

SB 474 by Albritton; (Compare to H 00077) Deregulation of Professions and Occupations

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CS/SB 498 by CM, Baxley; (Similar to H 00317) Consumer Protection

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SB 900 by Stargel; (Similar to H 00481) Malt Beverages

SB 1102 by Gruters; (Similar to H 01169) Specialty Contracting Services

SB 1140 by Gruters; (Identical to H 00867) Public Accountancy

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

INNOVATION, INDUSTRY AND TECHNOLOGY

Senator Simpson, Chair

Senator Benacquisto, Vice Chair

MEETING DATE: Tuesday, January 21, 2020

TIME: 2:30—4:00 p.m.

PLACE: *Toni Jennings Committee Room, 110 Senate Building*

MEMBERS: Senator Simpson, Chair; Senator Benacquisto, Vice Chair; Senators Bracy, Bradley, Brandes, Braynon, Farmer, Gibson, Hutson, and Passidomo

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 474 Albritton (Compare H 77, CS/CS/CS/H 115, CS/H 713, H 1193, CS/S 66, CS/S 356, S 926, S 1124)	Deregulation of Professions and Occupations; Citing this act as the "Occupational Freedom and Opportunity Act"; deleting the requirement that a yacht broker maintain a separate license for each branch office; specifying that the failure to repay certain student loans is not considered a failure to perform a statutory or legal obligation for which certain disciplinary action can be taken; revising licensure requirements for engineers who hold specified licenses in another state; providing that certain cosmetology services may be performed in a location other than a licensed salon under certain circumstances, etc. IT 01/21/2020 Fav/CS CM AP	Fav/CS Yeas 8 Nays 0
2	CS/SB 498 Commerce and Tourism / Baxley (Similar H 317)	Consumer Protection; Defining the term "unlicensed vendor"; requiring an unlicensed vendor to take certain actions within a specified timeframe after receiving payment; providing an exception; removing an exemption from permitting requirements for certain solicitors, salespersons, and agents, etc. CM 12/10/2019 Fav/CS IT 01/21/2020 Temporarily Postponed RC	Temporarily Postponed
3	SB 900 Stargel (Similar H 481)	Malt Beverages; Prohibiting certain sales of malt beverages between a distributor and vendor; authorizing bona fide returns of malt beverages under certain conditions; authorizing distributors to accept returns of certain products under specified conditions; specifying that authorized returns are not gifts, loans, or other prohibited forms of financial aid or assistance, etc. IT 01/21/2020 Favorable CM RC	Favorable Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Innovation, Industry and Technology
Tuesday, January 21, 2020, 2:30—4:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1102 Gruters (Similar H 1169)	Specialty Contracting Services; Authorizing certain persons under the supervision of specified licensed contractors to perform certain specialty contracting services for commercial or residential swimming pools, hot tubs or spas, or interactive water features; providing that such supervision does not require a direct contract between those persons, etc. IT 01/21/2020 Favorable CA RC	Favorable Yeas 9 Nays 0
5	SB 1140 Gruters (Identical H 867)	Public Accountancy; Requiring certain applicants to not be licensed in any state or territory in order to be licensed by endorsement; providing license renewal requirements for nonresident licensees; requiring that a majority of the hours required for continuing education include specific content; authorizing certain Florida certified public accountants to apply to the Department of Business and Professional Regulation to have their license placed in a retired status; providing that retired licensees are not required to maintain continuing education requirements, etc. IT 01/21/2020 Favorable CM RC	Favorable Yeas 9 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Innovation, Industry, and Technology

BILL: CS/SB 474

INTRODUCER: Innovation, Industry, and Technology Committee and Senator Albritton

SUBJECT: Deregulation of Professions and Occupations

DATE: January 21, 2020 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	IT	Fav/CS
2.			CM	
3.			AP	

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 474 relates to businesses and professions regulated by the Department of Business and Professional Regulation (DBPR) and health professionals regulated by the Department of Health (DOH). The bill:

- Repeals the authority of the DOH to suspend or revoke a professional license because of a default on a student loan or failure to comply with service scholarship obligations;
- Waives the requirement to pass the commercial driver skills test for a military service member or veteran with the specified training;
- Preempts the regulation of mobile food dispensing vehicles (food trucks) to the state, prohibits local government from requiring a license, registration, or permit, and prohibits local governments from prohibiting the operation of food trucks; and
- Revises the membership of the Florida Building Commission.

The bill repeals registration requirements for labor organizations and their business agents, and license or registration requirements for the following professions regulated by the DBPR:

- Hair braiders, hair wrappers, and body wrappers;
- Boxing announcers and timekeepers.

The regulation of interior design is revised by the bill to provide for a voluntary certificate of registration to practice interior design in place of the current license requirement. Under the amendment, the certificate of registration is not required to practice interior design. To qualify for registration, an interior designer must have satisfactorily passed a qualification examination.

Only a registered interior designer may use a seal issued by the DBPR when submitting documents for the issuance of a building permit. The bill imposes a nonrefundable biennial fee of not more than \$75 for a certificate of registration for interior designers.

The bill deletes the requirement that a yacht and ship broker must have a separate license for each branch office. The bill eliminates the additional business or firm license required for the following professional licensees:

- Auctioneers;
- Architects and interior designers; and
- Landscape architects.

The bill provides additional options for the following professionals, if licensed in another state, to qualify for a professional license in Florida:

- Building code administrators and inspectors;
- Home inspectors;
- Engineers;
- Certified public accountants;
- Veterinarians;
- Barbers;
- Cosmetologists;
- Construction and electrical and alarm contractors;
- Landscape architects.

For barbers, the bill reduces the minimum number of hours of training required for licensure from 1200 hours to 900 hours. For cosmetologists, the bill reduces the number of hours of continuing education required for the biennial renewal of a cosmetology license from 16 hours to 10 hours. The bill also reduces the number of training hours required to be registered as a nail, facial, or full specialist.

A fiscal analysis for CS/SB 474 was not available for the preparation of this bill analysis. According to DBPR, the elimination of licensing requirements under SB 474 will reduce state government revenues (DBPR) by \$3,143,723 over the next three fiscal years (FY 2020-21 to FY 2022-23). For the regulation of professions, a reduction of license fees, license renewal fees and unlicensed activity fees of approximately \$1,195,070 in Fiscal Year 2020-21, \$569,118 in Fiscal Year 2021-22, and \$1,358,895 in Fiscal Year 2022-23. The reduction related to the deregulation of business agent and labor organization license fee reduction is anticipated to be \$830 annually. For the Boxing Commission, the revenue reduction is approximately \$1,450 annually. For the Division of Condominiums, Timeshares, and Mobile Homes (Yacht and Ship Brokers) the revenue reduction is approximately \$5,400 in Fiscal Year 2020-21, \$3,000 in Fiscal Year 2021-22, and \$5,400 in Fiscal Year 2022-23. As a result of the revenue reduction, there will be a reduction in the 8 percent service charge to General Revenue of approximately \$96,220 in Fiscal Year 2020-21, \$45,952 in Fiscal Year 2021-22, and \$109,326 in Fiscal Year 2022-23. (See section V. Fiscal Impact Statement.)

Except as otherwise expressly provided in the act, the bill takes effect on July 1, 2020.

II. Present Situation:

For ease of reference, the Present Situation for each section of SB 474 is addressed in the Effect of Proposed Changes portion of this bill analysis. Background information about the Department of Business and Professional Regulation (the DBPR) is provided below.

Organization of the Department of Business and Professional Regulation

Section 20.165, F.S., establishes the organizational structure of the DBPR, which has 12 divisions:

- Administration;
- Alcoholic Beverages and Tobacco;
- Certified Public Accounting;
- Drugs, Devices, and Cosmetics;
- Florida Condominiums, Timeshares, and Mobile Homes;
- Hotels and Restaurants;
- Pari-mutuel Wagering;
- Professions;
- Real Estate;
- Regulation;
- Service Operations; and
- Technology.

The Florida State Boxing Commission is assigned to the DBPR for administrative and fiscal accountability purposes only.¹ The DBPR also administers the Child Labor Law and Farm Labor Contractor Registration Law.²

Powers and Duties of the DBPR

Chapter 455, F.S., applies to the regulation of professions constituting “any activity, occupation, profession, or vocation regulated by the [DBPR] in the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation,”³ as well as the procedural and administrative framework for those divisions and all of the professional boards within the DBPR.⁴

The DBPR’s regulation of professions is to be undertaken “only for the preservation of the health, safety, and welfare of the public under the police powers of the state,”⁵ and regulation is required when:

- The potential for harming or endangering public health, safety, and welfare is recognizable and outweighs any anticompetitive impact that may result;

¹ Section 548.003(1), F.S.

² See Parts I and III of ch. 450, F.S.

³ See s. 455.01(6), F.S.

⁴ See s. 455.203, F.S. The DBPR must also provide legal counsel for boards within the DBPR by contracting with the Department of Legal Affairs, by retaining private counsel, or by staff counsel at the DBPR. See s. 455.221(1), F.S.

⁵ Section 455.201(2), F.S.

- The public is not effectively protected by other state statutes, local ordinances, federal legislation, or other means; and
- Less restrictive means of regulation are not available.⁶

However, “neither the department nor any board may create a regulation that has an unreasonable effect on job creation or job retention,” or a regulation that unreasonably restricts the ability of those who desire to engage in a profession or occupation to find employment.⁷

DBPR Boards

Fifteen boards and programs exist within the Division of Professions,⁸ two boards are within the Division of Real Estate, and one board exists in the Division of Certified Public Accounting.

Permitting, Registration, Licensing, and Certification

Sections 455.203 and 455.213, F.S., establish general licensing authority for the DBPR, including the authority to charge license fees and license renewal fees. Each board within the DBPR must determine by rule the amount of license fees for each profession, based on estimates of the required revenue to implement the regulatory laws affecting the profession.⁹

When a person is authorized to engage in a profession or occupation in Florida, the DBPR issues a “license,” which may be referred to as either a permit, registration, certificate, or license.¹⁰ Those who are granted licenses are referred to as licensees.¹¹

In Fiscal Year 2018-2019, the Division of Accountancy had 39,591 active licensees, the Real Estate Commission had 293,012 active licensees, and the Board of Professional Engineers had 65,196 licensees.¹² In Fiscal Year 2018-2019, there were 439,821 active licensees in the Division of Professions,¹³ including:

- Architects and interior designers;
- Asbestos consultants and contractors;
- Athlete agents;
- Auctioneers;

⁶ *Id.*

⁷ Section 455.201(4)(b), F.S.

⁸ Section 20.165(4)(a), F.S., establishes the following boards and programs which are noted with the implementing statutes: Board of Architecture and Interior Design, part I of ch. 481; Florida Board of Auctioneers, part VI of ch. 468; Barbers’ Board, ch. 476; Florida Building Code Administrators and Inspectors Board, part XII of ch. 468; Construction Industry Licensing Board, part I of ch. 489; Board of Cosmetology, ch. 477; Electrical Contractors’ Licensing Board, part II of ch. 489; Board of Employee Leasing Companies, part XI of ch. 468; Board of Landscape Architecture, part II of ch. 481; Board of Pilot Commissioners, ch. 310; Board of Professional Engineers, ch. 471; Board of Professional Geologists, ch. 492; Board of Veterinary Medicine, ch. 474; Home Inspection Services Licensing Program, part XV of ch. 468; and Mold-related Services Licensing Program, part XVI of ch. 468, F.S.

⁹ Section 455.219(1), F.S.

¹⁰ Section 455.01(4), F.S.

¹¹ Section 455.01(5), F.S.

¹² Florida Department of Business and Professional Regulation, Fiscal Year 2018-2019 Annual Report, page 19, available at http://www.myfloridalicense.com/DBPR/os/documents/DivisionAnnualReport_FY1819.pdf (last visited Jan. 14, 2020).

¹³ Of the total 460,857 licensees in the Division of Professions, 21,036 were inactive. *See supra* note 12.

- Barbers;
- Building code administrators and inspectors;
- Community association managers;
- Construction industry contractors;
- Cosmetologists;
- Electrical contractors;
- Employee leasing companies;
- Geologists;
- Home inspectors;
- Harbor pilots;
- Landscape architects;
- Mold-related services;
- Talent agencies; and
- Veterinarians.

The Division of Florida Condominiums, Timeshares, and Mobile Homes (FCTMH) within the DBPR provides consumer protection for Florida residents living in regulated communities through education, complaint resolution, mediation and arbitration, and developer disclosure. The FCTMH has limited regulatory authority over the following business entities and individuals:

- Condominium associations under ch. 718, F.S.;
- Cooperative associations under ch. 719, F.S.;
- Florida mobile home parks and related associations under ch. 723, F.S.;
- Vacation units and timeshares under ch. 721, F.S.;
- Yacht and ship brokers and related business entities under ch. 326, F.S.; and
- Homeowner's associations under ch. 720, F.S. (jurisdiction is limited to arbitration of election and recall disputes).¹⁴

III. Effect of Proposed Changes:

For ease of reference to each of the subjects addressed in CS/SB 474, the Present Situation for each topic will be described, followed immediately by an associated section detailing the Effect of Proposed Changes.

Commercial Driver's License

Present Situation

Section 322.57, F.S., requires a person who drives any of the following types of vehicles to obtain an endorsement on his or her driver's license acknowledging successful completion of a skills test concerning the safe operation of such vehicle:

- A double or triple trailer;
- A passenger vehicle;
- A school bus;
- A tank vehicle;

¹⁴ Section 720.306(9)(c), F.S.

- A vehicle that transports hazardous materials and that is required to be placarded in accordance with 49 C.F.R. part 172, subpart F;
- A tank vehicle transporting hazardous materials; and
- A motorcycle.

Effect of Proposed Changes

Section 3 of the bill amends s. 322.57(4), F.S., to waive the requirement to pass the commercial driver skills test for a military service member or veteran with specified training, including having at least two years of experience in military service driving vehicles that would otherwise require a commercial driver license to operate. To qualify for the waiver, the person must have been honorably discharged from military service within one year of the application for the waiver. The person must complete every other requirement for a commercial driver's license within one year of receiving a waiver.

Yacht and Ship Broker Branch Office Licenses

Present Situation:

Chapter 326, F.S., governs the licensing and regulation of yacht and ship brokers, salespersons, and related business organizations in the state. The Yacht and Ship Broker's Section, a unit of the Division of Florida Condominiums, Timeshares and Mobile Homes of the DBPR, processes license applications and responds to consumer complaints and inquiries by monitoring activities and compliance within the yacht brokerage industry.¹⁵

A person may not act as a yacht or ship broker or salesperson unless licensed under ch. 326, F.S.¹⁶ Each yacht or shipbroker must maintain a principal place of business in Florida and may establish branch offices in Florida. A separate license must be maintained for each branch office.¹⁷ Applicants for a branch office license pay a \$100 fee, and the license must be renewed every two years.¹⁸

Effect of Proposed Changes:

Section 4 of the bill amends s. 326.004(13), F.S., to delete the requirement for a separate license for each branch office maintained by a yacht and ship broker. The current law provisions related to licensing for yacht brokers and salespeople are retained.

Labor Organizations

Present Situation:

Chapter 447, F.S., governs the licensing and regulation of labor organizations, and related business agents in the state. The Division of Regulation within the DBPR oversees the licensing and regulation of labor organizations. The Division of Regulation processes license applications

¹⁵ See ch. 326, F.S., and Yacht and Ships, Department of Business and Professional Regulation, at <http://www.myfloridalicense.com/DBPR/yacht-and-ships/> (last visited Jan. 14, 2020).

¹⁶ Section 326.004(1), F.S.

¹⁷ Section 326.004(13), F.S.

¹⁸ See Fla. Admin. Code R. 61B-60.002 (2019).

and regulate the activities of labor unions and their officers, agents, organizers, and representatives.¹⁹

A labor organization is defined as: “[a]ny organization of employees or local or subdivision thereof, having within its membership residents of the state, whether incorporated or not, organized for the purpose of dealing with employers concerning hours of employment, rate of pay, working conditions, or grievances of any kind relating to employment and recognized as a unit of bargaining by one or more employers doing business in this state.”²⁰

In Florida, all labor organizations are required to register with the DBPR and all business agents of labor organizations must obtain a license.²¹ Business agents are defined as “[a]ny person, without regard to title, who shall, for a pecuniary or financial consideration, act or attempt to act for any labor organization in:

- The issuance of membership or authorization cards, work permits, or any other evidence of rights granted or claimed in, or by, a labor organization; and
- Soliciting or receiving from any employer any right or privilege for employees.”²²

Applicants for a business agent license must pay a \$25 license fee and must meet a number of licensure requirements.²³ Labor organization applicants must pay an annual fee of \$1.²⁴

Effect of Proposed Changes:

Sections 5 through 13 of the bill amend ch. 447, F.S., to eliminate the registration and regulation of labor organizations and their business agents by the DBPR and the requirement that the Public Employees Relations Commission notify the DBPR of registrations and renewals of such organizations. Provisions relating to the right to work and strike, recordkeeping, rights of franchise for labor organizations, civil causes of action, criminal penalties, and recognition of federal regulations are not affected by the bill.

Reciprocal Licensing by the DBPR

Present Situation

Section 455.213, F.S., provides general licensing provisions for the DBPR. Some professions licensed by the DBPR authorize the DBPR or the applicable board to issue a license by endorsement (reciprocity) to a person licensed in another state, if the other state’s license qualification requirements are equal to or greater than, the profession’s license qualification requirements in Florida.²⁵

¹⁹ Section 447.01, F.S., and see <http://www.myfloridalicense.com/DBPR/labor-organizations-and-business-agents/> (last visited Jan. 11, 2020).

²⁰ Section 447.02(1), F.S.

²¹ Sections 447.04(2) and 447.06, F.S.

²² Section 447.02(2), F.S.

²³ Section 447.04(2), F.S.

²⁴ Section 447.06(2), F.S.

²⁵ See, for example, s. 477.019(6), F.S., relating to licensure by endorsement for a person licensed as a cosmetologist in another state.

Effect of Proposed Changes

Section 14 of the bill amends s. 455.213, F.S., to require the department or board to enter into reciprocal licensing agreements with other states when permitted by the practice act for a profession. The bill requires the department to post on its website existing reciprocity agreements with other states or to identify the states whose licensing requirements are substantially equivalent or more stringent than the requirements in Florida.

Healthcare Practitioner Discipline – Student Loan Obligations

Present Situation

Healthcare Practitioner Licensing

The Division of Medical Quality Assurance (MQA) within the Florida Department of Health (DOH) is responsible for the licensing and regulation of healthcare practitioners in the state. The MQA works in conjunction with 22 boards and four councils to license and regulate seven types of health care facilities and more than 200 license types in over 40 health care professions. Each profession is regulated by an individual practice act and by ch. 456, F.S., which provides general regulatory and licensure authority for the MQA. The MQA regulates the following professions:

- Acupuncturists;
- Athletic Trainers;
- Chiropractors;
- Clinical Laboratory Personnel;
- Clinical Social Workers, Marriage and Family Counselors, and Mental Health Counselors;
- Dentists;
- Hearing Aid Specialists;
- Massage Therapists;
- Medical Doctors;
- Nurses;
- Nursing Home Administrators;
- Occupational Therapists;
- Opticians;
- Optometrists;
- Orthotists and Prosthetists;
- Osteopathic Doctors;
- Pharmacists;
- Physical Therapists;
- Podiatrists;
- Psychologists;
- Respiratory Care Practitioners;
- Speech-Language Pathologists and Audiologists;
- Dietetics and Nutrition Practitioners;
- Electrologists;
- Licensed Midwives;
- Physician Assistants;

- Certified Master Social Workers;
- Emergency Medical Technicians;
- Medical Physicists;
- Paramedics;
- Radiologic Technicians; and
- School Psychologists.

Healthcare Practitioner Discipline

Section 456.072(1)(k), F.S., provides that DOH may discipline a healthcare practitioner for failing to perform any statutory or legal obligation placed upon a healthcare practitioner, which specifically includes failing to repay a government-backed student loan or comply with a service scholarship obligation. If DOH finds that a healthcare practitioner has defaulted on his or her student loans or failed to comply with a service scholarship, at a minimum, DOH must:

- Suspend the practitioner's license until he or she agrees to new loan repayment terms or resumes the scholarship obligation;
- Place the practitioner on probation for the duration of the student loan or scholarship obligation period; and
- Impose a fine equal to 10 percent of the defaulted loan amount.

Each month, the DOH must obtain information from the United States Department of Health and Human Services (USHHS) necessary to determine that Florida healthcare practitioners that have defaulted on government-backed student loans.²⁶ Upon learning that a healthcare practitioner has defaulted on such a student loan, the DOH must notify the practitioner that he or she has 45 days to provide the DOH with proof of a new repayment plan, or such practitioner will be subject to an emergency order suspending the practitioner's license. The DOH may proceed with additional disciplinary action against the practitioner, regardless if he or she provides proof of entering a new repayment plan.²⁷

In the 2017-2018 fiscal year, the DOH reported 850 student loan defaults, 76 completed investigations, and 26 emergency suspension orders filed. In the 2018-2019 fiscal year, the DOH reported 87 student loan defaults, 250 completed investigations, 121 emergency suspension orders filed, and further disciplinary action taken on 29 licensees.²⁸ In 2018-2019, the most affected licensed professions were Certified Nursing Assistant (43 suspension orders) and Registered Nurse (18 suspension orders).²⁹

²⁶ Section 456.0721, F.S.

²⁷ Section 456.074(4), F.S.

²⁸ Florida Department of Health, *2019 Agency Analysis for SB 356* (Oct. 31, 2019), see also Florida Department of Health, *Annual Report and Long-range Plan Fiscal Year 2018-2019*, Table 14: Student Loan Defaults, at 43, available at <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/documents/annual-report-1819.pdf> (last visited Jan. 11, 2020).

²⁹ Florida Department of Health, *Annual Report and Long-range Plan Fiscal Year 2018-2019*, Table 14: Student Loan Defaults, at 43, available at <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/documents/annual-report-1819.pdf> (last visited Jan. 11, 2019).

Effect of Proposed Changes

Sections 15 through 17 of the bill repeal the authority of the DOH requirements to suspend or revoke a professional license because of a default on a student loan or failure to comply with service scholarship obligations. Specifically, the bill:

- Amends s. 456.072, F.S., to remove a licensee’s failure to repay a federal- or state-guaranteed student loan or failure to comply with service scholarship obligations from the list of violations for which the DOH may take disciplinary action.
- Amends s. 456.074, F.S., to remove the requirement that the DOH notify a health care practitioner in default on a student loan that he or she is subject to suspension of a license unless the practitioner provides proof of repayment terms within 45 days of the notification.
- Repeals s. 456.0721, F.S., to remove the requirement that the DOH obtain monthly reports from the United States Department of Health and Human Services (USDHHS) regarding health care practitioners who have failed to repay a student loan or comply with scholarship service obligations.

Auctioneers

Present Situation

Auction businesses, auctioneers, and apprentice auctioneers are licensed and regulated in accordance with part VI of ch. 468, F.S., and by the Florida Board of Auctioneers within the DBPR. The program processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the auctioneering industry.

An ‘auction business’ is a “sole proprietorship, partnership, or corporation which in the regular course of business arranges, manages, sponsors, advertises, promotes, or carries out auctions, employs auctioneers to conduct auctions in its facilities, or uses or allows the use of its facilities for auctions.”³⁰

A license is required before any person can auction or offer to auction any property in this state, and the auctioneer practice act applies to all auctions in the state, with certain exceptions.³¹

In order to qualify for licensure as an auctioneer, an applicant must:

- Be 18 years or older;
- Not have committed any act or offense in the state or any other jurisdiction which would constitute a basis for disciplinary action in Florida;
- Have held an apprentice license and have served as an apprentice for one year or more, or have completed a course of study, consisting of not less than 80 classroom hours of instruction, that meets standards adopted by the board; and
- Pass the required examination.³²

The Florida Board of Auctioneers assesses a variety of fees for licensure as an auctioneer, including application fees, examination fees, initial license fees, and renewal fees. For example,

³⁰ Section 468.382(1), F.S.

