish to talent~~
706 ~~agencies printed copies of any statute or rule required to be~~
707 ~~posted under this subsection.~~

708 (5)~~(6)~~ A ~~No~~ talent agency may not publish or cause to be
709 published any false, fraudulent, or misleading information,
710 representation, notice, or advertisement. All advertisements of
711 a talent agency by means of card, circulars, or signs, and in
712 newspapers and other publications, and all letterheads,
713 receipts, and blanks shall be printed and contain the ~~licensed~~
714 ~~name, department license number,~~ and address of the talent
715 agency and the words "talent agency." A ~~No~~ talent agency may not
716 give any false information or make any false promises or
717 representations concerning an engagement or employment to any
718 applicant who applies for an engagement or employment.

719 (10)~~(11)~~ A talent agency may assign an engagement contract
720 to another talent agency ~~licensed~~ in this state only if the
721 artist agrees in writing to the assignment. The assignment must
722 occur, and written notice of the assignment must be given to the
723 artist, within 30 days after the artist agrees in writing to the
724 assignment.

725 Section 44. Section 468.413, Florida Statutes, is amended

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726 to read:

727 468.413 Legal requirements; penalties.-

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

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

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

736 (1)~~(2)~~ Each of the following acts constitutes a misdemeanor
737 of the second degree, punishable as provided in s. 775.082 or s.
738 775.083:

739 ~~(a) Relocating a business as a talent agency, or operating~~
740 ~~under any name other than that designated on the license, unless~~
741 ~~written notification is given to the department and to the~~
742 ~~surety or sureties on the original bond, and unless the license~~
743 ~~is returned to the department for the recording thereon of such~~
744 ~~changes.~~

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

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

751 (a)~~(d)~~ Failing to maintain the records required by s.
752 468.409 or knowingly making false entries in such records.

753 (b)~~(e)~~ Requiring as a condition to registering or obtaining
754 employment or placement for any applicant that the applicant

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755 subscribe to, purchase, or attend any publication, postcard
756 service, advertisement, resume service, photography service,
757 school, acting school, workshop, or acting workshop.

758 (c)~~(f)~~ Failing to give each applicant a copy of a contract
759 which lists the services to be provided and the fees to be
760 charged by, ~~which states that the talent agency is regulated by~~
761 ~~the department, and which lists the address and telephone number~~
762 ~~of the department.~~

763 (d)~~(g)~~ Failing to maintain a record sheet as required by s.
764 468.412(1).

765 (e)~~(h)~~ Knowingly sending or causing to be sent any artist
766 to a prospective employer or place of business, the character or
767 operation of which employer or place of business the talent
768 agency knows to be in violation of the laws of the United States
769 or of this state.

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

774 (2)~~(4)~~ In the event that ~~the department or any state~~
775 ~~attorney shall have probable cause to believe that a talent~~
776 ~~agency or other person has violated any provision of subsection~~
777 ~~(1), an action may be brought by the department or any state~~
778 ~~attorney to enjoin such talent agency or any person from~~
779 ~~continuing such violation, or engaging therein or doing any acts~~
780 ~~in furtherance thereof, and for such other relief as to the~~
781 ~~court seems appropriate. In addition to this remedy, the~~
782 ~~department may assess a penalty against any talent agency or any~~
783 ~~person in an amount not to exceed \$5,000.~~

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784 Section 45. Section 468.414, Florida Statutes, is repealed.

785 Section 46. Section 468.415, Florida Statutes, is amended
786 to read:

787 468.415 Sexual misconduct in the operation of a talent
788 agency.—The talent agent-artist relationship is founded on
789 mutual trust. Sexual misconduct in the operation of a talent
790 agency means violation of the talent agent-artist relationship
791 through which the talent agent uses the relationship to induce
792 or attempt to induce the artist to engage or attempt to engage
793 in sexual activity. Sexual misconduct is prohibited in the
794 operation of a talent agency. ~~If~~ Any agent, owner, or operator
795 of a ~~licensed~~ talent agency who commits ~~is found to have~~
796 ~~committed~~ sexual misconduct in the operation of a talent agency,
797 ~~the agency license shall be permanently revoked. Such agent,~~
798 ~~owner, or operator~~ shall be permanently prohibited from acting
799 ~~disqualified from present and future licensure as an agent,~~
800 owner, or operator of a Florida talent agency.

801 Section 47. Subsection (4) of section 468.524, Florida
802 Statutes, is amended to read:

803 468.524 Application for license.—

804 (4) ~~A~~ An ~~applicant or~~ licensee is ineligible to reapply for
805 a license for a period of 1 year following final agency action
806 on the ~~denial or~~ revocation of a license ~~applied for or~~ issued
807 under this part. This time restriction does not apply to
808 administrative ~~denials or~~ revocations entered because:

809 (a) The ~~applicant or~~ licensee has made an inadvertent error
810 or omission on the application;

811 (b) The experience documented to the board was insufficient
812 at the time of the previous application; or

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813 ~~(c) The department is unable to complete the criminal~~
814 ~~background investigation because of insufficient information~~
815 ~~from the Florida Department of Law Enforcement, the Federal~~
816 ~~Bureau of Investigation, or any other applicable law enforcement~~
817 ~~agency;~~

818 ~~(c)(d) The applicant or licensee has failed to submit~~
819 ~~required fees.; or~~

820 ~~(e) An applicant or licensed employee leasing company has~~
821 ~~been deemed ineligible for a license because of the lack of good~~
822 ~~moral character of an individual or individuals when such~~
823 ~~individual or individuals are no longer employed in a capacity~~
824 ~~that would require their licensing under this part.~~

825 Section 48. Section 468.613, Florida Statutes, is amended
826 to read:

827 468.613 Certification by endorsement.—The board shall
828 examine other certification or training programs, as applicable,
829 upon submission to the board for its consideration of an
830 application for certification by endorsement. The board shall
831 waive its examination, qualification, education, or training
832 requirements, to the extent that such examination,
833 qualification, education, or training requirements of the
834 applicant are determined by the board to be comparable with
835 those established by the board. The board shall waive its
836 examination, qualification, education, or training requirements
837 if an applicant for certification by endorsement is at least 18
838 years of age; is of good moral character; has held a valid
839 building administrator, inspector, plans examiner, or the
840 equivalent, certification issued by another state or territory
841 of the United States for at least 10 years before the date of

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842 application; and has successfully passed an applicable
843 examination administered by the International Codes Council.

844 Section 49. Subsection (3) of section 468.8314, Florida
845 Statutes, is amended to read:

846 468.8314 Licensure.—

847 (3) The department shall certify as qualified for a license
848 by endorsement an applicant who is of good moral character as
849 determined in s. 468.8313, who maintains an insurance policy as
850 required by s. 468.8322, and who:

851 (a) Holds a valid license to practice home inspection
852 services in another state or territory of the United States,
853 whose educational requirements are substantially equivalent to
854 those required by this part; and has passed a national,
855 regional, state, or territorial licensing examination that is
856 substantially equivalent to the examination required by this
857 part; or

858 (b) Has held a valid license to practice home inspection
859 services issued by another state or territory of the United
860 States for at least 10 years before the date of application.

861 Section 50. Subsection (3) of section 468.8414, Florida
862 Statutes, is amended to read:

863 468.8414 Licensure.—

864 (3) The department shall certify as qualified for a license
865 by endorsement an applicant who is of good moral character, who
866 has the insurance coverage required under s. 468.8421, and who:

867 (a) Is qualified to take the examination as set forth in s.
868 468.8413 and has passed a certification examination offered by a
869 nationally recognized organization that certifies persons in the
870 specialty of mold assessment or mold remediation that has been

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871 approved by the department as substantially equivalent to the
872 requirements of this part and s. 455.217; ~~or~~

873 (b) Holds a valid license to practice mold assessment or
874 mold remediation issued by another state or territory of the
875 United States if the criteria for issuance of the license were
876 substantially the same as the licensure criteria that is
877 established by this part as determined by the department; or

878 (c) Has held a valid license to practice as a mold assessor
879 or a mold remediator issued by another state or territory of the
880 United States for at least 10 years before the date of
881 application.

882 Section 51. Paragraphs (a) and (e) of subsection (2),
883 subsection (3), paragraph (b) of subsection (4), and subsection
884 (6) of section 469.006, Florida Statutes, are amended to read:

885 469.006 Licensure of business organizations; qualifying
886 agents.-

887 (2) (a) If the applicant proposes to engage in consulting or
888 contracting as a partnership, corporation, business trust, or
889 other legal entity, or in any name other than the applicant's
890 legal name, ~~the legal entity must apply for licensure through a~~
891 ~~qualifying agent or the individual applicant must qualify apply~~
892 ~~for licensure under the business organization fictitious name.~~

893 (e) ~~A~~ The license, ~~when issued upon application of a~~
894 ~~business organization,~~ must be in the name of the qualifying
895 agent ~~business organization,~~ and the name of the business
896 organization ~~qualifying agent~~ must be noted on the license
897 ~~thereon.~~ If there is a change in any information that is
898 required to be stated on the application, the qualifying agent
899 ~~business organization~~ shall, within 45 days after such change

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900 occurs, mail the correct information to the department.

901 (3) The qualifying agent must ~~shall~~ be licensed under this
902 chapter in order for the business organization to be qualified
903 ~~licensed~~ in the category of the business conducted for which the
904 qualifying agent is licensed. If any qualifying agent ceases to
905 be affiliated with such business organization, the agent shall
906 so inform the department. In addition, if such qualifying agent
907 is the only licensed individual affiliated with the business
908 organization, the business organization shall notify the
909 department of the termination of the qualifying agent and has
910 ~~shall have~~ 60 days after ~~from~~ the date of termination of the
911 qualifying agent's affiliation with the business organization ~~in~~
912 ~~which~~ to employ another qualifying agent. The business
913 organization may not engage in consulting or contracting until a
914 qualifying agent is employed, unless the department has granted
915 a temporary nonrenewable license to the financially responsible
916 officer, the president, the sole proprietor, a partner, or, in
917 the case of a limited partnership, the general partner, who
918 assumes all responsibilities of a primary qualifying agent for
919 the entity. This temporary license only allows ~~shall only allow~~
920 the entity to proceed with incomplete contracts.

921 (4)

922 (b) Upon a favorable determination by the department, after
923 investigation of the financial responsibility, credit, and
924 business reputation of the qualifying agent and the new business
925 organization, the department shall issue, without any
926 examination, a new license in the qualifying agent's business
927 ~~organization's~~ name, and the name of the business organization
928 ~~qualifying agent~~ shall be noted thereon.

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929 (6) Each qualifying agent shall pay the department an
930 amount equal to the original fee for licensure ~~of a new business~~
931 ~~organization.~~ if the qualifying agent for a business
932 organization desires to qualify additional business
933 organizations. The department shall require the agent to
934 present evidence of supervisory ability and financial
935 responsibility of each such organization. Allowing a licensee to
936 qualify more than one business organization must ~~shall~~ be
937 conditioned upon the licensee showing that the licensee has both
938 the capacity and intent to adequately supervise each business
939 organization. The department may ~~shall~~ not limit the number of
940 business organizations that ~~which~~ the licensee may qualify
941 except upon the licensee's failure to provide such information
942 as is required under this subsection or upon a finding that the
943 ~~such~~ information or evidence ~~as is~~ supplied is incomplete or
944 unpersuasive in showing the licensee's capacity and intent to
945 comply with the requirements of this subsection. A qualification
946 for an additional business organization may be revoked or
947 suspended upon a finding by the department that the licensee has
948 failed in the licensee's responsibility to adequately supervise
949 the operations of the business organization. Failure to
950 adequately supervise the operations of a business organization
951 is ~~shall be~~ grounds for denial to qualify additional business
952 organizations.

953 Section 52. Subsection (1) of section 469.009, Florida
954 Statutes, is amended to read:

955 469.009 License revocation, suspension, and denial of
956 issuance or renewal.—

957 (1) The department may revoke, suspend, or deny the

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958 issuance or renewal of a license; reprimand, censure, or place
959 on probation any contractor, consultant, or financially
960 responsible officer, ~~or business organization~~; require financial
961 restitution to a consumer; impose an administrative fine not to
962 exceed \$5,000 per violation; require continuing education; or
963 assess costs associated with any investigation and prosecution
964 if the contractor or consultant, or business organization or
965 officer or agent thereof, is found guilty of any of the
966 following acts:

967 (a) Willfully or deliberately disregarding or violating the
968 health and safety standards of the Occupational Safety and
969 Health Act of 1970, the Construction Safety Act, the National
970 Emission Standards for Asbestos, the Environmental Protection
971 Agency Asbestos Abatement Projects Worker Protection Rule, the
972 Florida Statutes or rules promulgated thereunder, or any
973 ordinance enacted by a political subdivision of this state.

974 (b) Violating any provision of chapter 455.

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

977 (d) Acting in the capacity of an asbestos contractor or
978 asbestos consultant under any license issued under this chapter
979 except in the name of the licensee as set forth on the issued
980 license.

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

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

984 (g) Being convicted or found guilty of, or entering a plea
985 of nolo contendere to, regardless of adjudication, a crime in
986 any jurisdiction which directly relates to the practice of

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987 asbestos consulting or contracting or the ability to practice
988 asbestos consulting or contracting.

989 (h) Knowingly violating any building code, lifesafety code,
990 or county or municipal ordinance relating to the practice of
991 asbestos consulting or contracting.

992 (i) Performing any act which assists a person or entity in
993 engaging in the prohibited unlicensed practice of asbestos
994 consulting or contracting, if the licensee knows or has
995 reasonable grounds to know that the person or entity was
996 unlicensed.

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

999 Financial mismanagement or misconduct occurs when:

1000 1. Valid liens have been recorded against the property of a
1001 contractor's customer for supplies or services ordered by the
1002 contractor for the customer's job; the contractor has received
1003 funds from the customer to pay for the supplies or services; and
1004 the contractor has not had the liens removed from the property,
1005 by payment or by bond, within 75 days after the date of such
1006 liens;

1007 2. The contractor has abandoned a customer's job and the
1008 percentage of completion is less than the percentage of the
1009 total contract price paid to the contractor as of the time of
1010 abandonment, unless the contractor is entitled to retain such
1011 funds under the terms of the contract or refunds the excess
1012 funds within 30 days after the date the job is abandoned; or

1013 3. The contractor's job has been completed, and it is shown
1014 that the customer has had to pay more for the contracted job
1015 than the original contract price, as adjusted for subsequent

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1016 change orders, unless such increase in cost was the result of
1017 circumstances beyond the control of the contractor, was the
1018 result of circumstances caused by the customer, or was otherwise
1019 permitted by the terms of the contract between the contractor
1020 and the customer.

1021 (k) Being disciplined by any municipality or county for an
1022 act or violation of this chapter.

1023 (l) Failing in any material respect to comply with the
1024 provisions of this chapter, or violating a rule or lawful order
1025 of the department.

