

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

27 s. 468.406, F.S.; deleting the requirement for talent
28 agencies to file with the department an itemized
29 schedule of certain fees and an amended or
30 supplemental schedule under certain circumstances;
31 repealing s. 468.407, F.S., relating to license
32 contents and posting; amending s. 468.408, F.S.;
33 revising requirements for talent agency bonds;
34 deleting a departmental requirement to approve talent
35 agency bonds; requiring that a bonding company notify
36 the talent agency, rather than notifying the
37 department, of certain claims; amending s. 468.409,
38 F.S.; deleting provisions requiring talent agencies to
39 make specified records readily available for
40 inspection by the department; amending s. 468.410,
41 F.S.; deleting a reference to the department in talent
42 agency contracts; amending s. 468.412, F.S.; revising
43 the information that talent agencies must enter in the
44 talent agency records; deleting requirements relating
45 to the inspection of talent agency records and the
46 submission of certain records and reports to the
47 department; revising the requirements for talent
48 agencies to post certain laws and rules; revising the
49 information required in talent agency publications;
50 amending s. 468.413, F.S.; deleting provisions
51 relating to criminal violations for failing to obtain
52 or maintain licensure with the department; deleting

53 provisions authorizing the court to suspend or revoke
54 a license; deleting a provision authorizing the court
55 to take certain actions; revising the department's
56 authority to bring certain actions and impose certain
57 remedies for violations of talent agency regulations;
58 repealing s. 468.414, F.S., relating to collection and
59 deposit of fines, fees, and penalties by the
60 department; amending s. 468.415, F.S.; deleting a
61 provision requiring the department to revoke a
62 license; amending s. 469.006, F.S.; requiring that a
63 license be in the name of a qualifying agent rather
64 than the name of a business organization; requiring
65 the qualifying agent, rather than the business
66 organization, to report certain changes in
67 information; conforming provisions to changes made by
68 the act; amending s. 469.009, F.S.; deleting the
69 authority of the department to reprimand, censure, or
70 impose probation on certain business organizations;
71 amending s. 477.0135, F.S.; providing that a license
72 or registration is not required for a person whose
73 occupation or practice is confined solely to applying
74 polish to nails; amending s. 481.203, F.S.; defining
75 the term "business organization"; deleting the
76 definition of the term "certificate of authorization";
77 amending s. 481.219, F.S.; revising the process by
78 which a business organization obtains the requisite

79 | license to perform architectural services; requiring
80 | that a licensee or an applicant apply to qualify a
81 | business organization under certain circumstances;
82 | specifying application requirements; authorizing the
83 | Board of Architecture and Interior Design to deny an
84 | application under certain circumstances; requiring
85 | that a qualifying agent be a registered architect or a
86 | registered interior designer under certain
87 | circumstances; requiring that a qualifying agent
88 | notify the department when she or he ceases to be
89 | affiliated with a business organization; prohibiting a
90 | business organization from engaging in certain
91 | practices until it is qualified by a qualifying agent;
92 | authorizing the executive director or the chair of the
93 | board to authorize a certain registered architect or
94 | interior designer to temporarily serve as the business
95 | organization's qualifying agent for a specified
96 | timeframe under certain circumstances; requiring the
97 | qualifying agent to give written notice to the
98 | department before engaging in practice under her or
99 | his own name or in affiliation with another business
100 | organization; requiring the board to allow an
101 | applicant to qualify one or more business
102 | organizations or to operate using a fictitious name
103 | under certain circumstances; conforming provisions to
104 | changes made by the act; amending s. 481.221, F.S.;

105 requiring a business organization to include the
106 license number of a certain registered architect or
107 interior designer in any advertising; providing an
108 exception; conforming provisions to changes made by
109 the act; amending s. 481.229, F.S.; conforming
110 provisions to changes made by the act; reordering and
111 amending s. 481.303, F.S.; deleting the definition of
112 the term "certificate of authorization"; amending s.
113 481.321, F.S.; revising provisions that require
114 persons to display certificate numbers under certain
115 circumstances; conforming provisions to changes made
116 by the act; amending ss. 481.311, 481.317, and
117 481.319, F.S.; conforming provisions to changes made
118 by the act; amending s. 481.329, F.S.; conforming a
119 cross-reference; amending s. 489.503, F.S.; revising
120 an exemption from regulation for certain persons;
121 exempting a person who installs certain low-voltage
122 landscape lighting from specified requirements;
123 amending s. 489.518, F.S.; exempting certain persons
124 from initial training for burglar alarm system agents;
125 providing an effective date.

126
127 Be It Enacted by the Legislature of the State of Florida:

128
129 Section 1. Subsection (13) of section 326.004, Florida
130 Statutes, is amended to read:

131 326.004 Licensing.—

132 (13) Each broker must maintain a principal place of
 133 business in this state and may establish branch offices in the
 134 state. ~~A separate license must be maintained for each branch~~
 135 ~~office. The division shall establish by rule a fee not to exceed~~
 136 ~~\$100 for each branch office license.~~

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

139 447.02 Definitions.—The following terms, when used in this
 140 chapter, shall have the meanings ascribed to them in this
 141 section:

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

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

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

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

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

148 Section 7. Subsections (6) and (8) of section 447.09,
 149 Florida Statutes, are amended to read:

150 447.09 Right of franchise preserved; penalties.—It shall
 151 be unlawful for any person:

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

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

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

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

158 Section 10. Section 468.401, Florida Statutes, is
 159 reordered and amended to read:

160 468.401 ~~Regulation of~~ Talent agencies; definitions.—As
 161 used in this part, the term ~~or any rule adopted pursuant hereto:~~

162 (1)~~(8)~~ "Artist" means a person performing on the
 163 professional stage or in the production of television, radio, or
 164 motion pictures; a musician or group of musicians; or a model.

165 (2)~~(7)~~ "Buyer" or "employer" means a person, company,
 166 partnership, or corporation that uses the services of a talent
 167 agency to provide artists.