³¹ Sections 468.385(2) and 468.383, F.S.

³² Section 468.385(6), F.S.

the application fee for an auctioneer license through examination is \$50, the examination fee is \$250 payable to the DBPR plus \$10 payable to the testing service, and the initial license fee for an auctioneer is \$150.³³

An auctioneer may be disciplined or have a civil action brought against them by the DBPR for one of the following violations:³⁴

- Violating any trade or commerce law;
- Misrepresenting property for sale at auction;
- Failing to return money or property within 30 days of obtaining control of such money or property;
- False, deceptive, misleading, or untruthful advertising;
- Bad faith or dishonesty in a sales transaction;
- Using false bidders, cappers, or shills;
- Comingling auction monies with personal money;
- Refusing or neglecting to pay public moneys into the State Treasury when prescribed by law; and
- Other violations of the practice act.

An auctioneer commits a third degree felony for certain violations of the practice act, including:³⁵

- Failing to return money or property within 30 days of control of such money or property;
- Bad faith or dishonesty in a sales transaction;
- Using false bidders, cappers, or shills;
- Comingling auction monies with personal money; and
- Refusing or neglecting to pay the public moneys into the State Treasury when prescribed by law.

There is no continuing education requirement for auctioneers or auctioneer apprentices.

There were 2,600 active licensed auctioneers and there were 24 disciplinary orders issued to auctioneers in the 2018-2019 fiscal year.³⁶

Effect of Proposed Changes

Section 18 of the bill amends s. 468.385, F.S., to remove the requirement that an auction business must be licensed. Instead, it requires an auction business to be owned by an auctioneer who is licensed by the DBPR.

Section 72 of the bill amends s. 559.25(3), F.S., to delete the exemption for licensed auctioneers from compliance with requirements relating to fire and going-out-of-business sales and auctions.³⁷

³³ See Fla. Admin. Code R. 61G2-3.001 (2019).

³⁴ Section 468.389, F.S.

³⁵ Section 468.391, F.S.

³⁶ *Supra* note 12 at pp. 19 and 90.

³⁷ See s. 559.21, F.S., relating to the regulation of sales.

Building Code Administrators and Inspectors

Present Situation

Building officials, inspectors, and plans examiners are regulated by part XII of ch. 468, F.S., and are regulated and licensed by the Florida Building Code Administrators and Inspectors Board (FBCAIB).³⁸

A building code administrator, otherwise known as a building official, supervises building code activities, including plans review, enforcement, and inspection.³⁹

A building code inspector inspects construction that requires permits to determine compliance with building codes and state accessibility laws. An inspector's ability to practice is limited to the category or categories in which the inspector has been certified. The inspector categories are:

- Building inspector.
- Coastal construction inspector.
- Commercial electrical inspector.
- Residential electrical inspector.
- Mechanical inspector.
- Plumbing inspector.
- One and two family dwelling inspector.
- Electrical inspector.⁴⁰

A one and two family dwelling inspector may only inspect one and two family dwelling and accessory structures.

A plans examiner reviews plans submitted for building permits to determine design compliance with construction codes. A residential plan examiner determines the submitted plans comply with applicable residential construction codes.⁴¹ A plans examiner's ability to practice is limited to the category or categories the plans examiner is certified in. The plans examiner categories are:

- Building plans examiner.
- Plumbing plans examiner.
- Mechanical plans examiner.
- Electrical plans examiner.⁴²

In order to become licensed, building code administrators, inspectors, and plans examiners must take the licensing exam required for the category sought.

³⁸ Section 468.605, F.S.

³⁹ Section 468.603(1), F.S.

⁴⁰ Section 468.603(6), F.S.

⁴¹ Section 468.603(8), F.S.

⁴² Section 468.603(7), F.S.

In order to sit for the administrator exam, a person must be at least 18 years of age, be of good moral character, and meet one of the following eligibility requirements:⁴³

- Have 10 years of combined experience as an architect, engineer, plans examiner, building code inspector, registered or certified contractor, or construction superintendent, with at least five years of such experience in supervisory positions; or
- Have a combination of no more than five years of postsecondary education in the field of construction or related field and at least five years of experience as an architect, engineer, plans examiner, building code inspector, registered or certified contractor, or construction superintendent; and completed training on ethics and Florida laws relating to administrators.

In order to sit for the plans examiner or inspector exam, a person must be at least 18 years of age, be of good moral character, and meet one of the following eligibility requirements:⁴⁴

- Have four to five years combined relevant education and experience, depending on how the applicant chooses to qualify;
- Complete an approved cross-training program and have at least two years of experience;
- Hold a standard certificate issued by the FBCAIB or a firesafety inspector license, and
 - Have at least five years of relevant experience as an inspector or plans examiner;
 - Have a minimum of three years of experience in inspection or plan review, and completed an inspector or plans examiner training program in the new category sought;
 - Have a minimum of five years of experience in firesafety inspection, and completed a training program of not less than 200 hours in the new category sought; or
 - Complete an approved training program of not less than 300 hours in inspection or plans review; and a minimum of two years of experience in construction, inspection, plans review, fire code inspections and fire plans review of new buildings as a firesafety inspector; or
 - Complete a four year internship certification program.

A person who is licensed in another state is eligible for a building code administrator, inspector, or plans examiner license by endorsement in Florida if they:⁴⁵

- Meet experience, educational, or training program requirements;
- Complete the Florida principle and practice exam; and
- Complete the relevant International Codes Council (ICC) exams for the category sought.

There were 9,056 active licensed building code administrators and inspectors and there were six disciplinary orders issued in the 2018-2019 fiscal year.⁴⁶

Effect of the Bill

Section 19 of the bill amends s. 468.603(5)(f), F.S., to rename the license category of “one and two family dwelling inspector” with the term “residential inspector.” The term is also redefined to include inspections of one-family, two-family, or three-family residences not exceeding two habitable stories or more than one uninhabitable story and accessory use structure in connected to the residence.

⁴³ Section 468.609(3), F.S.

⁴⁴ Section 468.609(2), F.S.

⁴⁵ Section 468.613, F.S.; and Fla. Admin. Code R. 61G19-6.0035(4) (2019).

⁴⁶ *Supra* note 12 at pp. 19 and 90.

Section 20 of the bill amends s. 468.613, F.S., to require the FBCAIB to waive examination, qualification, education, or training requirements, if an applicant is licensed in another state and the applicant is:

- At least 18 years of age;
- Of good moral character;
- Holds a valid license to practice as a building code administrator, inspector, or plans examiner in another state or territory of the United States for at least 10 years before the date of application; and
- Successfully completes an applicable examination administered by the ICC.

Under the bill, an application for a license by endorsement must be made either when the applicant's license in another state or territory is active or within two years after such license was last active.

Home Inspectors

Present Situation

Home inspectors are regulated by part XV of ch. 468, F.S., and are licensed by the Home Inspection Services Licensing Program within the DBPR.

In order to obtain licensure as a home inspector, a person must:

- Have good moral character;
- Carry liability insurance;
- Complete a course study of at least 120 hours; and
- Pass the required examination.⁴⁷

A person who is licensed in another state is eligible for a license by endorsement in Florida who:⁴⁸

- Is of good moral character;
- Holds a valid license to practice home inspection services in another state or territory of the United States whose educational requirements are substantially equivalent to Florida; and
- Has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the Florida examination.

The DBPR may not issue a license by endorsement to any applicant who is under investigation in another state for any act that would constitute a violation of the practice act until the investigation is complete and disciplinary proceedings have been terminated.⁴⁹

There were 7,090 active licensed home inspectors and four disciplinary orders were issued to home inspectors in the 2018-2019 fiscal year.⁵⁰

⁴⁷ Section 468.8313, F.S.

⁴⁸ Section 468.8414(3), F.S.

⁴⁹ Section 468.8314(3), F.S.

⁵⁰ *Supra* note 12 at pp. 19 and 90.

Effect of Proposed Changes

Section 21 of the bill amends s. 468.8314(3), F.S., to provide an additional means for an applicant to qualify for licensure by endorsement if the applicant:

- Maintains a commercial general liability insurance policy in an amount of not less than \$300,000, as provided in s. 468.8322, F.S.; and
- Holds a valid license to practice home inspection services in another state or territory of the United States for at least 10 years before the date of application.

Under the bill, an application for a license by endorsement must be made either when the applicant's license in another state or territory is active or within two years after such license was last active.

Engineering*Present Situation*

The practice of engineering is regulated by the Florida Board of Professional Engineers (FBPE). Unlike most professions regulated by the DBPR, the administrative, investigative, and prosecutorial services for the FBPE are not provided by the DBPR. The DBPR contracts with the Florida Engineers Management Corporation (FEMC), a non-profit corporation, to provide such services.⁵¹

In order to be licensed as a professional engineer, a person must successfully pass two examinations: the fundamentals examination and the principles and practices examination. Prior to being permitted to sit for the fundamentals examination, an applicant must graduate from an approved engineering curriculum of four years or more in an FBPE-approved school, college, or university, and have a record of four years of active engineering experience.⁵²

A person who is licensed in another state is eligible for a professional engineering license by endorsement in Florida if the person:⁵³

- Has graduated from an FBPE-approved engineering program, has passed a licensing examination that is substantially equivalent to the fundamentals examination and principles and practice examination, and has satisfied the experience requirements; or
- Holds a valid license to practice engineering issued by another state or territory of the United States, if the criteria for issuance of the license were substantially the same as the licensure criteria that existed in this state at the time the license was issued.

The FBPE may deem an applicant who seeks licensure by endorsement has passed an examination substantially equivalent to the fundamentals examination when such applicant has held a valid professional engineer's license in another state for 15 years and has had 20 years of continuous professional-level engineering experience.⁵⁴

⁵¹ Section 471.038(3), F.S.

⁵² Section 471.013, F.S.

⁵³ Section 471.015(3), F.S.

⁵⁴ Section 471.015(5), F.S.

The FBPE may also deem an applicant who seeks licensure by endorsement who has passed an examination substantially equivalent to the fundamentals examination and the principles and practices examination when such applicant has held a valid professional engineer's license in another state for 25 years and has had 30 years of continuous professional-level engineering experience.⁵⁵

Effect of Proposed Changes

Section 22 of the bill amends s. 471.015(5), F.S., to reduce the number of years that a professional engineer must be licensed in another jurisdiction in order to be deemed to have passed the licensure examinations for a license by endorsement. If such applicant has been licensed in another jurisdiction for:

- 10 years, the applicant is deemed to have passed the fundamentals examination;
- 15 years, the applicant is deemed to have passed both the fundamental examination and the principles and practices examination.

The bill deletes the requirement that an applicant for endorsement have the applicable number of continuous professional-level engineering experience, i.e., 20 years for an applicant who is deemed to have passed the fundamentals examination or 25 years for an applicant who is deemed to have passed both the fundamental examination and the principles and practices examination.

Certified Public Accountants

Present Situation

The Florida Board of Accounting (board) in the Department of Business and Professional Regulation (DBPR) is the agency responsible for regulating and licensing more than 38,000 active and 2,700 inactive CPAs and more than 5,700 accounting firms in Florida.⁵⁶ The Division of Certified Public Accounting provides administrative support to the nine-member board, which consists of seven CPAs and two laypersons.⁵⁷

A certified public accountant is a person who holds a license to practice public accounting in this state under ch. 473, F.S., or an individual who is practicing public accounting in this state pursuant to the practice privilege granted in s. 473.3141, F.S.⁵⁸

The practice of public accounting includes offering to the public the performance of services involving audits, reviews, compilations, tax preparation, management advisory or consulting services, or preparation of financial statements.⁵⁹ To engage in the practice of public accounting, as defined in s. 473.302(8)(a), F.S., an individual or firm must be licensed pursuant to ss. 473.308 or 473.3101, F.S., and business entities must meet the requirements of s. 473.309, F.S.

⁵⁵ *Id.*

⁵⁶ *Supra*, note 12 at p. 12.

⁵⁷ Section 473.303, F.S.

⁵⁸ *See* s. 473.302(4), F.S. Section 473.3141, F.S., permits a person who does not have an office in Florida to practice public accountancy in this state without obtaining a license under ch. 473, F.S., notifying or registering with the board, or paying a fee if the person meets the required criteria.

⁵⁹ Section 473.302(8), F.S.

To be licensed as a certified public accountant, a person must:⁶⁰

- Be of good moral character;
- Pass the licensure exam; and
- Have at least 150 semester hours of education, with a focus on accounting and business.

Section 473.308, F.S., provides for the licensure of individuals desiring to be licensed as a certified public accountant. Section 473.308(7), F.S., provides for licensure of certified public accountants by endorsement. To qualify for licensure by endorsement, the applicant must satisfy education, work experience, good moral character requirements. Applicants for endorsement must also have completed continuing education courses that are equivalent to the continuing education requirements in this state during the two years immediately preceding the application for licensure by endorsement.

If the applicant is not licensed in another state or territory, the applicant must:⁶¹

- Have passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by s. 473.306, F.S.; and
- Have completed continuing professional education courses that are at least equivalent to the continuing professional education requirements for a Florida certified public accountant.

If the applicant is licensed in another state or territory, the applicant has:⁶²

- Satisfied licensing criteria that were substantially equivalent to the licensure criteria in this state at the time the license was issued; or
- If the licensing criteria are not substantially equivalent to Florida, passed a national, regional, state or territorial licensing examination with examination criteria that were substantially equivalent to the examination criteria required in this state; or
- A valid license in another state or territory for at least 10 years before applying for a license in Florida, and has passed a national, regional, state or territorial licensing examination with examination criteria that were substantially equivalent to the examination criteria required in this state.

Effect of Proposed Changes

Section 23 of the bill amends s. 473.308, F.S., to delete the requirement that applicants for a license by endorsement during the 2 years immediately preceding the application for licensure must have completed 80 hours of continuing education hours before they are eligible for such license.

Veterinary Medicine

Present Situation

Veterinary medical practice is regulated by ch. 474, F.S., and veterinarians are licensed by the Board of Veterinary Medicine.⁶³

⁶⁰ Sections 473.308(2)-(5), F.S.

⁶¹ Section 473.308(7)(a), F.S.

⁶² Section 473.308(7)(b), F.S.

⁶³ See ss. 474.204 through 474.2125, F.S., concerning the powers and duties of the board.

A veterinarian is a health care practitioner licensed by the board to engage in the practice of veterinary medicine in Florida,⁶⁴ which is the diagnosis of medical conditions of animals, and the prescribing or administering of medicine and treatment to animals for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease, or holding oneself out as performing any of these functions.⁶⁵

To be licensed as a veterinarian, an applicant must:

- Graduate from a college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education (AVMAE); or from a college of veterinary medicine listed in the American Veterinary Medical Association Roster of Veterinary Colleges of the World (AVMARVC) and obtained a certificate from the Education Commission for Foreign Veterinary Graduates;
- Successfully complete the North American Veterinary Licensing Examination (NAVLE), or an examination determined by the board to be equivalent; and
- Successfully complete an examination of the laws and rules governing the practice of veterinary medicine in Florida.⁶⁶

The Program for the Assessment of Veterinary Education Equivalence (PAVE) is a common alternative pathway for graduates of international, non-accredited programs to practice in the United States. PAVE evaluates such programs on behalf of participating American Association of Veterinary State Boards.⁶⁷

A person who is licensed in another state or country is eligible for licensure by endorsement in Florida, if the person has:⁶⁸

- Successfully completed an examination of the laws and rules governing the practice of veterinary medicine in Florida; and either:
 - Holds a valid license to practice veterinary medicine in another jurisdiction of the United States for the three years immediately preceding the application for licensure, provided that the requirements for licensure are equivalent to or more stringent than a Florida license; or
 - Has graduated from an AVMAE or AVMARVC program and has successfully completed an examination which is equivalent to or more stringent than the NAVLE.

The DBPR may not issue a license by endorsement to any applicant who is under investigation in any state, territory, or the District of Columbia for an act which would constitute a violation of the practice act until the investigation is complete and disciplinary proceedings have been terminated.⁶⁹

⁶⁴ See s. 474.202(11), F.S.

⁶⁵ See s. 474.202(9), F.S. The profession also includes determining the health, fitness, or soundness of an animal, and performing any manual procedure for the diagnosis or treatment of pregnancy, fertility, or infertility of animals.

⁶⁶ Fla. Admin. Code R. 61G18-11.002 (2019).

⁶⁷ American Association of Veterinary State Boards, *International Pathways*, at: <https://www.aavsb.org/pave/> (last visited Jan. 11, 2020).

⁶⁸ Section 474.217(1), F.S.

⁶⁹ Section 474.217(2), F.S.

A “limited-service veterinary medical practice” means offering or providing limited types of veterinary services for a limited time at any location that has a primary purpose other than providing veterinary medical service at a permanent or mobile establishment. Such practice must provide veterinary medical services for privately owned animals that do not reside at that location,⁷⁰ and must obtain a permit and must register each location where a limited service clinic is held. A licensed veterinarian must supervise the limited practice.⁷¹

The board establishes, by rule, minimum standards for the operation of limited service veterinary medical practices,⁷² which currently allows such practices to offer vaccinations, immunizations, and parasitic control services.⁷³

Effect of Proposed Changes

Sections 24 of the bill amends s. 474.202(6), F.S., to codify the current board rule allowing limited service veterinary practices to perform vaccinations, immunizations, and parasitic control, and authorizes those practices to perform microchipping.

Section 25 of the bill amends s. 474.207, F.S., to allow graduates of a veterinary medicine program recognized by the PAVE to be eligible for licensure as a veterinarian.

Section 26 of the bill amends s. 474.217, F.S., to allow an applicant for licensure by endorsement who has been licensed in a jurisdiction of the United States to qualify for licensure in Florida if the applicant has successfully passed a licensing examination that is equivalent, to or more stringent than, the NAVLE.

Barbering

Present Situation:

The term “barbering” in ch. 476, F.S., the Barbers’ Act, includes any of the following practices when done for payment by the public: shaving, cutting, trimming, coloring, shampooing, arranging, dressing, curling, or waving the hair or beard or applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical appliances.⁷⁴

An applicant for licensure as a barber must pass an examination. To be eligible to take the examination, the applicant must:

- Be at least 16 years of age;
- Pay the application fee; and

⁷⁰ Section 474.202(6), F.S.

⁷¹ Section 474.215(7)-(8), F.S.

⁷² Section 474.215(7), F.S.

⁷³ Fla. Admin. Code R. 61G18-15.007 (2019).

⁷⁴ See s. 476.034(2), F.S. The term does not include those services when done for the treatment of disease or physical or mental ailments.

- Have held an active valid license in another state for at least one year,⁷⁵ or have a minimum of 1,200 hours of specified training.⁷⁶

The Barbers' Board is authorized to establish by rule a procedure for a barber school or program to certify a person to take the licensure examination following completion of a minimum of 1,000 hours of training and for the licensure of such person who passes the examination. Upon passage of the examination by the person seeking licensure, the training requirement of 1,200 hours is deemed satisfied; failing the examination requires completion of the full training requirement.⁷⁷

Alternatively, a person may apply for and receive a "restricted license" to practice barbering, which authorizes the licensee to practice only in areas in which he or she has demonstrated competency pursuant to rules of the Barbers' Board.⁷⁸ An applicant for a restricted barber license must satisfactorily complete 600 hours of training.⁷⁹

Effect of Proposed Changes:

Section 27 of the bill amends s. 476.114(2)(c)2., F.S., to decrease the minimum number of hours of training required for licensure from 1200 hours to 900 hours. The bill also provides that the training must be in sanitation, safety, and laws and rules.

Section 28 of the bill amends s. 476.144(5), F.S., to require the Barbers' Board to qualify for licensure by endorsement an applicant who holds a current active license to practice barbering in another state.

The bill amends s. 477.019(6), F.S., relating to the licensing of a cosmetologist by endorsement, to provide a comparable provision for barbers. However, under the bill, an applicant for a cosmetology license by endorsement is required to complete a 2-hour course on human immunodeficiency virus and acquired immune deficiency syndrome. The bill does not require an applicant for a barber's license by endorsement to complete such a course for initial licensure. Current law requires such training as a condition for the biennial renewal of cosmetology and barber licenses.⁸⁰

Nail and Facial Specialists, Hair Braiders; Hair Wrappers, and Body Wrappers

Present Situation:

Chapter 477, F.S., governs the licensing and regulation of cosmetologists, hair braiders, hair wrappers, nail specialists, facial specialists, full specialists, body wrappers and related salons in the state. The Board of Cosmetology, within the DBPR's Division of Professions, processes

⁷⁵ See s. 476.144(5), F.S. Licensure by endorsement may also allow a practitioner holding an active license in another state or country to qualify for licensure in Florida.

⁷⁶ See s. 476.114(2), F.S.; requiring the training to include, but is not limited to, the completion of services directly related to the practice of barbering at a licensed school of barbering, a public school barbering program, or a government-operated barbering program in Florida.

⁷⁷ See s. 476.114(2), F.S.

⁷⁸ See s. 476.144(6), F.S.

⁷⁹ Fla. Admin. Code R. 61G18-16.006 (2019).

⁸⁰ See s. 455.2228, F.S.

license applications, reviews disciplinary cases, and conducts informal administrative hearings relating to licensure and discipline.⁸¹

Individuals are prohibited from providing manicures, pedicures, or facials in Florida without first being licensed as a cosmetologist or registered as a nail specialist, facial specialist, or full specialist.⁸²

A “specialist” is defined as “any person holding a specialty registration in one or more of the specialties registered under [ch. 477, F.S.]”⁸³ The term “specialty” is defined as “the practice of one or more of the following:

- Manicuring, or the cutting, polishing, tinting, coloring, cleansing, adding, or extending of the nails, and massaging of the hands. This term includes any procedure or process for the affixing of artificial nails, except those nails which may be applied solely by use of a simple adhesive.
- Pedicuring, or the shaping, polishing, tinting, or cleansing of the nails of the feet, and massaging or beautifying of the feet.
- Facials, or the massaging or treating of the face or scalp with oils, creams, lotions, or other preparations, and skin care services.”⁸⁴

The term “cosmetologist” is defined as “a person who is licensed to engage in the practice of cosmetology . . .”⁸⁵ “Cosmetology” is defined as “the mechanical or chemical treatment of the head, face, and scalp for aesthetic rather than medical purposes, including, but not limited to, hair shampooing, hair cutting, hair arranging, hair coloring, permanent waving, and hair relaxing for compensation.” This term also includes performing hair removal, including wax treatments, manicures, pedicures, and skin care services.”⁸⁶

A nail specialist may complete manicures and pedicures, and a full specialist may complete manicures, pedicures, and facials.⁸⁷ Manicures and pedicures, as a part of cosmetology services, are required to be provided in a licensed specialty salon or cosmetology salon.⁸⁸ All cosmetology and specialty salons are subject to inspection by the DBPR.⁸⁹

To qualify for a specialist license, the applicant must be at least 16 years of age, obtain a certificate of completion from an approved specialty education program.⁹⁰

⁸¹ See s. 477.015, F.S., and <http://www.myfloridalicense.com/DBPR/cosmetology/> (last visited Mar. 28, 2019).

⁸² See ss. 477.013(6) and 477.0201, F.S.

⁸³ See s. 477.013(5), F.S.

⁸⁴ See s. 477.013(6), F.S.

⁸⁵ See s. 477.013(3), F.S.

⁸⁶ See s. 477.013(4), F.S. A licensed cosmetologist is not required to register separately as a hair braider, hair wrapper, body wrapper, or specialist.

⁸⁷ See s. 477.013(6), F.S.

⁸⁸ See s. 477.0263, F.S. Under s. 477.0135(3), F.S., licensing is not required for a person whose occupation is confined solely to cutting, trimming, polishing, or cleansing fingernails of customers in an active, licensed barbershop, and who did so before October 1, 1985.

⁸⁹ See s. 477.025(9), F.S.

⁹⁰ See s. 477.0201, F.S.