1026 (m) Abandoning an asbestos abatement project in which the
1027 asbestos contractor is engaged or under contract as a
1028 contractor. A project may be presumed abandoned after 20 days if
1029 the contractor terminates the project without just cause and
1030 without proper notification to the owner, including the reason
1031 for termination; if the contractor fails to reasonably secure
1032 the project to safeguard the public while work is stopped; or if
1033 the contractor fails to perform work without just cause for 20
1034 days.

1035 (n) Signing a statement with respect to a project or
1036 contract falsely indicating that the work is bonded; falsely
1037 indicating that payment has been made for all subcontracted
1038 work, labor, and materials which results in a financial loss to
1039 the owner, purchaser, or contractor; or falsely indicating that
1040 workers' compensation and public liability insurance are
1041 provided.

1042 (o) Committing fraud or deceit in the practice of asbestos
1043 consulting or contracting.

1044 (p) Committing incompetency or misconduct in the practice

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1045 of asbestos consulting or contracting.

1046 (q) Committing gross negligence, repeated negligence, or
1047 negligence resulting in a significant danger to life or property
1048 in the practice of asbestos consulting or contracting.

1049 (r) Intimidating, threatening, coercing, or otherwise
1050 discouraging the service of a notice to owner under part I of
1051 chapter 713 or a notice to contractor under chapter 255 or part
1052 I of chapter 713.

1053 (s) Failing to satisfy, within a reasonable time, the terms
1054 of a civil judgment obtained against the licensee, or the
1055 business organization qualified by the licensee, relating to the
1056 practice of the licensee's profession.

1057
1058 For the purposes of this subsection, construction is considered
1059 to be commenced when the contract is executed and the contractor
1060 has accepted funds from the customer or lender.

1061 Section 53. Subsection (13) of section 471.005, Florida
1062 Statutes, is renumbered as subsection (3), and present
1063 subsection (3) and subsection (8) of that section are amended to
1064 read:

1065 471.005 Definitions.—As used in this chapter, the term:

1066 ~~(3) "Certificate of authorization" means a license to~~
1067 ~~practice engineering issued by the management corporation to a~~
1068 ~~corporation or partnership.~~

1069 (8) "License" means the licensing of engineers ~~or~~
1070 ~~certification of businesses~~ to practice engineering in this
1071 state.

1072 Section 54. Subsection (4) of section 471.011, Florida
1073 Statutes, is amended to read:

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1074 471.011 Fees.—

1075 ~~(4) The fee for a certificate of authorization shall not~~
1076 ~~exceed \$125.~~

1077 Section 55. Subsection (5) of section 471.015, Florida
1078 Statutes, is amended to read:

1079 471.015 Licensure.—

1080 (5) (a) The board shall deem that an applicant who seeks
1081 licensure by endorsement has passed an examination substantially
1082 equivalent to the fundamentals examination when such applicant
1083 has held a valid professional engineer's license in another
1084 state for 10 ~~15~~ years and has had ~~20~~ years of continuous
1085 ~~professional-level engineering experience.~~

1086 (b) The board shall deem that an applicant who seeks
1087 licensure by endorsement has passed an examination substantially
1088 equivalent to the fundamentals examination and the principles
1089 and practices examination when such applicant has held a valid
1090 professional engineer's license in another state for 15 ~~25~~ years
1091 and has had ~~30~~ years of continuous ~~professional-level~~
1092 ~~engineering experience.~~

1093 Section 56. Section 471.023, Florida Statutes, is amended
1094 to read:

1095 471.023 Qualification Certification ~~Certification~~ of business
1096 organizations.—

1097 (1) The practice of, or the offer to practice, engineering
1098 by licensees or offering engineering services to the public
1099 through a business organization, including a partnership,
1100 corporation, business trust, or other legal entity or by a
1101 business organization, including a corporation, partnership,
1102 business trust, or other legal entity offering such services to

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1103 the public through licensees under this chapter as agents,
1104 employees, officers, or partners is permitted only if the
1105 business organization is qualified by an engineer licensed under
1106 this chapter ~~possesses a certification issued by the management~~
1107 ~~corporation pursuant to qualification by the board~~, subject to
1108 the provisions of this chapter. One or more of the principal
1109 officers of the business organization or one or more partners of
1110 the partnership and all personnel of the business organization
1111 who act in its behalf as engineers in this state shall be
1112 licensed as provided by this chapter. All final drawings,
1113 specifications, plans, reports, or documents involving practices
1114 licensed under this chapter which are prepared or approved for
1115 the use of the business organization or for public record within
1116 the state shall be dated and shall bear the signature and seal
1117 of the licensee who prepared or approved them. Nothing in this
1118 section shall be construed to mean that a license to practice
1119 engineering shall be held by a business organization. Nothing
1120 herein prohibits business organizations from joining together to
1121 offer engineering services to the public, if each business
1122 organization otherwise meets the requirements of this section.
1123 No business organization shall be relieved of responsibility for
1124 the conduct or acts of its agents, employees, or officers by
1125 reason of its compliance with this section, nor shall any
1126 individual practicing engineering be relieved of responsibility
1127 for professional services performed by reason of his or her
1128 employment or relationship with a business organization.

1129 (2) For the purposes of this section, a ~~certificate of~~
1130 ~~authorization shall be required for any~~ business organization or
1131 other person practicing under a fictitious name, offering

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1132 engineering services to the public must be qualified by an
1133 engineer licensed under this chapter. ~~However, when an~~
1134 ~~individual is practicing engineering in his or her own given~~
1135 ~~name, he or she shall not be required to be licensed under this~~
1136 ~~section.~~

1137 (3) Except as provided in s. 558.0035, the fact that a
1138 licensed engineer practices through a business organization does
1139 not relieve the licensee from personal liability for negligence,
1140 misconduct, or wrongful acts committed by him or her.
1141 Partnerships and all partners shall be jointly and severally
1142 liable for the negligence, misconduct, or wrongful acts
1143 committed by their agents, employees, or partners while acting
1144 in a professional capacity. Any officer, agent, or employee of a
1145 business organization other than a partnership shall be
1146 personally liable and accountable only for negligent acts,
1147 wrongful acts, or misconduct committed by him or her or
1148 committed by any person under his or her direct supervision and
1149 control, while rendering professional services on behalf of the
1150 business organization. The personal liability of a shareholder
1151 or owner of a business organization, in his or her capacity as
1152 shareholder or owner, shall be no greater than that of a
1153 shareholder-employee of a corporation incorporated under chapter
1154 607. The business organization shall be liable up to the full
1155 value of its property for any negligent acts, wrongful acts, or
1156 misconduct committed by any of its officers, agents, or
1157 employees while they are engaged on its behalf in the rendering
1158 of professional services.

1159 (4) ~~Each certification of authorization shall be renewed~~
1160 ~~every 2 years.~~ Each qualifying agent of a business organization

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1161 ~~qualified certified~~ under this section must notify the board
1162 within 30 days ~~1 month~~ after any change in the information
1163 contained in the application upon which the certification is
1164 based.

1165 (a) A qualifying agent who terminates an affiliation with a
1166 qualified business organization shall notify the management
1167 corporation of such termination within 24 hours. If such
1168 qualifying agent is the only qualifying agent for that business
1169 organization, the business organization must be qualified by
1170 another qualifying agent within 60 days after the termination.
1171 Except as provided in paragraph (b), the business organization
1172 may not engage in the practice of engineering until it is
1173 qualified by another qualifying agent.

1174 (b) In the event a qualifying agent ceases employment with
1175 a qualified business organization and such qualifying agent is
1176 the only licensed individual affiliated with the business
1177 organization, the executive director of the management
1178 corporation or the chair of the board may authorize another
1179 licensee employed by the business organization to temporarily
1180 serve as its qualifying agent for a period of no more than 60
1181 days to proceed with incomplete contracts. The business
1182 organization is not authorized to operate beyond such period
1183 under this chapter absent replacement of the qualifying agent.

1184 (c) A qualifying agent shall notify the department in
1185 writing before engaging in the practice of engineering in the
1186 licensee's name or in affiliation with a different business
1187 organization.

1188 ~~(5) Disciplinary action against a business organization~~
1189 ~~shall be administered in the same manner and on the same grounds~~

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1190 ~~as disciplinary action against a licensed engineer.~~

1191 Section 57. Subsection (7) of section 473.308, Florida
1192 Statutes, is amended to read:

1193 473.308 Licensure.—

1194 (7) The board shall certify as qualified for a license by
1195 endorsement an applicant who:

1196 (a)~~1.~~ Is not licensed and has not been licensed in another
1197 state or territory and who has met the requirements of this
1198 section for education, work experience, and good moral character
1199 and has passed a national, regional, state, or territorial
1200 licensing examination that is substantially equivalent to the
1201 examination required by s. 473.306; or ~~and~~

1202 ~~2. Has completed such continuing education courses as the~~
1203 ~~board deems appropriate, within the limits for each applicable~~
1204 ~~2-year period as set forth in s. 473.312, but at least such~~
1205 ~~courses as are equivalent to the continuing education~~
1206 ~~requirements for a Florida certified public accountant licensed~~
1207 ~~in this state during the 2 years immediately preceding her or~~
1208 ~~his application for licensure by endorsement; or~~

1209 (b)1.~~a.~~ Holds a valid license to practice public accounting
1210 issued by another state or territory of the United States, if
1211 the criteria for issuance of such license were substantially
1212 equivalent to the licensure criteria that existed in this state
1213 at the time the license was issued;

1214 2.b. Holds a valid license to practice public accounting
1215 issued by another state or territory of the United States but
1216 the criteria for issuance of such license did not meet the
1217 requirements of sub-subparagraph a.; has met the requirements of
1218 this section for education, work experience, and good moral

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1219 character; and has passed a national, regional, state, or
 1220 territorial licensing examination that is substantially
 1221 equivalent to the examination required by s. 473.306; or

1222 ~~3.e. Has held~~ Has held a valid license to practice public
 1223 accounting issued by another state or territory of the United
 1224 States for at least 10 years before the date of application; has
 1225 passed a national, regional, state, or territorial licensing
 1226 examination that is substantially equivalent to the examination
 1227 required by s. 473.306; and has met the requirements of this
 1228 section for good moral character. ~~;~~ ; ~~and~~

1229 ~~2. Has completed continuing education courses that are~~
 1230 ~~equivalent to the continuing education requirements for a~~
 1231 ~~Florida certified public accountant licensed in this state~~
 1232 ~~during the 2 years immediately preceding her or his application~~
 1233 ~~for licensure by endorsement.~~

1234 Section 58. Subsection (6) of section 474.202, Florida
 1235 Statutes, is amended to read:

1236 474.202 Definitions.—As used in this chapter:

1237 (6) "Limited-service veterinary medical practice" means
 1238 offering or providing veterinary services at any location that
 1239 has a primary purpose other than that of providing veterinary
 1240 medical service at a permanent or mobile establishment permitted
 1241 by the board; provides veterinary medical services for privately
 1242 owned animals that do not reside at that location; operates for
 1243 a limited time; and provides limited types of veterinary medical
 1244 services, including vaccinations or immunizations against
 1245 disease, preventative procedures for parasitic control, and
 1246 microchipping.

1247 Section 59. Paragraph (b) of subsection (2) of section

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1248 474.207, Florida Statutes, is amended to read:

1249 474.207 Licensure by examination.—

1250 (2) The department shall license each applicant who the
1251 board certifies has:

1252 (b)1. Graduated from a college of veterinary medicine
1253 accredited by the American Veterinary Medical Association
1254 Council on Education; or

1255 2. Graduated from a college of veterinary medicine listed
1256 in the American Veterinary Medical Association Roster of
1257 Veterinary Colleges of the World and obtained a certificate from
1258 the Education Commission for Foreign Veterinary Graduates or the
1259 Program for the Assessment of Veterinary Education Equivalence.

1260
1261 The department shall not issue a license to any applicant who is
1262 under investigation in any state or territory of the United
1263 States or in the District of Columbia for an act which would
1264 constitute a violation of this chapter until the investigation
1265 is complete and disciplinary proceedings have been terminated,
1266 at which time the provisions of s. 474.214 shall apply.

1267 Section 60. Subsection (1) of section 474.217, Florida
1268 Statutes, is amended to read:

1269 474.217 Licensure by endorsement.—

1270 (1) The department shall issue a license by endorsement to
1271 any applicant who, upon applying to the department and remitting
1272 a fee set by the board, demonstrates to the board that she or
1273 he:

1274 (a) Has demonstrated, in a manner designated by rule of the
1275 board, knowledge of the laws and rules governing the practice of
1276 veterinary medicine in this state; and

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1277 (b)1. ~~Either~~ Holds, and has held for the 3 years
 1278 immediately preceding the application for licensure, a valid,
 1279 active license to practice veterinary medicine in another state
 1280 of the United States, the District of Columbia, or a territory
 1281 of the United States, provided that the applicant has
 1282 successfully completed a state, regional, national, or other
 1283 examination that is equivalent to or more stringent than the
 1284 examination required by the board ~~requirements for licensure in~~
 1285 ~~the issuing state, district, or territory are equivalent to or~~
 1286 ~~more stringent than the requirements of this chapter; or~~

1287 2. Meets the qualifications of s. 474.207(2) (b) and has
 1288 successfully completed a state, regional, national, or other
 1289 examination which is equivalent to or more stringent than the
 1290 examination given by the department and has passed the board's
 1291 clinical competency examination or another clinical competency
 1292 examination specified by rule of the board.

1293 Section 61. Subsection (2) of section 476.114, Florida
 1294 Statutes, is amended to read:

1295 476.114 Examination; prerequisites.—

1296 (2) An applicant shall be eligible for licensure by
 1297 examination to practice barbering if the applicant:

1298 (a) Is at least 16 years of age;

1299 (b) Pays the required application fee; and

1300 (c)1. Holds an active valid license to practice barbering
 1301 in another state, has held the license for at least 1 year, and
 1302 does not qualify for licensure by endorsement as provided for in
 1303 s. 476.144(5); or

1304 2. Has received a minimum of 600 ~~1,200~~ hours of training in
 1305 sanitation, safety, and laws and rules, as established by the

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1306 board, which shall include, but shall not be limited to, the
1307 equivalent of completion of services directly related to the
1308 practice of barbering at one of the following:

- 1309 a. A school of barbering licensed pursuant to chapter 1005;
1310 b. A barbering program within the public school system; or
1311 c. A government-operated barbering program in this state.

1312
1313 The board shall establish by rule procedures whereby the school
1314 or program may certify that a person is qualified to take the
1315 required examination after the completion of a minimum of 325
1316 ~~1,000~~ actual school hours. If the person passes the examination,
1317 she or he shall have satisfied this requirement; but if the
1318 person fails the examination, she or he shall not be qualified
1319 to take the examination again until the completion of the full
1320 requirements provided by this section.

1321 Section 62. Subsection (5) of section 476.144, Florida
1322 Statutes, is amended to read:

1323 476.144 Licensure.—

1324 (5) The board shall certify as qualified for licensure by
1325 endorsement as a barber in this state an applicant who holds a
1326 current active license to practice barbering in another state.