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

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

172 (b) Any money received by any person in excess of that
 173 which has been paid out by such person for transportation,
 174 transfer of baggage, or board and lodging for any applicant for
 175 employment; or

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

181 (4) "Engagement" means any employment or placement of an
 182 artist, where the artist performs in his or her artistic

183 capacity. However, the term "engagement" shall not apply to
 184 procuring opera, music, theater, or dance engagements for any
 185 organization defined in s. 501(c)(3) of the Internal Revenue
 186 Code or any nonprofit Florida arts organization that has
 187 received a grant from the Division of Cultural Affairs of the
 188 Department of State or has participated in the state touring
 189 program of the Division of Cultural Affairs.

190 (5)~~(6)~~ "Operator" means the person who is or who will be
 191 in actual charge of a talent agency.

192 (6)~~(2)~~ "Owner" means any partner in a partnership, member
 193 of a firm, or principal officer or officers of a corporation,
 194 whose partnership, firm, or corporation owns a talent agency, or
 195 any individual who is the sole owner of a talent agency.

196 (7)~~(9)~~ "Person" means any individual, company, society,
 197 firm, partnership, association, corporation, manager, or any
 198 agent or employee of any of the foregoing.

199 (8)~~(1)~~ "Talent agency" means any person who, for
 200 compensation, engages in the occupation or business of procuring
 201 or attempting to procure engagements for an artist.

202 ~~(5) "Department" means the Department of Business and
 203 Professional Regulation.~~

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

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

209 Section 11. Section 468.402, Florida Statutes, is
 210 repealed.

211 Section 12. Section 468.403, Florida Statutes, is
 212 repealed.

213 Section 13. Section 468.404, Florida Statutes, is
 214 repealed.

215 Section 14. Section 468.405, Florida Statutes, is
 216 repealed.

217 Section 15. Subsection (1) of section 468.406, Florida
 218 Statutes, is amended to read:

219 468.406 Fees to be charged by talent agencies; rates;
 220 display.-

221 (1) Each owner or operator of a talent agency shall post
 222 ~~applicant for a license shall file with the application an~~
 223 itemized schedule of maximum fees, charges, and commissions that
 224 ~~which it intends to charge and collect for its services. This~~
 225 ~~schedule may thereafter be raised only by filing with the~~
 226 ~~department an amended or supplemental schedule at least 30 days~~
 227 ~~before the change is to become effective. The schedule shall be~~
 228 ~~posted~~ in a conspicuous place in each place of business of the
 229 agency, and the schedule shall be printed in not less than a 30-
 230 point boldfaced type, except that an agency that uses written
 231 contracts containing maximum fee schedules need not post such
 232 schedules.

233 Section 16. Section 468.407, Florida Statutes, is
 234 repealed.

235 Section 17. Subsection (1) of section 468.408, Florida
 236 Statutes, is amended to read:

237 468.408 Bond required.—

238 (1) A ~~There shall be filed with the department for each~~
 239 talent agency shall obtain ~~license~~ a bond in the form of a
 240 surety by a reputable company engaged in the bonding business
 241 and authorized to do business in this state. The bond shall be
 242 for the penal sum of \$5,000, with one or more sureties ~~to be~~
 243 ~~approved by the department~~, and be conditioned that the talent
 244 agency applicant conform to and not violate any of the duties,
 245 terms, conditions, provisions, or requirements of this part.

246 (a) If any person is aggrieved by the misconduct of any
 247 talent agency, the person may maintain an action in his or her
 248 own name upon the bond of the agency in any court having
 249 jurisdiction of the amount claimed. All such claims shall be
 250 assignable, and the assignee shall be entitled to the same
 251 remedies, upon the bond of the agency or otherwise, as the
 252 person aggrieved would have been entitled to if such claim had
 253 not been assigned. Any claim or claims so assigned may be
 254 enforced in the name of such assignee.

255 (b) The bonding company shall notify the talent agency
 256 ~~department~~ of any claim against such bond, and a copy of such
 257 notice shall be sent to the talent agency against which the
 258 claim is made.

259 Section 18. Section 468.409, Florida Statutes, is amended
 260 to read:

261 468.409 Records required to be kept.—Each talent agency
 262 shall keep on file the application, registration, or contract of
 263 each artist. In addition, such file must include the name and
 264 address of each artist, the amount of the compensation received,
 265 and all attempts to procure engagements for the artist. No such
 266 agency or employee thereof shall knowingly make any false entry
 267 in applicant files or receipt files. Each card or document in
 268 such files shall be preserved for a period of 1 year after the
 269 date of the last entry thereon. ~~Records required under this~~
 270 ~~section shall be readily available for inspection by the~~
 271 ~~department during reasonable business hours at the talent~~
 272 ~~agency's principal office. A talent agency must provide the~~
 273 ~~department with true copies of the records in the manner~~
 274 ~~prescribed by the department.~~

275 Section 19. Subsection (3) of section 468.410, Florida
 276 Statutes, is amended to read:

277 468.410 Prohibition against registration fees; referral.—

278 (3) A talent agency shall give each applicant a copy of a
 279 contract, within 24 hours after the contract's execution, which
 280 lists the services to be provided and the fees to be charged.
 281 ~~The contract shall state that the talent agency is regulated by~~
 282 ~~the department and shall list the address and telephone number~~
 283 ~~of the department.~~

284 Section 20. Section 468.412, Florida Statutes, is amended
 285 to read:

286 468.412 Talent agency regulations; prohibited acts.—

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

291 (2) Each talent agency shall keep records in which shall
 292 be entered:

293 (a) The name and address of each artist employing such
 294 talent agency;

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

296 (c) The employment in which each such artist is engaged at
 297 the time of employing such talent agency and the amount of
 298 compensation of the artist in such employment, if any, and the
 299 employments subsequently secured by such artist during the term
 300 of the contract between the artist and the talent agency and the
 301 amount of compensation received by the artist pursuant thereto. +
 302 and

303 ~~(d) Other information which the department may require~~
 304 ~~from time to time.~~