The specialty education program, consists of:

- 250 hours of training for a nail specialty;
- 260 hours of training for a facial specialty;
- 500 hours of training for a full specialty.⁹¹

The applicant must submit a specialist application for registration with the DBPR with a \$75 registration fee.⁹²

The act of applying polish to fingernails and toenails falls under the scope of manicuring, even if the individual is not cutting, cleansing, adding, or extending the nails.⁹³ Therefore, individuals seeking to apply polish to fingernails and toenails for compensation are required to obtain a registration as a specialist or a license as a cosmetologist, as the DBPR does not issue a separate license for polishing nails.

The application of cosmetic products (makeup) by certain persons is exempted from ch. 477, F.S., under limited conditions, including application of such products in photography studio salons, in connection with certain retail sales, or during the production of qualified films.⁹⁴ In addition, persons providing makeup in a theme park or entertainment complex to actors and others or the general public are exempt from licensing requirements.⁹⁵

“Hair braiding” means “the weaving or interweaving of natural human hair for compensation without cutting, coloring, permanent waving, relaxing, removing, or chemical treatment and does not include the use of hair extensions or wefts.”⁹⁶

“Hair wrapping” means the wrapping of manufactured materials around a strand or strands of human hair, for compensation, without cutting, coloring, permanent waving, relaxing, removing, weaving, chemically treating, braiding, using hair extensions, or performing any other service defined as cosmetology.⁹⁷

“Body wrapping” means “a treatment program that uses herbal wraps for the purposes of cleansing and beautifying the skin of the body, but does not include the application of oils, lotions, or other fluids to the body, except fluids contained in presoaked materials used in the wraps, or manipulation of the body’s superficial tissue, other than that arising from compression emanating from the wrap materials.”⁹⁸

A person who wishes to practice as a hair braider, hair wrapper, or body wrapper must register with the DBPR, pay the \$25 registration fee; and

⁹¹ Fla. Admin. Code R. 61G5-22 (2019).

⁹² Fla. Admin. Code R. 61G5-22 (2019) and s. 477.0201, F.S.

⁹³ See s. 477.013(6)(a) and (b), F.S.

⁹⁴ See ss. 477.013(11), 477.0135(1)(f), and 477.0135(5), F.S.

⁹⁵ See s. 477.0135(6), F.S.

⁹⁶ Section 477.013(9), F.S. A “weft” of hair is a long curtain of hair that has a seam at the top and is found on wigs and hair extensions. See <https://www.voguewigs.com/what-is-a-weft.html> (last visited Jan. 11, 2020).

⁹⁷ Section 477.013(10), F.S.

⁹⁸ Section 477.013(11), F.S.

- For hair braiders, take a two-day board-approved 16-hour education course consisting of:
 - 5 hours of HIV/AIDS and other communicable diseases,
 - 5 hours of sanitation and sterilization,
 - 4 hours of disorders and diseases of the scalp, and
 - 2 hours of studies regarding laws affecting hair braiding.
- For hair wrappers, take a one-day board-approved 6-hour education course consisting of:
 - HIV/AIDS and other communicable diseases,
 - sanitation and sterilization,
 - disorders and diseases of the scalp, and studies regarding laws affecting hair wrapping.
- For body wrappers, take a two-day board-approved 12-hour education course consisting of:
 - HIV/AIDS and other communicable diseases,
 - Sanitation and sterilization,
 - Disorders and diseases of the skin, and
 - Laws affecting body wrapping.⁹⁹

Hair braiders, hair wrappers, and body wrappers are not required to complete continuing education as a condition for renewal of the registration.¹⁰⁰

In Florida, cosmetology and specialty salons must be licensed.¹⁰¹ Such salons are inspected periodically by the DBPR, in accordance with sanitary standards set forth by the Board of Cosmetology.¹⁰²

Cosmetology services must be performed in a licensed cosmetology or specialty salon by a properly licensed professional,¹⁰³ except when services are performed in connection with:

- A special event by a properly licensed person who is employed by a licensed salon. Arrangements for the performance of such cosmetology services must be made through a licensed salon;¹⁰⁴
- A client for reasons of ill health is unable to go to a licensed salon. Arrangements for the performance of such cosmetology services must be made through a licensed salon; or
- The motion picture, fashion photography, theatrical, or television industry; a photography studio salon; a manufacturer trade show demonstration; or an educational seminar.¹⁰⁵

The board is required to certify an applicant as qualified for licensure by endorsement if the applicant holds a current active license to practice cosmetology in another state. The board may not require proof of educational hours if the other state requires at least 1,200 hours of education

⁹⁹See s. 477.0132, F.S. Courses for hair braiding, hair wrapping, and body wrapping generally cost between \$75 and \$350. Examples include: 1STOPCEU.com, *Home*, <https://www.1stopceu.com/livezilla/knowledgebase.php?article=6332971e65219f8cdfc5d16d8b113c10> (last visited Jan. 11, 2020); and JT's Beauty Shop, Inc., *Florida State Certified Courses (Theory)*, <http://www.jtbeautysalon.com/> (last visited Jan 11, 2020).

¹⁰⁰ Section 477.019(7)(b), F.S.

¹⁰¹ Section 477.025(1), F.S.

¹⁰² Section 477.025(9), F.S.; and Fla. Admin. Code R. Ch. 61G5-20 (2019).

¹⁰³ Section 477.0263(1), F.S.

¹⁰⁴ A "special event" is defined as a wedding or fashion show in Fla. Admin. Code R. 61G5-20.0015(1) (2019).

¹⁰⁵ Sections 477.0263(2) through (4), F.S.

and passage of a written examination. This provision is not applicable to applicants in the other state who received their license through an apprenticeship program.¹⁰⁶

The board is also required to provide by rule the continuing education requirements to maintain the cosmetology license not to exceed 16 hours biennially. Any person whose practice is confined to hair braiding, hair wrapping, or body wrapping are exempt from the continuing education requirements.¹⁰⁷

Effect of Proposed Changes:

Section 29 of the bill amends s. 477.013(9), F.S., to expand the definition of “hair braiding” to include the weaving or interweaving of natural human hair or commercial hair, and the use of hair extensions or wefts. Under current law, the use of hair extensions or wefts is excluded from “hair braiding.”

Section 30 of the bill repeals s. 477.0132, F.S., which provide that:

- Registration is required for hair braiding, hair wrapping, and body wrapping, and requires those registrants to take specified courses approved by the Board of Cosmetology.
- Hair braiding, hair wrapping, and body wrapping are not required to be practiced in a cosmetology salon or specialty salon; and
- Disposable implements must be used, or all implements must be sanitized in a disinfectant approved for hospital use or approved by the federal Environmental Protection Agency, when hair braiding, hair wrapping, or body wrapping is practiced outside a cosmetology salon, or specialty salon.

Section 31 of the bill amends s. 477.0135, F.S., to specifically exempt a person whose occupation or practice is confined solely to hair braiding, hair wrapping, body wrapping, or applying polish to fingernails and toenails from registration requirements.

Section 32 of the bill amends s. 477.019(6), F.S., to delete the requirement that an applicant for licensure by endorsement submit proof of educational hours if the license was issued in a state that requires 1,200 or more hours of prelicensure education and passage of a written examination. It also deletes the exemption for persons licensed in another state who received their license through an apprenticeship program.

The bill requires an applicant for a cosmetology license by endorsement to complete a 2-hour course on human immunodeficiency virus and acquired immune deficiency syndrome.

The bill also amends s. 477.019(7), F.S., to decrease the number of hours of continuing education required for the biennial renewal of a cosmetology license from 16 hours to 10 hours.

Section 33 of the bill amends s. 477.0201(1), F.S., to reduce the number of hours required for a specialist registration under required under current rules.

The bill requires:

¹⁰⁶ Section 477.019(6), F.S.

¹⁰⁷ Section 477.019(7), F.S.

- 180 hours of training for a nail specialty (the current rule requires 250 hours);
- 220 hours of training for a facial specialty (the current rule requires 250 hours); and
- 400 hours of training, or the number of hours required to maintain minimum Pell Grant requirements, for a full specialty (the current rule requires 250 hours).¹⁰⁸

Section 34 of the bill deletes the requirement in s. 477.026(1)(f), F.S., relating to license fees for hair braiders, hair wrappers, and body wrappers.

Section 35 of the bill amends s. 477.0263(4), F.S., to delete the requirement that an appointment for a special event has to be made through a licensed salon. The bill permits a properly licensed professional to perform hair shampooing, hair cutting, hair arranging, nail polish removal, nail filing, nail buffing, and nail cleaning outside of a salon when the service is performed by a licensed person.

Section 36 of the bill amends s. 477.0265, F.S., to delete a reference to body wrapping in a prohibition respecting the advertising of services.

Section 37 of the bill amends s. 477.029(1)(a), F.S., to delete the criminal penalty for hair braiders, hair wrappers, and body wrappers who offer or provide services without being licensed or registered.

Architecture and Interior Design

Present Situation:

Chapter 481, Part I, F.S., governs the licensing and regulation of architects, interior designers, and related business organizations. The Board of Architecture and Interior Design, under the DBPR's Division of Professions, processes license applications, reviews disciplinary cases, and conducts informal administrative hearings relating to licensure and discipline.¹⁰⁹

The practice or offering of architectural or interior design services to the public through certain business organizations is authorized for:

- Licensees acting through a corporation, limited liability company, or partnership; or
- A corporation, limited liability company, or partnership acting through licensees as agents, employees, officers, or partners.¹¹⁰

An architecture or interior design business corporation, limited liability company, partnership, or a person practicing under a fictitious name, which is offering architecture or interior design service to the public, must obtain a certificate of authorization prior to practicing.¹¹¹

¹⁰⁸ See Fla. Admin. Code R. 61G5-22 (2019).

¹⁰⁹ See s. 481.205, F.S., relating to the authority of the Board of Architecture and Interior Design. The board consists of 11 members. Five members must be registered architects; three members must be registered interior designers; and three members must be laypersons who are not, and have never been, architects, interior designers, or members of any closely related profession or occupation. At least one member of the board must be 60 years of age or older.

¹¹⁰ Section 481.219(1), F.S.; such practice must comply with all the requirements in s. 481.219, F.S.

¹¹¹ Section 481.219(2)-(3), F.S.

Interior Design

A person may not practice interior design unless the person is a registered interior designer or otherwise exempted from the requirement to register. If holding a valid license by the Board of Architecture and Interior Design, a person may not use the title “interior designer” or “registered interior designer,” or words to that effect.¹¹²

Section 481.203(4), F.S., defines a “certificate of registration” to mean a license issued by the DBPR to a natural person to engage in the practice of architecture or interior design.

The following persons may practice interior design without a license:¹¹³

- A person who performs interior design services or interior decorator services for any residential application, provided that such person does not advertise as, or represent himself or herself as, an interior designer.¹¹⁴
- An employee of a retail establishment providing “interior decorator services” on the premises of the retail establishment or in the furtherance of a retail sale or prospective retail sale, provided that such employee does not advertise as, or represent himself or herself as, an interior designer.

Applicants for an interior design license must pass a three-part national examination administered by the National Council for Interior Design Qualification (NCIDQ), at a cost of \$1,065, including the application fee. Requirements to sit for the NCIDQ, including education and experience requirements, mirror Florida’s licensure prerequisites.¹¹⁵

Applicants for an architecture business certificate of authorization or interior design business certificate of authorization must pay an application fee of \$100, an unlicensed activity fee of \$5, and a biennial renewal fee of \$125.¹¹⁶ A business entity has no regulatory obligations other than to obtain licensure.

Business entities, or persons operating under fictitious names, offering interior design services must also obtain a certificate of authorization. At least one principal officer or partner and all personnel who act on the business entity’s behalf in the state must be registered interior designers. The initial license fee for a certificate of authorization is \$100 and the biennial renewal fee is \$125.¹¹⁷

¹¹² Sections 481.223(1)(b) and (c), F.S.

¹¹³ Section 481.229(6), F.S.

¹¹⁴ Section 481.229(6)(a), F.S., provides that “residential applications” includes all types of residences, including, but not limited to, residence buildings, single-family homes, multifamily homes, townhouses, apartments, condominiums, and domestic outbuildings appurtenant to one-family or two-family residences. “Residential applications” does not include common areas associated with instances of multiple-unit dwelling applications.

¹¹⁵ See <http://www.ncidq.org>

¹¹⁶ See Fla. Admin. Code R. 61G1-17.001 and R. 61G1-17.002 (2019).

¹¹⁷ Fla. Admin. Code R. 61G1-17.002 (2019).

Florida is one of six U.S. states or territories requiring interior designers to be licensed. Approximately 20 other states allow only those persons meeting statutory requirements to hold themselves out as “registered interior designers.”¹¹⁸

Use of Seals by an Interior Designer

Section 481.221(3), F.S., authorizes the Board of Architecture and Interior Design to prescribe, by rule, one or more forms of seal to be used by licensed interior designers. Each registered interior designer must obtain a seal. All drawings, plans, specifications, or reports prepared or issued by the registered interior designer and filed for public records, and all final documents provided to the owner or the owner’s representative must be signed by the licensee, dated, and sealed with the seal. The signature, date, and seal are evidence of the authenticity of the document to which they are affixed.

Architects

A person who is licensed in another state is eligible for a professional architect license by endorsement in Florida if the person:¹¹⁹

- Qualifies to take the licensure examination, and has passed the licensure examination or a substantially equivalent examination in another jurisdiction, and has satisfied the internship requirements set forth in s. 481.211 for architects;
 - Holds a valid license to practice architecture issued by another jurisdiction of the United States, if the criteria for issuance of such license were substantially equivalent to the licensure criteria that existed in this state at the time the license was issued; or
- Has passed the licensure examination and holds a valid certificate issued by the National Council of Architectural Registration Boards, and holds a valid license to practice architecture issued by another state or jurisdiction of the United States.

Effect of Proposed Changes:

Sections 38 through 52 of the bill amend part I of ch. 481, F.S., to repeal licensure requirements for interior designers and interior design businesses. In lieu of a license requirement, the bill provides a voluntary certificate or registration to practice interior design, i.e, a certificate of registration is not required to practice interior design.

Section 2 of the bill amends s. 20.165(4)(a)(2), F.S., to change the name of the Board of Architecture and Interior Design to the Board of Architecture. However, the remainder of the references in the bill retain the current name of the Board of Architecture and Interior Design throughout part I of ch. 481, F.S.

Section 40 of the bill amends s. 481.205, F.S., to revise the membership of the Board of Architecture and Interior Design to reflect that the board’s duties include receiving complaints regarding, investigating, and disciplining persons with a certificate of registration for the practice of interior design.

¹¹⁸ Commercial Interior Design Association, *State Information*, <http://advocacy.iida.org/#interiordesignlaws> (last visited Jan. 11, 2020).

¹¹⁹ Section 471.015(3), F.S.

Section 41 of the bill amends s. 481.207, F.S., to authorize the Board of Architecture and Interior Design to impose a nonrefundable fee of not more than \$75 for a certificate of registration and for the biennial renewal of the certificate of registration.

Section 42 of the bill amends s. 481.209, F.S., to revise the qualifications for a certificate of registration to practice interior design. The bill repeals the education and experience requirements in current law. Under the bill, to qualify for a certificate of registration, a person must submit written proof that he or she has successfully passed the qualification examination prescribed by the Council for Interior Design Qualification or its successor entity or the California Council for Interior Design Certification or its successor entity, or has successfully passed an equivalent exam as determined by the department.

Section 43 of the bill amends s. 481.213(3), F.S., to revise the requirements for licensure by endorsement for a professional architect license to require an applicant for a licensure by endorsement to complete a class approved by the Board of Architecture on the Florida Building Code.

The bill creates s. 481.213(8), F.S., to provide that a person who performs residential interior design services or interior decorator services is not required to hold a certificate of registration for interior design. The bill repeals s. 481.223(1)(b), F.S., which requires registration as a condition to practice interior design, unless the person is subject to an exemption from the registration requirement.

Sections 44 and 48 amend ss. 481.2131(1) and 481.221, F.S., to revise the requirements for seals used by a registered interior designer. Under the bill, if interior design documents are submitted for a building permit by an individual performing interior design services who is not a licensed architect, the documents must include a seal issued by the DBPR.

Additionally, the bill amends s. 481.221, F.S., to change the authority to require that the form of the seal for architects and interior designers be prescribed by rule of the DBPR instead of by rule of the Board of Architecture and Interior Design.

Section 45 of the bill amends s. 481.215(5), F.S., to delete the requirement that the board require by rule a specified number of hours for advanced training on the Florida Building Code approved by the Florida Building commission.

Section 47 of the bill amends s. 481.219, F.S., to delete the requirement that architects and interior designers obtain a separate business license (certificate of authorization) in addition to an individual license. The bill provides that architects must qualify their business organizations (and disclose operations under a fictitious name) through their individual licenses.

Architects who act as qualifying agents must inform the DBPR of any change in their relationship with the qualified business, and if that qualifying agent is the business' only qualifying agent, the business has 60 days to obtain a replacement qualifying architect. If a business does not have a qualifying agent, it may not engage in the practice of architecture, unless the executive director or chair of the Board of Architecture authorizes another registered

architect or interior designer employed by the business organization to temporarily serve as its qualifying agent for no more than 60 days.

Regarding interior designers, the current law provision in s. 481.219(7), F.S., which provides that an interior designer who signs and seals the interior design drawings, plans, or specifications is liable for professional services performed, is not amended by the bill to remove the statutory liability.

Section 48 of the bill amends ss. 481.221, F.S., to revise the requirements relates to seals used by architects and interior designers.

The bill amends s. 481.221(1) and (3), F.S., to remove the provisions authorizing the board to adopt by rule the seals used by a registered architect or interior designer.

The bill amends s. 481.221(10), F.S., to require each business organization to include the license number of the registered architect who serves as the qualifying agent for that business organization in any newspaper, telephone directory, or other advertising medium used by the business organization. The bill does not require that a registered interior designer include his or her license number in such advertisements for a business organization.

The bill retains the requirement in current law that an architect must include his or her license number in in any newspaper, telephone directory, or other advertising medium used by the architect. The bill removes the requirement in current law for a registered interior designer to include his or her license number in such advertisements.

The bill also amends ss. 481.221(11) and (12), F.S., which require a registered architect or an interior designer to surrender his or her seal when a registration is revoked or suspended, and to prohibit an architect or interior designer from signing and sealing and final plan, specification or report after his or her certificate of registration is suspended or revoked. The bill removes interior designers from the requirements and prohibitions in these subsections.

Section 50 amends s. 481.2251, F.S., to revise the requirements for disciplinary proceedings against registered interior designers. The bill replaces the term “license” with the term “register.” In place of suspension or revocation of a license, the bill authorizes the board to remove a registered interior designer from the registry for a violation of any of the prohibited acts listed in this s. 481.2251, F.S. The bill repeals several grounds for disciplinary action by the board, and the grounds for denial of a registration, including:

- Failing to report to the board that a person is violating any part I of ch. 481, F.S., or rule of the board, or an order of the board;
- Failing to perform a statutory or legal obligation; and
- Accepting compensation from someone other than a client without full disclosure to the client.

The bill reduces the applicable fines payable by an interior designer from \$1000 to \$500 for each violation or separate offense. The bill also reduces the fine for a violation of the Florida Building Code by an interior designer from \$5,000 to \$2,500.

Section 51 of the bill amends s. 481.229(6), F.S., to repeal the exemption from the application of part I of ch. 481, F.S., for persons who perform interior design services or interior decorator services for residential applications.

Section 71 of the bill amends s. 558.002, F.S., to replace the reference to a licensed interior designer with the term “registered interior designer” in the definition of the term “design professional” in the context of the process in ch. 558, F.S., for resolving construction defects.

Landscape Architecture Business Organization

Present Situation:

Part II of ch. 481, F.S., governs the licensing and regulation of landscape architects and related business organizations in Florida. The Board of Landscape Architecture, under the DBPR’s Division of Professions, processes license applications, reviews disciplinary cases, and conducts informal administrative hearings relating to licensure and discipline.

A person may not knowingly practice landscape architecture¹²⁰ unless the person holds a valid license issued pursuant to part II of ch. 481, F.S.,¹²¹ A corporation or partnership is permitted to offer landscape architectural services to the public, subject to the provisions of part II of ch. 481, F.S., if:

- One or more of the principals of the corporation, or partners in the partnership, is a licensed landscape architect;
- One or more of the officers, directors, or owners of the corporation, or one of more of the partners of the partnership is a licensed landscape architect; and
- The corporation or partnership has been issued a certificate of authorization by the board.¹²²

In order to be licensed as a landscape architect, a person must:

- Complete a landscape architecture degree program approved by the Landscape Architectural Accreditation Board, or have six years of practical experience, with some credit available for education credits;¹²³
- Pass the nationally recognized Landscape Architecture Registration Examination (LARE);¹²⁴ and
- Have one year of practical experience, not including any experience used to qualify to take the examination.¹²⁵

A person who is licensed in another state is eligible for a landscape architecture license by endorsement in Florida if they:¹²⁶

¹²⁰ The term “landscape architecture” includes but is not limited to the determination of building siting, drainage, and contouring of land and water forms, and other activities including design in connection with land development for the preservation, conservation, enhancement, or determination of proper land uses, natural features, or naturalistic and aesthetic values. See s. 481.303(6)(a)-(d), F.S., relating to the professional services included in landscape architecture.

¹²¹ Section 481.323(1)(a), F.S.

¹²² Section 481.319(1), F.S.

¹²³ Section 481.309(1)(b), F.S.

¹²⁴ Fla. Admin. Code R. 61G10-11.001 (2019).

¹²⁵ Section 481.310, F.S.

¹²⁶ Section 481.311(3), F.S.

- Have graduated from an approved program or have related experience, have an additional year of practical experience, and have passed a licensing examination which is substantially equivalent to the LARE; or
- Hold a valid license to practice landscape architecture issued by another state or territory of the United States, if the criteria for issuance of such license were substantially identical to the licensure criteria which existed in Florida at the time the license was issued.

If an applicant for a license by endorsement has been licensed for at least five years in another jurisdiction without disciplinary history, the additional year of practical experience is not required.¹²⁷

A landscape architecture corporation or partnership may offer landscape architecture services if:

- One or more of the principals of the corporation, or partners in the partnership, is a licensed landscape architect; and
- The corporation or partnership has been issued a certificate of authorization by the board.¹²⁸

Applicants for a landscape architecture business certificate of authorization must pay an application fee and initial licensure fee of \$450, an unlicensed activity fee of \$5, and a biennial renewal fee of \$337.50.¹²⁹ A business entity has no regulatory obligations other than to obtain licensure and notify the DBPR within one month of any change in the information contained in its license application.¹³⁰

Effect of Proposed Changes:

Sections 53 through 59 of the bill amend part II of ch. 481, F.S., to remove the requirement that landscape architects obtain a separate business license (certificate of authorization) in addition to an individual license. The bill provides that landscape architects must qualify their business organizations (and disclose operations under a fictitious name) through their individual licenses.

The bill repeals the DBPR's authority to issue a certificate of authorization to an applicant wishing to practice as a corporation or partnership offering landscape architectural services. Further, the bill repeals the Board of Landscape Architecture's ability to grant a temporary certificate of authorization for a business organization that is seeking to work on one project in Florida for a period not to exceed one year to an out-of-state corporation, partnership, or firm.

The bill provides that a corporation or partnership is permitted to offer landscape architectural services to the public, subject to the provisions of part II of ch. 481, F.S., if:

- One or more of the principals of the corporation, or partners in the partnership, and all of the personnel of the business organization who act in its behalf as landscape architects are registered landscape architects; and
- One or more of the officers, directors, or owners of the corporation, or one or more of the partners of the partnership is a registered landscape architect has applied to be the qualifying agent for the business organization.

¹²⁷ Fla. Admin. Code R. 61G10-11.004(2)(e) (2019).

¹²⁸ Section 481.319(1), F.S.

¹²⁹ See Fla. Admin. Code R. 61G10-12.002 (2019).

¹³⁰ See s. 481.319(4), F.S.

Under the bill, landscape architects who qualify a business organization must inform the DBPR within one month after any change in the information in the license application for the qualified business. All landscape architects must notify the DBPR of termination of employment with a licensed business organization within one month after the termination.

Section 54 of the bill amends s. 481.310, F.S., to provide that an applicant who holds a master's degree in landscape architecture and a bachelor's degree in a related field does not have to demonstrate one year of practical experience in landscape architecture to qualify for licensure.