1327 The board shall adopt rules specifying procedures for the
1328 licensure by endorsement of practitioners desiring to be
1329 licensed in this state who hold a current active license in
1330 another ~~state or~~ country and who have met qualifications
1331 substantially similar to, equivalent to, or greater than the
1332 qualifications required of applicants from this state.

1333 Section 63. Subsection (9) of section 477.013, Florida
1334 Statutes, is amended to read:

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1335 477.013 Definitions.—As used in this chapter:

1336 (9) "Hair braiding" means the weaving or interweaving of
1337 natural human hair or commercial hair, including the use of hair
1338 extensions or wefts, for compensation without cutting, coloring,
1339 permanent waving, relaxing, removing, or chemical treatment ~~and~~
1340 ~~does not include the use of hair extensions or wefts.~~

1341 Section 64. Section 477.0132, Florida Statutes, is
1342 repealed.

1343 Section 65. Subsections (7) through (11) are added to
1344 section 477.0135, Florida Statutes, to read:

1345 477.0135 Exemptions.—

1346 (7) A license or registration is not required for a person
1347 whose occupation or practice is confined solely to hair braiding
1348 as defined in s. 477.013(9).

1349 (8) A license or registration is not required for a person
1350 whose occupation or practice is confined solely to hair wrapping
1351 as defined in s. 477.013(10).

1352 (9) A license or registration is not required for a person
1353 whose occupation or practice is confined solely to body wrapping
1354 as defined in s. 477.013(12).

1355 (10) A license or registration is not required for a person
1356 whose occupation or practice is confined solely to applying
1357 polish to fingernails and toenails.

1358 (11) A license or registration is not required for a person
1359 whose occupation or practice is confined solely to makeup
1360 application.

1361 Section 66. Subsections (6) and (7) of section 477.019,
1362 Florida Statutes, are amended to read:

1363 477.019 Cosmetologists; qualifications; licensure;

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1364 supervised practice; license renewal; endorsement; continuing
1365 education.—

1366 (6) The board shall certify as qualified for licensure by
1367 endorsement as a cosmetologist in this state an applicant who
1368 holds a current active license to practice cosmetology in
1369 another state. ~~The board may not require proof of educational~~
1370 ~~hours if the license was issued in a state that requires 1,200~~
1371 ~~or more hours of prelicensure education and passage of a written~~
1372 ~~examination. This subsection does not apply to applicants who~~
1373 ~~received their license in another state through an~~
1374 ~~apprenticeship program.~~

1375 (7) (a) The board shall prescribe by rule continuing
1376 education requirements intended to ensure protection of the
1377 public through updated training of licensees and registered
1378 specialists, not to exceed 10 ~~16~~ hours biennially, as a
1379 condition for renewal of a license or registration as a
1380 specialist under this chapter. Continuing education courses
1381 shall include, but not be limited to, the following subjects as
1382 they relate to the practice of cosmetology: human
1383 immunodeficiency virus and acquired immune deficiency syndrome;
1384 Occupational Safety and Health Administration regulations;
1385 workers' compensation issues; state and federal laws and rules
1386 as they pertain to cosmetologists, cosmetology, salons,
1387 specialists, specialty salons, and booth renters; chemical
1388 makeup as it pertains to hair, skin, and nails; and
1389 environmental issues. Courses given at cosmetology conferences
1390 may be counted toward the number of continuing education hours
1391 required if approved by the board.

1392 ~~(b) Any person whose occupation or practice is confined~~

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1393 ~~solely to hair braiding, hair wrapping, or body wrapping is~~
1394 ~~exempt from the continuing education requirements of this~~
1395 ~~subsection.~~

1396 (b)~~(e)~~ The board may, by rule, require any licensee in
1397 violation of a continuing education requirement to take a
1398 refresher course or refresher course and examination in addition
1399 to any other penalty. The number of hours for the refresher
1400 course may not exceed 48 hours.

1401 Section 67. Subsection (1) of section 477.0201, Florida
1402 Statutes, is amended to read:

1403 477.0201 Specialty registration; qualifications;
1404 registration renewal; endorsement.—

1405 (1) Any person is qualified for registration as a
1406 specialist in any ~~one or more of the specialty practice~~
1407 ~~practices~~ within the practice of cosmetology under this chapter
1408 who:

1409 (a) Is at least 16 years of age or has received a high
1410 school diploma.

1411 (b) Has received a certificate of completion for: ~~in a~~

1412 1. 150 hours of training, as established by the board,
1413 which shall focus primarily on sanitation and safety, to
1414 practice specialties as defined in s. 477.013(6) (a) and (b);
1415 ~~specialty pursuant to s. 477.013(6)~~

1416 2. 165 hours of training, as established by the board,
1417 which shall focus primarily on sanitation and safety, to
1418 practice the specialty as defined in s. 477.013(6) (c); or

1419 3. 300 hours of training, as established by the board,
1420 which shall focus primarily on sanitation and safety, to
1421 practice the specialties as defined in s. 477.013(6) (a)-(c).

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- 1422 (c) The certificate of completion specified in paragraph
1423 (b) must be from one of the following:
- 1424 1. A school licensed pursuant to s. 477.023.
 - 1425 2. A school licensed pursuant to chapter 1005 or the
1426 equivalent licensing authority of another state.
 - 1427 3. A specialty program within the public school system.
 - 1428 4. A specialty division within the Cosmetology Division of
1429 the Florida School for the Deaf and the Blind, provided the
1430 training programs comply with minimum curriculum requirements
1431 established by the board.

1432 Section 68. Paragraph (f) of subsection (1) of section
1433 477.026, Florida Statutes, is amended to read:

1434 477.026 Fees; disposition.—

1435 (1) The board shall set fees according to the following
1436 schedule:

1437 ~~(f) For hair braiders, hair wrappers, and body wrappers,~~
1438 ~~fees for registration shall not exceed \$25.~~

1439 Section 69. Subsection (4) of section 477.0263, Florida
1440 Statutes, is amended, and subsection (5) is added to that
1441 section, to read:

1442 477.0263 Cosmetology services to be performed in licensed
1443 salon; exceptions.—

1444 (4) Pursuant to rules adopted by the board, any cosmetology
1445 or specialty service may be performed in a location other than a
1446 licensed salon when the service is performed in connection with
1447 a special event and is performed by a person ~~who is employed by~~
1448 ~~a licensed salon and~~ who holds the proper license or specialty
1449 registration. ~~An appointment for the performance of any such~~
1450 ~~service in a location other than a licensed salon must be made~~

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1451 ~~through a licensed salon.~~

1452 (5) Hair shampooing, hair cutting, and hair arranging may
 1453 be performed in a location other than a licensed salon when the
 1454 service is performed by a person who holds the proper license.

1455 Section 70. Paragraph (f) of subsection (1) of section
 1456 477.0265, Florida Statutes, is amended to read:

1457 477.0265 Prohibited acts.—

1458 (1) It is unlawful for any person to:

1459 (f) Advertise or imply that skin care services ~~or body~~
 1460 ~~wrapping~~, as performed under this chapter, have any relationship
 1461 to the practice of massage therapy as defined in s. 480.033(3),
 1462 except those practices or activities defined in s. 477.013.

1463 Section 71. Paragraph (a) of subsection (1) of section
 1464 477.029, Florida Statutes, is amended to read:

1465 477.029 Penalty.—

1466 (1) It is unlawful for any person to:

1467 (a) Hold himself or herself out as a cosmetologist or
 1468 ~~specialist, hair wrapper, hair braider, or body wrapper~~ unless
 1469 duly licensed or registered, or otherwise authorized, as
 1470 provided in this chapter.

1471 Section 72. Section 481.201, Florida Statutes, is amended
 1472 to read:

1473 481.201 Purpose.—The primary legislative purpose for
 1474 enacting this part is to ensure that every architect practicing
 1475 in this state meets minimum requirements for safe practice. It
 1476 is the legislative intent that architects who fall below minimum
 1477 competency or who otherwise present a danger to the public shall
 1478 be prohibited from practicing in this state. ~~The Legislature~~
 1479 ~~further finds that it is in the interest of the public to limit~~

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1480 ~~the practice of interior design to interior designers or~~
1481 ~~architects who have the design education and training required~~
1482 ~~by this part or to persons who are exempted from the provisions~~
1483 ~~of this part.~~

1484 Section 73. Section 481.203, Florida Statutes, is amended
1485 to read:

1486 481.203 Definitions.—As used in this part, the term:

1487 (1)~~(3)~~ "Architect" or "registered architect" means a
1488 natural person who is licensed under this part to engage in the
1489 practice of architecture.

1490 (2)~~(6)~~ "Architecture" means the rendering or offering to
1491 render services in connection with the design and construction
1492 of a structure or group of structures which have as their
1493 principal purpose human habitation or use, and the utilization
1494 of space within and surrounding such structures. These services
1495 include planning, providing preliminary study designs, drawings
1496 and specifications, job-site inspection, and administration of
1497 construction contracts.

1498 (3)~~(1)~~ "Board" means the Board of Architecture ~~and Interior~~
1499 ~~Design.~~

1500 (4)~~(5)~~ "Business organization" means a partnership, a
1501 limited liability company, a corporation, or an individual
1502 operating under a fictitious name "~~Certificate of authorization~~"
1503 ~~means a certificate issued by the department to a corporation or~~
1504 ~~partnership to practice architecture or interior design.~~

1505 (5)~~(4)~~ "Certificate of registration" means a license issued
1506 by the department to a natural person to engage in the practice
1507 of architecture or interior design.

1508 (6)~~(13)~~ "Common area" means an area that is held out for

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1509 use by all tenants or owners in a multiple-unit dwelling,
1510 including, but not limited to, a lobby, elevator, hallway,
1511 laundry room, clubhouse, or swimming pool.

1512 (7)~~(2)~~ "Department" means the Department of Business and
1513 Professional Regulation.

1514 (8)~~(14)~~ "Diversified interior design experience" means
1515 experience which substantially encompasses the various elements
1516 of interior design services set forth under the definition of
1517 "interior design" in subsection (10)~~(8)~~.

1518 (9)~~(15)~~ "Interior decorator services" includes the
1519 selection or assistance in selection of surface materials,
1520 window treatments, wallcoverings, paint, floor coverings,
1521 surface-mounted lighting, surface-mounted fixtures, and loose
1522 furnishings not subject to regulation under applicable building
1523 codes.

1524 (10)~~(8)~~ "Interior design" means designs, consultations,
1525 studies, drawings, specifications, and administration of design
1526 construction contracts relating to nonstructural interior
1527 elements of a building or structure. "Interior design" includes,
1528 but is not limited to, reflected ceiling plans, space planning,
1529 furnishings, and the fabrication of nonstructural elements
1530 within and surrounding interior spaces of buildings. "Interior
1531 design" specifically excludes the design of or the
1532 responsibility for architectural and engineering work, except
1533 for specification of fixtures and their location within interior
1534 spaces. As used in this subsection, "architectural and
1535 engineering interior construction relating to the building
1536 systems" includes, but is not limited to, construction of
1537 structural, mechanical, plumbing, heating, air-conditioning,

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1538 ventilating, electrical, or vertical transportation systems, or
1539 construction which materially affects lifesafety systems
1540 pertaining to firesafety protection such as fire-rated
1541 separations between interior spaces, fire-rated vertical shafts
1542 in multistory structures, fire-rated protection of structural
1543 elements, smoke evacuation and compartmentalization, emergency
1544 ingress or egress systems, and emergency alarm systems.

1545 ~~(9) "Registered interior designer" or "interior designer"~~
1546 ~~means a natural person who is licensed under this part.~~

1547 (11)~~(10)~~ "Nonstructural element" means an element which
1548 does not require structural bracing and which is something other
1549 than a load-bearing wall, load-bearing column, or other load-
1550 bearing element of a building or structure which is essential to
1551 the structural integrity of the building.

1552 (12)~~(11)~~ "Reflected ceiling plan" means a ceiling design
1553 plan which is laid out as if it were projected downward and
1554 which may include lighting and other elements.

1555 (13)~~(16)~~ "Responsible supervising control" means the
1556 exercise of direct personal supervision and control throughout
1557 the preparation of documents, instruments of service, or any
1558 other work requiring the seal and signature of a licensee under
1559 this part.

1560 (14)~~(12)~~ "Space planning" means the analysis, programming,
1561 or design of spatial requirements, including preliminary space
1562 layouts and final planning.

1563 (15)~~(7)~~ "Townhouse" is a single-family dwelling unit not
1564 exceeding three stories in height which is constructed in a
1565 series or group of attached units with property lines separating
1566 such units. Each townhouse shall be considered a separate

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1567 building and shall be separated from adjoining townhouses by the
1568 use of separate exterior walls meeting the requirements for zero
1569 clearance from property lines as required by the type of
1570 construction and fire protection requirements; or shall be
1571 separated by a party wall; or may be separated by a single wall
1572 meeting the following requirements:

1573 (a) Such wall shall provide not less than 2 hours of fire
1574 resistance. Plumbing, piping, ducts, or electrical or other
1575 building services shall not be installed within or through the
1576 2-hour wall unless such materials and methods of penetration
1577 have been tested in accordance with the Standard Building Code.

1578 (b) Such wall shall extend from the foundation to the
1579 underside of the roof sheathing, and the underside of the roof
1580 shall have at least 1 hour of fire resistance for a width not
1581 less than 4 feet on each side of the wall.

1582 (c) Each dwelling unit sharing such wall shall be designed
1583 and constructed to maintain its structural integrity independent
1584 of the unit on the opposite side of the wall.

1585 Section 74. Subsection (1) and paragraph (a) of subsection
1586 (3) of section 481.205, Florida Statutes, are amended to read:

1587 481.205 Board of Architecture ~~and Interior Design.~~—

1588 (1) The Board of Architecture ~~and Interior Design~~ is
1589 created within the Department of Business and Professional
1590 Regulation. The board shall consist of seven ~~11~~ members. Five
1591 members must be registered architects who have been engaged in
1592 the practice of architecture for at least 5 years; ~~three members~~
1593 ~~must be registered interior designers who have been offering~~
1594 ~~interior design services for at least 5 years and who are not~~
1595 ~~also registered architects;~~ and two ~~three~~ members must be

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1596 laypersons who are not, and have never been, architects,
1597 ~~interior designers~~, or members of any closely related profession
1598 or occupation. At least one member of the board must be 60 years
1599 of age or older.

1600 (3) (a) Notwithstanding the provisions of ss. 455.225,
1601 455.228, and 455.32, the duties and authority of the department
1602 to receive complaints and investigate and discipline persons
1603 licensed under this part, including the ability to determine
1604 legal sufficiency and probable cause; to initiate proceedings
1605 and issue final orders for summary suspension or restriction of
1606 a license pursuant to s. 120.60(6); to issue notices of
1607 noncompliance, notices to cease and desist, subpoenas, and
1608 citations; to retain legal counsel, investigators, or
1609 prosecutorial staff in connection with the licensed practice of
1610 architecture ~~and interior design~~; and to investigate and deter
1611 the unlicensed practice of architecture ~~and interior design~~ as
1612 provided in s. 455.228 are delegated to the board. All
1613 complaints and any information obtained pursuant to an
1614 investigation authorized by the board are confidential and
1615 exempt from s. 119.07(1) as provided in s. 455.225(2) and (10).