305 ~~(3) All books, records, and other papers kept pursuant to~~
 306 ~~this act by any talent agency shall be open at all reasonable~~
 307 ~~hours to the inspection of the department and its agents. Each~~
 308 ~~talent agency shall furnish to the department, upon request, a~~
 309 ~~true copy of such books, records, and papers, or any portion~~
 310 ~~thereof, and shall make such reports as the department may~~
 311 ~~prescribe from time to time.~~

312 (3)~~(4)~~ Each talent agency shall post in a conspicuous

313 place in the office of such talent agency a printed copy of this
314 part ~~and of the rules adopted under this part. Such copies shall~~
315 ~~also contain the name and address of the officer charged with~~
316 ~~enforcing this part. The department shall furnish to talent~~
317 ~~agencies printed copies of any statute or rule required to be~~
318 ~~posted under this subsection.~~

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

323 (b) A talent agency must advise an artist, in writing,
324 that the artist has a right to rescind a contract for employment
325 within the first 3 business days after the contract's execution.
326 Any engagement procured by the talent agency for the artist
327 during the first 3 business days of the contract remains
328 commissionable to the talent agency.

329 (5) ~~(6)~~ No talent agency may publish or cause to be
330 published any false, fraudulent, or misleading information,
331 representation, notice, or advertisement. All advertisements of
332 a talent agency by means of card, circulars, or signs, and in
333 newspapers and other publications, and all letterheads,
334 receipts, and blanks shall be printed and contain the ~~licensed~~
335 ~~name, department license number,~~ and address of the talent
336 agency and the words "talent agency." No talent agency may give
337 any false information or make any false promises or
338 representations concerning an engagement or employment to any

339 applicant who applies for an engagement or employment.

340 (6)~~(7)~~ No talent agency may send or cause to be sent any
341 person as an employee to any house of ill fame, to any house or
342 place of amusement for immoral purposes, to any place resorted
343 to for the purposes of prostitution, to any place for the
344 modeling or photographing of a minor in the nude in the absence
345 of written permission from the minor's parents or legal
346 guardians, the character of which places the talent agency could
347 have ascertained upon reasonable inquiry.

348 (7)~~(8)~~ No talent agency, without the written consent of
349 the artist, may divide fees with anyone, including, but not
350 limited to, an agent or other employee of an employer, a buyer,
351 a casting director, a producer, a director, or any venue that
352 uses entertainment. For purposes of this subsection, to "divide
353 fees" includes the sharing among two or more persons of those
354 fees charged to an artist for services performed on behalf of
355 that artist, the total amount of which fees exceeds the amount
356 that would have been charged to the artist by the talent agency
357 alone.

358 (8)~~(9)~~ If a talent agency collects from an artist a fee or
359 expenses for obtaining employment for the artist, and the artist
360 fails to procure such employment, or the artist fails to be paid
361 for such employment if procured, such talent agency shall, upon
362 demand therefor, repay to the artist the fee and expenses so
363 collected. Unless repayment thereof is made within 48 hours
364 after demand therefor, the talent agency shall pay to the artist

365 an additional sum equal to the amount of the fee.

366 (9)~~(10)~~ Each talent agency must maintain a permanent
367 office and must maintain regular operating hours at that office.

368 (10)~~(11)~~ A talent agency may assign an engagement contract
369 to another talent agency licensed in this state only if the
370 artist agrees in writing to the assignment. The assignment must
371 occur, and written notice of the assignment must be given to the
372 artist, within 30 days after the artist agrees in writing to the
373 assignment.

374 Section 21. Section 468.413, Florida Statutes, is amended
375 to read:

376 468.413 Legal requirements; penalties.—

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

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

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

385 (1)~~(2)~~ Each of the following acts constitutes a
386 misdemeanor of the second degree, punishable as provided in s.
387 775.082 or s. 775.083:

388 ~~(a) Relocating a business as a talent agency, or operating~~
389 ~~under any name other than that designated on the license, unless~~
390 ~~written notification is given to the department and to the~~

391 ~~surety or sureties on the original bond, and unless the license~~
 392 ~~is returned to the department for the recording thereon of such~~
 393 ~~changes.~~

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

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

400 (a)~~(d)~~ Failing to maintain the records required by s.
 401 468.409 or knowingly making false entries in such records.

402 (b)~~(e)~~ Requiring as a condition to registering or
 403 obtaining employment or placement for any applicant that the
 404 applicant subscribe to, purchase, or attend any publication,
 405 postcard service, advertisement, resume service, photography
 406 service, school, acting school, workshop, or acting workshop.

407 (c)~~(f)~~ Failing to give each applicant a copy of a contract
 408 which lists the services to be provided and the fees to be
 409 charged by, ~~which states that the talent agency is regulated by~~
 410 ~~the department, and which lists the address and telephone number~~
 411 ~~of the department.~~

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

414 (e)~~(h)~~ Knowingly sending or causing to be sent any artist
 415 to a prospective employer or place of business, the character or
 416 operation of which employer or place of business the talent

417 agency knows to be in violation of the laws of the United States
418 or of this state.

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

423 (2)(4) In the event that ~~the department or~~ any state
424 attorney shall have probable cause to believe that a talent
425 agency or other person has violated any provision of subsection
426 (1), an action may be brought by ~~the department or~~ any state
427 attorney to enjoin such talent agency or any person from
428 continuing such violation, or engaging therein or doing any acts
429 in furtherance thereof, and for such other relief as to the
430 court seems appropriate. ~~In addition to this remedy, the~~
431 ~~department may assess a penalty against any talent agency or any~~
432 ~~person in an amount not to exceed \$5,000.~~

433 Section 22. Section 468.414, Florida Statutes, is
434 repealed.

435 Section 23. Section 468.415, Florida Statutes, is amended
436 to read:

437 468.415 Sexual misconduct in the operation of a talent
438 agency.—The talent agent-artist relationship is founded on
439 mutual trust. Sexual misconduct in the operation of a talent
440 agency means violation of the talent agent-artist relationship
441 through which the talent agent uses the relationship to induce
442 or attempt to induce the artist to engage or attempt to engage

443 in sexual activity. Sexual misconduct is prohibited in the
444 operation of a talent agency. ~~If Any agent, owner, or operator~~
445 ~~of a licensed talent agency who commits is found to have~~
446 ~~committed~~ sexual misconduct in the operation of a talent agency,
447 ~~the agency license shall be permanently revoked. Such agent,~~
448 ~~owner, or operator~~ shall be permanently prohibited from acting
449 disqualified from present and future licensure as an agent,
450 owner, or operator of a ~~Florida~~ talent agency.