Section 55 of the bill amends s. 481.311(3), F.S., to provide that a person licensed in another state is also eligible for a license by endorsement if they hold a valid license to practice landscape architecture in another state or territory of the United States.

The bill removes the requirements for licensure by endorsement requiring the applicant to have:

- Been licensed in the other jurisdiction for at least 10 years; and
- Passed a licensing examination which is substantially equivalent to the examination required in Florida.

Section 56 amends s. 481.317(2), F.S., to delete the provision allowing the issuance of a temporary certificate of authorization.

Section 57 of the bill deletes s. 481.319(5), F.S., which provides that disciplinary action against a corporation or partnership to be administered similar to disciplinary action against a registered landscape architect. Under current law, practicing landscape architecture through a corporation or partnership does not relieve a landscape architect from personal liability for professional acts, unless otherwise agreed by contract.¹³¹

Construction Contractors

Present Situation

Construction contractors are regulated by part I of ch. 489, F.S., and licensed by the Construction Industry Licensing Board (CILB).

In order to become a construction contractor, an applicant for a license by examination must:¹³²

- Be of good moral character;
- Be at least 18 years of age;
- Successfully pass the certification examination; and
- Meet eligibility requirements according to a combination of education and experience as approved by the board, which must include at least one year of related experience.

¹³¹ See s. 481.319(6), F.S., and s. 558.0035, F.S.

¹³² Sections 489.111(2)(c)1. through 3., F.S.

If an applicant wishes to use test scores from a previous examination to qualify for another license type, the examination score used must be from a portion of the examination taken within four years from the date of the most recently passed portion of the examination.¹³³

A person who is licensed in another state is eligible for a license by endorsement in Florida if the:

- Criteria for issuance of such license were substantially equivalent to Florida’s current certification criteria; or
- State or territory has entered into a reciprocal agreement with the board for the recognition of contractor licenses issued in that state, based on criteria for the issuance of such licenses that are substantially equivalent to the criteria for certification in this state.¹³⁴

An unlicensed person may perform work that falls under the scope of contracting if it is casual, minor, or inconsequential in nature, and the aggregate contract price for all labor and materials is less than \$1,000, subject to certain requirements. This is generally called the “handyman exception.” The “handyman exception” was enacted in 1979, and the contractual amount to fit within the exception has not been updated since.¹³⁵

Effect of Proposed Changes

Section 60 amends s. 489.103(9), F.S., to increase the maximum contract (for total labor and materials) price for the “handyman exception” from \$1,000 to \$2,500.

Sections 61 amends s. 489.111(2)(c), F.S., to eliminate the need for applicants to retake the examination to upgrade an existing residential, building, air conditioning, or swimming pool license from retaking an examination for the desired if they have previously passed the required examination.

The bill clarifies that a licensure examination passage does not expire and may be used at any time to qualify for another license.

Section 62 creates s. 489.115(3)(d), F.S., to allow an applicant to qualify for a license by endorsement if the applicant has:

- Held a valid license to practice the same type of construction contracting in another state or territory for at least 10 years before the date of application; and
- Complied with workers’ compensation requirements, shown proof of financial health of their business organization, and submitted fingerprints for the required criminal background check.

The bill authorizes the Construction Industry Licensing Board to consider whether an applicant for licensure by endorsement has had licenses to practice revoked, suspended, or otherwise acted against by the licensing authority of another state, territory, or country. Under the bill, an application for a license by endorsement must be made either when the applicant’s license in another state or territory is active or within two years after such license was last active.

¹³³ Fla. Admin. Code R. 61G4-16.005 (2019).

¹³⁴ Section 489.115(3), F.S.

¹³⁵ Section 489.103(9), F.S.

Electrical Contractors

Present Situation

Electrical and alarm system contractors are regulated by part II of ch. 489, F.S., and licensed by the Electrical Contractors' Licensing Board (ECLB).

In order to become an electrical contractor or alarm system contractor, a person must submit an application to the DBPR and must:

- Be at least 18 years of age;
- Be of good moral character;
- Successfully pass the certification examination; and
- Meet eligibility requirements according to a combination of education and experience as approved by the ECLB.¹³⁶

Electrical contractors and burglar alarm contractors must complete 14 hours of continuing education each every two years for license renewal. Such continuing education must include at least seven hours on technical subjects, one hour on workers' compensation, one hour on workplace safety, one hour on business practices, and for alarm system contractors and electrical contractors engaged in alarm system contracting, two hours on false alarm prevention.¹³⁷

A person who is licensed in another state is eligible for a license by endorsement in Florida if the:

- Criteria for issuance of such license was substantially equivalent to Florida's current certification criteria; or
- State or territory has entered into a reciprocal agreement with the ECLB for the recognition of contractor licenses issued in that state, based on criteria for the issuance of such licenses that are substantially equivalent to the criteria for certification in Florida.

Only examinations from North Carolina, California, and Georgia have been found to be substantially similar to Florida's examination.¹³⁸

A "burglar alarm system agent" means a person:

- Who is employed by a licensed alarm system contractor or licensed electrical contractor; and
- Whose specific duties include any of the following activities of alarm system contracting: altering, installing, maintaining, moving, repairing, replacing, servicing, selling, or monitoring an intrusion or burglar alarm system for compensation.¹³⁹

Before an electrical contractor or alarm system contractor may employ an agent, the agent must complete a minimum of 14 hours of training from an ECLB-approved provider, which includes

¹³⁶ Sections 489.511(1)(a) and (b), F.S.

¹³⁷ Section 489.517(4), F.S.

¹³⁸ DBPR, *Certified Electrical Contractor – Endorsement*, available at:

https://www.myfloridalicense.com/CheckListDetail.asp?SID=&xactCode=1023&clientCode=0801&XACT_DEFN_ID=3688 (last visited Jan. 11, 2020).

¹³⁹ Section 489.505(25), F.S.

basic alarm system electronics in addition to related training including CCTV and access control training, with at least two hours of training in the prevention of false alarms.¹⁴⁰

Effect of Proposed Changes

Section 63 amends s. 489.511(5), F.S., to allow an applicant to qualify for a license by endorsement if the applicant has:

- Held a valid license to practice electrical or alarm system contracting in another state or territory for at least 10 years before the date of application; and
- Complied with workers' compensation requirements, shown proof of financial health of their business organization, and is of good moral character.

Under the bill, an application for a license by endorsement must be made either when the applicant's license in another state or territory is active or within two years after such license was last active.

Section 64 amends s. 489.517, F.S., to reduce the number of hours of continuing education electrical and alarm system contractors must complete during each biennial license period from 14 hours to eleven hours. The bill also reduces the number of hours of continuing education that must be devoted to technical subjects from seven hours to six hours.

Section 65 amends s. 489.518(1)(b), F.S., to allow a burglar alarm system agent to complete their required 14 hour training course within 90 days after employment by an electrical or alarm system contractor.

Public Food Service Establishments

Present Situation

Section 509.013(5)(a), F.S., defines the term "public food service establishment" to mean:

any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption.

The Division of Hotels and Restaurants within the DBPR is the state agency charged with enforcing the provisions of part I of ch. 509, F.S., and all other applicable laws relating to the inspection and regulation of public food service establishments for the purpose of protecting the public health, safety, and welfare.

There are several exclusions from the definition of public food service establishment, including:¹⁴¹

¹⁴⁰ Section 489.518(1)(b), F.S.

¹⁴¹ Section 509.013(5)(b), F.S.

- Any place maintained and operated by a public or private school, college, or university for the use of students and faculty or temporarily to serve events such as fairs, carnivals, and athletic contests.
- Any eating place maintained and operated by a church or a religious, nonprofit fraternal, or nonprofit civic organization for the use of members and associates or temporarily to serve events such as fairs, carnivals, or athletic contests.
- Any eating place located on an airplane, train, bus, or watercraft which is a common carrier.
- Any eating place maintained by a facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families.¹⁴²
- Any place of business issued a permit or inspected by the Department of Agriculture and Consumer Services under s. 500.12, F.S.
- Any place of business serving only ice, beverages, popcorn, and prepackaged items.
- Any vending machine that dispenses any food or beverage other than potentially hazardous foods.¹⁴³
- Any research and development test kitchen limited to the use of employees and not open to the general public.

Effect of Proposed Changes

Section 66 of the bill creates s. 509.102, F.S, to preempt the regulation of mobile food dispensing vehicles (food truck) to the state. The bill prohibits local government from requiring a license, registration, or permit to operate a food truck. Under the bill, a local government may also not prohibit the operation of food trucks. It is not clear whether this prohibition applies to local regulation of the locations where a food truck may operate.

State Boxing Commission

Present Situation:

Chapter 548, F.S., provides for the regulation of professional and amateur boxing, kickboxing,¹⁴⁴ and mixed martial arts¹⁴⁵ by the Florida State Boxing Commission (commission), which is assigned to the DBPR for administrative and fiscal purposes.¹⁴⁶

The commission has exclusive jurisdiction over every boxing, kickboxing, and mixed martial arts match held in Florida¹⁴⁷ which involves a professional.¹⁴⁸ Professional matches held in Florida must meet the requirements set forth in ch. 548, F.S., and the rules adopted by the

¹⁴² Other similar food service establishments are regulated under s. 381.0072, F.S.

¹⁴³ Vending machines located in a facility regulated under s. 381.0072, F.S., that dispense potentially hazardous foods are also excluded from the definition.

¹⁴⁴ The term “kickboxing” means the unarmed combat sport of fighting by striking with the fists, hands, feet, legs, or any combination, but does not include ground fighting techniques. *See* s. 548.002(12), F.S.

¹⁴⁵ The term “mixed martial arts” means the unarmed combat sport involving the use of a combination of techniques, including, but not limited to, grappling, kicking, striking, and using techniques from martial arts disciplines, including, but not limited to, boxing, kickboxing, Muay Thai, jujitsu, and wrestling. *See* s. 548.002(16), F.S.

¹⁴⁶ *See* s. 548.003(1), F.S.

¹⁴⁷ *See* s. 548.006(1), F.S.

¹⁴⁸ The term “professional” means a person who has “received or competed for a purse or other article of a value greater than \$50, either for the expenses of training or for participating in a match. *See* s. 548.002(19), F.S.

commission.¹⁴⁹ Chapter 548, F.S. does not apply to certain professional or amateur “martial arts,” such as karate, aikido, judo, and kung fu; the term “martial arts” is distinct from and does not include “mixed martial arts.”¹⁵⁰

However, as to amateur matches, the commission’s jurisdiction is limited to the approval, disapproval, suspension of approval, and revocation of approval of all amateur sanctioning organizations for amateur boxing, kickboxing, and mixed martial arts matches held in Florida.¹⁵¹ Amateur sanctioning organizations are business entities organized for sanctioning and supervising matches involving amateurs.¹⁵² During Fiscal Year 2017-2018, of the 123 amateur events in Florida, the Division of Regulation in the DBPR conducted 37 checks for compliance with health and safety standards and proper supervision of the events.¹⁵³

Under current law, certain persons providing certain services for a match involving a professional competing in a boxing, kickboxing, or mixed martial arts match must be licensed by the commission before directly or indirectly performing those services. Licensing is mandated for a participant, manager, trainer, second, timekeeper, referee, judge, announcer, physician, matchmaker, or promoter.¹⁵⁴

In Fiscal Year 2018-2019, the commission issued licenses to eight announcers and 11 timekeepers.¹⁵⁵

Effect of Proposed Changes:

Sections 67 and 68 of the bill amend ss. 548.003(2) and 548.017, F.S., respectively, to eliminate the licensure requirement for persons serving as timekeepers and announcers for a match involving a participant.

Florida Building Commission

Present Situation

In 2000, the Legislature authorized implementation of the first statewide Florida Building Code (code), which replaced all local building codes.¹⁵⁶

The Florida Building Commission (Commission) was created to implement the code. The Commission, which is housed within the DBPR, is a 27-member technical body responsible for the development, maintenance, and interpretation of the code. The Commission also approves products for statewide acceptance. Members are appointed by the Governor and confirmed by the Senate, and include design professionals, contractors, and government experts in the various

¹⁴⁹ See s. 548.006(4), F.S.

¹⁵⁰ See s. 548.007(6), F.S., and see *supra* note 149 for the definition of “mixed martial arts.”

¹⁵¹ See s. 548.006(3), F.S.

¹⁵² Section 548.002(2), F.S.

¹⁵³ See DBPR, *Florida State Boxing Commission Annual Report, Fiscal Year 2018-2019*, at p. 6.

¹⁵⁴ The term “participant” means a professional competing in a boxing, kickboxing, or mixed martial arts match. See s. 548.002, F.S., for the definitions of “participant,” “manager,” “second,” “judge,” “physician,” “matchmaker,” and “promoter.” The terms “trainer,” “timekeeper,” “referee,” and “announcer” are not defined in ch. 548, F.S.

¹⁵⁵ *Supra*, note 157.

¹⁵⁶ Chapter 2000-141, Laws of Fla.

disciplines covered by the code. Members, who must be able to do business in the state and must be actively engaged in the designated profession, include the following.¹⁵⁷

- One architect;
- One structural engineer;
- One air-conditioning or mechanical contractor;
- One electrical contractor;
- One member from fire protection engineering or technology;
- One general contractor;
- One plumbing contractor;
- One roofing or sheet metal contractor;
- One residential contractor;
- Three members who are municipal or district code enforcement officials, one of whom is also a fire marshal;
- One member who represents the Department of Financial Services;
- One member who is a county code enforcement official;
- One member of a Florida-based organization of persons with disabilities or a nationally chartered organization of persons with disabilities with chapters in the state;
- One member of the manufactured buildings industry;
- One mechanical or electrical engineer;
- One member who is a representative of a municipality or a charter county;
- One member of the building products manufacturing industry;
- One member who is a representative of the commercial building owners and managers industry;
- One member who is a representative of the insurance industry;
- One member who is a representative of public education;
- One member who is a swimming pool contractor;
- One member who is a representative of the green building industry and who is a third-party commission agent, a Florida board member of the United States Green Building Council or Green Building Initiative, a professional who is accredited under the International Green Construction Code (IGCC), or a professional who is accredited under Leadership in Energy and Environmental Design (LEED);
- One member who is a representative of a natural gas distribution system;
- One member who is a representative of the Department of Agriculture and Consumer Services' Office of Energy; and
- One member who is the chair.¹⁵⁸

The Commission has 11 Technical Advisory Committees (TAC) ranging from the building structural TAC to the swimming pool TAC.¹⁵⁹ The TACs are made up of commission members and other parties who advise the commission on declaratory statements, proposed amendments, and any other areas of interest of the commission.¹⁶⁰

¹⁵⁷ Section 553.74, F.S.

¹⁵⁸ The chair is appointed by the Governor.

¹⁵⁹ DBPR, *Florida Building Code Online*, https://www.floridabuilding.org/c/c_commission.aspx (last visited on Jan. 11, 2020).

¹⁶⁰ *Id.*

Effect of Proposed Changes

Section 70 of the bill amends s. 553.74, F.S., to reduce the number of members on the Commission from 27 members to 19 members. The bill:

- Requires the one architect member to be licensed pursuant to ch. 481, F.S., with at least five years of experience in the design and construction of buildings containing Code designated for Group E or Group I occupancies ;¹⁶¹
- Allows a certified mechanical engineer as an option in place of the member who is an air-conditioning contractor or mechanical contractor member to be a mechanical engineer.
- Allows the one electrical contractor member to be an electrical contractor or an electrical engineer and includes the Florida Engineering Society in the list of groups encouraged to recommend candidates for appointment;
- Allows the one general contractor member to be a certified general contractor or a certified building contractor;
- Allows the one general contractor member to be a certified general contractor or a certified building contractor, and includes the Florida Home Builders Association in the list of associations that are encouraged to recommend a candidate for consideration as the member representing the contractor profession; and
- Requires the one member representing a Florida-based organization of persons with disabilities or a nationally chartered organization of persons with disabilities with chapters in the state to be compliant with, or be certified compliant with, the requirements of the Americans with Disability Act of 1990, as amended.

The bill removes the following types of members from the current membership of the Commission:

- One member from fire protection engineering or technology;
- One member who represents the Department of Financial Services;
- One member who is a county code enforcement official;
- One member who is a registered mechanical or electrical engineer;
- One member who is a representative of public education;
- One member who is a representative of the Department of Agriculture and Consumer Services' Office of Energy; and
- One member who is solely the chair.

The amendments to the composition of the Florida Building Commission in s. 553.5141, F.S., take effect January 1, 2021.

¹⁶¹ Group E occupancy relates to buildings and structures or portions thereof occupied by more than five children older than two and one-half years of age who receive educational, supervision, or personal care services for fewer than 24 hours per day, such as daycare facilities. Group I occupancy relates to the use of a building or structure, or a portion thereof, in which care or supervision is provided to persons who are or are not capable of self-preservation without physical assistance, e.g., hospitals, nursing homes, and foster care facilities, or in which persons are detained for penal or correctional purposes or in which the liberty of the occupants is restricted, e.g., correctional institutions. See Chapter 3, 2017 Florida Building Code - Building, Sixth Edition, available at: <https://up.codes/viewer/florida/fl-building-code-2017/chapter/3/use-and-occupancy-classification#308> (last visited Jan. 11, 2020).

Other Conforming Provisions

Section 73 amends s. 287.055, F.S., relating to the acquisition of professional services offered by “design-build firms” to state agencies, to delete the references to certified engineering and architectural business organizations, and to reference such business organizations as qualified rather than certified.

Effective Date

The bill provides an effective date of July 1, 2020, unless otherwise provided in the bill.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

The bill amends s. 481.207, F.S., to authorize the Board of Architecture and Interior Design to impose a nonrefundable fee of not more than \$75 for a certificate of registration for interior designers and for the biennial renewal of the certificate of registration. The bill addresses additional subjects related to regulation of other professions and occupations within the Department of Business and Professional Regulation.

To the extent the bill imposes a fee while addressing other subjects, the bill may be unconstitutional as a violation the single-subject requirement for the imposition, authorization, or raising of a state tax or fee under Article VII, Section 19 of the Florida Constitution. Under that section, a “state tax or fee imposed, authorized, or raised under this section must be contained in a separate bill that contains no other subject.” A “fee” is defined by the Florida Constitution to mean “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”¹⁶²

E. Other Constitutional Issues:

None.

¹⁶² FLA. CONST. art. VII, s. 19(d)(1)

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

A fiscal analysis for CS/SB 474 was not available for the preparation of this bill analysis. According to the Department of Business and Professional Regulation (DBPR), SB 474 would result in a reduction of license fees, license renewal fees, and unlicensed activity fees paid by the private sector to the Division of Professions of approximately \$1,195,070 in Fiscal Year 2020-21, \$569,118 in Fiscal Year 2021-22, and \$1,358,895 in Fiscal Year 2022-23.¹⁶³

The fees received from the licensure of business agents and labor organizations will be eliminated, reducing expenditures by approximately \$830 annually.¹⁶⁴

The Division of Condominiums, Timeshares, and Mobile Homes (Yacht and Ship Brokers) of the DBPR estimates that the bill will result in a reduction of license and license renewal fees paid by the private sector of approximately \$5,400 in Fiscal Year 2020-21, \$3,000 in Fiscal Year 2021-22, and \$5,400 in Fiscal Year 2022-23.¹⁶⁵

The DBPR estimates that the bill will result in a reduction of license and license renewal fees paid by the private sector to the Florida State Boxing Commission of approximately \$1,450 annually.¹⁶⁶

B. Private Sector Impact:

The bill has an indeterminate positive fiscal impact for the private sector. The bill provides for the portability of Florida licensure by requiring reciprocity with states with similar requirements. The impact will vary, depending on how many licensees are provided licensure through reciprocity.

The bill has a positive fiscal impact on fees paid by the private sector. Over the next three fiscal years (FY 2020-21 to FY 2022-23), the estimated reduction totals \$3,143,723 as follows:¹⁶⁷

Professions: A fiscal analysis for CS/SB 474 was not available for the preparation of this bill analysis. For SB 474, a reduction of license fees, license renewal fees, and unlicensed activity fees of approximately \$1,195,070 in Fiscal Year 2020-21, \$569,118 in Fiscal Year 2021-22, and \$1,358,895 in Fiscal Year 2022-23.

The fees received from the licensure of business agents and labor organizations will be eliminated, reducing expenditures by approximately \$830 annually.¹⁶⁸

¹⁶³ See Department of Business and Professional Regulation, *SB 474, 2020 Agency Legislative Bill Analysis*, p. 13 (Nov. 4, 2019) (on file with Senate Committee on Innovation, Industry, and Technology).

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

Condominiums: (Yacht and Ship Brokers) A reduction of approximately \$5,400 in Fiscal Year 2020-21, \$3,000 in Fiscal Year 2021-22, and \$5,400 in Fiscal Year 2022-23.

Boxing Commission: A reduction of approximately \$1,450 annually.

Specifically, the bill:

- Eliminates license or registration costs for hair braiders, hair wrappers, body wrappers, labor organizations, and boxing timekeepers and announcers. The bill also increases from \$1,000 to \$2,500 the minimum cost of labor and materials for a construction handymen to qualify for the exemption from licensure requirements.
- Eliminates business license costs for architects and interior designers, and landscape architects.
- Eliminates the requirement that yacht and ship brokers must have a separate license for each branch office.
- Eliminates mandatory licensing costs for interior designers who provide interior design services for commercial applications.
- Reduces pre-licensure and continuing education costs for architects, barbers, cosmetologists, nail specialists, facial specialists, full specialists, and electrical and alarm contractors. The DBPR states the specific pre-licensure and continuing education cost savings to these licensees are difficult to determine, but anticipates costs to be reduced by one-third to one-half of current fees.

C. Government Sector Impact:

A fiscal analysis for CS/SB 474 was not available for the preparation of this bill analysis. According to the DBPR, the elimination of professional licensing requirements contained in SB 474 was anticipated to reduce state government revenues by \$3,143,723 over the next three fiscal years (FY 2020-21 to FY 2022-23).¹⁶⁹ Specifically:¹⁷⁰

- Professions: a reduction of license fees, license renewal fees and unlicensed activity fees of approximately \$1,195,070 in Fiscal Year 2020-21, \$569,118 in Fiscal Year 2021-22, and \$1,358,895 in Fiscal Year 2022-23.
- Regulation: the business agent and labor organization license fee reduction is anticipated to be \$830 annually.
- Boxing Commission: a revenue reduction of approximately \$1,450 annually.
- Condominiums, Timeshares, and Mobile Homes (Yacht and Ship Brokers): Revenue reduction of approximately \$5,400 in Fiscal Year 2020-21, \$3,000 in Fiscal Year 2021-22, and \$5,400 in Fiscal Year 2022-23.¹⁷¹

As a result of the revenue reduction, there will be a reduction in the 8 percent service charge to General Revenue of approximately \$96,220 in Fiscal Year 2020-21, \$45,952 in Fiscal Year 2021-22, and \$109,326 in Fiscal Year 2022-23.

¹⁶⁹ *Id* at page 16.

¹⁷⁰ *Id*.

¹⁷¹ See Department of Business and Professional Regulation, *CS/CS/SB 1640 Bill Analysis*, p. 13 (Apr. 9, 2019) (on file with Senate Committee on Appropriations).