1616 Section 75. Section 481.207, Florida Statutes, is amended
1617 to read:

1618 481.207 Fees.—The board, by rule, may establish separate
1619 fees for architects ~~and interior designers~~, to be paid for
1620 applications, examination, reexamination, licensing and renewal,
1621 delinquency, reinstatement, and recordmaking and recordkeeping.
1622 The examination fee shall be in an amount that covers the cost
1623 of obtaining and administering the examination and shall be
1624 refunded if the applicant is found ineligible to sit for the

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1625 examination. The application fee is nonrefundable. The fee for
1626 initial application and examination for architects ~~and interior~~
1627 ~~designers~~ may not exceed \$775 plus the actual per applicant cost
1628 to the department for purchase of the examination from the
1629 National Council of Architectural Registration Boards ~~or the~~
1630 ~~National Council of Interior Design Qualifications,~~
1631 ~~respectively,~~ or similar national organizations. The biennial
1632 renewal fee for architects may not exceed \$200. ~~The biennial~~
1633 ~~renewal fee for interior designers may not exceed \$500.~~ The
1634 delinquency fee may not exceed the biennial renewal fee
1635 established by the board for an active license. The board shall
1636 establish fees that are adequate to ensure the continued
1637 operation of the board and to fund the proportionate expenses
1638 incurred by the department which are allocated to the regulation
1639 of architects ~~and interior designers~~. Fees shall be based on
1640 department estimates of the revenue required to implement this
1641 part and the provisions of law with respect to the regulation of
1642 architects ~~and interior designers~~.

1643 Section 76. Section 481.209, Florida Statutes, is amended
1644 to read:

1645 481.209 Examinations.—

1646 ~~(1)~~ A person desiring to be licensed as a registered
1647 architect by initial examination shall apply to the department,
1648 complete the application form, and remit a nonrefundable
1649 application fee. The department shall license any applicant who
1650 the board certifies~~+~~

1651 ~~(a)~~ has passed the licensure examination prescribed by
1652 board rule~~+~~ and

1653 ~~(b)~~ is a graduate of a school or college of architecture

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1654 with a program accredited by the National Architectural
1655 Accreditation Board.

1656 ~~(2) A person desiring to be licensed as a registered~~
1657 ~~interior designer shall apply to the department for licensure.~~
1658 ~~The department shall administer the licensure examination for~~
1659 ~~interior designers to each applicant who has completed the~~
1660 ~~application form and remitted the application and examination~~
1661 ~~fees specified in s. 481.207 and who the board certifies:~~

1662 ~~(a) Is a graduate from an interior design program of 5~~
1663 ~~years or more and has completed 1 year of diversified interior~~
1664 ~~design experience;~~

1665 ~~(b) Is a graduate from an interior design program of 4~~
1666 ~~years or more and has completed 2 years of diversified interior~~
1667 ~~design experience;~~

1668 ~~(c) Has completed at least 3 years in an interior design~~
1669 ~~curriculum and has completed 3 years of diversified interior~~
1670 ~~design experience; or~~

1671 ~~(d) Is a graduate from an interior design program of at~~
1672 ~~least 2 years and has completed 4 years of diversified interior~~
1673 ~~design experience.~~

1674 ~~Subsequent to October 1, 2000, for the purpose of having the~~
1675 ~~educational qualification required under this subsection~~
1676 ~~accepted by the board, the applicant must complete his or her~~
1677 ~~education at a program, school, or college of interior design~~
1678 ~~whose curriculum has been approved by the board as of the time~~
1679 ~~of completion. Subsequent to October 1, 2003, all of the~~
1680 ~~required amount of educational credits shall have been obtained~~
1681 ~~in a program, school, or college of interior design whose~~
1682 ~~curriculum has been approved by the board, as of the time each~~

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1683 ~~educational credit is gained. The board shall adopt rules~~
1684 ~~providing for the review and approval of programs, schools, and~~
1685 ~~colleges of interior design and courses of interior design study~~
1686 ~~based on a review and inspection by the board of the curriculum~~
1687 ~~of programs, schools, and colleges of interior design in the~~
1688 ~~United States, including those programs, schools, and colleges~~
1689 ~~accredited by the Foundation for Interior Design Education~~
1690 ~~Research. The board shall adopt rules providing for the review~~
1691 ~~and approval of diversified interior design experience required~~
1692 ~~by this subsection.~~

1693 Section 77. Subsections (1) through (4) of section 481.213,
1694 Florida Statutes, are amended to read:

1695 481.213 Licensure.—

1696 (1) The department shall license any applicant who the
1697 board certifies is qualified for licensure and who has paid the
1698 initial licensure fee. ~~Licensure as an architect under this~~
1699 ~~section shall be deemed to include all the rights and privileges~~
1700 ~~of licensure as an interior designer under this section.~~

1701 (2) The board shall certify for licensure by examination
1702 any applicant who passes the prescribed licensure examination
1703 and satisfies the requirements of ss. 481.209 and 481.211, ~~for~~
1704 ~~architects, or the requirements of s. 481.209, for interior~~
1705 ~~designers.~~

1706 (3) The board shall certify as qualified for a license by
1707 endorsement as an architect ~~or as an interior designer~~ an
1708 applicant who:

1709 (a) Qualifies to take the prescribed licensure examination,
1710 and has passed the prescribed licensure examination or a
1711 substantially equivalent examination in another jurisdiction, as

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1712 set forth in s. 481.209 for architects ~~or interior designers, as~~
 1713 ~~applicable,~~ and has satisfied the internship requirements set
 1714 forth in s. 481.211 for architects;

1715 (b) Holds a valid license to practice architecture ~~or~~
 1716 ~~interior design~~ issued by another jurisdiction of the United
 1717 States, if the criteria for issuance of such license were
 1718 substantially equivalent to the licensure criteria that existed
 1719 in this state at the time the license was issued; ~~provided,~~
 1720 ~~however, that an applicant who has been licensed for use of the~~
 1721 ~~title "interior design" rather than licensed to practice~~
 1722 ~~interior design shall not qualify hereunder; or~~

1723 (c) Has passed the prescribed licensure examination and
 1724 holds a valid certificate issued by the National Council of
 1725 Architectural Registration Boards, and holds a valid license to
 1726 practice architecture issued by another state or jurisdiction of
 1727 the United States.

1728 (4) The board may refuse to certify any applicant who has
 1729 violated any of the provisions of s. 481.223, or s. 481.225, ~~or~~
 1730 ~~s. 481.2251,~~ as applicable.

1731 Section 78. Section 481.2131, Florida Statutes, is amended
 1732 to read:

1733 481.2131 Interior design; practice requirements; ~~disclosure~~
 1734 ~~of compensation for professional services.-~~

1735 (1) ~~A registered interior designer is authorized to perform~~
 1736 ~~"interior design" as defined in s. 481.203. Interior design~~
 1737 ~~documents prepared by a registered interior designer shall~~
 1738 ~~contain a statement that the document is not an architectural or~~
 1739 ~~engineering study, drawing, specification, or design and is not~~
 1740 ~~to be used for construction of any load bearing columns, load-~~

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1741 ~~bearing framing or walls of structures, or issuance of any~~
1742 ~~building permit, except as otherwise provided by law.~~ Interior
1743 design documents that are prepared and sealed by an a registered
1744 interior designer must ~~may~~, if required by a permitting body, be
1745 accepted by the permitting body ~~be submitted~~ for the issuance of
1746 a building permit for interior construction excluding design of
1747 any structural, mechanical, plumbing, heating, air-conditioning,
1748 ventilating, electrical, or vertical transportation systems or
1749 that materially affect lifesafety systems pertaining to
1750 firesafety protection such as fire-rated separations between
1751 interior spaces, fire-rated vertical shafts in multistory
1752 structures, fire-rated protection of structural elements, smoke
1753 evacuation and compartmentalization, emergency ingress or egress
1754 systems, and emergency alarm systems. Interior design documents
1755 submitted for the issuance of a building permit by an individual
1756 performing interior design services who is not a licensed
1757 architect must include written proof that such individual has
1758 successfully passed the qualification examination prescribed by
1759 either the National Council for Interior Design Qualifications
1760 or the California Council for Interior Design Certification. All
1761 drawings, plans, specifications, or reports prepared or issued
1762 by the interior designer and filed for public record shall bear
1763 the signature of the interior designer who prepared or approved
1764 the document and the date on which they were signed. The
1765 signature and date shall be evidence of the authenticity of that
1766 to which they are affixed. Final plans, specifications, or
1767 reports prepared or issued by an interior designer may be
1768 transmitted electronically and may be electronically signed by
1769 the interior designer.

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1770 (2) A license or registration is not required for a person
1771 whose occupation or practice is confined to interior design or
1772 interior decorator services ~~An interior designer shall, before~~
1773 ~~entering into a contract, verbal or written, clearly determine~~
1774 ~~the scope and nature of the project and the method or methods of~~
1775 ~~compensation. The interior designer may offer professional~~
1776 ~~services to the client as a consultant, specifier, or supplier~~
1777 ~~on the basis of a fee, percentage, or markup. The interior~~
1778 ~~designer shall have the responsibility of fully disclosing to~~
1779 ~~the client the manner in which all compensation is to be paid.~~
1780 ~~Unless the client knows and agrees, the interior designer shall~~
1781 ~~not accept any form of compensation from a supplier of goods and~~
1782 ~~services in cash or in kind.~~

1783 Section 79. Subsections (3) and (5) of section 481.215,
1784 Florida Statutes, are amended to read:

1785 481.215 Renewal of license.—

1786 (3) A ~~No~~ license renewal may not shall be issued to an
1787 architect ~~or an interior designer~~ by the department until the
1788 licensee submits proof satisfactory to the department that,
1789 during the 2 years before ~~prior to~~ application for renewal, the
1790 licensee participated per biennium in not less than 20 hours of
1791 at least 50 minutes each per biennium of continuing education
1792 approved by the board. The board shall approve only continuing
1793 education that builds upon the basic knowledge of architecture
1794 ~~or interior design~~. The board may make exception from the
1795 requirements of continuing education in emergency or hardship
1796 cases.

1797 ~~(5) The board shall require, by rule adopted pursuant to~~
1798 ~~ss. 120.536(1) and 120.54, a specified number of hours in~~

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1799 ~~specialized or advanced courses, approved by the Florida~~
1800 ~~Building Commission, on any portion of the Florida Building~~
1801 ~~Code, adopted pursuant to part IV of chapter 553, relating to~~
1802 ~~the licensee's respective area of practice.~~

1803 Section 80. Subsection (1) of section 481.217, Florida
1804 Statutes, is amended to read:

1805 481.217 Inactive status.—

1806 (1) The board may prescribe by rule continuing education
1807 requirements as a condition of reactivating a license. The rules
1808 may not require more than one renewal cycle of continuing
1809 education to reactivate a license for a registered architect ~~or~~
1810 ~~interior designer. For interior design, the board may approve~~
1811 ~~only continuing education that builds upon the basic knowledge~~
1812 ~~of interior design.~~

1813 Section 81. Section 481.219, Florida Statutes, is amended
1814 to read:

1815 481.219 Qualification of business organizations
1816 ~~certification of partnerships, limited liability companies, and~~
1817 ~~corporations.—~~

1818 (1) A licensee may ~~The practice of or the offer to practice~~
1819 ~~architecture or interior design by licensees through a~~ qualified
1820 business organization that offers ~~corporation, limited liability~~
1821 ~~company, or partnership offering architectural or interior~~
1822 ~~design services to the public, or by a corporation, limited~~
1823 ~~liability company, or partnership offering architectural or~~
1824 ~~interior design services to the public through licensees under~~
1825 ~~this part as agents, employees, officers, or partners, is~~
1826 ~~permitted,~~ subject to the provisions of this section.

1827 (2) If a licensee or an applicant proposes to engage in the

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1828 practice of architecture as a business organization, the
1829 licensee or applicant shall qualify the business organization
1830 upon approval of the board ~~For the purposes of this section, a~~
1831 ~~certificate of authorization shall be required for a~~
1832 ~~corporation, limited liability company, partnership, or person~~
1833 ~~practicing under a fictitious name, offering architectural~~
1834 ~~services to the public jointly or separately. However, when an~~
1835 ~~individual is practicing architecture in her or his own name,~~
1836 ~~she or he shall not be required to be certified under this~~
1837 ~~section. Certification under this subsection to offer~~
1838 ~~architectural services shall include all the rights and~~
1839 ~~privileges of certification under subsection (3) to offer~~
1840 ~~interior design services.~~

1841 (3) (a) A business organization may not engage in the
1842 practice of architecture unless its qualifying agent is a
1843 registered architect under this part. A qualifying agent who
1844 terminates an affiliation with a qualified business organization
1845 shall immediately notify the department of such termination. If
1846 such qualifying agent is the only qualifying agent for that
1847 business organization, the business organization must be
1848 qualified by another qualifying agent within 60 days after the
1849 termination. Except as provided in paragraph (b), the business
1850 organization may not engage in the practice of architecture
1851 until it is qualified by another qualifying agent.

1852 (b) In the event a qualifying agent ceases employment with
1853 a qualified business organization, the executive director or the
1854 chair of the board may authorize another registered architect
1855 employed by the business organization to temporarily serve as
1856 its qualifying agent for a period of no more than 60 days. The

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1857 business organization is not authorized to operate beyond such
1858 period under this chapter absent replacement of the qualifying
1859 agent who has ceased employment.

1860 (c) A qualifying agent shall notify the department in
1861 writing before engaging in the practice of architecture in her
1862 or his own name or in affiliation with a different business
1863 organization, and she or he or such business organization shall
1864 supply the same information to the department as required of
1865 applicants under this part.

1866 ~~(3) For the purposes of this section, a certificate of~~
1867 ~~authorization shall be required for a corporation, limited~~
1868 ~~liability company, partnership, or person operating under a~~
1869 ~~fictitious name, offering interior design services to the public~~
1870 ~~jointly or separately. However, when an individual is practicing~~
1871 ~~interior design in her or his own name, she or he shall not be~~
1872 ~~required to be certified under this section.~~

1873 (4) All final construction documents and instruments of
1874 service which include drawings, specifications, plans, reports,
1875 or other papers or documents that involve ~~involving~~ the practice
1876 of architecture which are prepared or approved for the use of
1877 the business organization ~~corporation, limited liability~~
1878 ~~company, or partnership~~ and filed for public record within the
1879 state must ~~shall~~ bear the signature and seal of the licensee who
1880 prepared or approved them and the date on which they were
1881 sealed.