451 Section 24. Paragraphs (a) and (e) of subsection (2),
452 subsection (3), paragraph (b) of subsection (4), and subsection
453 (6) of section 469.006, Florida Statutes, are amended to read:

454 469.006 Licensure of business organizations; qualifying
455 agents.—

456 (2) (a) If the applicant proposes to engage in consulting
457 or contracting as a partnership, corporation, business trust, or
458 other legal entity, or in any name other than the applicant's
459 legal name, ~~the legal entity must apply for licensure through a~~
460 ~~qualifying agent or the individual applicant must apply for~~
461 licensure under the fictitious name of the business
462 organization.

463 (e) A ~~The license, when issued upon application of a~~
464 ~~business organization,~~ must be in the name of the qualifying
465 agent business organization, and the name of the business
466 organization ~~qualifying agent~~ must be noted on the license
467 ~~thereon.~~ If there is a change in any information that is
468 required to be stated on the application, the qualifying agent

469 ~~business organization~~ shall, within 45 days after such change
470 occurs, mail the correct information to the department.

471 (3) The qualifying agent must ~~shall~~ be licensed under this
472 chapter in order for the business organization to be qualified
473 ~~licensed~~ in the category of the business conducted for which the
474 qualifying agent is licensed. If any qualifying agent ceases to
475 be affiliated with such business organization, the agent shall
476 so inform the department. In addition, if such qualifying agent
477 is the only licensed individual affiliated with the business
478 organization, the business organization shall notify the
479 department of the termination of the qualifying agent and has
480 ~~shall have~~ 60 days after ~~from~~ the date of termination of the
481 qualifying agent's affiliation with the business organization ~~in~~
482 ~~which~~ to employ another qualifying agent. The business
483 organization may not engage in consulting or contracting until a
484 qualifying agent is employed, unless the department has granted
485 a temporary nonrenewable license to the financially responsible
486 officer, the president, the sole proprietor, a partner, or, in
487 the case of a limited partnership, the general partner, who
488 assumes all responsibilities of a primary qualifying agent for
489 the entity. This temporary license only allows ~~shall only allow~~
490 the entity to proceed with incomplete contracts.

491 (4)

492 (b) Upon a favorable determination by the department,
493 after investigation of the financial responsibility, credit, and
494 business reputation of the qualifying agent and the new business

495 organization, the department shall issue, without any
496 examination, a new license in the qualifying agent's ~~business~~
497 ~~organization's~~ name, and the name of the business organization
498 ~~qualifying agent~~ shall be noted thereon.

499 (6) Each qualifying agent shall pay the department an
500 amount equal to the original fee for licensure ~~of a new business~~
501 ~~organization~~, if the qualifying agent for a business
502 organization desires to qualify additional business
503 organizations.7 The department shall require the agent to
504 present evidence of supervisory ability and financial
505 responsibility of each such organization. Allowing a licensee to
506 qualify more than one business organization must ~~shall~~ be
507 conditioned upon the licensee showing that the licensee has both
508 the capacity and intent to adequately supervise each business
509 organization. The department may ~~shall~~ not limit the number of
510 business organizations that ~~which~~ the licensee may qualify
511 except upon the licensee's failure to provide such information
512 as is required under this subsection or upon a finding that the
513 ~~such~~ information or evidence ~~as is~~ supplied is incomplete or
514 unpersuasive in showing the licensee's capacity and intent to
515 comply with the requirements of this subsection. A qualification
516 for an additional business organization may be revoked or
517 suspended upon a finding by the department that the licensee has
518 failed in the licensee's responsibility to adequately supervise
519 the operations of the business organization. Failure to
520 adequately supervise the operations of a business organization

521 is ~~shall be~~ grounds for denial to qualify additional business
 522 organizations.

523 Section 25. Subsection (1) of section 469.009, Florida
 524 Statutes, is amended to read:

525 469.009 License revocation, suspension, and denial of
 526 issuance or renewal.—

527 (1) The department may revoke, suspend, or deny the
 528 issuance or renewal of a license; reprimand, censure, or place
 529 on probation any contractor, consultant, or financially
 530 responsible officer, ~~or business organization~~; require financial
 531 restitution to a consumer; impose an administrative fine not to
 532 exceed \$5,000 per violation; require continuing education; or
 533 assess costs associated with any investigation and prosecution
 534 if the contractor or consultant, or business organization or
 535 officer or agent thereof, is found guilty of any of the
 536 following acts:

537 (a) Willfully or deliberately disregarding or violating
 538 the health and safety standards of the Occupational Safety and
 539 Health Act of 1970, the Construction Safety Act, the National
 540 Emission Standards for Asbestos, the Environmental Protection
 541 Agency Asbestos Abatement Projects Worker Protection Rule, the
 542 Florida Statutes or rules promulgated thereunder, or any
 543 ordinance enacted by a political subdivision of this state.

544 (b) Violating any provision of chapter 455.

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

547 (d) Acting in the capacity of an asbestos contractor or
 548 asbestos consultant under any license issued under this chapter
 549 except in the name of the licensee as set forth on the issued
 550 license.

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

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

554 (g) Being convicted or found guilty of, or entering a plea
 555 of nolo contendere to, regardless of adjudication, a crime in
 556 any jurisdiction which directly relates to the practice of
 557 asbestos consulting or contracting or the ability to practice
 558 asbestos consulting or contracting.

559 (h) Knowingly violating any building code, lifesafety
 560 code, or county or municipal ordinance relating to the practice
 561 of asbestos consulting or contracting.