The bill will result in a reduction of expenditures related to the reduced workload because of the deregulation of entities currently regulated by the DBPR in the amount of \$130,840 in FY 2020-21, \$137,140 in FY 2021-22 and \$137,340 in FY 2022-23.¹⁷²

The Bureau of Education and Testing (Bureau) in the DBPR also indicates that the bill will have a minimal impact on its workload, although some examination content may require updating; such updating is a part of the Bureau's standard procedure to address statutory changes.¹⁷³

VI. Technical Deficiencies:

SB 474 amends ss. 456.072 and 456.074, F.S., and repeals s. 456.0721, F.S., to remove the authority of the Department of Health (DOH) to take disciplinary action against a health care practitioner who is in default on a student loan guaranteed by the state or federal government. However, the bill may not remove all DOH requirements relating to student loan default, specifically relating to initial award or renewal of a license. The DOH, or a licensing board within the jurisdiction of the DOH, must refuse to issue or renew a license to an individual that is currently listed on the USDHHS Office of Inspector General's List of Excluded Individuals and Entities (LEIE).¹⁷⁴ Federal law¹⁷⁵ provides that a default on a health education loan or scholarship obligation is permissive grounds for being placed on the LEIE and that such exclusion lasts until the default or obligation is resolved. If a candidate or applicant is placed on the LEIE for a default on such a loan, the DOH must deny that person's application for an initial license or renewal of an existing license.¹⁷⁶

The bill amends s. 20.165(4)(a)(2), F.S., to change the name of the Board of Architecture and Interior Design to the Board of Architecture. However, the bill retains the current name of the Board of Architecture and Interior Design throughout part I of ch. 481, F.S.

VII. Related Issues:

The bill creates s. 509.102, F.S., to preempt the regulation of mobile food dispensing vehicles (food trucks) to the state. The bill prohibits local governments from prohibiting the operation of food trucks. It is not clear whether this prohibition applies to local regulation of the locations where a food truck may operate.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes:

¹⁷² *Id.*

¹⁷³ *Id.*

¹⁷⁴ Section 456.0635(2)(e) and (3)(e), F.S. The LEIE provides information to the health care industry, patients and the public regarding individuals and entities currently excluded from participation in Medicare, Medicaid and all other Federal health care programs. USDHHS, Office of Inspector General, *Exclusions FAQ*, <https://oig.hhs.gov/faqs/exclusions-faq.asp>, (last visited Nov. 4, 2019). Individuals must be excluded (placed on the LEIE) for a conviction of specified crimes, including patient abuse, fraud, or actions related to a controlled substance. Individuals may be placed on the LEIE for acts including convictions relating to audits, specified misdemeanors, claims of unnecessary services, kickbacks, or default on health education loans or scholarship obligations. 42 U.S.C. s. 1320a-7.

¹⁷⁵ Section 1128(b)(14) of the Social Security Act and 42 U.S.C. 1320a-7(b)(14).

¹⁷⁶ Florida Department of Health, *2019 Agency Analysis of SB 356* (Oct. 31, 2019).

20.165, 322.57, 326.004, 447.02, 447.09, 447.305, 455.213, 456.072, 456.074, 468.385, 468.603, 468.613, 468.8314, 471.015, 473.308, 474.202, 474.207, 474.217, 476.114, 476.144, 477.013, 477.0135, 477.019, 477.0201, 477.026, 477.0263, 477.0265, 477.029, 481.201, 481.203, 481.205, 481.207, 481.209, 481.213, 481.2131, 481.215, 481.217, 481.219, 481.221, 481.223, 481.2251, 481.229, 481.231, 481.303, 481.310, 481.311, 481.317, 481.319, 481.321, 481.329, 489.103, 489.111, 489.115, 489.511, 489.517, 489.518, 548.003, 548.017, 553.5141, 553.74, 558.002, 559.25, and 287.055.

This bill repeals the following sections of the Florida Statutes: 447.04, 447.041, 447.045, 447.06, 447.12, 447.16, 456.0721, 477.0132, and 481.2251.

This bill creates section 509.102 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes: (Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Innovation, Industry, and Technology of January 21, 2020:

The committee substitute:

- Amends s. 322.57, F.S., to waive the requirement to pass the commercial driver license skills test for military service members and veterans with specified training and experience.
- Does not amend ss. 469.006 and 469.009, F.S., to revise provisions related to asbestos abatement business licenses.
- Revises the amendment to s. 477.0135, F.S., to remove persons whose occupation or practice is confined solely to makeup application from the list of persons who are exempt from license and specialty registration requirements.
- Revises the minimum training hours in s. 477.0201(1), F.S., for cosmetology specialists.
- Does not amend s. 481.205, F.S., to revise the membership of the Board of Architecture and Interior Design.
- Amends ch. 481, F.S., to provide for a voluntary certificate or registration to practice interior design in place of the current license requirement and to impose a nonrefundable fee not to exceed \$75 for a certificate of registration for interior designers and its renewal.
- Revises the qualifications for a registered interior designer, the board's authority to prescribe the form of seals, requirements related to the use of seals by registered interior designers, and applicable discipline, including fines, and disciplinary grounds for registered interior designers.
- Amends s. 489.517, F.S., to revise the minimum continuing education hours for electrical contractors.
- Creates s. 509.102, F.S, to preempt the regulation of mobile food dispensing vehicles to the state, prohibit local governments from requiring a license, registration, or permit, and prohibit local governments from prohibiting the operation of food trucks.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/22/2020	.	
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	.	
	.	

The Committee on Innovation, Industry, and Technology
(Albritton) recommended the following:

Senate Amendment (with title amendment)

Delete lines 232 - 2196

and insert:

Section 3. Present subsection (4) of section 322.57,
Florida Statutes, is redesignated as subsection (5), and a new
subsection (4) is added to that section, to read

322.57 Tests of knowledge concerning specified vehicles;
endorsement; nonresidents; violations.—

(4) (a) As used in this subsection, the term "servicemember"



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11 means a member of any branch of the United States military or
12 military reserves, the United States Coast Guard or its
13 reserves, the Florida National Guard, or the Florida Air
14 National Guard.

15 (b) The department shall waive the requirement to pass the
16 Commercial Driver License Skills Tests for servicemembers and
17 veterans if:

18 1. The applicant has been honorably discharged from
19 military service within 1 year of the application, if the
20 applicant is a veteran;

21 2. The applicant is trained as an MOS 88M Army Motor
22 Transport Operator or similar military job specialty;

23 3. The applicant has received training to operate large
24 trucks in compliance with the Federal Motor Carrier Safety
25 Administration; and

26 4. The applicant has at least 2 years of experience in the
27 military driving vehicles that would require a commercial driver
28 license to operate.

29 (c) An applicant must complete every other requirement for
30 a commercial driver license within 1 year of receiving a waiver
31 under paragraph (b) or the waiver is invalid.

32 (d) The department shall adopt rules to administer this
33 subsection.

34 Section 4. Subsection (13) of section 326.004, Florida
35 Statutes, is amended to read:

36 326.004 Licensing.—

37 (13) Each broker must maintain a principal place of
38 business in this state and may establish branch offices in the
39 state. ~~A separate license must be maintained for each branch~~



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40 ~~office. The division shall establish by rule a fee not to exceed~~
41 ~~\$100 for each branch office license.~~

42 Section 5. Subsection (3) of section 447.02, Florida
43 Statutes, is amended to read:

44 447.02 Definitions.—The following terms, when used in this
45 chapter, shall have the meanings ascribed to them in this
46 section:

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

49 Section 6. Section 447.04, Florida Statutes, is repealed.

50 Section 7. Section 447.041, Florida Statutes, is repealed.

51 Section 8. Section 447.045, Florida Statutes, is repealed.

52 Section 9. Section 447.06, Florida Statutes, is repealed.

53 Section 10. Subsections (6) and (8) of section 447.09,
54 Florida Statutes, are amended to read:

55 447.09 Right of franchise preserved; penalties.—It shall be
56 unlawful for any person:

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

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

61 Section 11. Section 447.12, Florida Statutes, is repealed.

62 Section 12. Section 447.16, Florida Statutes, is repealed.

63 Section 13. Subsection (4) of section 447.305, Florida
64 Statutes, is amended to read:

65 447.305 Registration of employee organization.—

66 ~~(4) Notification of registrations and renewals of~~
67 ~~registration shall be furnished at regular intervals by the~~
68 ~~commission to the Department of Business and Professional~~



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69 ~~Regulation.~~

70 Section 14. Subsection (14) is added to section 455.213,
71 Florida Statutes, to read:

72 455.213 General licensing provisions.—

73 (14) The department or a board must enter into a reciprocal
74 licensing agreement with other states if the practice act within
75 the purview of this chapter permits such agreement. If a
76 reciprocal licensing agreement exists or if the department or
77 board has determined another state's licensing requirements or
78 examinations to be substantially equivalent or more stringent to
79 those under the practice act, the department or board must post
80 on its website which jurisdictions have such reciprocal
81 licensing agreements or substantially similar licenses.

82 Section 15. Paragraph (k) of subsection (1) of section
83 456.072, Florida Statutes, is amended to read:

84 456.072 Grounds for discipline; penalties; enforcement.—

85 (1) The following acts shall constitute grounds for which
86 the disciplinary actions specified in subsection (2) may be
87 taken:

88 (k) Failing to perform any statutory or legal obligation
89 placed upon a licensee. For purposes of this section, failing to
90 repay a student loan issued or guaranteed by the state or the
91 Federal Government in accordance with the terms of the loan is
92 not or failing to comply with service scholarship obligations
93 shall be considered a failure to perform a statutory or legal
94 obligation, and the minimum disciplinary action imposed shall be
95 a suspension of the license until new payment terms are agreed
96 upon or the scholarship obligation is resumed, followed by
97 probation for the duration of the student loan or remaining



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98 ~~scholarship obligation period, and a fine equal to 10 percent of~~
99 ~~the defaulted loan amount.~~ Fines collected shall be deposited
100 into the Medical Quality Assurance Trust Fund.

101 Section 16. Section 456.0721, Florida Statutes, is
102 repealed.

103 Section 17. Subsection (4) of section 456.074, Florida
104 Statutes, is amended to read:

105 456.074 Certain health care practitioners; immediate
106 suspension of license.—

107 ~~(4) Upon receipt of information that a Florida-licensed~~
108 ~~health care practitioner has defaulted on a student loan issued~~
109 ~~or guaranteed by the state or the Federal Government, the~~
110 ~~department shall notify the licensee by certified mail that he~~
111 ~~or she shall be subject to immediate suspension of license~~
112 ~~unless, within 45 days after the date of mailing, the licensee~~
113 ~~provides proof that new payment terms have been agreed upon by~~
114 ~~all parties to the loan. The department shall issue an emergency~~
115 ~~order suspending the license of any licensee who, after 45 days~~
116 ~~following the date of mailing from the department, has failed to~~
117 ~~provide such proof. Production of such proof shall not prohibit~~
118 ~~the department from proceeding with disciplinary action against~~
119 ~~the licensee pursuant to s. 456.073.~~

120 Section 18. Paragraph (b) of subsection (7) of section
121 468.385, Florida Statutes, is amended to read:

122 468.385 Licenses required; qualifications; examination.—
123 (7)

124 (b) A ~~No~~ business may not ~~shall~~ auction or offer to auction
125 any property in this state unless it is owned by an auctioneer
126 who is licensed as an auction business by the department board



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127 or is exempt from licensure under this act. Each application for
128 licensure must ~~shall~~ include the names of the owner and the
129 business, the business mailing address and location, and any
130 other information which the board may require. The owner of an
131 auction business shall report to the board within 30 days of any
132 change in this required information.

133 Section 19. Paragraph (f) of subsection (5) of section
134 468.603, Florida Statutes, is amended to read:

135 468.603 Definitions.—As used in this part:

136 (5) "Categories of building code inspectors" include the
137 following:

138 (f) "Residential ~~One and two family dwelling~~ inspector"
139 means a person who is qualified to inspect and determine that
140 one-family, two-family, or three-family residences not exceeding
141 two habitable stories above no more than one uninhabitable story
142 and accessory use structures in connection therewith ~~one and two~~
143 ~~family dwellings and accessory structures~~ are constructed in
144 accordance with the provisions of the governing building,
145 plumbing, mechanical, accessibility, and electrical codes.

146 Section 20. Section 468.613, Florida Statutes, is amended
147 to read:

148 468.613 Certification by endorsement.—The board shall
149 examine other certification or training programs, as applicable,
150 upon submission to the board for its consideration of an
151 application for certification by endorsement. The board shall
152 waive its examination, qualification, education, or training
153 requirements, to the extent that such examination,
154 qualification, education, or training requirements of the
155 applicant are determined by the board to be comparable with



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156 those established by the board. The board shall waive its
157 examination, qualification, education, or training requirements
158 if an applicant for certification by endorsement is at least 18
159 years of age; is of good moral character; has held a valid
160 building administrator, inspector, plans examiner, or the
161 equivalent, certification issued by another state or territory
162 of the United States for at least 10 years before the date of
163 application; and has successfully passed an applicable
164 examination administered by the International Code Council. Such
165 application must be made either when the license in another
166 state or territory is active or within 2 years after such
167 license was last active.

168 Section 21. Subsection (3) of section 468.8314, Florida
169 Statutes, is amended to read:

170 468.8314 Licensure.—

171 (3) The department shall certify as qualified for a license
172 by endorsement an applicant who is of good moral character as
173 determined in s. 468.8313, who maintains an insurance policy as
174 required by s. 468.8322, and who:†

175 (a) Holds a valid license to practice home inspection
176 services in another state or territory of the United States,
177 whose educational requirements are substantially equivalent to
178 those required by this part; and has passed a national,
179 regional, state, or territorial licensing examination that is
180 substantially equivalent to the examination required by this
181 part; or

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



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185 Such application must be made either when the license in another
186 state or territory is active or within 2 years after such
187 license was last active.

188 Section 22. Subsection (5) of section 471.015, Florida
189 Statutes, is amended to read:

190 471.015 Licensure.—

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

197 (b) The board shall deem that an applicant who seeks
198 licensure by endorsement has passed an examination substantially
199 equivalent to the fundamentals examination and the principles
200 and practices examination when such applicant has held a valid
201 professional engineer's license in another state for 15 ~~25~~ years
202 ~~and has had 30 years of continuous professional-level~~
203 ~~engineering experience.~~

204 Section 23. Subsection (7) of section 473.308, Florida
205 Statutes, is amended to read:

206 473.308 Licensure.—

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

209 (a) ~~1.~~ Is not licensed and has not been licensed in another
210 state or territory and who has met the requirements of this
211 section for education, work experience, and good moral character
212 and has passed a national, regional, state, or territorial
213 licensing examination that is substantially equivalent to the



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214 examination required by s. 473.306; or and

215 ~~2. Has completed such continuing education courses as the~~
216 ~~board deems appropriate, within the limits for each applicable~~
217 ~~2-year period as set forth in s. 473.312, but at least such~~
218 ~~courses as are equivalent to the continuing education~~
219 ~~requirements for a Florida certified public accountant licensed~~
220 ~~in this state during the 2 years immediately preceding her or~~
221 ~~his application for licensure by endorsement; or~~

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

227 ~~2.b.~~ Holds a valid license to practice public accounting
228 issued by another state or territory of the United States but
229 the criteria for issuance of such license did not meet the
230 requirements of sub-subparagraph a.; has met the requirements of
231 this section for education, work experience, and good moral
232 character; and has passed a national, regional, state, or
233 territorial licensing examination that is substantially
234 equivalent to the examination required by s. 473.306; or

235 ~~3.e.~~ Holds a valid license to practice public accounting
236 issued by another state or territory of the United States for at
237 least 10 years before the date of application; has passed a
238 national, regional, state, or territorial licensing examination
239 that is substantially equivalent to the examination required by
240 s. 473.306; and has met the requirements of this section for
241 good moral character; ~~and~~

242 ~~2. Has completed continuing education courses that are~~



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243 ~~equivalent to the continuing education requirements for a~~
244 ~~Florida certified public accountant licensed in this state~~
245 ~~during the 2 years immediately preceding her or his application~~
246 ~~for licensure by endorsement.~~

247 Section 24. Subsection (6) of section 474.202, Florida
248 Statutes, is amended to read:

249 474.202 Definitions.—As used in this chapter:

250 (6) "Limited-service veterinary medical practice" means
251 offering or providing veterinary services at any location that
252 has a primary purpose other than that of providing veterinary
253 medical service at a permanent or mobile establishment permitted
254 by the board; provides veterinary medical services for privately
255 owned animals that do not reside at that location; operates for
256 a limited time; and provides limited types of veterinary medical
257 services, including vaccinations or immunizations against
258 disease, preventative procedures for parasitic control, and
259 microchipping.

260 Section 25. Paragraph (b) of subsection (2) of section
261 474.207, Florida Statutes, is amended to read:

262 474.207 Licensure by examination.—

263 (2) The department shall license each applicant who the
264 board certifies has:

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

268 2. Graduated from a college of veterinary medicine listed
269 in the American Veterinary Medical Association Roster of
270 Veterinary Colleges of the World and obtained a certificate from
271 the Education Commission for Foreign Veterinary Graduates or the



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272 Program for the Assessment of Veterinary Education Equivalence.

273

274 The department shall not issue a license to any applicant who is
275 under investigation in any state or territory of the United
276 States or in the District of Columbia for an act which would
277 constitute a violation of this chapter until the investigation
278 is complete and disciplinary proceedings have been terminated,
279 at which time the provisions of s. 474.214 shall apply.

280 Section 26. Subsection (1) of section 474.217, Florida
281 Statutes, is amended to read:

282 474.217 Licensure by endorsement.—

283 (1) The department shall issue a license by endorsement to
284 any applicant who, upon applying to the department and remitting
285 a fee set by the board, demonstrates to the board that she or
286 he:

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

290 (b)1. ~~Either~~ Holds, and has held for the 3 years
291 immediately preceding the application for licensure, a valid,
292 active license to practice veterinary medicine in another state
293 of the United States, the District of Columbia, or a territory
294 of the United States, provided that the applicant has
295 successfully completed a state, regional, national, or other
296 examination that is equivalent to or more stringent than the
297 examination required by the board ~~requirements for licensure in~~
298 ~~the issuing state, district, or territory are equivalent to or~~
299 ~~more stringent than the requirements of this chapter; or~~

300 2. Meets the qualifications of s. 474.207(2) (b) and has



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301 successfully completed a state, regional, national, or other
302 examination which is equivalent to or more stringent than the
303 examination given by the department and has passed the board's
304 clinical competency examination or another clinical competency
305 examination specified by rule of the board.

306 Section 27. Subsection (2) of section 476.114, Florida
307 Statutes, is amended to read:

308 476.114 Examination; prerequisites.—

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

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

312 (b) Pays the required application fee; and

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

317 2. Has received a minimum of 900 ~~1,200~~ hours of training in
318 sanitation, safety, and laws and rules, as established by the
319 board, which shall include, but shall not be limited to, the
320 equivalent of completion of services directly related to the
321 practice of barbering at one of the following:

322 a. A school of barbering licensed pursuant to chapter 1005;

323 b. A barbering program within the public school system; or

324 c. A government-operated barbering program in this state.

325

326 The board shall establish by rule procedures whereby the school
327 or program may certify that a person is qualified to take the
328 required examination after the completion of a minimum of 600
329 ~~1,000~~ actual school hours. If the person passes the examination,



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330 she or he shall have satisfied this requirement; but if the
331 person fails the examination, she or he shall not be qualified
332 to take the examination again until the completion of the full
333 requirements provided by this section.

334 Section 28. Subsection (5) of section 476.144, Florida
335 Statutes, is amended to read:

336 476.144 Licensure.—

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

340 The board shall adopt rules specifying procedures for the
341 licensure by endorsement of practitioners desiring to be
342 licensed in this state who hold a current active license in
343 another ~~state or~~ country and who have met qualifications
344 substantially similar to, equivalent to, or greater than the
345 qualifications required of applicants from this state.

346 Section 29. Subsection (9) of section 477.013, Florida
347 Statutes, is amended to read:

348 477.013 Definitions.—As used in this chapter:

349 (9) "Hair braiding" means the weaving or interweaving of
350 natural human hair or commercial hair, including the use of hair
351 extensions or wefts, for compensation without cutting, coloring,
352 permanent waving, relaxing, removing, or chemical treatment ~~and~~
353 ~~does not include the use of hair extensions or wefts.~~

354 Section 30. Section 477.0132, Florida Statutes, is
355 repealed.

356 Section 31. Subsections (7) through (10) are added to
357 section 477.0135, Florida Statutes, to read:

358 477.0135 Exemptions.—



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

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

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

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

371 Section 32. Subsections (6) and (7) of section 477.019,
372 Florida Statutes, are amended to read:

373 477.019 Cosmetologists; qualifications; licensure;
374 supervised practice; license renewal; endorsement; continuing
375 education.—

376 (6) The board shall certify as qualified for licensure by
377 endorsement as a cosmetologist in this state an applicant who
378 holds a current active license to practice cosmetology in
379 another state and who has completed a 2-hour course approved by
380 the board on human immunodeficiency virus and acquired immune
381 deficiency syndrome. ~~The board may not require proof of~~
382 educational hours if the license was issued in a state that
383 requires 1,200 or more hours of prelicensure education and
384 passage of a written examination. This subsection does not apply
385 to applicants who received their license in another state
386 through an apprenticeship program.

387 (7) (a) The board shall prescribe by rule continuing



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388 education requirements intended to ensure protection of the
389 public through updated training of licensees and registered
390 specialists, not to exceed 10 ~~16~~ hours biennially, as a
391 condition for renewal of a license or registration as a
392 specialist under this chapter. Continuing education courses
393 shall include, but not be limited to, the following subjects as
394 they relate to the practice of cosmetology: human
395 immunodeficiency virus and acquired immune deficiency syndrome;
396 Occupational Safety and Health Administration regulations;
397 workers' compensation issues; state and federal laws and rules
398 as they pertain to cosmetologists, cosmetology, salons,
399 specialists, specialty salons, and booth renters; chemical
400 makeup as it pertains to hair, skin, and nails; and
401 environmental issues. Courses given at cosmetology conferences
402 may be counted toward the number of continuing education hours
403 required if approved by the board.

404 ~~(b) Any person whose occupation or practice is confined~~
405 ~~solely to hair braiding, hair wrapping, or body wrapping is~~
406 ~~exempt from the continuing education requirements of this~~
407 ~~subsection.~~

408 ~~(c)~~ The board may, by rule, require any licensee in
409 violation of a continuing education requirement to take a
410 refresher course or refresher course and examination in addition
411 to any other penalty. The number of hours for the refresher
412 course may not exceed 48 hours.

413 Section 33. Subsection (1) of section 477.0201, Florida
414 Statutes, is amended to read:

415 477.0201 Specialty registration; qualifications;
416 registration renewal; endorsement.-



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417 (1) Any person is qualified for registration as a
418 specialist in any ~~one or more of the~~ specialty practice
419 ~~practices~~ within the practice of cosmetology under this chapter
420 who:

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

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

424 1. One hundred and eighty hours of training, as established
425 by the board, which shall focus primarily on sanitation and
426 safety, to practice specialties as defined in s. 477.013(6) (a)
427 and (b); specialty pursuant to s. 477.013(6)

428 2. Two hundred and twenty hours of training, as established
429 by the board, which shall focus primarily on sanitation and
430 safety, to practice the specialty as defined in s.
431 477.013(6) (c); or

432 3. Four hundred hours of training or the number of hours of
433 training required to maintain minimum Pell Grant requirements,
434 as established by the board, which shall focus primarily on
435 sanitation and safety, to practice the specialties as defined in
436 s. 477.013(6) (a) - (c).

437 (c) The certificate of completion specified in paragraph
438 (b) must be from one of the following:

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

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

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

443 4. A specialty division within the Cosmetology Division of
444 the Florida School for the Deaf and the Blind, provided the
445 training programs comply with minimum curriculum requirements



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446 established by the board.

447 Section 34. Paragraph (f) of subsection (1) of section
448 477.026, Florida Statutes, is amended to read:

449 477.026 Fees; disposition.—

450 (1) The board shall set fees according to the following
451 schedule:

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

454 Section 35. Subsection (4) of section 477.0263, Florida
455 Statutes, is amended, and subsection (5) is added to that
456 section, to read:

457 477.0263 Cosmetology services to be performed in licensed
458 salon; exceptions.—

459 (4) Pursuant to rules adopted by the board, any cosmetology
460 or specialty service may be performed in a location other than a
461 licensed salon when the service is performed in connection with
462 a special event and is performed by a person ~~who is employed by~~
463 ~~a licensed salon and~~ who holds the proper license or specialty
464 registration. ~~An appointment for the performance of any such~~
465 ~~service in a location other than a licensed salon must be made~~
466 ~~through a licensed salon.~~

467 (5) Hair shampooing, hair cutting, hair arranging, nail
468 polish removal, nail filing, nail buffing, and nail cleansing
469 may be performed in a location other than a licensed salon when
470 the service is performed by a person who holds the proper
471 license.