1882 ~~(5) All drawings, specifications, plans, reports, or other~~
1883 ~~papers or documents prepared or approved for the use of the~~
1884 ~~corporation, limited liability company, or partnership by an~~
1885 ~~interior designer in her or his professional capacity and filed~~

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1886 ~~for public record within the state shall bear the signature and~~
1887 ~~seal of the licensee who prepared or approved them and the date~~
1888 ~~on which they were sealed.~~

1889 ~~(6) The department shall issue a certificate of~~
1890 ~~authorization to any applicant who the board certifies as~~
1891 ~~qualified for a certificate of authorization and who has paid~~
1892 ~~the fee set in s. 481.207.~~

1893 ~~(5)~~(7) The board shall allow a licensee or certify an
1894 applicant to qualify one or more business organizations as
1895 ~~qualified for a certificate of authorization to offer~~
1896 ~~architectural or interior design services, or to use a~~
1897 fictitious name to offer such services, if provided that:

1898 ~~(a) one or more of the principal officers of the~~
1899 ~~corporation or limited liability company, or one or more~~
1900 ~~partners of the partnership, and all personnel of the~~
1901 ~~corporation, limited liability company, or partnership who act~~
1902 ~~in its behalf in this state as architects, are registered as~~
1903 ~~provided by this part.~~~~;~~ ~~or~~

1904 ~~(b) One or more of the principal officers of the~~
1905 ~~corporation or one or more partners of the partnership, and all~~
1906 ~~personnel of the corporation, limited liability company, or~~
1907 ~~partnership who act in its behalf in this state as interior~~
1908 ~~designers, are registered as provided by this part.~~

1909 ~~(8) The department shall adopt rules establishing a~~
1910 ~~procedure for the biennial renewal of certificates of~~
1911 ~~authorization.~~

1912 ~~(9) The department shall renew a certificate of~~
1913 ~~authorization upon receipt of the renewal application and~~
1914 ~~biennial renewal fee.~~

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1915 (6) ~~(10)~~ Each qualifying agent who qualifies a business
1916 organization partnership, limited liability company, and
1917 ~~corporation certified~~ under this section shall notify the
1918 department within 30 days after ~~of~~ any change in the information
1919 contained in the application upon which the qualification
1920 ~~certification~~ is based. Any registered architect ~~or interior~~
1921 ~~designer~~ who qualifies the business organization shall ensure
1922 ~~corporation, limited liability company, or partnership as~~
1923 ~~provided in subsection (7) shall be responsible for ensuring~~
1924 responsible supervising control of projects of the business
1925 organization entity and shall notify the department of the ~~upon~~
1926 termination of her or his employment with a business
1927 organization qualified partnership, limited liability company,
1928 ~~or corporation certified~~ under this section shall notify the
1929 department ~~of the termination~~ within 30 days after such
1930 termination.

1931 (7) ~~(11)~~ A business organization is not ~~No corporation,~~
1932 ~~limited liability company, or partnership shall be relieved of~~
1933 responsibility for the conduct or acts of its agents, employees,
1934 or officers by reason of its compliance with this section.
1935 However, except as provided in s. 558.0035, the architect who
1936 signs and seals the construction documents and instruments of
1937 service is ~~shall be~~ liable for the professional services
1938 performed, ~~and the interior designer who signs and seals the~~
1939 ~~interior design drawings, plans, or specifications shall be~~
1940 ~~liable for the professional services performed.~~

1941 ~~(12) Disciplinary action against a corporation, limited~~
1942 ~~liability company, or partnership shall be administered in the~~
1943 ~~same manner and on the same grounds as disciplinary action~~

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1944 ~~against a registered architect or interior designer,~~
1945 ~~respectively.~~

1946 ~~(8)(13) Nothing in This section may not shall~~ be construed
1947 to mean that a certificate of registration to practice
1948 architecture ~~or interior design must shall~~ be held by a business
1949 organization corporation, limited liability company, or
1950 partnership. ~~Nothing in This section does not prohibit a~~
1951 business organization from offering ~~prohibits corporations,~~
1952 ~~limited liability companies, and partnerships from joining~~
1953 ~~together to offer architectural or, engineering, interior~~
1954 ~~design, surveying and mapping, and landscape architectural~~
1955 ~~services, or any combination of such services, to the public if~~
1956 the business organization, ~~provided that each corporation,~~
1957 ~~limited liability company, or partnership otherwise meets the~~
1958 requirements of law.

1959 ~~(14) Corporations, limited liability companies, or~~
1960 ~~partnerships holding a valid certificate of authorization to~~
1961 ~~practice architecture shall be permitted to use in their title~~
1962 ~~the term "interior designer" or "registered interior designer."~~

1963 Section 82. Subsections (4), (6), (8), (10), (11), and (12)
1964 of section 481.221, Florida Statutes, are renumbered as
1965 subsections (3), (4), (5), (6), (7), and (8), respectively, and
1966 present subsections (3), (5), (7), (9), (10), (11), and (12) of
1967 that section are amended to read:

1968 481.221 Seals; display of certificate number; permitting
1969 requirements.-

1970 ~~(3) The board shall adopt a rule prescribing the distinctly~~
1971 ~~different seals to be used by registered interior designers~~
1972 ~~holding valid certificates of registration. Each registered~~

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1973 ~~interior designer shall obtain a seal as prescribed by the~~
1974 ~~board, and all drawings, plans, specifications, or reports~~
1975 ~~prepared or issued by the registered interior designer and being~~
1976 ~~filed for public record shall bear the signature and seal of the~~
1977 ~~registered interior designer who prepared or approved the~~
1978 ~~document and the date on which they were sealed. The signature,~~
1979 ~~date, and seal shall be evidence of the authenticity of that to~~
1980 ~~which they are affixed. Final plans, specifications, or reports~~
1981 ~~prepared or issued by a registered interior designer may be~~
1982 ~~transmitted electronically and may be signed by the registered~~
1983 ~~interior designer, dated, and sealed electronically with the~~
1984 ~~seal in accordance with ss. 668.001-668.006.~~

1985 ~~(5) No registered interior designer shall affix, or permit~~
1986 ~~to be affixed, her or his seal or signature to any plan,~~
1987 ~~specification, drawing, or other document which depicts work~~
1988 ~~which she or he is not competent or licensed to perform.~~

1989 ~~(7) No registered interior designer shall affix her or his~~
1990 ~~signature or seal to any plans, specifications, or other~~
1991 ~~documents which were not prepared by her or him or under her or~~
1992 ~~his responsible supervising control or by another registered~~
1993 ~~interior designer and reviewed, approved, or modified and~~
1994 ~~adopted by her or him as her or his own work according to rules~~
1995 ~~adopted by the board.~~

1996 ~~(9) Studies, drawings, specifications, and other related~~
1997 ~~documents prepared by a registered interior designer in~~
1998 ~~providing interior design services shall be of a sufficiently~~
1999 ~~high standard to clearly and accurately indicate all essential~~
2000 ~~parts of the work to which they refer.~~

2001 ~~(6)~~ (10) Each registered architect must ~~or interior~~

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2002 ~~designer, and each corporation, limited liability company, or~~
2003 ~~partnership holding a certificate of authorization, shall~~
2004 include her or his license ~~its certificate~~ number in any
2005 newspaper, telephone directory, or other advertising medium used
2006 by the registered licensee ~~architect, interior designer,~~
2007 ~~corporation, limited liability company, or partnership. Each~~
2008 business organization must include the license number of the
2009 registered architect who serves as the qualifying agent for that
2010 business organization in any newspaper, telephone directory, or
2011 other advertising medium used by the business organization. A
2012 business organization is not required to display the license
2013 numbers of other registered architects employed by the business
2014 organization ~~A corporation, limited liability company, or~~
2015 ~~partnership is not required to display the certificate number of~~
2016 ~~individual registered architects or interior designers employed~~
2017 ~~by or working within the corporation, limited liability company,~~
2018 ~~or partnership.~~

2019 (7) ~~(11)~~ When the certificate of registration of a
2020 registered architect ~~or interior designer~~ has been revoked or
2021 suspended by the board, the registered architect ~~or interior~~
2022 ~~designer~~ shall surrender her or his seal to the secretary of the
2023 board within a period of 30 days after the revocation or
2024 suspension has become effective. If the certificate of the
2025 registered architect ~~or interior designer~~ has been suspended for
2026 a period of time, her or his seal shall be returned to her or
2027 him upon expiration of the suspension period.

2028 (8) ~~(12)~~ A person may not sign and seal by any means any
2029 final plan, specification, or report after her or his
2030 certificate of registration has expired or is suspended or

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2031 revoked. A registered architect ~~or interior designer~~ whose
2032 certificate of registration is suspended or revoked shall,
2033 within 30 days after the effective date of the suspension or
2034 revocation, surrender her or his seal to the executive director
2035 of the board and confirm in writing to the executive director
2036 the cancellation of the registered architect's ~~or interior~~
2037 ~~designer's~~ electronic signature in accordance with ss. 668.001-
2038 668.006. When a registered architect's ~~or interior designer's~~
2039 certificate of registration is suspended for a period of time,
2040 her or his seal shall be returned upon expiration of the period
2041 of suspension.

2042 Section 83. Section 481.222, Florida Statutes, is amended
2043 to read:

2044 481.222 Architects performing building code inspection
2045 services.—Notwithstanding any other provision of law, a person
2046 who is currently licensed to practice as an architect under this
2047 part may provide building code inspection services described in
2048 s. 468.603(5) and (8) to a local government or state agency upon
2049 its request, without being certified by the Florida Building
2050 Code Administrators and Inspectors Board under part XII of
2051 chapter 468. With respect to the performance of such building
2052 code inspection services, the architect is subject to the
2053 disciplinary guidelines of this part and s. 468.621(1)(c)-(h).
2054 Any complaint processing, investigation, and discipline that
2055 arise out of an architect's performance of building code
2056 inspection services shall be conducted by the Board of
2057 Architecture ~~and Interior Design~~ rather than the Florida
2058 Building Code Administrators and Inspectors Board. An architect
2059 may not perform plans review as an employee of a local

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2060 government upon any job that the architect or the architect's
2061 company designed.

2062 Section 84. Section 481.223, Florida Statutes, is amended
2063 to read:

2064 481.223 Prohibitions; penalties; injunctive relief.—

2065 (1) A person may not knowingly:

2066 (a) Practice architecture unless the person is an architect
2067 or a registered architect; however, a licensed architect who has
2068 been licensed by the board and who chooses to relinquish or not
2069 to renew his or her license may use the title "Architect,
2070 Retired" but may not otherwise render any architectural
2071 services.

2072 ~~(b) Practice interior design unless the person is a~~
2073 ~~registered interior designer unless otherwise exempted herein;~~
2074 ~~however, an interior designer who has been licensed by the board~~
2075 ~~and who chooses to relinquish or not to renew his or her license~~
2076 ~~may use the title "Interior Designer, Retired" but may not~~
2077 ~~otherwise render any interior design services.~~

2078 (b) ~~(e)~~ Use the name or title "architect," ~~or~~ "registered
2079 architect," or "interior designer" or "registered interior
2080 designer," or words to that effect, when the person is not then
2081 the holder of a valid license issued pursuant to this part.

2082 (c) ~~(d)~~ Present as his or her own the license of another.

2083 (d) ~~(e)~~ Give false or forged evidence to the board or a
2084 member thereof.

2085 (e) ~~(f)~~ Use or attempt to use an architect ~~or interior~~
2086 ~~designer~~ license that has been suspended, revoked, or placed on
2087 inactive or delinquent status.

2088 (f) ~~(g)~~ Employ unlicensed persons to practice architecture

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2089 ~~or interior design.~~

2090 (g)~~(h)~~ Conceal information relative to violations of this
2091 part.

2092 (2) Any person who violates any provision of subsection (1)
2093 commits a misdemeanor of the first degree, punishable as
2094 provided in s. 775.082 or s. 775.083.

2095 (3) (a) Notwithstanding chapter 455 or any other law to the
2096 contrary, an affected person may maintain an action for
2097 injunctive relief to restrain or prevent a person from violating
2098 paragraph (1) (a) or, paragraph (1) (b), ~~or paragraph (1) (c)~~. The
2099 prevailing party is entitled to actual costs and attorney's
2100 fees.

2101 (b) For purposes of this subsection, the term "affected
2102 person" means a person directly affected by the actions of a
2103 person suspected of violating paragraph (1) (a) or, paragraph
2104 (1) (b), ~~or paragraph (1) (c)~~ and includes, but is not limited to,
2105 the department, any person who received services from the
2106 alleged violator, or any private association composed primarily
2107 of members of the profession the alleged violator is practicing
2108 or offering to practice or holding himself or herself out as
2109 qualified to practice.

2110 Section 85. Section 481.2251, Florida Statutes, is
2111 repealed.

2112 Section 86. Subsections (5) through (8) of section 481.229,
2113 Florida Statutes, are amended to read:

2114 481.229 Exceptions; exemptions from licensure.—

2115 ~~(5) (a) Nothing contained in this part shall prevent a~~
2116 ~~registered architect or a partnership, limited liability~~
2117 ~~company, or corporation holding a valid certificate of~~

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2118 ~~authorization to provide architectural services from performing~~
2119 ~~any interior design service or from using the title "interior~~
2120 ~~designer" or "registered interior designer."~~

2121 ~~(b) Notwithstanding any other provision of this part, all~~
2122 ~~persons licensed as architects under this part shall be~~
2123 ~~qualified for interior design licensure upon submission of a~~
2124 ~~completed application for such license and a fee not to exceed~~
2125 ~~\$30. Such persons shall be exempt from the requirements of s.~~
2126 ~~481.209(2). For architects licensed as interior designers,~~
2127 ~~satisfaction of the requirements for renewal of licensure as an~~
2128 ~~architect under s. 481.215 shall be deemed to satisfy the~~
2129 ~~requirements for renewal of licensure as an interior designer~~
2130 ~~under that section. Complaint processing, investigation, or~~
2131 ~~other discipline-related legal costs related to persons licensed~~
2132 ~~as interior designers under this paragraph shall be assessed~~
2133 ~~against the architects' account of the Regulatory Trust Fund.~~

2134 ~~(c) Notwithstanding any other provision of this part, any~~
2135 ~~corporation, partnership, or person operating under a fictitious~~
2136 ~~name which holds a certificate of authorization to provide~~
2137 ~~architectural services shall be qualified, without fee, for a~~
2138 ~~certificate of authorization to provide interior design services~~
2139 ~~upon submission of a completed application therefor. For~~
2140 ~~corporations, partnerships, and persons operating under a~~
2141 ~~fictitious name which hold a certificate of authorization to~~
2142 ~~provide interior design services, satisfaction of the~~
2143 ~~requirements for renewal of the certificate of authorization to~~
2144 ~~provide architectural services under s. 481.219 shall be deemed~~
2145 ~~to satisfy the requirements for renewal of the certificate of~~
2146 ~~authorization to provide interior design services under that~~

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2147 section.