562 (i) Performing any act which assists a person or entity in
 563 engaging in the prohibited unlicensed practice of asbestos
 564 consulting or contracting, if the licensee knows or has
 565 reasonable grounds to know that the person or entity was
 566 unlicensed.

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

569 Financial mismanagement or misconduct occurs when:

- 570 1. Valid liens have been recorded against the property of
 571 a contractor's customer for supplies or services ordered by the
 572 contractor for the customer's job; the contractor has received

573 funds from the customer to pay for the supplies or services; and
574 the contractor has not had the liens removed from the property,
575 by payment or by bond, within 75 days after the date of such
576 liens;

577 2. The contractor has abandoned a customer's job and the
578 percentage of completion is less than the percentage of the
579 total contract price paid to the contractor as of the time of
580 abandonment, unless the contractor is entitled to retain such
581 funds under the terms of the contract or refunds the excess
582 funds within 30 days after the date the job is abandoned; or

583 3. The contractor's job has been completed, and it is
584 shown that the customer has had to pay more for the contracted
585 job than the original contract price, as adjusted for subsequent
586 change orders, unless such increase in cost was the result of
587 circumstances beyond the control of the contractor, was the
588 result of circumstances caused by the customer, or was otherwise
589 permitted by the terms of the contract between the contractor
590 and the customer.

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

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

596 (m) Abandoning an asbestos abatement project in which the
597 asbestos contractor is engaged or under contract as a
598 contractor. A project may be presumed abandoned after 20 days if

599 the contractor terminates the project without just cause and
600 without proper notification to the owner, including the reason
601 for termination; if the contractor fails to reasonably secure
602 the project to safeguard the public while work is stopped; or if
603 the contractor fails to perform work without just cause for 20
604 days.

605 (n) Signing a statement with respect to a project or
606 contract falsely indicating that the work is bonded; falsely
607 indicating that payment has been made for all subcontracted
608 work, labor, and materials which results in a financial loss to
609 the owner, purchaser, or contractor; or falsely indicating that
610 workers' compensation and public liability insurance are
611 provided.

612 (o) Committing fraud or deceit in the practice of asbestos
613 consulting or contracting.

614 (p) Committing incompetency or misconduct in the practice
615 of asbestos consulting or contracting.

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

619 (r) Intimidating, threatening, coercing, or otherwise
620 discouraging the service of a notice to owner under part I of
621 chapter 713 or a notice to contractor under chapter 255 or part
622 I of chapter 713.

623 (s) Failing to satisfy, within a reasonable time, the
624 terms of a civil judgment obtained against the licensee, or the

625 business organization qualified by the licensee, relating to the
 626 practice of the licensee's profession.

627
 628 For the purposes of this subsection, construction is considered
 629 to be commenced when the contract is executed and the contractor
 630 has accepted funds from the customer or lender.

631 Section 26. Subsection (7) is added to section 477.0135,
 632 Florida Statutes, to read:

633 477.0135 Exemptions.—

634 (7) A license or registration is not required for a person
 635 whose occupation or practice is confined solely to applying
 636 polish to fingernails and toenails.

637 Section 27. Subsection (5) of section 481.203, Florida
 638 Statutes, is amended to read:

639 481.203 Definitions.—As used in this part:

640 (5) "Business organization" means a partnership, a limited
 641 liability company, a corporation, or an individual operating
 642 under a fictitious name ~~"Certificate of authorization" means a~~
 643 ~~certificate issued by the department to a corporation or~~
 644 ~~partnership to practice architecture or interior design.~~

645 Section 28. Section 481.219, Florida Statutes, is amended
 646 to read:

647 481.219 Business organization; qualifying agents
 648 ~~Certification of partnerships, limited liability companies, and~~
 649 ~~corporations.—~~

650 (1) A licensee may ~~The practice of or the offer to~~

651 practice architecture or interior design ~~by licensees~~ through a
 652 business organization that offers ~~corporation, limited liability~~
 653 ~~company, or partnership offering~~ architectural or interior
 654 design services to the public, or through ~~by~~ a business
 655 organization that offers ~~corporation, limited liability company,~~
 656 ~~or partnership offering~~ architectural or interior design
 657 services to the public through such licensees ~~under this part~~ as
 658 agents, employees, officers, or partners, ~~is permitted, subject~~
 659 ~~to the provisions of this section.~~

660 (2) If a licensee or an applicant proposes to engage in
 661 the practice of architecture or interior design as a business
 662 organization, the licensee or applicant must apply to qualify
 663 the business organization ~~For the purposes of this section, a~~
 664 ~~certificate of authorization shall be required for a~~
 665 ~~corporation, limited liability company, partnership, or person~~
 666 ~~practicing under a fictitious name, offering architectural~~
 667 ~~services to the public jointly or separately. However, when an~~
 668 ~~individual is practicing architecture in her or his own name,~~
 669 ~~she or he shall not be required to be certified under this~~
 670 ~~section. Certification under this subsection to offer~~
 671 ~~architectural services shall include all the rights and~~
 672 ~~privileges of certification under subsection (3) to offer~~
 673 ~~interior design services.~~

674 (a) An application to qualify a business organization
 675 must:

676 1. If the business is a partnership, state the names of

677 the partnership and its partners.

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

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

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

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

691 (3) (a) A business organization may not engage in the
692 practice of architecture unless its qualifying agent is a
693 registered architect under this part. A business organization
694 may not engage in the practice of interior design unless its
695 qualifying agent is a registered architect or a registered
696 interior designer under this part. A qualifying agent who
697 terminates her or his affiliation with a business organization
698 shall immediately notify the department of such termination. If
699 the qualifying agent who terminates her or his affiliation is
700 the only qualifying agent for a business organization, the
701 business organization must be qualified by another qualifying
702 agent within 60 days after the termination. Except as provided

703 in paragraph (b), such a business organization may not engage in
704 the practice of architecture or interior design until it is
705 qualified by a qualifying agent.