472 Section 36. Paragraph (f) of subsection (1) of section
473 477.0265, Florida Statutes, is amended to read:

474 477.0265 Prohibited acts.—



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

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

480 Section 37. Paragraph (a) of subsection (1) of section
481 477.029, Florida Statutes, is amended to read:

482 477.029 Penalty.—

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

484 (a) Hold himself or herself out as a cosmetologist or
485 ~~specialist, hair wrapper, hair braider, or body wrapper~~ unless
486 duly licensed or registered, or otherwise authorized, as
487 provided in this chapter.

488 Section 38. Section 481.201, Florida Statutes, is amended
489 to read:

490 481.201 Purpose.—The primary legislative purpose for
491 enacting this part is to ensure that every architect practicing
492 in this state meets minimum requirements for safe practice. It
493 is the legislative intent that architects who fall below minimum
494 competency or who otherwise present a danger to the public shall
495 be prohibited from practicing in this state. ~~The Legislature~~
496 ~~further finds that it is in the interest of the public to limit~~
497 ~~the practice of interior design to interior designers or~~
498 ~~architects who have the design education and training required~~
499 ~~by this part or to persons who are exempted from the provisions~~
500 ~~of this part.~~

501 Section 39. Section 481.203, Florida Statutes, is amended
502 to read:

503 481.203 Definitions.—As used in this part, the term:



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504 (3)~~(1)~~ "Board" means the Board of Architecture and Interior
505 Design.

506 (7)~~(2)~~ "Department" means the Department of Business and
507 Professional Regulation.

508 (1)~~(3)~~ "Architect" or "registered architect" means a
509 natural person who is licensed under this part to engage in the
510 practice of architecture.

511 (5)~~(4)~~ "Certificate of registration" means a license or
512 registration issued by the department to a natural person to
513 engage in the practice of architecture or interior design.

514 (4)~~(5)~~ "Business organization" means a partnership, a
515 limited liability company, a corporation, or an individual
516 operating under a fictitious name "~~Certificate of authorization~~"
517 ~~means a certificate issued by the department to a corporation or~~
518 ~~partnership to practice architecture or interior design.~~

519 (2)~~(6)~~ "Architecture" means the rendering or offering to
520 render services in connection with the design and construction
521 of a structure or group of structures which have as their
522 principal purpose human habitation or use, and the utilization
523 of space within and surrounding such structures. These services
524 include planning, providing preliminary study designs, drawings
525 and specifications, job-site inspection, and administration of
526 construction contracts.

527 (16)~~(7)~~ "Townhouse" is a single-family dwelling unit not
528 exceeding three stories in height which is constructed in a
529 series or group of attached units with property lines separating
530 such units. Each townhouse shall be considered a separate
531 building and shall be separated from adjoining townhouses by the
532 use of separate exterior walls meeting the requirements for zero



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533 clearance from property lines as required by the type of
534 construction and fire protection requirements; or shall be
535 separated by a party wall; or may be separated by a single wall
536 meeting the following requirements:

537 (a) Such wall shall provide not less than 2 hours of fire
538 resistance. Plumbing, piping, ducts, or electrical or other
539 building services shall not be installed within or through the
540 2-hour wall unless such materials and methods of penetration
541 have been tested in accordance with the Standard Building Code.

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

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

549 (10)~~(8)~~ "Interior design" means designs, consultations,
550 studies, drawings, specifications, and administration of design
551 construction contracts relating to nonstructural interior
552 elements of a building or structure. "Interior design" includes,
553 but is not limited to, reflected ceiling plans, space planning,
554 furnishings, and the fabrication of nonstructural elements
555 within and surrounding interior spaces of buildings. "Interior
556 design" specifically excludes the design of or the
557 responsibility for architectural and engineering work, except
558 for specification of fixtures and their location within interior
559 spaces. As used in this subsection, "architectural and
560 engineering interior construction relating to the building
561 systems" includes, but is not limited to, construction of



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562 structural, mechanical, plumbing, heating, air-conditioning,
563 ventilating, electrical, or vertical transportation systems, or
564 construction which materially affects lifesafety systems
565 pertaining to firesafety protection such as fire-rated
566 separations between interior spaces, fire-rated vertical shafts
567 in multistory structures, fire-rated protection of structural
568 elements, smoke evacuation and compartmentalization, emergency
569 ingress or egress systems, and emergency alarm systems.

570 ~~(11)-(9)~~ "Registered interior designer" ~~or "interior~~
571 ~~designer"~~ means a natural person who holds a valid certificate
572 of registration to practice interior design ~~is licensed under~~
573 ~~this part.~~

574 ~~(12)-(10)~~ "Nonstructural element" means an element which
575 does not require structural bracing and which is something other
576 than a load-bearing wall, load-bearing column, or other load-
577 bearing element of a building or structure which is essential to
578 the structural integrity of the building.

579 ~~(13)-(11)~~ "Reflected ceiling plan" means a ceiling design
580 plan which is laid out as if it were projected downward and
581 which may include lighting and other elements.

582 ~~(15)-(12)~~ "Space planning" means the analysis, programming,
583 or design of spatial requirements, including preliminary space
584 layouts and final planning.

585 ~~(6)-(13)~~ "Common area" means an area that is held out for
586 use by all tenants or owners in a multiple-unit dwelling,
587 including, but not limited to, a lobby, elevator, hallway,
588 laundry room, clubhouse, or swimming pool.

589 ~~(8)-(14)~~ "Diversified interior design experience" means
590 experience which substantially encompasses the various elements



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591 of interior design services set forth under the definition of
592 "interior design" in subsection (10)~~(8)~~.

593 (9)~~(15)~~ "Interior decorator services" includes the
594 selection or assistance in selection of surface materials,
595 window treatments, wallcoverings, paint, floor coverings,
596 surface-mounted lighting, surface-mounted fixtures, and loose
597 furnishings not subject to regulation under applicable building
598 codes.

599 (14)~~(16)~~ "Responsible supervising control" means the
600 exercise of direct personal supervision and control throughout
601 the preparation of documents, instruments of service, or any
602 other work requiring the seal and signature of a licensee under
603 this part.

604 Section 40. Paragraph (a) of subsection (3) of section
605 481.205, Florida Statutes, is amended to read:

606 481.205 Board of Architecture and Interior Design.—

607 (3) (a) Notwithstanding the provisions of ss. 455.225,
608 455.228, and 455.32, the duties and authority of the department
609 to receive complaints and investigate and discipline persons
610 licensed or registered under this part, including the ability to
611 determine legal sufficiency and probable cause; to initiate
612 proceedings and issue final orders for summary suspension or
613 restriction of a license or certificate of registration pursuant
614 to s. 120.60(6); to issue notices of noncompliance, notices to
615 cease and desist, subpoenas, and citations; to retain legal
616 counsel, investigators, or prosecutorial staff in connection
617 with the licensed practice of architecture or registered ~~and~~
618 interior design; and to investigate and deter the unlicensed
619 practice of architecture ~~and interior design~~ as provided in s.



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620 455.228 are delegated to the board. All complaints and any
621 information obtained pursuant to an investigation authorized by
622 the board are confidential and exempt from s. 119.07(1) as
623 provided in s. 455.225(2) and (10).

624 Section 41. Section 481.207, Florida Statutes, is amended
625 to read:

626 481.207 Fees.—

627 (1) The board, by rule, may establish ~~separate~~ fees for
628 architects ~~and interior designers~~, to be paid for applications,
629 examination, reexamination, licensing and renewal, delinquency,
630 reinstatement, and recordmaking and recordkeeping. The
631 examination fee shall be in an amount that covers the cost of
632 obtaining and administering the examination and shall be
633 refunded if the applicant is found ineligible to sit for the
634 examination. The application fee is nonrefundable. The fee for
635 initial application and examination for architects ~~and interior~~
636 ~~designers~~ may not exceed \$775 plus the actual per applicant cost
637 to the department for purchase of the examination from the
638 National Council of Architectural Registration Boards ~~or the~~
639 ~~National Council of Interior Design Qualifications,~~
640 ~~respectively,~~ or similar national organizations. The biennial
641 renewal fee for architects may not exceed \$200. ~~The biennial~~
642 ~~renewal fee for interior designers may not exceed \$500.~~ The
643 delinquency fee may not exceed the biennial renewal fee
644 established by the board for an active license. The board shall
645 establish fees that are adequate to ensure the continued
646 operation of the board and to fund the proportionate expenses
647 incurred by the department which are allocated to the regulation
648 of architects and registered interior designers. Fees shall be



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649 based on department estimates of the revenue required to
650 implement this part and the provisions of law with respect to
651 the regulation of architects and interior designers.

652 (2) The board may establish a fee for certificates of
653 registration for interior designers. Such fee, if established,
654 is not refundable and may not exceed \$75. A certificate of
655 registration is valid for 2 years and a registered interior
656 designer may renew the registration. The biennial renewal fee
657 may not exceed \$75.

658 Section 42. Section 481.209, Florida Statutes, is amended
659 to read:

660 481.209 Examinations.—

661 (1) A person desiring to be licensed as a registered
662 architect by initial examination shall apply to the department,
663 complete the application form, and remit a nonrefundable
664 application fee. The department shall license any applicant who
665 the board certifies÷

666 ~~(a)~~ has passed the licensure examination prescribed by
667 board rule÷ and

668 ~~(b)~~ is a graduate of a school or college of architecture
669 with a program accredited by the National Architectural
670 Accreditation Board.

671 (2) A person seeking to obtain a certificate of
672 registration as a registered interior designer and a seal
673 pursuant to s. 481.221 must provide the department with his or
674 her name and address and written proof that he or she has
675 successfully passed the qualification examination prescribed by
676 the Council for Interior Design Qualification or its successor
677 entity or the California Council for Interior Design



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678 ~~Certification or its successor entity, or has successfully~~
679 ~~passed an equivalent exam as determined by the department A~~
680 ~~person desiring to be licensed as a registered interior designer~~
681 ~~shall apply to the department for licensure. The department~~
682 ~~shall administer the licensure examination for interior~~
683 ~~designers to each applicant who has completed the application~~
684 ~~form and remitted the application and examination fees specified~~
685 ~~in s. 481.207 and who the board certifies:~~

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

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

692 ~~(c) Has completed at least 3 years in an interior design~~
693 ~~curriculum and has completed 3 years of diversified interior~~
694 ~~design experience; or~~

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

698
699 ~~Subsequent to October 1, 2000, for the purpose of having the~~
700 ~~educational qualification required under this subsection~~
701 ~~accepted by the board, the applicant must complete his or her~~
702 ~~education at a program, school, or college of interior design~~
703 ~~whose curriculum has been approved by the board as of the time~~
704 ~~of completion. Subsequent to October 1, 2003, all of the~~
705 ~~required amount of educational credits shall have been obtained~~
706 ~~in a program, school, or college of interior design whose~~



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707 ~~curriculum has been approved by the board, as of the time each~~
708 ~~educational credit is gained. The board shall adopt rules~~
709 ~~providing for the review and approval of programs, schools, and~~
710 ~~colleges of interior design and courses of interior design study~~
711 ~~based on a review and inspection by the board of the curriculum~~
712 ~~of programs, schools, and colleges of interior design in the~~
713 ~~United States, including those programs, schools, and colleges~~
714 ~~accredited by the Foundation for Interior Design Education~~
715 ~~Research. The board shall adopt rules providing for the review~~
716 ~~and approval of diversified interior design experience required~~
717 ~~by this subsection.~~

718 Section 43. Section 481.213, Florida Statutes, is amended
719 to read:

720 481.213 Licensure and registration.-

721 (1) The department shall license or register any applicant
722 who the board certifies is qualified for licensure or
723 registration and who has paid the initial licensure or
724 registration fee. Licensure as an architect under this section
725 shall be deemed to include all the rights and privileges of
726 registration ~~licensure~~ as an interior designer under this
727 section.

728 (2) The board shall certify for licensure or registration
729 by examination any applicant who passes the prescribed licensure
730 or registration examination and satisfies the requirements of
731 ss. 481.209 and 481.211, for architects, or the requirements of
732 s. 481.209, for interior designers.

733 (3) The board shall certify as qualified for a license by
734 endorsement as an architect or registration as a registered an
735 interior designer an applicant who:



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736 (a) Qualifies to take the prescribed licensure or
737 registration examination, and has passed the prescribed
738 licensure registration examination or a substantially equivalent
739 examination in another jurisdiction, as set forth in s. 481.209
740 for architects or registered interior designers, as applicable,
741 and has satisfied the internship requirements set forth in s.
742 481.211 for architects;

743 (b) Holds a valid license to practice architecture or a
744 license, registration, or certification to practice interior
745 design issued by another jurisdiction of the United States, if
746 the criteria for issuance of such license were substantially
747 equivalent to the licensure criteria that existed in this state
748 at the time the license was issued; ~~provided, however, that an~~
749 ~~applicant who has been licensed for use of the title "interior~~
750 ~~design" rather than licensed to practice interior design shall~~
751 ~~not qualify hereunder;~~ or

752 (c) Has passed the prescribed licensure examination and
753 holds a valid certificate issued by the National Council of
754 Architectural Registration Boards, and holds a valid license to
755 practice architecture issued by another state or jurisdiction of
756 the United States.

757
758 An architect who is licensed in another state who seeks
759 qualification for license by endorsement under this subsection
760 must complete a class approved by the board on the Florida
761 Building Code.

762 (4) The board may refuse to certify any applicant who has
763 violated any of the provisions of s. 481.223, s. 481.225, or s.
764 481.2251, as applicable.



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765 (5) The board may refuse to certify any applicant who is
766 under investigation in any jurisdiction for any act which would
767 constitute a violation of this part or of chapter 455 until such
768 time as the investigation is complete and disciplinary
769 proceedings have been terminated.

770 (6) The board shall adopt rules to implement the provisions
771 of this part relating to the examination, internship, and
772 licensure of applicants.

773 (7) For persons whose licensure requires satisfaction of
774 the requirements of ss. 481.209 and 481.211, the board shall, by
775 rule, establish qualifications for certification of such persons
776 as special inspectors of threshold buildings, as defined in ss.
777 553.71 and 553.79, and shall compile a list of persons who are
778 certified. A special inspector is not required to meet standards
779 for certification other than those established by the board, and
780 the fee owner of a threshold building may not be prohibited from
781 selecting any person certified by the board to be a special
782 inspector. The board shall develop minimum qualifications for
783 the qualified representative of the special inspector who is
784 authorized under s. 553.79 to perform inspections of threshold
785 buildings on behalf of the special inspector.

786 (8) A certificate of registration is not required for a
787 person whose occupation or practice is confined to interior
788 decorator services or for a person whose occupation or practice
789 is confined to interior design except as required in this part.

790 Section 44. Subsection (1) of section 481.2131, Florida
791 Statutes, is amended to read:

792 481.2131 Interior design; practice requirements; disclosure
793 of compensation for professional services.-



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794 (1) A registered interior designer is authorized to perform
795 "interior design" as defined in s. 481.203. Interior design
796 documents prepared by a registered interior designer shall
797 contain a statement that the document is not an architectural or
798 engineering study, drawing, specification, or design and is not
799 to be used for construction of any load-bearing columns, load-
800 bearing framing or walls of structures, or issuance of any
801 building permit, except as otherwise provided by law. Interior
802 design documents that are prepared and sealed by a registered
803 interior designer must ~~may~~, if required by a permitting body, be
804 accepted by the permitting body ~~be submitted~~ for the issuance of
805 a building permit for interior construction excluding design of
806 any structural, mechanical, plumbing, heating, air-conditioning,
807 ventilating, electrical, or vertical transportation systems or
808 that materially affect lifesafety systems pertaining to
809 firesafety protection such as fire-rated separations between
810 interior spaces, fire-rated vertical shafts in multistory
811 structures, fire-rated protection of structural elements, smoke
812 evacuation and compartmentalization, emergency ingress or egress
813 systems, and emergency alarm systems. Interior design documents
814 submitted for the issuance of a building permit by an individual
815 performing interior design services who is not a licensed
816 architect must include a seal issued by the department and in
817 conformance with the requirements of s. 481.221.

818 Section 45. Section 481.215, Florida Statutes, is amended
819 to read:

820 481.215 Renewal of license or certificate of registration.—

821 (1) Subject to the requirement of subsection (3), the
822 department shall renew a license or certificate of registration



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823 upon receipt of the renewal application and renewal fee.

824 (2) The department shall adopt rules establishing a
825 procedure for the biennial renewal of licenses and certificate
826 of registrations.

827 (3) ~~A~~ ~~Ne~~ license or certificate of registration renewal may
828 not shall be issued to an architect or a registered ~~an~~ interior
829 designer by the department until the licensee or registrant
830 submits proof satisfactory to the department that, during the 2
831 years before ~~prior to~~ application for renewal, the licensee or
832 registrant participated per biennium in not less than 20 hours
833 of at least 50 minutes each per biennium of continuing education
834 approved by the board. The board shall approve only continuing
835 education that builds upon the basic knowledge of architecture
836 or interior design. The board may make exception from the
837 requirements of continuing education in emergency or hardship
838 cases.

839 (4) The board shall by rule establish criteria for the
840 approval of continuing education courses and providers and shall
841 by rule establish criteria for accepting alternative
842 nonclassroom continuing education on an hour-for-hour basis.

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

849 Section 46. Section 481.217, Florida Statutes, is amended
850 to read:

851 481.217 Inactive status.—



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852 (1) The board may prescribe by rule continuing education
853 requirements as a condition of reactivating a license. The rules
854 may not require more than one renewal cycle of continuing
855 education to reactivate a license or registration for a
856 registered architect or registered interior designer. ~~For~~
857 ~~interior design, the board may approve only continuing education~~
858 ~~that builds upon the basic knowledge of interior design.~~

859 (2) The board shall adopt rules relating to application
860 procedures for inactive status and for the reactivation of
861 inactive licenses and registrations.

862 Section 47. Section 481.219, Florida Statutes, is amended
863 to read:

864 481.219 Qualification of business organizations
865 ~~certification of partnerships, limited liability companies, and~~
866 ~~corporations.-~~

867 (1) A licensee may ~~The practice of or the offer to practice~~
868 ~~architecture or interior design by licensees through a~~ qualified
869 business organization that offers ~~corporation, limited liability~~
870 ~~company, or partnership offering architectural or interior~~
871 ~~design services to the public, or by a corporation, limited~~
872 ~~liability company, or partnership offering architectural or~~
873 ~~interior design services to the public through licensees under~~
874 ~~this part as agents, employees, officers, or partners, is~~
875 ~~permitted,~~ subject to the provisions of this section.

876 (2) If a licensee or an applicant proposes to engage in the
877 practice of architecture as a business organization, the
878 licensee or applicant shall qualify the business organization
879 upon approval of the board ~~For the purposes of this section, a~~
880 ~~certificate of authorization shall be required for a~~



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881 ~~corporation, limited liability company, partnership, or person~~
882 ~~practicing under a fictitious name, offering architectural~~
883 ~~services to the public jointly or separately. However, when an~~
884 ~~individual is practicing architecture in her or his own name,~~
885 ~~she or he shall not be required to be certified under this~~
886 ~~section. Certification under this subsection to offer~~
887 ~~architectural services shall include all the rights and~~
888 ~~privileges of certification under subsection (3) to offer~~
889 ~~interior design services.~~

890 (3) (a) A business organization may not engage in the
891 practice of architecture unless its qualifying agent is a
892 registered architect under this part. A qualifying agent who
893 terminates an affiliation with a qualified business organization
894 shall immediately notify the department of such termination. If
895 such qualifying agent is the only qualifying agent for that
896 business organization, the business organization must be
897 qualified by another qualifying agent within 60 days after the
898 termination. Except as provided in paragraph (b), the business
899 organization may not engage in the practice of architecture
900 until it is qualified by another qualifying agent.

901 (b) In the event a qualifying agent ceases employment with
902 a qualified business organization, the executive director or the
903 chair of the board may authorize another registered architect
904 employed by the business organization to temporarily serve as
905 its qualifying agent for a period of no more than 60 days. The
906 business organization is not authorized to operate beyond such
907 period under this chapter absent replacement of the qualifying
908 agent who has ceased employment.

909 (c) A qualifying agent shall notify the department in



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910 writing before engaging in the practice of architecture in her
911 or his own name or in affiliation with a different business
912 organization, and she or he or such business organization shall
913 supply the same information to the department as required of
914 applicants under this part.

915 ~~(3) For the purposes of this section, a certificate of~~
916 ~~authorization shall be required for a corporation, limited~~
917 ~~liability company, partnership, or person operating under a~~
918 ~~fictitious name, offering interior design services to the public~~
919 ~~jointly or separately. However, when an individual is practicing~~
920 ~~interior design in her or his own name, she or he shall not be~~
921 ~~required to be certified under this section.~~

922 (4) All final construction documents and instruments of
923 service which include drawings, specifications, plans, reports,
924 or other papers or documents that involve ~~involving~~ the practice
925 of architecture which are prepared or approved for the use of
926 the business organization ~~corporation, limited liability~~
927 ~~company, or partnership~~ and filed for public record within the
928 state must ~~shall~~ bear the signature and seal of the licensee who
929 prepared or approved them and the date on which they were
930 sealed.

931 ~~(5) All drawings, specifications, plans, reports, or other~~
932 ~~papers or documents prepared or approved for the use of the~~
933 ~~corporation, limited liability company, or partnership by an~~
934 ~~interior designer in her or his professional capacity and filed~~
935 ~~for public record within the state shall bear the signature and~~
936 ~~seal of the licensee who prepared or approved them and the date~~
937 ~~on which they were sealed.~~

938 ~~(6) The department shall issue a certificate of~~



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939 ~~authorization to any applicant who the board certifies as~~
940 ~~qualified for a certificate of authorization and who has paid~~
941 ~~the fee set in s. 481.207.~~

942 ~~(7) The board shall allow a licensee or certify an~~
943 ~~applicant to qualify one or more business organizations as~~
944 ~~qualified for a certificate of authorization to offer~~
945 ~~architectural or interior design services, or to use a~~
946 ~~fictitious name to offer such services, if provided that:~~

947 ~~(a) one or more of the principal officers of the~~
948 ~~corporation or limited liability company, or one or more~~
949 ~~partners of the partnership, and all personnel of the~~
950 ~~corporation, limited liability company, or partnership who act~~
951 ~~in its behalf in this state as architects, are registered as~~
952 ~~provided by this part; or~~

953 ~~(b) One or more of the principal officers of the~~
954 ~~corporation or one or more partners of the partnership, and all~~
955 ~~personnel of the corporation, limited liability company, or~~
956 ~~partnership who act in its behalf in this state as interior~~
957 ~~designers, are registered as provided by this part.~~

958 ~~(8) The department shall adopt rules establishing a~~
959 ~~procedure for the biennial renewal of certificates of~~
960 ~~authorization.~~

961 ~~(9) The department shall renew a certificate of~~
962 ~~authorization upon receipt of the renewal application and~~
963 ~~biennial renewal fee.~~

964 ~~(6) (10) Each qualifying agent who qualifies a business~~
965 ~~organization, partnership, limited liability company, or and~~
966 ~~corporation certified under this section shall notify the~~
967 ~~department within 30 days after of any change in the information~~



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968 contained in the application upon which the qualification
969 ~~certification~~ is based. Any registered architect or interior
970 designer who qualifies the business organization shall ensure
971 ~~corporation, limited liability company, or partnership as~~
972 ~~provided in subsection (7) shall be responsible for ensuring~~
973 responsible supervising control of projects of the business
974 organization entity and shall notify the department of the ~~upon~~
975 termination of her or his employment with a business
976 organization qualified partnership, limited liability company,
977 ~~or corporation certified under this section shall notify the~~
978 ~~department of the termination~~ within 30 days after such
979 termination.