2148 ~~(6) This part shall not apply to:~~

2149 ~~(a) A person who performs interior design services or~~
2150 ~~interior decorator services for any residential application,~~
2151 ~~provided that such person does not advertise as, or represent~~
2152 ~~himself or herself as, an interior designer. For purposes of~~
2153 ~~this paragraph, "residential applications" includes all types of~~
2154 ~~residences, including, but not limited to, residence buildings,~~
2155 ~~single-family homes, multifamily homes, townhouses, apartments,~~
2156 ~~condominiums, and domestic outbuildings appurtenant to one-~~
2157 ~~family or two-family residences. However, "residential~~
2158 ~~applications" does not include common areas associated with~~
2159 ~~instances of multiple-unit dwelling applications.~~

2160 ~~(b) An employee of a retail establishment providing~~
2161 ~~"interior decorator services" on the premises of the retail~~
2162 ~~establishment or in the furtherance of a retail sale or~~
2163 ~~prospective retail sale, provided that such employee does not~~
2164 ~~advertise as, or represent himself or herself as, an interior~~
2165 ~~designer.~~

2166 ~~(7) Nothing in this part shall be construed as authorizing~~
2167 ~~or permitting an interior designer to engage in the business of,~~
2168 ~~or to act as, a contractor within the meaning of chapter 489,~~
2169 ~~unless registered or certified as a contractor pursuant to~~
2170 ~~chapter 489.~~

2171 (5)~~(8)~~ A manufacturer of commercial food service equipment
2172 or the manufacturer's representative, distributor, or dealer or
2173 an employee thereof, who prepares designs, specifications, or
2174 layouts for the sale or installation of such equipment is exempt
2175 from licensure as an architect ~~or interior designer~~, if:

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2176 (a) The designs, specifications, or layouts are not used
2177 for construction or installation that may affect structural,
2178 mechanical, plumbing, heating, air conditioning, ventilating,
2179 electrical, or vertical transportation systems.

2180 (b) The designs, specifications, or layouts do not
2181 materially affect lifesafety systems pertaining to firesafety
2182 protection, smoke evacuation and compartmentalization, and
2183 emergency ingress or egress systems.

2184 (c) Each design, specification, or layout document prepared
2185 by a person or entity exempt under this subsection contains a
2186 statement on each page of the document that the designs,
2187 specifications, or layouts are not architectural, ~~interior~~
2188 ~~design,~~ or engineering designs, specifications, or layouts and
2189 not used for construction unless reviewed and approved by a
2190 licensed architect or engineer.

2191 Section 87. Subsection (1) of section 481.231, Florida
2192 Statutes, is amended to read:

2193 481.231 Effect of part locally.—

2194 (1) ~~Nothing in~~ This part does not ~~shall be construed to~~
2195 repeal, amend, limit, or otherwise affect any specific provision
2196 of any local building code or zoning law or ordinance that has
2197 been duly adopted, now or hereafter enacted, which is more
2198 restrictive, with respect to the services of registered
2199 architects ~~or registered interior designers,~~ than the provisions
2200 of this part; ~~provided, however, that a licensed architect shall~~
2201 ~~be deemed licensed as an interior designer for purposes of~~
2202 ~~offering or rendering interior design services to a county,~~
2203 ~~municipality, or other local government or political~~
2204 ~~subdivision.~~

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2205 Section 88. Section 481.303, Florida Statutes, is amended
2206 to read:

2207 481.303 Definitions.—As used in this chapter, the term:

2208 (1) "Board" means the Board of Landscape Architecture.

2209 (2)~~(4)~~ "Certificate of registration" means a license issued
2210 by the department to a natural person to engage in the practice
2211 of landscape architecture.

2212 (3)~~(2)~~ "Department" means the Department of Business and
2213 Professional Regulation.

2214 ~~(5) "Certificate of authorization" means a license issued~~
2215 ~~by the department to a corporation or partnership to engage in~~
2216 ~~the practice of landscape architecture.~~

2217 (4)~~(6)~~ "Landscape architecture" means professional
2218 services, including, but not limited to, the following:

2219 (a) Consultation, investigation, research, planning,
2220 design, preparation of drawings, specifications, contract
2221 documents and reports, responsible construction supervision, or
2222 landscape management in connection with the planning and
2223 development of land and incidental water areas, including the
2224 use of Florida-friendly landscaping as defined in s. 373.185,
2225 where, and to the extent that, the dominant purpose of such
2226 services or creative works is the preservation, conservation,
2227 enhancement, or determination of proper land uses, natural land
2228 features, ground cover and plantings, or naturalistic and
2229 aesthetic values;

2230 (b) The determination of settings, grounds, and approaches
2231 for and the siting of buildings and structures, outdoor areas,
2232 or other improvements;

2233 (c) The setting of grades, shaping and contouring of land

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2234 and water forms, determination of drainage, and provision for
2235 storm drainage and irrigation systems where such systems are
2236 necessary to the purposes outlined herein; and

2237 (d) The design of such tangible objects and features as are
2238 necessary to the purpose outlined herein.

2239 (5)~~(7)~~ "Landscape design" means consultation for and
2240 preparation of planting plans drawn for compensation, including
2241 specifications and installation details for plant materials,
2242 soil amendments, mulches, edging, gravel, and other similar
2243 materials. Such plans may include only recommendations for the
2244 conceptual placement of tangible objects for landscape design
2245 projects. Construction documents, details, and specifications
2246 for tangible objects and irrigation systems shall be designed or
2247 approved by licensed professionals as required by law.

2248 (6)~~(3)~~ "Registered landscape architect" means a person who
2249 holds a license to practice landscape architecture in this state
2250 under the authority of this act.

2251 Section 89. Section 481.310, Florida Statutes, is amended
2252 to read:

2253 481.310 Practical experience requirement.—Beginning October
2254 1, 1990, every applicant for licensure as a registered landscape
2255 architect shall demonstrate, prior to licensure, 1 year of
2256 practical experience in landscape architectural work. An
2257 applicant who holds a master of landscape architecture degree is
2258 not required to demonstrate 1 year of practical experience in
2259 landscape architectural work to obtain licensure. The board
2260 shall adopt rules providing standards for the required
2261 experience. An applicant who qualifies for examination pursuant
2262 to s. 481.309(1)(b)1. may obtain the practical experience after

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2263 completing the required professional degree. Experience used to
2264 qualify for examination pursuant to s. 481.309(1)(b)2. may not
2265 be used to satisfy the practical experience requirement under
2266 this section.

2267 Section 90. Subsections (5) and (6) of section 481.311,
2268 Florida Statutes, are renumbered as subsections (4) and (5),
2269 respectively, and subsection (3) and present subsection (4) of
2270 that section are amended, to read:

2271 481.311 Licensure.—

2272 (3) The board shall certify as qualified for a license by
2273 endorsement an applicant who:

2274 (a) Qualifies to take the examination as set forth in s.
2275 481.309; and has passed a national, regional, state, or
2276 territorial licensing examination which is substantially
2277 equivalent to the examination required by s. 481.309; ~~or~~

2278 (b) Holds a valid license to practice landscape
2279 architecture issued by another state or territory of the United
2280 States, if the criteria for issuance of such license were
2281 substantially identical to the licensure criteria which existed
2282 in this state at the time the license was issued; ~~or~~

2283 (c) Has held a valid license to practice landscape
2284 architecture in another state or territory of the United States
2285 for at least 10 years before the date of application and has
2286 successfully completed a state, regional, national, or other
2287 examination that is equivalent to or more stringent than the
2288 examination required by the board, subject to subsection (5). An
2289 applicant who has met the requirements to be qualified for a
2290 license by endorsement except for successful completion of an
2291 examination that is equivalent to or more stringent than the

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2292 examination required by the board may take the examination
2293 required by the board without completing additional education
2294 requirements.

2295 ~~(4) The board shall certify as qualified for a certificate~~
2296 ~~of authorization any applicant corporation or partnership who~~
2297 ~~satisfies the requirements of s. 481.319.~~

2298 Section 91. Subsection (2) of section 481.317, Florida
2299 Statutes, is amended to read:

2300 481.317 Temporary certificates.-

2301 ~~(2) Upon approval by the board and payment of the fee set~~
2302 ~~in s. 481.307, the department shall grant a temporary~~
2303 ~~certificate of authorization for work on one specified project~~
2304 ~~in this state for a period not to exceed 1 year to an out-of-~~
2305 ~~state corporation, partnership, or firm, provided one of the~~
2306 ~~principal officers of the corporation, one of the partners of~~
2307 ~~the partnership, or one of the principals in the fictitiously~~
2308 ~~named firm has obtained a temporary certificate of registration~~
2309 ~~in accordance with subsection (1).~~

2310 Section 92. Section 481.319, Florida Statutes, is amended
2311 to read:

2312 481.319 Corporate and partnership practice of landscape
2313 architecture; ~~certificate of authorization.~~-

2314 (1) The practice of or offer to practice landscape
2315 architecture by registered landscape architects registered under
2316 this part through a corporation or partnership offering
2317 landscape architectural services to the public, or through a
2318 corporation or partnership offering landscape architectural
2319 services to the public through individual registered landscape
2320 architects as agents, employees, officers, or partners, is

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2321 permitted, subject to the provisions of this section, if:

2322 (a) One or more of the principal officers of the
2323 corporation, or partners of the partnership, and all personnel
2324 of the corporation or partnership who act in its behalf as
2325 landscape architects in this state are registered landscape
2326 architects; and

2327 (b) One or more of the officers, one or more of the
2328 directors, one or more of the owners of the corporation, or one
2329 or more of the partners of the partnership is a registered
2330 landscape architect; ~~and~~

2331 ~~(c) The corporation or partnership has been issued a
2332 certificate of authorization by the board as provided herein.~~

2333 (2) All documents involving the practice of landscape
2334 architecture which are prepared for the use of the corporation
2335 or partnership shall bear the signature and seal of a registered
2336 landscape architect.

2337 (3) A landscape architect applying to practice in the name
2338 of a An applicant corporation must shall file with the
2339 department the names and addresses of all officers and board
2340 members of the corporation, including the principal officer or
2341 officers, duly registered to practice landscape architecture in
2342 this state and, also, of all individuals duly registered to
2343 practice landscape architecture in this state who shall be in
2344 responsible charge of the practice of landscape architecture by
2345 the corporation in this state. A landscape architect applying to
2346 practice in the name of a An applicant partnership must shall
2347 file with the department the names and addresses of all partners
2348 of the partnership, including the partner or partners duly
2349 registered to practice landscape architecture in this state and,

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2350 also, of an individual or individuals duly registered to
 2351 practice landscape architecture in this state who shall be in
 2352 responsible charge of the practice of landscape architecture by
 2353 said partnership in this state.

2354 (4) Each landscape architect qualifying a partnership or
 2355 ~~and corporation licensed~~ under this part must ~~shall~~ notify the
 2356 department within 1 month after ~~of~~ any change in the information
 2357 contained in the application upon which the license is based.
 2358 Any landscape architect who terminates her or his ~~or her~~
 2359 employment with a partnership or corporation licensed under this
 2360 part shall notify the department of the termination within 1
 2361 month after such termination.

2362 ~~(5) Disciplinary action against a corporation or~~
 2363 ~~partnership shall be administered in the same manner and on the~~
 2364 ~~same grounds as disciplinary action against a registered~~
 2365 ~~landscape architect.~~

2366 (5) ~~(6)~~ Except as provided in s. 558.0035, the fact that a
 2367 registered landscape architect practices landscape architecture
 2368 through a corporation or partnership as provided in this section
 2369 does not relieve the landscape architect from personal liability
 2370 for her or his ~~or her~~ professional acts.

2371 Section 93. Subsection (5) of section 481.321, Florida
 2372 Statutes, is amended to read:

2373 481.321 Seals; display of certificate number.—

2374 (5) Each registered landscape architect must ~~and each~~
 2375 ~~corporation or partnership holding a certificate of~~
 2376 ~~authorization shall~~ include her or his ~~its~~ certificate number in
 2377 any newspaper, telephone directory, or other advertising medium
 2378 used by the registered landscape architect, corporation, or

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2379 partnership. A corporation or partnership must ~~is not required~~
2380 ~~to~~ display the certificate number ~~numbers~~ of at least one
2381 officer, director, owner, or partner who is a individual
2382 registered landscape architect ~~architects~~ employed by or
2383 practicing with the corporation or partnership.

2384 Section 94. Subsection (5) of section 481.329, Florida
2385 Statutes, is amended to read:

2386 481.329 Exceptions; exemptions from licensure.—

2387 (5) This part does not prohibit any person from engaging in
2388 the practice of landscape design, as defined in s. 481.303
2389 ~~481.303(7)~~, or from submitting for approval to a governmental
2390 agency planting plans that are independent of, or a component
2391 of, construction documents that are prepared by a Florida-
2392 registered professional. Persons providing landscape design
2393 services shall not use the title, term, or designation
2394 "landscape architect," "landscape architectural," "landscape
2395 architecture," "L.A.," "landscape engineering," or any
2396 description tending to convey the impression that she or he is a
2397 landscape architect unless she or he is registered as provided
2398 in this part.

2399 Section 95. Subsection (9) of section 489.103, Florida
2400 Statutes, is amended to read:

2401 489.103 Exemptions.—This part does not apply to:

2402 (9) Any work or operation of a casual, minor, or
2403 inconsequential nature in which the aggregate contract price for
2404 labor, materials, and all other items is less than \$2,500
2405 ~~\$1,000~~, but this exemption does not apply:

2406 (a) If the construction, repair, remodeling, or improvement
2407 is a part of a larger or major operation, whether undertaken by

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2408 the same or a different contractor, or in which a division of
2409 the operation is made in contracts of amounts less than \$2,500
2410 ~~\$1,000~~ for the purpose of evading this part or otherwise.

2411 (b) To a person who advertises that he or she is a
2412 contractor or otherwise represents that he or she is qualified
2413 to engage in contracting.

2414 Section 96. Subsection (2) of section 489.111, Florida
2415 Statutes, is amended to read:

2416 489.111 Licensure by examination.—

2417 (2) A person shall be eligible for licensure by examination
2418 if the person:

2419 (a) Is 18 years of age;

2420 (b) Is of good moral character; and

2421 (c) Meets eligibility requirements according to one of the
2422 following criteria:

2423 1. Has received a baccalaureate degree from an accredited
2424 4-year college in the appropriate field of engineering,
2425 architecture, or building construction and has 1 year of proven
2426 experience in the category in which the person seeks to qualify.
2427 For the purpose of this part, a minimum of 2,000 person-hours
2428 shall be used in determining full-time equivalency. An applicant
2429 who is exempt from passing an examination as provided in s.
2430 489.113(1) is eligible for a license under this section.

2431 2. Has a total of at least 4 years of active experience as
2432 a worker who has learned the trade by serving an apprenticeship
2433 as a skilled worker who is able to command the rate of a
2434 mechanic in the particular trade or as a foreman who is in
2435 charge of a group of workers and usually is responsible to a
2436 superintendent or a contractor or his or her equivalent,

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2437 provided, however, that at least 1 year of active experience
2438 shall be as a foreman.