706 (b) In the event a qualifying architect or interior
707 designer ceases employment with the business organization, the
708 executive director or the chair of the board may authorize
709 another registered architect or interior designer employed by
710 the business organization to temporarily serve as its qualifying
711 agent for no more than 60 days. The business organization is not
712 authorized to operate beyond such period under this chapter
713 absent replacement of the qualifying architect or interior
714 designer who has ceased employment.

715 (c) A qualifying agent shall notify the department in
716 writing before engaging in the practice of architecture or
717 interior design in her or his own name or in affiliation with a
718 different business organization, and she or he or such business
719 organization shall supply the same information to the department
720 as required of applicants under this part ~~For the purposes of~~
721 ~~this section, a certificate of authorization shall be required~~
722 ~~for a corporation, limited liability company, partnership, or~~
723 ~~person operating under a fictitious name, offering interior~~
724 ~~design services to the public jointly or separately. However,~~
725 ~~when an individual is practicing interior design in her or his~~
726 ~~own name, she or he shall not be required to be certified under~~
727 ~~this section.~~

728 (4) All final construction documents and instruments of

729 service which include drawings, specifications, plans, reports,
730 or other papers or documents that involve ~~involving~~ the practice
731 of architecture which are prepared or approved for the use of
732 the business organization ~~corporation, limited liability~~
733 ~~company, or partnership~~ and filed for public record within the
734 state must ~~shall~~ bear the signature and seal of the licensee who
735 prepared or approved them and the date on which they were
736 sealed.

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

744 ~~(6) The department shall issue a certificate of~~
745 ~~authorization to any applicant who the board certifies as~~
746 ~~qualified for a certificate of authorization and who has paid~~
747 ~~the fee set in s. 481.207.~~

748 (6) ~~(7)~~ The board shall allow ~~certify~~ an applicant to
749 qualify one or more business organizations ~~as qualified for a~~
750 ~~certificate of authorization~~ to offer architectural or interior
751 design services, or to use a fictitious name to offer such
752 services, if one of the following criteria is met ~~provided that:~~

753 (a) One or more of the principal officers of the
754 corporation or limited liability company, or one or more

755 partners of the partnership, and all personnel of the
 756 corporation, limited liability company, or partnership who act
 757 in its behalf in this state as architects, are registered as
 758 provided by this part.~~7 or~~

759 (b) One or more of the principal officers of the
 760 corporation or one or more partners of the partnership, and all
 761 personnel of the corporation, limited liability company, or
 762 partnership who act in its behalf in this state as interior
 763 designers, are registered as provided by this part.

764 ~~(8) The department shall adopt rules establishing a
 765 procedure for the biennial renewal of certificates of
 766 authorization.~~

767 ~~(9) The department shall renew a certificate of
 768 authorization upon receipt of the renewal application and
 769 biennial renewal fee.~~

770 ~~(7)(10)~~ Each qualifying agent approved to qualify a
 771 business organization ~~partnership, limited liability company,~~
 772 ~~and corporation certified~~ under this section shall notify the
 773 department within 30 days after ~~of~~ any change in the information
 774 contained in the application upon which the qualification
 775 ~~certification~~ is based. Any registered architect or interior
 776 designer who qualifies the business organization shall ensure
 777 ~~corporation, limited liability company, or partnership as~~
 778 ~~provided in subsection (7)~~ shall be responsible for ensuring
 779 responsible supervising control of projects of the business
 780 organization entity and shall notify the department of the ~~upon~~

781 termination of her or his employment with a business
782 organization qualified partnership, limited liability company,
783 ~~or corporation certified~~ under this section ~~shall notify the~~
784 ~~department of the termination~~ within 30 days after such
785 termination.

786 ~~(8)(11)~~ A business organization is not ~~No corporation,~~
787 ~~limited liability company, or partnership shall be~~ relieved of
788 responsibility for the conduct or acts of its agents, employees,
789 or officers by reason of its compliance with this section.
790 However, except as provided in s. 558.0035, the architect who
791 signs and seals the construction documents and instruments of
792 service is ~~shall be~~ liable for the professional services
793 performed, and the interior designer who signs and seals the
794 interior design drawings, plans, or specifications is ~~shall be~~
795 liable for the professional services performed.

796 ~~(12)~~ ~~Disciplinary action against a corporation, limited~~
797 ~~liability company, or partnership shall be administered in the~~
798 ~~same manner and on the same grounds as disciplinary action~~
799 ~~against a registered architect or interior designer,~~
800 ~~respectively.~~

801 ~~(9)(13)~~ Nothing in This section may not ~~shall~~ be construed
802 to mean that a certificate of registration to practice
803 architecture or interior design must ~~shall~~ be held by a business
804 organization ~~corporation, limited liability company, or~~
805 ~~partnership.~~ Nothing in This section does not prohibit a
806 business organization from offering ~~prohibits corporations,~~

807 ~~limited liability companies, and partnerships from joining~~
 808 ~~together to offer~~ architectural, engineering, interior design,
 809 surveying and mapping, and landscape architectural services, or
 810 any combination of such services, to the public if the business
 811 organization, ~~provided that each corporation, limited liability~~
 812 ~~company, or partnership~~ otherwise meets the requirements of law.

813 ~~(10)-(14)~~ A business organization that is qualified by a
 814 registered architect may ~~Corporations, limited liability~~
 815 ~~companies, or partnerships holding a valid certificate of~~
 816 ~~authorization to practice architecture shall be permitted to use~~
 817 ~~in their title~~ the term "interior designer" or "registered
 818 interior designer-" in its title.