980 (7) (11) A business organization is not ~~No corporation,~~
981 ~~limited liability company, or partnership shall be relieved of~~
982 responsibility for the conduct or acts of its agents, employees,
983 or officers by reason of its compliance with this section.
984 However, except as provided in s. 558.0035, the architect who
985 signs and seals the construction documents and instruments of
986 service is ~~shall be~~ liable for the professional services
987 performed, and the interior designer who signs and seals the
988 interior design drawings, plans, or specifications shall be
989 liable for the professional services performed.

990 ~~(12) Disciplinary action against a corporation, limited~~
991 ~~liability company, or partnership shall be administered in the~~
992 ~~same manner and on the same grounds as disciplinary action~~
993 ~~against a registered architect or interior designer,~~
994 ~~respectively.~~

995 (8) (13) Nothing in This section may not ~~shall~~ be construed
996 to mean that a certificate of registration to practice



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997 architecture must ~~or interior design shall~~ be held by a business
998 organization ~~corporation, limited liability company, or~~
999 ~~partnership~~. Nothing in This section does not prohibit a
1000 business organization from offering ~~prohibits corporations,~~
1001 ~~limited liability companies, and partnerships from joining~~
1002 ~~together to offer~~ architectural, engineering, ~~interior design,~~
1003 surveying and mapping, and landscape architectural services, or
1004 any combination of such services, to the public if the business
1005 organization, ~~provided that each corporation, limited liability~~
1006 ~~company, or partnership~~ otherwise meets the requirements of law.

1007 ~~(14) Corporations, limited liability companies, or~~
1008 ~~partnerships holding a valid certificate of authorization to~~
1009 ~~practice architecture shall be permitted to use in their title~~
1010 ~~the term "interior designer" or "registered interior designer."~~

1011 Section 48. Subsections (1), (3), (5), (7), (10), (11), and
1012 (12) of section 481.221, Florida Statutes, are amended to read:
1013 481.221 Seals; display of certificate number.—

1014 (1) The department ~~board~~ shall prescribe, by rule, one or
1015 more forms of seals to be used by registered architects holding
1016 valid certificates of registration.

1017 (3) The department ~~board~~ shall adopt a rule prescribing the
1018 distinctly different seals to be used by registered interior
1019 designers holding valid certificates of registration. Each
1020 registered interior designer shall obtain a seal as prescribed
1021 by the department ~~board~~, and all drawings, plans,
1022 specifications, or reports prepared or issued by the registered
1023 interior designer and being filed for public record shall bear
1024 the signature and seal of the registered interior designer who
1025 prepared or approved the document and the date on which they



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1026 were sealed. The signature, date, and seal shall be evidence of
1027 the authenticity of that to which they are affixed. Final plans,
1028 specifications, or reports prepared or issued by a registered
1029 interior designer may be transmitted electronically and may be
1030 signed by the registered interior designer, dated, and sealed
1031 electronically with the seal in accordance with ss. 668.001-
1032 668.006.

1033 (5) No registered interior designer shall affix, or permit
1034 to be affixed, her or his seal or signature to any plan,
1035 specification, drawing, or other document which depicts work
1036 which she or he is not competent or registered ~~licensed~~ to
1037 perform.

1038 (7) No registered interior designer shall affix her or his
1039 signature or seal to any plans, specifications, or other
1040 documents which were not prepared by her or him or under her or
1041 his responsible supervising control or by another registered
1042 interior designer and reviewed, approved, or modified and
1043 adopted by her or him as her or his own work according to rules
1044 adopted by the department ~~board~~.

1045 (10) Each registered architect must ~~or interior designer,~~
1046 ~~and each corporation, limited liability company, or partnership~~
1047 ~~holding a certificate of authorization, shall include her or his~~
1048 license ~~its certificate~~ number in any newspaper, telephone
1049 directory, or other advertising medium used by the registered
1050 licensee. Each business organization must include the license
1051 number of the registered architect who serves as the qualifying
1052 agent for that business organization in any newspaper, telephone
1053 directory, or other advertising medium used by the business
1054 organization ~~architect, interior designer, corporation, limited~~



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1055 ~~liability company, or partnership. A corporation, limited~~
1056 ~~liability company, or partnership is not required to display the~~
1057 ~~certificate number of individual registered architects or~~
1058 ~~interior designers employed by or working within the~~
1059 ~~corporation, limited liability company, or partnership.~~

1060 (11) When the certificate of registration of a registered
1061 architect ~~or interior designer~~ has been revoked or suspended by
1062 the board, the registered architect ~~or interior designer~~ shall
1063 surrender her or his seal to the secretary of the board within a
1064 period of 30 days after the revocation or suspension has become
1065 effective. If the certificate of the registered architect ~~or~~
1066 ~~interior designer~~ has been suspended for a period of time, her
1067 or his seal shall be returned to her or him upon expiration of
1068 the suspension period.

1069 (12) A person may not sign and seal by any means any final
1070 plan, specification, or report after her or his certificate of
1071 registration has expired or is suspended or revoked. A
1072 registered architect ~~or interior designer~~ whose certificate of
1073 registration is suspended or revoked shall, within 30 days after
1074 the effective date of the suspension or revocation, surrender
1075 her or his seal to the executive director of the board and
1076 confirm in writing to the executive director the cancellation of
1077 the registered architect's ~~or interior designer's~~ electronic
1078 signature in accordance with ss. 668.001-668.006. When a
1079 registered architect's ~~or interior designer's~~ certificate of
1080 registration is suspended for a period of time, her or his seal
1081 shall be returned upon expiration of the period of suspension.

1082 Section 50. Section 481.223, Florida Statutes, is amended
1083 to read:



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1084 481.223 Prohibitions; penalties; injunctive relief.-
1085 (1) A person may not knowingly:
1086 (a) Practice architecture unless the person is an architect
1087 or a registered architect; however, a licensed architect who has
1088 been licensed by the board and who chooses to relinquish or not
1089 to renew his or her license may use the title "Architect,
1090 Retired" but may not otherwise render any architectural
1091 services.
1092 ~~(b) Practice interior design unless the person is a~~
1093 ~~registered interior designer unless otherwise exempted herein;~~
1094 ~~however, an interior designer who has been licensed by the board~~
1095 ~~and who chooses to relinquish or not to renew his or her license~~
1096 ~~may use the title "Interior Designer, Retired" but may not~~
1097 ~~otherwise render any interior design services.~~
1098 (b)(e) Use the name or title "architect," ~~or~~ "registered
1099 architect," or ~~"interior designer" or "registered interior~~
1100 ~~designer," or words to that effect,~~ when the person is not then
1101 the holder of a valid license or certificate of registration
1102 issued pursuant to this part. This paragraph does not restrict
1103 the use of the name or title "interior designer" or "interior
1104 design firm."
1105 (c)(d) Present as his or her own the license of another.
1106 (d)(e) Give false or forged evidence to the board or a
1107 member thereof.
1108 (e)(f) Use or attempt to use an architect ~~or interior~~
1109 ~~designer~~ license or interior design certificate of registration
1110 that has been suspended, revoked, or placed on inactive or
1111 delinquent status.
1112 (f)(g) Employ unlicensed persons to practice architecture



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1113 ~~or interior design.~~

1114 (g) ~~(h)~~ Conceal information relative to violations of this
1115 part.

1116 (2) Any person who violates any provision of subsection (1)
1117 commits a misdemeanor of the first degree, punishable as
1118 provided in s. 775.082 or s. 775.083.

1119 (3) (a) Notwithstanding chapter 455 or any other law to the
1120 contrary, an affected person may maintain an action for
1121 injunctive relief to restrain or prevent a person from violating
1122 paragraph (1) (a) or paragraph (1) (b), ~~or paragraph (1) (c)~~. The
1123 prevailing party is entitled to actual costs and attorney's
1124 fees.

1125 (b) For purposes of this subsection, the term "affected
1126 person" means a person directly affected by the actions of a
1127 person suspected of violating paragraph (1) (a) or paragraph
1128 (1) (b), ~~or paragraph (1) (c)~~ and includes, but is not limited to,
1129 the department, any person who received services from the
1130 alleged violator, or any private association composed primarily
1131 of members of the profession the alleged violator is practicing
1132 or offering to practice or holding himself or herself out as
1133 qualified to practice.

1134 Section 51. Section 481.2251, Florida Statutes, is amended
1135 to read:

1136 481.2251 Disciplinary proceedings against registered
1137 interior designers.—

1138 (1) The following acts constitute grounds for which the
1139 disciplinary actions specified in subsection (2) may be taken:

1140 (a) Attempting to register ~~obtain, obtaining,~~ or renewing
1141 registration ~~by~~ bribery, by fraudulent misrepresentation, or



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1142 through an error of the board, ~~a license to practice interior~~
1143 ~~design;~~

1144 (b) Having an interior design license, certification, or
1145 registration ~~a license to practice interior design~~ revoked,
1146 suspended, or otherwise acted against, including the denial of
1147 licensure, registration, or certification by the licensing
1148 authority of another jurisdiction for any act which would
1149 constitute a violation of this part or of chapter 455;

1150 (c) Being convicted or found guilty, ~~regardless of~~
1151 ~~adjudication,~~ of a crime in any jurisdiction which directly
1152 relates to the provision of interior design services or to the
1153 ability to provide interior design services. ~~A plea of nolo~~
1154 ~~contendere shall create a rebuttable presumption of guilt to the~~
1155 ~~underlying criminal charges. However, the board shall allow the~~
1156 ~~person being disciplined to present any evidence relevant to the~~
1157 ~~underlying charges and the circumstances surrounding her or his~~
1158 ~~plea;~~

1159 (d) False, deceptive, or misleading advertising;

1160 (e) ~~Failing to report to the board any person who the~~
1161 ~~licensee knows is in violation of this part or the rules of the~~
1162 ~~board;~~

1163 (f) ~~Aiding, assisting, procuring, or advising any~~
1164 ~~unlicensed person to use the title "interior designer" contrary~~
1165 ~~to this part or to a rule of the board;~~

1166 (g) ~~Failing to perform any statutory or legal obligation~~
1167 ~~placed upon a registered interior designer;~~

1168 (h) Making or filing a report which the registrant licensee
1169 knows to be false, intentionally or negligently failing to file
1170 a report or record required by state or federal law, or



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1171 willfully impeding or obstructing such filing or inducing
1172 another person to do so. Such reports or records shall include
1173 only those which are signed in the capacity as a registered
1174 interior designer;

1175 ~~(f)(i)~~ Making deceptive, untrue, or fraudulent
1176 representations in the provision of interior design services;

1177 ~~(g)(j)~~ Accepting and performing professional
1178 responsibilities which the registrant licensee knows or has
1179 reason to know that she or he is not competent ~~or licensed~~ to
1180 perform;

1181 ~~(k)~~ ~~Violating any provision of this part, any rule of the~~
1182 ~~board, or a lawful order of the board previously entered in a~~
1183 ~~disciplinary hearing;~~

1184 ~~(l)~~ ~~Conspiring with another licensee or with any other~~
1185 ~~person to commit an act, or committing an act, which would tend~~
1186 ~~to coerce, intimidate, or preclude another licensee from~~
1187 ~~lawfully advertising her or his services;~~

1188 ~~(m)~~ ~~Acceptance of compensation or any consideration by an~~
1189 ~~interior designer from someone other than the client without~~
1190 ~~full disclosure of the compensation or consideration amount or~~
1191 ~~value to the client prior to the engagement for services, in~~
1192 ~~violation of s. 481.2131(2);~~

1193 ~~(h)(n)~~ Rendering or offering to render architectural
1194 services; or

1195 ~~(i)(o)~~ Committing an act of fraud or deceit, or of
1196 negligence, incompetency, or misconduct, in the practice of
1197 interior design, ~~including, but not limited to, allowing the~~
1198 ~~preparation of any interior design studies, plans, or other~~
1199 ~~instruments of service in an office that does not have a full-~~



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1200 ~~time Florida registered interior designer assigned to such~~
1201 ~~office or failing to exercise responsible supervisory control~~
1202 ~~over services or projects, as required by board rule.~~

1203 (2) When the board finds any person guilty of any of the
1204 grounds set forth in subsection (1), it may enter an order
1205 taking the following action or imposing one or more of the
1206 following penalties:

1207 (a) Refusal to register the applicant ~~approve an~~
1208 ~~application for licensure;~~

1209 (b) Refusal to renew an existing registration license;

1210 (c) Removal from the state registry ~~Revocation or~~
1211 ~~suspension of a license; or~~

1212 (d) Imposition of an administrative fine not to exceed \$500
1213 ~~\$1,000~~ for each violation or separate offense and a fine of up
1214 to \$2,500 ~~\$5,000~~ for matters pertaining to a material violation
1215 of the Florida Building Code as reported by a local
1216 jurisdiction; ~~or~~

1217 ~~(e) Issuance of a reprimand.~~

1218 Section 52. Paragraph (b) of subsection (5), and
1219 subsections (6), and (8) of section 481.229, Florida Statutes,
1220 are amended to read:

1221 481.229 Exceptions; exemptions from licensure.—

1222 (5)

1223 (b) Notwithstanding any other provision of this part, all
1224 persons licensed as architects under this part shall be
1225 qualified for interior design registration licensure upon
1226 submission of a completed application for such license and a fee
1227 not to exceed \$30. Such persons shall be exempt from the
1228 requirements of s. 481.209(2). For architects licensed as



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1229 interior designers, satisfaction of the requirements for renewal
1230 of licensure as an architect under s. 481.215 shall be deemed to
1231 satisfy the requirements for renewal of registration licensure
1232 as an interior designer under that section. Complaint
1233 processing, investigation, or other discipline-related legal
1234 costs related to persons licensed as interior designers under
1235 this paragraph shall be assessed against the architects' account
1236 of the Regulatory Trust Fund.

1237 (6) This part shall not apply to:

1238 ~~(a) A person who performs interior design services or~~
1239 ~~interior decorator services for any residential application,~~
1240 ~~provided that such person does not advertise as, or represent~~
1241 ~~himself or herself as, an interior designer. For purposes of~~
1242 ~~this paragraph, "residential applications" includes all types of~~
1243 ~~residences, including, but not limited to, residence buildings,~~
1244 ~~single-family homes, multifamily homes, townhouses, apartments,~~
1245 ~~condominiums, and domestic outbuildings appurtenant to one-~~
1246 ~~family or two-family residences. However, "residential~~
1247 ~~applications" does not include common areas associated with~~
1248 ~~instances of multiple-unit dwelling applications.~~

1249 ~~(b)~~ an employee of a retail establishment providing
1250 "interior decorator services" on the premises of the retail
1251 establishment or in the furtherance of a retail sale or
1252 prospective retail sale, provided that such employee does not
1253 advertise as, or represent himself or herself as, an interior
1254 designer.

1255 (8) A manufacturer of commercial food service equipment or
1256 the manufacturer's representative, distributor, or dealer or an
1257 employee thereof, who prepares designs, specifications, or



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1258 layouts for the sale or installation of such equipment is exempt
1259 from licensure as an architect ~~or interior designer~~, if:

1260 (a) The designs, specifications, or layouts are not used
1261 for construction or installation that may affect structural,
1262 mechanical, plumbing, heating, air conditioning, ventilating,
1263 electrical, or vertical transportation systems.

1264 (b) The designs, specifications, or layouts do not
1265 materially affect lifesafety systems pertaining to firesafety
1266 protection, smoke evacuation and compartmentalization, and
1267 emergency ingress or egress systems.

1268 (c) Each design, specification, or layout document prepared
1269 by a person or entity exempt under this subsection contains a
1270 statement on each page of the document that the designs,
1271 specifications, or layouts are not architectural, ~~interior~~
1272 ~~design~~, or engineering designs, specifications, or layouts and
1273 not used for construction unless reviewed and approved by a
1274 licensed architect or engineer.

1275 Section 53. Subsection (1) of section 481.231, Florida
1276 Statutes, is amended to read:

1277 481.231 Effect of part locally.—

1278 (1) ~~Nothing in~~ This part does not ~~shall be construed to~~
1279 repeal, amend, limit, or otherwise affect any specific provision
1280 of any local building code or zoning law or ordinance that has
1281 been duly adopted, now or hereafter enacted, which is more
1282 restrictive, with respect to the services of registered
1283 architects or registered interior designers, than ~~the provisions~~
1284 ~~of~~ this part; provided, however, that a licensed architect shall
1285 be deemed registered ~~licensed~~ as an interior designer for
1286 purposes of offering or rendering interior design services to a



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1287 county, municipality, or other local government or political
1288 subdivision.

1289 Section 54. Section 481.303, Florida Statutes, is amended
1290 to read:

1291 481.303 Definitions.—As used in this chapter, the term:

1292 (1) "Board" means the Board of Landscape Architecture.

1293 (3)~~(2)~~ "Department" means the Department of Business and
1294 Professional Regulation.

1295 (6)~~(3)~~ "Registered landscape architect" means a person who
1296 holds a license to practice landscape architecture in this state
1297 under the authority of this act.

1298 (2)~~(4)~~ "Certificate of registration" means a license issued
1299 by the department to a natural person to engage in the practice
1300 of landscape architecture.

1301 ~~(5) "Certificate of authorization" means a license issued~~
1302 ~~by the department to a corporation or partnership to engage in~~
1303 ~~the practice of landscape architecture.~~

1304 (4)~~(6)~~ "Landscape architecture" means professional
1305 services, including, but not limited to, the following:

1306 (a) Consultation, investigation, research, planning,
1307 design, preparation of drawings, specifications, contract
1308 documents and reports, responsible construction supervision, or
1309 landscape management in connection with the planning and
1310 development of land and incidental water areas, including the
1311 use of Florida-friendly landscaping as defined in s. 373.185,
1312 where, and to the extent that, the dominant purpose of such
1313 services or creative works is the preservation, conservation,
1314 enhancement, or determination of proper land uses, natural land
1315 features, ground cover and plantings, or naturalistic and



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1316 aesthetic values;

1317 (b) The determination of settings, grounds, and approaches
1318 for and the siting of buildings and structures, outdoor areas,
1319 or other improvements;

1320 (c) The setting of grades, shaping and contouring of land
1321 and water forms, determination of drainage, and provision for
1322 storm drainage and irrigation systems where such systems are
1323 necessary to the purposes outlined herein; and

1324 (d) The design of such tangible objects and features as are
1325 necessary to the purpose outlined herein.

1326 (5)~~(7)~~ "Landscape design" means consultation for and
1327 preparation of planting plans drawn for compensation, including
1328 specifications and installation details for plant materials,
1329 soil amendments, mulches, edging, gravel, and other similar
1330 materials. Such plans may include only recommendations for the
1331 conceptual placement of tangible objects for landscape design
1332 projects. Construction documents, details, and specifications
1333 for tangible objects and irrigation systems shall be designed or
1334 approved by licensed professionals as required by law.

1335 Section 55. Section 481.310, Florida Statutes, is amended
1336 to read:

1337 481.310 Practical experience requirement.—Beginning October
1338 1, 1990, every applicant for licensure as a registered landscape
1339 architect shall demonstrate, prior to licensure, 1 year of
1340 practical experience in landscape architectural work. An
1341 applicant who holds a master of landscape architecture degree
1342 and a bachelor's degree in a related field is not required to
1343 demonstrate 1 year of practical experience in landscape
1344 architectural work to obtain licensure. The board shall adopt



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1345 rules providing standards for the required experience. An
1346 applicant who qualifies for examination pursuant to s.
1347 481.309(1)(b)1. may obtain the practical experience after
1348 completing the required professional degree. Experience used to
1349 qualify for examination pursuant to s. 481.309(1)(b)2. may not
1350 be used to satisfy the practical experience requirement under
1351 this section.

1352 Section 56. Subsections (3) and (4) of section 481.311,
1353 Florida Statutes, are amended, to read:

1354 481.311 Licensure.—

1355 (3) The board shall certify as qualified for a license by
1356 endorsement an applicant who:

1357 ~~(a) Qualifies to take the examination as set forth in s.~~
1358 ~~481.309; and has passed a national, regional, state, or~~
1359 ~~territorial licensing examination which is substantially~~
1360 ~~equivalent to the examination required by s. 481.309; or~~

1361 ~~(b) holds a valid license to practice landscape~~
1362 ~~architecture issued by another state or territory of the United~~
1363 ~~States, if the criteria for issuance of such license were~~
1364 ~~substantially identical to the licensure criteria which existed~~
1365 ~~in this state at the time the license was issued.~~

1366 ~~(4) The board shall certify as qualified for a certificate~~
1367 ~~of authorization any applicant corporation or partnership who~~
1368 ~~satisfies the requirements of s. 481.319.~~

1369 Section 57. Subsection (2) of section 481.317, Florida
1370 Statutes, is amended to read:

1371 481.317 Temporary certificates.—

1372 ~~(2) Upon approval by the board and payment of the fee set~~
1373 ~~in s. 481.307, the department shall grant a temporary~~



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1374 ~~certificate of authorization for work on one specified project~~
1375 ~~in this state for a period not to exceed 1 year to an out-of-~~
1376 ~~state corporation, partnership, or firm, provided one of the~~
1377 ~~principal officers of the corporation, one of the partners of~~
1378 ~~the partnership, or one of the principals in the fictitiously~~
1379 ~~named firm has obtained a temporary certificate of registration~~
1380 ~~in accordance with subsection (1).~~

1381 Section 58. Section 481.319, Florida Statutes, is amended
1382 to read:

1383 481.319 Corporate and partnership practice of landscape
1384 architecture; ~~certificate of authorization.~~-

1385 (1) The practice of or offer to practice landscape
1386 architecture by registered landscape architects registered under
1387 this part through a corporation or partnership offering
1388 landscape architectural services to the public, or through a
1389 corporation or partnership offering landscape architectural
1390 services to the public through individual registered landscape
1391 architects as agents, employees, officers, or partners, is
1392 permitted, subject to the provisions of this section, if:

1393 (a) One or more of the principal officers of the
1394 corporation, or partners of the partnership, and all personnel
1395 of the corporation or partnership who act in its behalf as
1396 landscape architects in this state are registered landscape
1397 architects; and

1398 (b) One or more of the officers, one or more of the
1399 directors, one or more of the owners of the corporation, or one
1400 or more of the partners of the partnership is a registered
1401 landscape architect; ~~and~~

1402 ~~(c) The corporation or partnership has been issued a~~



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1403 ~~certificate of authorization by the board as provided herein.~~

1404 (2) All documents involving the practice of landscape
1405 architecture which are prepared for the use of the corporation
1406 or partnership shall bear the signature and seal of a registered
1407 landscape architect.

1408 (3) A landscape architect applying to practice in the name
1409 of a ~~An applicant~~ corporation must ~~shall~~ file with the
1410 department the names and addresses of all officers and board
1411 members of the corporation, including the principal officer or
1412 officers, duly registered to practice landscape architecture in
1413 this state and, also, of all individuals duly registered to
1414 practice landscape architecture in this state who shall be in
1415 responsible charge of the practice of landscape architecture by
1416 the corporation in this state. A landscape architect applying to
1417 practice in the name of a ~~An applicant~~ partnership must ~~shall~~
1418 file with the department the names and addresses of all partners
1419 of the partnership, including the partner or partners duly
1420 registered to practice landscape architecture in this state and,
1421 also, of an individual or individuals duly registered to
1422 practice landscape architecture in this state who shall be in
1423 responsible charge of the practice of landscape architecture by
1424 said partnership in this state.

1425 (4) Each landscape architect qualifying a partnership or
1426 and corporation ~~licensed~~ under this part must ~~shall~~ notify the
1427 department within 1 month after ~~of~~ any change in the information
1428 contained in the application upon which the license is based.
1429 Any landscape architect who terminates her or his ~~or her~~
1430 employment with a partnership or corporation licensed under this
1431 part shall notify the department of the termination within 1



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1432 month after such termination.

1433 (5) ~~Disciplinary action against a corporation or~~
1434 ~~partnership shall be administered in the same manner and on the~~
1435 ~~same grounds as disciplinary action against a registered~~
1436 ~~landscape architect.~~

1437 ~~(6)~~ Except as provided in s. 558.0035, the fact that a
1438 registered landscape architect practices landscape architecture
1439 through a corporation or partnership as provided in this section
1440 does not relieve the landscape architect from personal liability
1441 for her or his ~~or her~~ professional acts.