2439 3. Has a combination of not less than 1 year of experience
2440 as a foreman and not less than 3 years of credits for any
2441 accredited college-level courses; has a combination of not less
2442 than 1 year of experience as a skilled worker, 1 year of
2443 experience as a foreman, and not less than 2 years of credits
2444 for any accredited college-level courses; or has a combination
2445 of not less than 2 years of experience as a skilled worker, 1
2446 year of experience as a foreman, and not less than 1 year of
2447 credits for any accredited college-level courses. All junior
2448 college or community college-level courses shall be considered
2449 accredited college-level courses.

2450 4.a. An active certified residential contractor is eligible
2451 to receive a certified building contractor license after passing
2452 or having previously passed ~~take~~ the building contractors'
2453 examination if he or she possesses a minimum of 3 years of
2454 proven experience in the classification in which he or she is
2455 certified.

2456 b. An active certified residential contractor is eligible
2457 to receive a certified general contractor license after passing
2458 or having previously passed ~~take~~ the general contractors'
2459 examination if he or she possesses a minimum of 4 years of
2460 proven experience in the classification in which he or she is
2461 certified.

2462 c. An active certified building contractor is eligible to
2463 receive a certified general contractor license after passing or
2464 having previously passed ~~take~~ the general contractors'
2465 examination if he or she possesses a minimum of 4 years of

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2466 proven experience in the classification in which he or she is
2467 certified.

2468 5.a. An active certified air-conditioning Class C
2469 contractor is eligible to receive a certified air-conditioning
2470 Class B contractor license after passing or having previously
2471 passed ~~take~~ the air-conditioning Class B contractors'
2472 examination if he or she possesses a minimum of 3 years of
2473 proven experience in the classification in which he or she is
2474 certified.

2475 b. An active certified air-conditioning Class C contractor
2476 is eligible to receive a certified air-conditioning Class A
2477 contractor license after passing or having previously passed
2478 ~~take~~ the air-conditioning Class A contractors' examination if he
2479 or she possesses a minimum of 4 years of proven experience in
2480 the classification in which he or she is certified.

2481 c. An active certified air-conditioning Class B contractor
2482 is eligible to receive a certified air-conditioning Class A
2483 contractor license after passing or having previously passed
2484 ~~take~~ the air-conditioning Class A contractors' examination if he
2485 or she possesses a minimum of 1 year of proven experience in the
2486 classification in which he or she is certified.

2487 6.a. An active certified swimming pool servicing contractor
2488 is eligible to receive a certified residential swimming pool
2489 contractor license after passing or having previously passed
2490 ~~take~~ the residential swimming pool contractors' examination if
2491 he or she possesses a minimum of 3 years of proven experience in
2492 the classification in which he or she is certified.

2493 b. An active certified swimming pool servicing contractor
2494 is eligible to receive a certified commercial swimming pool

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2495 contractor license after passing or having previously passed
2496 ~~take~~ the swimming pool commercial contractors' examination if he
2497 or she possesses a minimum of 4 years of proven experience in
2498 the classification in which he or she is certified.

2499 c. An active certified residential swimming pool contractor
2500 is eligible to receive a certified commercial swimming pool
2501 contractor license after passing or having previously passed
2502 ~~take~~ the commercial swimming pool contractors' examination if he
2503 or she possesses a minimum of 1 year of proven experience in the
2504 classification in which he or she is certified.

2505 d. An applicant is eligible to receive a certified swimming
2506 pool/spa servicing contractor license after passing or having
2507 previously passed ~~take~~ the swimming pool/spa servicing
2508 contractors' examination if he or she has satisfactorily
2509 completed 60 hours of instruction in courses related to the
2510 scope of work covered by that license and approved by the
2511 Construction Industry Licensing Board by rule and has at least 1
2512 year of proven experience related to the scope of work of such a
2513 contractor.

2514 Section 97. Subsection (1) of section 489.113, Florida
2515 Statutes, is amended to read:

2516 489.113 Qualifications for practice; restrictions.—

2517 (1) Any person who desires to engage in contracting on a
2518 statewide basis shall, as a prerequisite thereto, establish his
2519 or her competency and qualifications to be certified pursuant to
2520 this part. To establish competency, a person shall pass the
2521 appropriate examination approved by the board and certified by
2522 the department. If an applicant has received a baccalaureate
2523 degree from an accredited 4-year college in building

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2524 construction, or a related degree as approved by the board by
2525 rule, such applicant is not required to pass such examination.
2526 Any person who desires to engage in contracting on other than a
2527 statewide basis shall, as a prerequisite thereto, be registered
2528 pursuant to this part, unless exempted by this part.

2529 Section 98. Subsection (3) of section 489.115, Florida
2530 Statutes, is amended to read:

2531 489.115 Certification and registration; endorsement;
2532 reciprocity; renewals; continuing education.—

2533 (3) The board shall certify as qualified for certification
2534 by endorsement any applicant who:

2535 (a) Meets the requirements for certification as set forth
2536 in this section; has passed a national, regional, state, or
2537 United States territorial licensing examination that is
2538 substantially equivalent to the examination required by this
2539 part; and has satisfied the requirements set forth in s.
2540 489.111;

2541 (b) Holds a valid license to practice contracting issued by
2542 another state or territory of the United States, if the criteria
2543 for issuance of such license were substantially equivalent to
2544 Florida's current certification criteria; ~~or~~

2545 (c) Holds a valid, current license to practice contracting
2546 issued by another state or territory of the United States, if
2547 the state or territory has entered into a reciprocal agreement
2548 with the board for the recognition of contractor licenses issued
2549 in that state, based on criteria for the issuance of such
2550 licenses that are substantially equivalent to the criteria for
2551 certification in this state; or

2552 (d) Has held a valid, current license to practice

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2553 contracting issued by another state or territory for at least 10
2554 years before the date of application and is applying for the
2555 same or similar license in this state, subject to subsections
2556 (5)-(9).

2557 Section 99. Subsection (5) of section 489.511, Florida
2558 Statutes, is amended to read:

2559 489.511 Certification; application; examinations;
2560 endorsement.—

2561 (5) The board shall certify as qualified for certification
2562 by endorsement any individual applying for certification who:

2563 (a) Meets the requirements for certification as set forth
2564 in this section; has passed a national, regional, state, or
2565 United States territorial licensing examination that is
2566 substantially equivalent to the examination required by this
2567 part; and has satisfied the requirements set forth in s.

2568 489.521; ~~or~~

2569 (b) Holds a valid license to practice electrical or alarm
2570 system contracting issued by another state or territory of the
2571 United States, if the criteria for issuance of such license was
2572 substantially equivalent to the certification criteria that
2573 existed in this state at the time the certificate was issued; or

2574 (c) Has held a valid, current license to practice
2575 electrical or alarm system contracting issued by another state
2576 or territory for at least 10 years before the date of
2577 application and is applying for the same or similar license in
2578 this state, subject to ss. 489.510 and 489.521(3)(a), and
2579 subparagraph (1)(b)1.

2580 Section 100. Subsection (3) and paragraph (b) of subsection
2581 (4) of section 489.517, Florida Statutes, are amended to read:

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2582 489.517 Renewal of certificate or registration; continuing
2583 education.—

2584 (3) Each certificateholder or registrant shall provide
2585 proof, in a form established by rule of the board, that the
2586 certificateholder or registrant has completed at least 7 ~~14~~
2587 classroom hours of at least 50 minutes each of continuing
2588 education courses during each biennium since the issuance or
2589 renewal of the certificate or registration. The board shall by
2590 rule establish criteria for the approval of continuing education
2591 courses and providers and may by rule establish criteria for
2592 accepting alternative nonclassroom continuing education on an
2593 hour-for-hour basis.

2594 (4)

2595 (b) Of the 7 ~~14~~ classroom hours of continuing education
2596 required, at least 1 hour ~~7 hours~~ must be on technical subjects,
2597 1 hour on workers' compensation, 1 hour on workplace safety, 1
2598 hour on business practices, and for alarm system contractors and
2599 electrical contractors engaged in alarm system contracting, 2
2600 hours on false alarm prevention.

2601 Section 101. Paragraph (b) of subsection (1) of section
2602 489.518, Florida Statutes, is amended to read:

2603 489.518 Alarm system agents.—

2604 (1) A licensed electrical or alarm system contractor may
2605 not employ a person to perform the duties of a burglar alarm
2606 system agent unless the person:

2607 (b) Has successfully completed a minimum of 14 hours of
2608 training within 90 days after employment, to include basic alarm
2609 system electronics in addition to related training including
2610 CCTV and access control training, with at least 2 hours of

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2611 training in the prevention of false alarms. Such training shall
2612 be from a board-approved provider, and the employee or applicant
2613 for employment shall provide proof of successful completion to
2614 the licensed employer. The board shall by rule establish
2615 criteria for the approval of training courses and providers and
2616 may by rule establish criteria for accepting alternative
2617 nonclassroom education on an hour-for-hour basis. The board
2618 shall approve providers that conduct training in other than the
2619 English language. The board shall establish a fee for the
2620 approval of training providers or courses, not to exceed \$60.
2621 Qualified employers may conduct training classes for their
2622 employees, with board approval.

2623 Section 102. Section 492.104, Florida Statutes, is amended,
2624 to read:

2625 492.104 Rulemaking authority.—The Board of Professional
2626 Geologists has authority to adopt rules pursuant to ss.
2627 120.536(1) and 120.54 to implement this chapter. Every licensee
2628 shall be governed and controlled by this chapter and the rules
2629 adopted by the board. The board is authorized to set, by rule,
2630 fees for application, examination, ~~certificate of authorization,~~
2631 late renewal, initial licensure, and license renewal. These fees
2632 may ~~should~~ not exceed the cost of implementing the application,
2633 examination, initial licensure, and license renewal or other
2634 administrative process and shall be established as follows:

2635 (1) The application fee shall not exceed \$150 and shall be
2636 nonrefundable.

2637 (2) The examination fee shall not exceed \$250, and the fee
2638 may be apportioned to each part of a multipart examination. The
2639 examination fee shall be refundable in whole or part if the

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2640 applicant is found to be ineligible to take any portion of the
2641 licensure examination.

2642 (3) The initial license fee shall not exceed \$100.

2643 (4) The biennial renewal fee shall not exceed \$150.

2644 ~~(5) The fee for a certificate of authorization shall not~~
2645 ~~exceed \$350 and the fee for renewal of the certificate shall not~~
2646 ~~exceed \$350.~~

2647 (5)~~(6)~~ The fee for reactivation of an inactive license may
2648 ~~shall~~ not exceed \$50.

2649 (6)~~(7)~~ The fee for a provisional license may ~~shall~~ not
2650 exceed \$400.

2651 (7)~~(8)~~ The fee for application, examination, and licensure
2652 for a license by endorsement is ~~shall be~~ as provided in this
2653 section for licenses in general.

2654 Section 103. Subsection (1) of section 492.108, Florida
2655 Statutes, is amended to read:

2656 492.108 Licensure by endorsement; requirements; fees.—

2657 (1) The department shall issue a license by endorsement to
2658 any applicant who, upon applying to the department and remitting
2659 an application fee, has been certified by the board that he or
2660 she:

2661 (a) Has met the qualifications for licensure in s.

2662 492.105(1)(b)-(e) and:—

2663 1.~~(b)~~ Is the holder of an active license in good standing
2664 in a state, trust, territory, or possession of the United
2665 States.

2666 2.~~(e)~~ Was licensed through written examination in at least
2667 one state, trust, territory, or possession of the United States,
2668 the examination requirements of which have been approved by the

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2669 board as substantially equivalent to or more stringent than
2670 those of this state, and has received a score on such
2671 examination which is equal to or greater than the score required
2672 by this state for licensure by examination.

2673 3.~~(d)~~ Has taken and successfully passed the laws and rules
2674 portion of the examination required for licensure as a
2675 professional geologist in this state.

2676 (b) Has held a valid license to practice geology in another
2677 state, trust, territory, or possession of the United States for
2678 at least 10 years before the date of application and has
2679 successfully completed a state, regional, national, or other
2680 examination that is equivalent to or more stringent than the
2681 examination required by the department. If such applicant has
2682 met the requirements for a license by endorsement except
2683 successful completion of an examination that is equivalent to or
2684 more stringent than the examination required by the board, such
2685 applicant may take the examination required by the board.

2686 Section 104. Section 492.111, Florida Statutes, is amended
2687 to read:

2688 492.111 Practice of professional geology by a firm,
2689 corporation, or partnership; ~~certificate of authorization.~~—The
2690 practice of, or offer to practice, professional geology by
2691 individual professional geologists licensed under the provisions
2692 of this chapter through a firm, corporation, or partnership
2693 offering geological services to the public through individually
2694 licensed professional geologists as agents, employees, officers,
2695 or partners thereof is permitted subject to the provisions of
2696 this chapter, if provided that:

2697 (1) At all times that it offers geological services to the

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2698 public, the firm, corporation, or partnership is qualified by
2699 ~~has on file with the department the name and license number of~~
2700 one or more individuals who hold a current, active license as a
2701 professional geologist in the state and are serving as a
2702 geologist of record for the firm, corporation, or partnership. A
2703 geologist of record may be any principal officer or employee of
2704 such firm or corporation, or any partner or employee of such
2705 partnership, who holds a current, active license as a
2706 professional geologist in this state, or any other Florida-
2707 licensed professional geologist with whom the firm, corporation,
2708 or partnership has entered into a long-term, ongoing
2709 relationship, as defined by rule of the board, to serve as one
2710 of its geologists of record. ~~It shall be the responsibility of~~
2711 ~~the firm, corporation, or partnership and~~ The geologist of
2712 record shall ~~to~~ notify the department of any changes in the
2713 relationship or identity of that geologist of record within 30
2714 days after such change.

2715 ~~(2) The firm, corporation, or partnership has been issued a~~
2716 ~~certificate of authorization by the department as provided in~~
2717 ~~this chapter. For purposes of this section, a certificate of~~
2718 ~~authorization shall be required of any firm, corporation,~~
2719 ~~partnership, association, or person practicing under a~~
2720 ~~fictitious name and offering geological services to the public;~~
2721 ~~except that, when an individual is practicing professional~~
2722 ~~geology in her or his own name, she or he shall not be required~~
2723 ~~to obtain a certificate of authorization under this section.~~
2724 ~~Such certificate of authorization shall be renewed every 2~~
2725 ~~years.~~

2726 (2) ~~(3)~~ All final geological papers or documents involving

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2727 the practice of the profession of geology which have been
2728 prepared or approved for the use of such firm, corporation, or
2729 partnership, for delivery to any person for public record with
2730 the state, shall be dated and bear the signature and seal of the
2731 professional geologist or professional geologists who prepared
2732 or approved them.