819 Section 29. Subsection (10) of section 481.221, Florida
 820 Statutes, is amended to read:

821 481.221 Seals; display of license ~~certificate~~ number.-

822 (10) Each registered architect or interior designer must,
 823 ~~and each corporation, limited liability company, or partnership~~
 824 ~~holding a certificate of authorization, shall include her or his~~
 825 license ~~its certificate~~ number in any newspaper, telephone
 826 directory, or other advertising medium used by the registered
 827 licensee ~~architect, interior designer, corporation, limited~~
 828 ~~liability company, or partnership.~~ Each business organization
 829 must include the license number of the registered architect or
 830 interior designer who serves as the qualifying agent for that
 831 business organization in any newspaper, telephone directory, or
 832 other advertising medium used by the business organization but

833 is not required to display the license numbers of other
 834 registered architects or interior designers employed by the
 835 business organization ~~A corporation, limited liability company,~~
 836 ~~or partnership is not required to display the certificate number~~
 837 ~~of individual registered architects or interior designers~~
 838 ~~employed by or working within the corporation, limited liability~~
 839 ~~company, or partnership.~~

840 Section 30. Paragraphs (a) and (c) of subsection (5) of
 841 section 481.229, Florida Statutes, are amended to read:

842 481.229 Exceptions; exemptions from licensure.-

843 (5) (a) ~~Nothing contained in~~ This part does not prohibit
 844 ~~shall prevent~~ a registered architect or a qualified business
 845 organization ~~partnership, limited liability company, or~~
 846 ~~corporation holding a valid certificate of authorization to~~
 847 ~~provide architectural services~~ from performing any interior
 848 design service or from using the title "interior designer" or
 849 "registered interior designer."

850 (c) Notwithstanding any other provision of this part, a
 851 registered architect or qualified business organization
 852 certified ~~any corporation, partnership, or person operating~~
 853 ~~under a fictitious name which holds a certificate of~~
 854 ~~authorization~~ to provide architectural services must ~~shall~~ be
 855 qualified, without fee, ~~for a certificate of authorization to~~
 856 provide interior design services upon submission of a completed
 857 application for qualification ~~therefor~~. ~~For corporations,~~
 858 ~~partnerships, and persons operating under a fictitious name~~

859 ~~which hold a certificate of authorization to provide interior~~
860 ~~design services, satisfaction of the requirements for renewal of~~
861 ~~the certificate of authorization to provide architectural~~
862 ~~services under s. 481.219 shall be deemed to satisfy the~~
863 ~~requirements for renewal of the certificate of authorization to~~
864 ~~provide interior design services under that section.~~

865 Section 31. Section 481.303, Florida Statutes, is
866 reordered and amended to read:

867 481.303 Definitions.—As used in this chapter, the term:

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

869 (2)~~(4)~~ "Certificate of registration" means a license
870 issued by the department to a natural person to engage in the
871 practice of landscape architecture.

872 (3)~~(2)~~ "Department" means the Department of Business and
873 Professional Regulation.

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

877 (4)~~(6)~~ "Landscape architecture" means professional
878 services, including, but not limited to, the following:

879 (a) Consultation, investigation, research, planning,
880 design, preparation of drawings, specifications, contract
881 documents and reports, responsible construction supervision, or
882 landscape management in connection with the planning and
883 development of land and incidental water areas, including the
884 use of Florida-friendly landscaping as defined in s. 373.185,

885 | where, and to the extent that, the dominant purpose of such
886 | services or creative works is the preservation, conservation,
887 | enhancement, or determination of proper land uses, natural land
888 | features, ground cover and plantings, or naturalistic and
889 | aesthetic values;

890 | (b) The determination of settings, grounds, and approaches
891 | for and the siting of buildings and structures, outdoor areas,
892 | or other improvements;

893 | (c) The setting of grades, shaping and contouring of land
894 | and water forms, determination of drainage, and provision for
895 | storm drainage and irrigation systems where such systems are
896 | necessary to the purposes outlined herein; and

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

899 | (5)~~(7)~~ "Landscape design" means consultation for and
900 | preparation of planting plans drawn for compensation, including
901 | specifications and installation details for plant materials,
902 | soil amendments, mulches, edging, gravel, and other similar
903 | materials. Such plans may include only recommendations for the
904 | conceptual placement of tangible objects for landscape design
905 | projects. Construction documents, details, and specifications
906 | for tangible objects and irrigation systems shall be designed or
907 | approved by licensed professionals as required by law.

908 | (6)~~(3)~~ "Registered landscape architect" means a person who
909 | holds a license to practice landscape architecture in this state
910 | under the authority of this act.

911 Section 32. Subsection (5) of section 481.321, Florida
 912 Statutes, is amended to read:

913 481.321 Seals; display of certificate number.—

914 (5) Each registered landscape architect must ~~and each~~
 915 ~~corporation or partnership holding a certificate of~~
 916 ~~authorization shall~~ include her or his ~~its~~ certificate number in
 917 any newspaper, telephone directory, or other advertising medium
 918 used by the registered landscape architect, corporation, or
 919 partnership. A corporation or partnership must ~~is not required~~
 920 ~~to~~ display the certificate number ~~numbers~~ of at least one
 921 officer, director, owner, or partner who is a individual
 922 registered landscape architect ~~architects~~ employed by or
 923 practicing with the corporation or partnership.

924 Section 33. Subsection (4) of section 481.311, Florida
 925 Statutes, is amended to read:

926 481.311 Licensure.—

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

930 Section 34. Subsection (2) of section 481.317, Florida
 931 Statutes, is amended to read:

932 481.317 Temporary certificates.—

933 ~~(2) Upon approval by the board and payment of the fee set~~
 934 ~~in s. 481.307, the department shall grant a temporary~~
 935 ~~certificate of authorization for work on one specified project~~
 936 ~~in this state for a period not to exceed 1 year to an out-of-~~

937 ~~state corporation, partnership, or firm, provided one of the~~
938 ~~principal officers of the corporation, one of the partners of~~
939 ~~the partnership, or one of the principals in the fictitiously~~
940 ~~named firm has obtained a temporary certificate of registration~~
941 ~~in accordance with subsection (1).~~

942 Section 35. Section 481.319, Florida Statutes, is amended
943 to read:

944 481.319 Corporate and partnership practice of landscape
945 architecture; ~~certificate of authorization.~~-

946 (1) The practice of or offer to practice landscape
947 architecture by registered landscape architects registered under
948 this part through a corporation or partnership offering
949 landscape architectural services to the public, or through a
950 corporation or partnership offering landscape architectural
951 services to the public through individual registered landscape
952 architects as agents, employees, officers, or partners, is
953 permitted, subject to the provisions of this section, if:

954 (a) One or more of the principal officers of the
955 corporation, or partners of the partnership, and all personnel
956 of the corporation or partnership who act in its behalf as
957 landscape architects in this state are registered landscape
958 architects; and

959 (b) One or more of the officers, one or more of the
960 directors, one or more of the owners of the corporation, or one
961 or more of the partners of the partnership is a registered
962 landscape architect; ~~and~~

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

965 (2) All documents involving the practice of landscape
 966 architecture which are prepared for the use of the corporation
 967 or partnership shall bear the signature and seal of a registered
 968 landscape architect.

969 (3) A landscape architect applying to practice in the name
 970 of a ~~An applicant~~ corporation must ~~shall~~ file with the
 971 department the names and addresses of all officers and board
 972 members of the corporation, including the principal officer or
 973 officers, duly registered to practice landscape architecture in
 974 this state and, also, of all individuals duly registered to
 975 practice landscape architecture in this state who shall be in
 976 responsible charge of the practice of landscape architecture by
 977 the corporation in this state. A landscape architect applying to
 978 practice in the name of a ~~An applicant~~ partnership must ~~shall~~
 979 file with the department the names and addresses of all partners
 980 of the partnership, including the partner or partners duly
 981 registered to practice landscape architecture in this state and,
 982 also, of an individual or individuals duly registered to
 983 practice landscape architecture in this state who shall be in
 984 responsible charge of the practice of landscape architecture by
 985 said partnership in this state.

986 (4) Each landscape architect qualifying a partnership or
 987 ~~and~~ corporation ~~licensed~~ under this part must ~~shall~~ notify the
 988 department within 1 month after ~~of~~ any change in the information

989 contained in the application upon which the license is based.
 990 Any landscape architect who terminates her or his ~~or her~~
 991 employment with a partnership or corporation licensed under this
 992 part shall notify the department of the termination within 1
 993 month after such termination.

994 ~~(5) Disciplinary action against a corporation or~~
 995 ~~partnership shall be administered in the same manner and on the~~
 996 ~~same grounds as disciplinary action against a registered~~
 997 ~~landscape architect.~~

998 (5) ~~(6)~~ Except as provided in s. 558.0035, the fact that a
 999 registered landscape architect practices landscape architecture
 1000 through a corporation or partnership as provided in this section
 1001 does not relieve the landscape architect from personal liability
 1002 for her or his ~~or her~~ professional acts.

1003 Section 36. Subsection (5) of section 481.329, Florida
 1004 Statutes, is amended to read:

1005 481.329 Exceptions; exemptions from licensure.-

1006 (5) This part does not prohibit any person from engaging
 1007 in the practice of landscape design, as defined in s. 481.303(5)
 1008 ~~481.303(7)~~, or from submitting for approval to a governmental
 1009 agency planting plans that are independent of, or a component
 1010 of, construction documents that are prepared by a Florida-
 1011 registered professional. Persons providing landscape design
 1012 services shall not use the title, term, or designation
 1013 "landscape architect," "landscape architectural," "landscape
 1014 architecture," "L.A.," "landscape engineering," or any

1015 description tending to convey the impression that she or he is a
1016 landscape architect unless she or he is registered as provided
1017 in this part.

1018 Section 37. Subsection (14) of section 489.503, Florida
1019 Statutes, is amended, and subsection (24) is added to that
1020 section, to read:

1021 489.503 Exemptions.—This part does not apply to:

1022 (14) The sale of, installation of, repair of, alteration
1023 of, addition to, or design of electrical wiring, fixtures,
1024 appliances, thermostats, apparatus, raceways, computers,
1025 customer premises equipment, customer premises wiring, and
1026 conduit, or any part thereof, ~~by an employee, contractor,~~
1027 ~~subcontractor, or affiliate of a company operating under a~~
1028 ~~certificate issued under chapter 364 or chapter 610, or under a~~
1029 ~~local franchise or right-of-way agreement,~~ if those items are
1030 for the purpose of transmitting data, voice, video, or other
1031 communications, or commands as part of a cable television,
1032 community antenna television, radio distribution,
1033 communications, or telecommunications system. An employee,
1034 subcontractor, contractor, or affiliate of a company that
1035 operates under a certificate issued under chapter 364 or chapter
1036 610, or under a local franchise or right-of-way agreement, is
1037 not subject to any local ordinance that requires a permit for
1038 work related to low-voltage electrical work, including related
1039 technical codes, regulations, and licensure. The scope of this
1040 exemption is limited to electrical circuits and equipment

1041 governed by the applicable provisions of Articles 725 (Classes 2
 1042 and 3 circuits only), 770, 800, 810, and 820 of the National
 1043 Electrical Code, current edition, or 47 C.F.R. part 68, ~~and~~
 1044 ~~employees, contractors, and subcontractors of companies, and~~
 1045 ~~affiliates thereof, operating under a certificate issued under~~
 1046 ~~chapter 364 or chapter 610 or under a local franchise or right-~~
 1047 ~~of-way agreement.~~ This subsection does not relieve any person
 1048 from licensure as an alarm system contractor.

1049 (24) A person who installs low-voltage landscape lighting
 1050 that contains a factory-installed electrical cord with a plug
 1051 and does not require installation, wiring, or a modification to
 1052 the electrical wiring in a structure.

1053 Section 38. Paragraphs (a) through (e) of subsection (2)
 1054 of section 489.518, Florida Statutes, are redesignated as
 1055 paragraphs (b) through (f), respectively, and a new paragraph
 1056 (a) is added to that subsection to read:

1057 489.518 Alarm system agents.—

1058 (2)(a) A person who performs only sales or installations
 1059 of wireless alarm systems, other than fire alarm systems, in a
 1060 single-family residence is not required to complete the initial
 1061 training required for burglar alarm system agents.

1062 Section 39. This act shall take effect July 1, 2016.