2733 (3)~~(4)~~ Except as provided in s. 558.0035, the fact that a
2734 licensed professional geologist practices through a corporation
2735 or partnership does not relieve the registrant from personal
2736 liability for negligence, misconduct, or wrongful acts committed
2737 by her or him. The partnership and all partners are jointly and
2738 severally liable for the negligence, misconduct, or wrongful
2739 acts committed by their agents, employees, or partners while
2740 acting in a professional capacity. Any officer, agent, or
2741 employee of a corporation is personally liable and accountable
2742 only for negligent acts, wrongful acts, or misconduct committed
2743 by her or him or committed by any person under her or his direct
2744 supervision and control, while rendering professional services
2745 on behalf of the corporation. The personal liability of a
2746 shareholder of a corporation, in her or his capacity as
2747 shareholder, may be no greater than that of a shareholder-
2748 employee of a corporation incorporated under chapter 607. The
2749 corporation is liable up to the full value of its property for
2750 any negligent acts, wrongful acts, or misconduct committed by
2751 any of its officers, agents, or employees while they are engaged
2752 on behalf of the corporation in the rendering of professional
2753 services.

2754 ~~(5) The firm, corporation, or partnership desiring a~~
2755 ~~certificate of authorization shall file with the department an~~

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2756 ~~application therefor, upon a form to be prescribed by the~~
2757 ~~department, accompanied by the required application fee.~~

2758 ~~(6) The department may refuse to issue a certificate of~~
2759 ~~authorization if any facts exist which would entitle the~~
2760 ~~department to suspend or revoke an existing certificate of~~
2761 ~~authorization or if the department, after giving persons~~
2762 ~~involved a full and fair hearing, determines that any of the~~
2763 ~~officers or directors of said firm or corporation, or partners~~
2764 ~~of said partnership, have violated the provisions of s. 492.113.~~

2765 Section 105. Subsection (4) of section 492.113, Florida
2766 Statutes, is amended to read:

2767 492.113 Disciplinary proceedings.—

2768 (4) The department shall reissue the license of a
2769 disciplined professional geologist ~~or business~~ upon
2770 certification by the board that the disciplined person has
2771 complied with ~~all of~~ the terms and conditions set forth in the
2772 final order.

2773 Section 106. Section 492.115, Florida Statutes, is amended
2774 to read:

2775 492.115 Roster of licensed professional geologists.—A
2776 roster showing the names and places of business or residence of
2777 all licensed professional geologists and all properly qualified
2778 firms, corporations, or partnerships practicing holding
2779 ~~certificates of authorization to practice~~ professional geology
2780 in the state shall be prepared annually by the department. A
2781 copy of this roster must be made available to ~~shall be~~
2782 ~~obtainable by~~ each licensed professional geologist and each
2783 firm, corporation, or partnership qualified by a professional
2784 geologist holding a certificate of authorization, and copies

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2785 thereof shall be placed on file with the department.

2786 Section 107. Paragraph (i) of subsection (2) of section
2787 548.003, Florida Statutes, is amended to read:

2788 548.003 Florida State Boxing Commission.—

2789 (2) The Florida State Boxing Commission, as created by
2790 subsection (1), shall administer the provisions of this chapter.
2791 The commission has authority to adopt rules pursuant to ss.
2792 120.536(1) and 120.54 to implement the provisions of this
2793 chapter and to implement each of the duties and responsibilities
2794 conferred upon the commission, including, but not limited to:

2795 ~~(i) Designation and duties of a knockdown timekeeper.~~

2796 Section 108. Subsection (1) of section 548.017, Florida
2797 Statutes, is amended to read:

2798 548.017 Participants, managers, and other persons required
2799 to have licenses.—

2800 (1) A participant, manager, trainer, second, ~~timekeeper,~~
2801 referee, judge, ~~announcer,~~ physician, matchmaker, or promoter
2802 must be licensed before directly or indirectly acting in such
2803 capacity in connection with any match involving a participant. A
2804 physician approved by the commission must be licensed pursuant
2805 to chapter 458 or chapter 459, must maintain an unencumbered
2806 license in good standing, and must demonstrate satisfactory
2807 medical training or experience in boxing, or a combination of
2808 both, to the executive director before working as the ringside
2809 physician.

2810 Section 109. Paragraph (d) of subsection (1) of section
2811 553.5141, Florida Statutes, is amended to read:

2812 553.5141 Certifications of conformity and remediation
2813 plans.—

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- 2814 (1) For purposes of this section:
- 2815 (d) "Qualified expert" means:
- 2816 1. An engineer licensed pursuant to chapter 471.
- 2817 2. A certified general contractor licensed pursuant to
- 2818 chapter 489.
- 2819 3. A certified building contractor licensed pursuant to
- 2820 chapter 489.
- 2821 4. A building code administrator licensed pursuant to
- 2822 chapter 468.
- 2823 5. A building inspector licensed pursuant to chapter 468.
- 2824 6. A plans examiner licensed pursuant to chapter 468.
- 2825 7. An interior designer who has passed the qualification
- 2826 examination prescribed by either the National Council for
- 2827 Interior Design Qualifications or the California Council for
- 2828 Interior Design Certification ~~licensed pursuant to chapter 481.~~
- 2829 8. An architect licensed pursuant to chapter 481.
- 2830 9. A landscape architect licensed pursuant to chapter 481.
- 2831 10. Any person who has prepared a remediation plan related
- 2832 to a claim under Title III of the Americans with Disabilities
- 2833 Act, 42 U.S.C. s. 12182, that has been accepted by a federal
- 2834 court in a settlement agreement or court proceeding, or who has
- 2835 been qualified as an expert in Title III of the Americans with
- 2836 Disabilities Act, 42 U.S.C. s. 12182, by a federal court.
- 2837 Section 110. Subsection (1) of section 553.74, Florida
- 2838 Statutes, is amended to read:
- 2839 553.74 Florida Building Commission.—
- 2840 (1) The Florida Building Commission is created and located
- 2841 within the Department of Business and Professional Regulation
- 2842 for administrative purposes. Members are appointed by the

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2843 Governor subject to confirmation by the Senate. The commission
2844 is composed of 17 ~~27~~ members, consisting of the following
2845 members:

2846 (a) One architect licensed pursuant to chapter 481 with at
2847 least 5 years of experience in the design and construction of
2848 buildings containing Florida Building Code designated Group R
2849 occupancy at or above 210 feet in height above the elevation of
2850 the lowest level of emergency services access ~~registered to~~
2851 ~~practice in this state and actively engaged in the profession.~~
2852 ~~The American Institute of Architects, Florida Section, is~~
2853 ~~encouraged to recommend a list of candidates for consideration.~~

2854 (b) One structural engineer registered to practice in this
2855 state and actively engaged in the profession. The Florida
2856 Engineering Society is encouraged to recommend a list of
2857 candidates for consideration.

2858 (c) One air-conditioning or mechanical contractor certified
2859 to do business in this state and actively engaged in the
2860 profession. The Florida Air Conditioning Contractors
2861 Association, the Florida Refrigeration and Air Conditioning
2862 Contractors Association, and the Mechanical Contractors
2863 Association of Florida are encouraged to recommend a list of
2864 candidates for consideration.

2865 (d) One electrical contractor or electrical engineer
2866 certified to do business in this state and actively engaged in
2867 the profession. The Florida Association of Electrical
2868 Contractors and the National Electrical Contractors Association,
2869 Florida Chapter, are encouraged to recommend a list of
2870 candidates for consideration.

2871 ~~(e) One member from fire protection engineering or~~

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2872 ~~technology who is actively engaged in the profession. The~~
2873 ~~Florida Chapter of the Society of Fire Protection Engineers and~~
2874 ~~the Florida Fire Marshals and Inspectors Association are~~
2875 ~~encouraged to recommend a list of candidates for consideration.~~

2876 ~~(e)-(f)~~ One certified general contractor or one certified
2877 building contractor certified to do business in this state and
2878 actively engaged in the profession. The Associated Builders and
2879 Contractors of Florida, the Florida Associated General
2880 Contractors Council, the Florida Home Builders Association, and
2881 the Union Contractors Association are encouraged to recommend a
2882 list of candidates for consideration.

2883 ~~(f)-(g)~~ One plumbing contractor licensed to do business in
2884 this state and actively engaged in the profession. The Florida
2885 Association of Plumbing, Heating, and Cooling Contractors is
2886 encouraged to recommend a list of candidates for consideration.

2887 ~~(g)-(h)~~ One roofing or sheet metal contractor certified to
2888 do business in this state and actively engaged in the
2889 profession. The Florida Roofing, Sheet Metal, and Air
2890 Conditioning Contractors Association and the Sheet Metal and Air
2891 Conditioning Contractors' National Association are encouraged to
2892 recommend a list of candidates for consideration.

2893 ~~(h)-(i)~~ One certified residential contractor licensed to do
2894 business in this state and actively engaged in the profession.
2895 The Florida Home Builders Association is encouraged to recommend
2896 a list of candidates for consideration.

2897 ~~(i)-(j)~~ Three members who are municipal, county, or district
2898 codes enforcement officials, one of whom is also a fire
2899 official. The Building Officials Association of Florida and the
2900 Florida Fire Marshals and Inspectors Association are encouraged

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2901 to recommend a list of candidates for consideration.

2902 ~~(k) One member who represents the Department of Financial~~
2903 ~~Services.~~

2904 ~~(l) One member who is a county codes enforcement official.~~
2905 ~~The Building Officials Association of Florida is encouraged to~~
2906 ~~recommend a list of candidates for consideration.~~

2907 (j)~~(m)~~ One member of a Florida-based organization of
2908 persons with disabilities or a nationally chartered organization
2909 of persons with disabilities with chapters in this state which
2910 complies with or is certified to be compliant with the
2911 requirements of the Americans with Disability Act of 1990, as
2912 amended.

2913 (k)~~(n)~~ One member of the manufactured buildings industry
2914 who is licensed to do business in this state and is actively
2915 engaged in the industry. The Florida Manufactured Housing
2916 Association is encouraged to recommend a list of candidates for
2917 consideration.

2918 ~~(o) One mechanical or electrical engineer registered to~~
2919 ~~practice in this state and actively engaged in the profession.~~
2920 ~~The Florida Engineering Society is encouraged to recommend a~~
2921 ~~list of candidates for consideration.~~

2922 ~~(p) One member who is a representative of a municipality or~~
2923 ~~a charter county. The Florida League of Cities and the Florida~~
2924 ~~Association of Counties are encouraged to recommend a list of~~
2925 ~~candidates for consideration.~~

2926 (l)~~(q)~~ One member of the building products manufacturing
2927 industry who is authorized to do business in this state and is
2928 actively engaged in the industry. The Florida Building Material
2929 Association, the Florida Concrete and Products Association, and

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2930 the Fenestration Manufacturers Association are encouraged to
2931 recommend a list of candidates for consideration.

2932 ~~(r) One member who is a representative of the building~~
2933 ~~owners and managers industry who is actively engaged in~~
2934 ~~commercial building ownership or management. The Building Owners~~
2935 ~~and Managers Association is encouraged to recommend a list of~~
2936 ~~candidates for consideration.~~

2937 (m)~~(s)~~ One member who is a representative of the insurance
2938 industry. The Florida Insurance Council is encouraged to
2939 recommend a list of candidates for consideration.

2940 ~~(t) One member who is a representative of public education.~~

2941 (n)~~(u)~~ One member who is a swimming pool contractor
2942 licensed to do business in this state and actively engaged in
2943 the profession. The Florida Swimming Pool Association and the
2944 United Pool and Spa Association are encouraged to recommend a
2945 list of candidates for consideration.

2946 ~~(v) One member who is a representative of the green~~
2947 ~~building industry and who is a third party commission agent, a~~
2948 ~~Florida board member of the United States Green Building Council~~
2949 ~~or Green Building Initiative, a professional who is accredited~~
2950 ~~under the International Green Construction Code (IGCC), or a~~
2951 ~~professional who is accredited under Leadership in Energy and~~
2952 ~~Environmental Design (LEED).~~

2953 (o)~~(w)~~ One member who is a representative of a natural gas
2954 distribution system and who is actively engaged in the
2955 distribution of natural gas in this state. The Florida Natural
2956 Gas Association is encouraged to recommend a list of candidates
2957 for consideration.

2958 ~~(x) One member who is a representative of the Department of~~

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2959 ~~Agriculture and Consumer Services' Office of Energy. The~~
 2960 ~~Commissioner of Agriculture is encouraged to recommend a list of~~
 2961 ~~candidates for consideration.~~

2962 ~~(y) One member who shall be the chair.~~

2963 Section 111. Paragraph (c) of subsection (5) of section
 2964 553.79, Florida Statutes, is amended to read:

2965 553.79 Permits; applications; issuance; inspections.-

2966 (5)

2967 (c) The architect or engineer of record may act as the
 2968 special inspector provided she or he is on the Board of
 2969 Professional Engineers' or the Board of Architecture's
 2970 ~~Architecture and Interior Design's~~ list of persons qualified to
 2971 be special inspectors. School boards may utilize employees as
 2972 special inspectors provided such employees are on one of the
 2973 professional licensing board's list of persons qualified to be
 2974 special inspectors.

2975 Section 112. Subsection (7) of section 558.002, Florida
 2976 Statutes, is amended to read:

2977 558.002 Definitions.-As used in this chapter, the term:

2978 (7) "Design professional" means a person, as defined in s.
 2979 1.01, who is licensed in this state as an architect, interior
 2980 ~~designer,~~ a landscape architect, an engineer, a surveyor, or a
 2981 geologist.

2982 Section 113. Subsection (3) of section 559.25, Florida
 2983 Statutes, is amended to read:

2984 559.25 Exemptions.-The provisions of this part shall not
 2985 apply to or affect the following persons:

2986 ~~(3) Duly licensed auctioneers, selling at auction.~~

2987 Section 114. Paragraphs (h) and (k) of subsection (2) of

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2988 section 287.055, Florida Statutes, are amended to read:

2989 287.055 Acquisition of professional architectural,
2990 engineering, landscape architectural, or surveying and mapping
2991 services; definitions; procedures; contingent fees prohibited;
2992 penalties.—

2993 (2) DEFINITIONS.—For purposes of this section:

2994 (h) A “design-build firm” means a partnership, corporation,
2995 or other legal entity that:

2996 1. Is certified under s. 489.119 to engage in contracting
2997 through a certified or registered general contractor or a
2998 certified or registered building contractor as the qualifying
2999 agent; or

3000 2. Is qualified ~~certified~~ under s. 471.023 to practice or
3001 to offer to practice engineering; qualified ~~certified~~ under s.
3002 481.219 to practice or to offer to practice architecture; or
3003 qualified ~~certified~~ under s. 481.319 to practice or to offer to
3004 practice landscape architecture.

3005 (k) A “design criteria professional” means a firm that is
3006 qualified ~~who holds a current certificate of registration~~ under
3007 chapter 481 to practice architecture or landscape architecture
3008 or a firm who holds a current certificate as a registered
3009 engineer under chapter 471 to practice engineering and who is
3010 employed by or under contract to the agency for the providing of
3011 professional architect services, landscape architect services,
3012 or engineering services in connection with the preparation of
3013 the design criteria package.

3014 Section 115. This act shall take effect July 1, 2019.

3015