1442 Section 59. Subsection (5) of section 481.321, Florida
1443 Statutes, is amended to read:

1444 481.321 Seals; display of certificate number.—

1445 (5) Each registered landscape architect must ~~and each~~
1446 ~~corporation or partnership holding a certificate of~~
1447 ~~authorization shall~~ include her or his ~~its~~ certificate number in
1448 any newspaper, telephone directory, or other advertising medium
1449 used by the registered landscape architect, corporation, or
1450 partnership. A corporation or partnership must ~~is not required~~
1451 ~~to~~ display the certificate number ~~numbers~~ of at least one
1452 officer, director, owner, or partner who is a individual
1453 registered landscape architect ~~architects~~ employed by or
1454 practicing with the corporation or partnership.

1455 Section 60. Subsection (5) of section 481.329, Florida
1456 Statutes, is amended to read:

1457 481.329 Exceptions; exemptions from licensure.—

1458 (5) This part does not prohibit any person from engaging in
1459 the practice of landscape design, as defined in s. 481.303 ~~s.~~
1460 ~~481.303(7)~~, or from submitting for approval to a governmental



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1461 agency planting plans that are independent of, or a component
1462 of, construction documents that are prepared by a Florida-
1463 registered professional. Persons providing landscape design
1464 services shall not use the title, term, or designation
1465 "landscape architect," "landscape architectural," "landscape
1466 architecture," "L.A.," "landscape engineering," or any
1467 description tending to convey the impression that she or he is a
1468 landscape architect unless she or he is registered as provided
1469 in this part.

1470 Section 61. Subsection (9) of section 489.103, Florida
1471 Statutes, is amended to read:

1472 489.103 Exemptions.—This part does not apply to:

1473 (9) Any work or operation of a casual, minor, or
1474 inconsequential nature in which the aggregate contract price for
1475 labor, materials, and all other items is less than \$2,500
1476 ~~\$1,000~~, but this exemption does not apply:

1477 (a) If the construction, repair, remodeling, or improvement
1478 is a part of a larger or major operation, whether undertaken by
1479 the same or a different contractor, or in which a division of
1480 the operation is made in contracts of amounts less than \$2,500
1481 ~~\$1,000~~ for the purpose of evading this part or otherwise.

1482 (b) To a person who advertises that he or she is a
1483 contractor or otherwise represents that he or she is qualified
1484 to engage in contracting.

1485 Section 62. Subsection (2) of section 489.111, Florida
1486 Statutes, is amended to read:

1487 489.111 Licensure by examination.—

1488 (2) A person shall be eligible for licensure by examination
1489 if the person:



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1490 (a) Is 18 years of age;
1491 (b) Is of good moral character; and
1492 (c) Meets eligibility requirements according to one of the
1493 following criteria:
1494 1. Has received a baccalaureate degree from an accredited
1495 4-year college in the appropriate field of engineering,
1496 architecture, or building construction and has 1 year of proven
1497 experience in the category in which the person seeks to qualify.
1498 For the purpose of this part, a minimum of 2,000 person-hours
1499 shall be used in determining full-time equivalency.
1500 2. Has a total of at least 4 years of active experience as
1501 a worker who has learned the trade by serving an apprenticeship
1502 as a skilled worker who is able to command the rate of a
1503 mechanic in the particular trade or as a foreman who is in
1504 charge of a group of workers and usually is responsible to a
1505 superintendent or a contractor or his or her equivalent,
1506 provided, however, that at least 1 year of active experience
1507 shall be as a foreman.
1508 3. Has a combination of not less than 1 year of experience
1509 as a foreman and not less than 3 years of credits for any
1510 accredited college-level courses; has a combination of not less
1511 than 1 year of experience as a skilled worker, 1 year of
1512 experience as a foreman, and not less than 2 years of credits
1513 for any accredited college-level courses; or has a combination
1514 of not less than 2 years of experience as a skilled worker, 1
1515 year of experience as a foreman, and not less than 1 year of
1516 credits for any accredited college-level courses. All junior
1517 college or community college-level courses shall be considered
1518 accredited college-level courses.



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1519 4.a. An active certified residential contractor is eligible
1520 to receive a certified building contractor license after passing
1521 or having previously passed ~~take~~ the building contractors'
1522 examination if he or she possesses a minimum of 3 years of
1523 proven experience in the classification in which he or she is
1524 certified.

1525 b. An active certified residential contractor is eligible
1526 to receive a certified general contractor license after passing
1527 or having previously passed ~~take~~ the general contractors'
1528 examination if he or she possesses a minimum of 4 years of
1529 proven experience in the classification in which he or she is
1530 certified.

1531 c. An active certified building contractor is eligible to
1532 receive a certified general contractor license after passing or
1533 having previously passed ~~take~~ the general contractors'
1534 examination if he or she possesses a minimum of 4 years of
1535 proven experience in the classification in which he or she is
1536 certified.

1537 5.a. An active certified air-conditioning Class C
1538 contractor is eligible to receive a certified air-conditioning
1539 Class B contractor license after passing or having previously
1540 passed ~~take~~ the air-conditioning Class B contractors'
1541 examination if he or she possesses a minimum of 3 years of
1542 proven experience in the classification in which he or she is
1543 certified.

1544 b. An active certified air-conditioning Class C contractor
1545 is eligible to receive a certified air-conditioning Class A
1546 contractor license after passing or having previously passed
1547 ~~take~~ the air-conditioning Class A contractors' examination if he



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1548 or she possesses a minimum of 4 years of proven experience in
1549 the classification in which he or she is certified.

1550 c. An active certified air-conditioning Class B contractor
1551 is eligible to receive a certified air-conditioning Class A
1552 contractor license after passing or having previously passed
1553 ~~take~~ the air-conditioning Class A contractors' examination if he
1554 or she possesses a minimum of 1 year of proven experience in the
1555 classification in which he or she is certified.

1556 6.a. An active certified swimming pool servicing contractor
1557 is eligible to receive a certified residential swimming pool
1558 contractor license after passing or having previously passed
1559 ~~take~~ the residential swimming pool contractors' examination if
1560 he or she possesses a minimum of 3 years of proven experience in
1561 the classification in which he or she is certified.

1562 b. An active certified swimming pool servicing contractor
1563 is eligible to receive a certified commercial swimming pool
1564 contractor license after passing or having previously passed
1565 ~~take~~ the swimming pool commercial contractors' examination if he
1566 or she possesses a minimum of 4 years of proven experience in
1567 the classification in which he or she is certified.

1568 c. An active certified residential swimming pool contractor
1569 is eligible to receive a certified commercial swimming pool
1570 contractor license after passing or having previously passed
1571 ~~take~~ the commercial swimming pool contractors' examination if he
1572 or she possesses a minimum of 1 year of proven experience in the
1573 classification in which he or she is certified.

1574 d. An applicant is eligible to receive a certified swimming
1575 pool/spa servicing contractor license after passing or having
1576 previously passed ~~take~~ the swimming pool/spa servicing



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1577 contractors' examination if he or she has satisfactorily
1578 completed 60 hours of instruction in courses related to the
1579 scope of work covered by that license and approved by the
1580 Construction Industry Licensing Board by rule and has at least 1
1581 year of proven experience related to the scope of work of such a
1582 contractor.

1583 Section 63. Subsection (3) of section 489.115, Florida
1584 Statutes, is amended to read:

1585 489.115 Certification and registration; endorsement;
1586 reciprocity; renewals; continuing education.—

1587 (3) The board shall certify as qualified for certification
1588 by endorsement any applicant who:

1589 (a) Meets the requirements for certification as set forth
1590 in this section; has passed a national, regional, state, or
1591 United States territorial licensing examination that is
1592 substantially equivalent to the examination required by this
1593 part; and has satisfied the requirements set forth in s.
1594 489.111;

1595 (b) Holds a valid license to practice contracting issued by
1596 another state or territory of the United States, if the criteria
1597 for issuance of such license were substantially equivalent to
1598 Florida's current certification criteria; ~~or~~

1599 (c) Holds a valid, current license to practice contracting
1600 issued by another state or territory of the United States, if
1601 the state or territory has entered into a reciprocal agreement
1602 with the board for the recognition of contractor licenses issued
1603 in that state, based on criteria for the issuance of such
1604 licenses that are substantially equivalent to the criteria for
1605 certification in this state; or



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1606 (d) Has held a valid, current license to practice
1607 contracting issued by another state or territory of the United
1608 States for at least 10 years before the date of application and
1609 is applying for the same or similar license in this state,
1610 subject to subsections (5)-(9). The board may consider whether
1611 such applicant has had a license to practice contracting
1612 revoked, suspended, or otherwise acted against by the licensing
1613 authority of another state, territory, or country. Such
1614 application must be made either when the license in another
1615 state or territory is active or within 2 years after such
1616 license was last active.

1617 Section 64. Subsection (5) of section 489.511, Florida
1618 Statutes, is amended to read:

1619 489.511 Certification; application; examinations;
1620 endorsement.—

1621 (5) The board shall certify as qualified for certification
1622 by endorsement any individual applying for certification who:

1623 (a) Meets the requirements for certification as set forth
1624 in this section; has passed a national, regional, state, or
1625 United States territorial licensing examination that is
1626 substantially equivalent to the examination required by this
1627 part; and has satisfied the requirements set forth in s.

1628 489.521; ~~or~~

1629 (b) Holds a valid license to practice electrical or alarm
1630 system contracting issued by another state or territory of the
1631 United States, if the criteria for issuance of such license was
1632 substantially equivalent to the certification criteria that
1633 existed in this state at the time the certificate was issued; or

1634 (c) Has held a valid, current license to practice



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1635 electrical or alarm system contracting issued by another state
1636 or territory of the United States for at least 10 years before
1637 the date of application and is applying for the same or similar
1638 license in this state, subject to ss. 489.510 and 489.521(3) (a),
1639 and subparagraph (1) (b)1. Such application must be made either
1640 when the license in another state or territory is active or
1641 within 2 years after such license was last active.

1642 Section 65. Subsection (3) and paragraph (b) of subsection
1643 (4) of section 489.517, Florida Statutes, are amended to read:

1644 489.517 Renewal of certificate or registration; continuing
1645 education.—

1646 (3) Each certificateholder or registrant shall provide
1647 proof, in a form established by rule of the board, that the
1648 certificateholder or registrant has completed at least 11 ~~14~~
1649 classroom hours of at least 50 minutes each of continuing
1650 education courses during each biennium since the issuance or
1651 renewal of the certificate or registration. The board shall by
1652 rule establish criteria for the approval of continuing education
1653 courses and providers and may by rule establish criteria for
1654 accepting alternative nonclassroom continuing education on an
1655 hour-for-hour basis.

1656 (4)

1657 (b) Of the 11 ~~14~~ classroom hours of continuing education
1658 required, at least 6 ~~7~~ hours must be on technical subjects, 1
1659 hour on workers' compensation, 1 hour on workplace safety, 1
1660 hour on business practices, and for alarm system contractors and
1661 electrical contractors engaged in alarm system contracting, 2
1662 hours on false alarm prevention.

1663 Section 66. Paragraph (b) of subsection (1) of section



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1664 489.518, Florida Statutes, is amended to read:

1665 489.518 Alarm system agents.—

1666 (1) A licensed electrical or alarm system contractor may
1667 not employ a person to perform the duties of a burglar alarm
1668 system agent unless the person:

1669 (b) Has successfully completed a minimum of 14 hours of
1670 training within 90 days after employment, to include basic alarm
1671 system electronics in addition to related training including
1672 CCTV and access control training, with at least 2 hours of
1673 training in the prevention of false alarms. Such training shall
1674 be from a board-approved provider, and the employee or applicant
1675 for employment shall provide proof of successful completion to
1676 the licensed employer. The board shall by rule establish
1677 criteria for the approval of training courses and providers and
1678 may by rule establish criteria for accepting alternative
1679 nonclassroom education on an hour-for-hour basis. The board
1680 shall approve providers that conduct training in other than the
1681 English language. The board shall establish a fee for the
1682 approval of training providers or courses, not to exceed \$60.
1683 Qualified employers may conduct training classes for their
1684 employees, with board approval.

1685 Section 67. Section 509.102, Florida Statutes, is created
1686 to read:

1687 509.102 Mobile food dispensing vehicles; preemption.—

1688 (1) As used in this section, the term "mobile food
1689 dispensing vehicle" means any vehicle that is a public food
1690 service establishment and that is self-propelled or otherwise
1691 movable from place to place and includes self-contained
1692 utilities, including, but not limited to, gas, water,



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1693 electricity, or liquid waste disposal.

1694 (2) Regulation of mobile food dispensing vehicles involving
1695 licenses, registrations, permits, and fees and the regulation of
1696 the operation of mobile food dispensing vehicles is preempted to
1697 the state. A municipality, county, or other local government
1698 entity may not:

1699 (a) Require a separate license, registration, or permit
1700 other than the license required under s. 509.241, or require the
1701 payment of any license, registration, or permit fee other than
1702 the fee required under s. 509.251, as a condition for the
1703 operation of a mobile food dispensing vehicle within the
1704 entity's jurisdiction;

1705 (b) Prohibit mobile food dispensing vehicles from operating
1706 within the entity's jurisdiction.

1707 Section 68. Paragraph (i) of subsection (2) of section
1708 548.003, Florida Statutes, is amended to read:

1709 548.003 Florida State Boxing Commission.—

1710 (2) The Florida State Boxing Commission, as created by
1711 subsection (1), shall administer the provisions of this chapter.
1712 The commission has authority to adopt rules pursuant to ss.
1713 120.536(1) and 120.54 to implement the provisions of this
1714 chapter and to implement each of the duties and responsibilities
1715 conferred upon the commission, including, but not limited to:

1716 ~~(i) Designation and duties of a knockdown timekeeper.~~

1717 Section 69. Subsection (1) of section 548.017, Florida
1718 Statutes, is amended to read:

1719 548.017 Participants, managers, and other persons required
1720 to have licenses.—

1721 (1) A participant, manager, trainer, second, ~~timekeeper,~~



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1722 referee, judge, ~~announcer~~, physician, matchmaker, or promoter
1723 must be licensed before directly or indirectly acting in such
1724 capacity in connection with any match involving a participant. A
1725 physician approved by the commission must be licensed pursuant
1726 to chapter 458 or chapter 459, must maintain an unencumbered
1727 license in good standing, and must demonstrate satisfactory
1728 medical training or experience in boxing, or a combination of
1729 both, to the executive director before working as the ringside
1730 physician.

1731 Section 70. Paragraph (d) of subsection (1) of section
1732 553.5141, Florida Statutes, is amended to read:

1733 553.5141 Certifications of conformity and remediation
1734 plans.—

1735 (1) For purposes of this section:

1736 (d) "Qualified expert" means:

1737 1. An engineer licensed pursuant to chapter 471.

1738 2. A certified general contractor licensed pursuant to
1739 chapter 489.

1740 3. A certified building contractor licensed pursuant to
1741 chapter 489.

1742 4. A building code administrator licensed pursuant to
1743 chapter 468.

1744 5. A building inspector licensed pursuant to chapter 468.

1745 6. A plans examiner licensed pursuant to chapter 468.

1746 7. An interior designer registered ~~licensed~~ pursuant to
1747 chapter 481.

1748 8. An architect licensed pursuant to chapter 481.

1749 9. A landscape architect licensed pursuant to chapter 481.

1750 10. Any person who has prepared a remediation plan related



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1751 to a claim under Title III of the Americans with Disabilities
1752 Act, 42 U.S.C. s. 12182, that has been accepted by a federal
1753 court in a settlement agreement or court proceeding, or who has
1754 been qualified as an expert in Title III of the Americans with
1755 Disabilities Act, 42 U.S.C. s. 12182, by a federal court.

1756 Section 71. Effective January 1, 2021, subsection (1) of
1757 section 553.74, Florida Statutes, is amended to read:

1758 553.74 Florida Building Commission.—

1759 (1) The Florida Building Commission is created and located
1760 within the Department of Business and Professional Regulation
1761 for administrative purposes. Members are appointed by the
1762 Governor subject to confirmation by the Senate. The commission
1763 is composed of 19 ~~27~~ members, consisting of the following
1764 members:

1765 (a) One architect licensed pursuant to chapter 481 with at
1766 least 5 years of experience in the design and construction of
1767 buildings designated for Group E or Group I occupancies by the
1768 Florida Building Code ~~registered to practice in this state and~~
1769 ~~actively engaged in the profession.~~ The American Institute of
1770 Architects, Florida Section, is encouraged to recommend a list
1771 of candidates for consideration.

1772 (b) One structural engineer registered to practice in this
1773 state and actively engaged in the profession. The Florida
1774 Engineering Society is encouraged to recommend a list of
1775 candidates for consideration.

1776 (c) One air-conditioning contractor, ~~or~~ mechanical
1777 contractor, or mechanical engineer certified to do business in
1778 this state and actively engaged in the profession. The Florida
1779 Air Conditioning Contractors Association, the Florida



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1780 Refrigeration and Air Conditioning Contractors Association, ~~and~~
1781 the Mechanical Contractors Association of Florida, and the
1782 Florida Engineering Society are encouraged to recommend a list
1783 of candidates for consideration.

1784 (d) One electrical contractor or electrical engineer
1785 certified to do business in this state and actively engaged in
1786 the profession. The Florida Association of Electrical
1787 Contractors, ~~and~~ the National Electrical Contractors
1788 Association, Florida Chapter, and the Florida Engineering
1789 Society are encouraged to recommend a list of candidates for
1790 consideration.

1791 ~~(e) One member from fire protection engineering or~~
1792 ~~technology who is actively engaged in the profession. The~~
1793 ~~Florida Chapter of the Society of Fire Protection Engineers and~~
1794 ~~the Florida Fire Marshals and Inspectors Association are~~
1795 ~~encouraged to recommend a list of candidates for consideration.~~

1796 (e)-(f) One certified general contractor or one certified
1797 building contractor certified to do business in this state and
1798 actively engaged in the profession. The Associated Builders and
1799 Contractors of Florida, the Florida Associated General
1800 Contractors Council, the Florida Home Builders Association, and
1801 the Union Contractors Association are encouraged to recommend a
1802 list of candidates for consideration.

1803 (f)-(g) One plumbing contractor licensed to do business in
1804 this state and actively engaged in the profession. The Florida
1805 Association of Plumbing, Heating, and Cooling Contractors is
1806 encouraged to recommend a list of candidates for consideration.

1807 (g)-(h) One roofing or sheet metal contractor certified to
1808 do business in this state and actively engaged in the



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1809 profession. The Florida Roofing, Sheet Metal, and Air
1810 Conditioning Contractors Association and the Sheet Metal and Air
1811 Conditioning Contractors' National Association are encouraged to
1812 recommend a list of candidates for consideration.

1813 ~~(h)~~ ~~(i)~~ One certified residential contractor licensed to do
1814 business in this state and actively engaged in the profession.
1815 The Florida Home Builders Association is encouraged to recommend
1816 a list of candidates for consideration.

1817 ~~(i)~~ ~~(j)~~ Three members who are municipal, county, or district
1818 codes enforcement officials, one of whom is also a fire
1819 official. The Building Officials Association of Florida and the
1820 Florida Fire Marshals and Inspectors Association are encouraged
1821 to recommend a list of candidates for consideration.

1822 ~~(k) One member who represents the Department of Financial~~
1823 ~~Services.~~

1824 ~~(l) One member who is a county codes enforcement official.~~
1825 ~~The Building Officials Association of Florida is encouraged to~~
1826 ~~recommend a list of candidates for consideration.~~

1827 ~~(j)~~ ~~(m)~~ One member of a Florida-based organization of
1828 persons with disabilities or a nationally chartered organization
1829 of persons with disabilities with chapters in this state which
1830 complies with or is certified to be compliant with the
1831 requirements of the Americans with Disability Act of 1990, as
1832 amended.

1833 ~~(k)~~ ~~(n)~~ One member of the manufactured buildings industry
1834 who is licensed to do business in this state and is actively
1835 engaged in the industry. The Florida Manufactured Housing
1836 Association is encouraged to recommend a list of candidates for
1837 consideration.



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1838 ~~(o) One mechanical or electrical engineer registered to~~
1839 ~~practice in this state and actively engaged in the profession.~~
1840 ~~The Florida Engineering Society is encouraged to recommend a~~
1841 ~~list of candidates for consideration.~~

1842 ~~(p) One member who is a representative of a municipality or~~
1843 ~~a charter county. The Florida League of Cities and the Florida~~
1844 ~~Association of Counties are encouraged to recommend a list of~~
1845 ~~candidates for consideration.~~

1846 (l)~~(q)~~ One member of the building products manufacturing
1847 industry who is authorized to do business in this state and is
1848 actively engaged in the industry. The Florida Building Material
1849 Association, the Florida Concrete and Products Association, and
1850 the Fenestration Manufacturers Association are encouraged to
1851 recommend a list of candidates for consideration.

1852 (m)~~(r)~~ One member who is a representative of the building
1853 owners and managers industry who is actively engaged in
1854 commercial building ownership or management. The Building Owners
1855 and Managers Association is encouraged to recommend a list of
1856 candidates for consideration.

1857 (n)~~(s)~~ One member who is a representative of the insurance
1858 industry. The Florida Insurance Council is encouraged to
1859 recommend a list of candidates for consideration.

1860 ~~(t) One member who is a representative of public education.~~

1861 (o)~~(u)~~ One member who is a swimming pool contractor
1862 licensed to do business in this state and actively engaged in
1863 the profession. The Florida Swimming Pool Association and the
1864 United Pool and Spa Association are encouraged to recommend a
1865 list of candidates for consideration.

1866 (p)~~(v)~~ One member who is a representative of the green



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1867 building industry and who is a third-party commission agent, a
1868 Florida board member of the United States Green Building Council
1869 or Green Building Initiative, a professional who is accredited
1870 under the International Green Construction Code (IGCC), or a
1871 professional who is accredited under Leadership in Energy and
1872 Environmental Design (LEED).

1873 ~~(q)~~ ~~(w)~~ One member who is a representative of a natural gas
1874 distribution system and who is actively engaged in the
1875 distribution of natural gas in this state. The Florida Natural
1876 Gas Association is encouraged to recommend a list of candidates
1877 for consideration.

1878 ~~(x) One member who is a representative of the Department of~~
1879 ~~Agriculture and Consumer Services' Office of Energy. The~~
1880 ~~Commissioner of Agriculture is encouraged to recommend a list of~~
1881 ~~candidates for consideration.~~

1882 ~~(y) One member who shall be the chair.~~

1883 Section 73. Subsection (7) of section 558.002, Florida
1884 Statutes, is amended to read:

1885 558.002 Definitions.—As used in this chapter, the term:

1886 (7) "Design professional" means a person, as defined in s.
1887 1.01, who is licensed in this state as an architect, interior
1888 designer, a landscape architect, an engineer, a surveyor, or a
1889 geologist or who is a registered interior designer, as defined
1890 in s. 481.203.

1891
1892 ===== T I T L E A M E N D M E N T =====

1893 And the title is amended as follows:

1894 Delete lines 7 - 189

1895 and insert:



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1896 Regulation; amending s. 322.57, F.S.; defining the
1897 term "servicemember"; requiring the Department of
1898 Highway Safety and Motor Vehicles to waive the
1899 requirement to pass the Commercial Driver License
1900 Skills Tests for certain servicemembers and veterans;
1901 requiring an applicant who receives such waiver to
1902 complete certain requirements within a specified time;
1903 requiring the department to adopt rules; amending s.
1904 326.004, F.S.; deleting the requirement that a yacht
1905 broker maintain a separate license for each branch
1906 office; deleting the requirement that the Division of
1907 Florida Condominiums, Timeshares, and Mobile Homes
1908 establish a fee; amending s. 447.02, F.S.; conforming
1909 provisions to changes made by the act; repealing s.
1910 447.04, F.S., relating to licensure and permit
1911 requirements for business agents; repealing s.
1912 447.041, F.S., relating to hearings for persons or
1913 labor organizations denied licensure as a business
1914 agent; repealing s. 447.045, F.S., relating to
1915 confidential information obtained during the
1916 application process; repealing s. 447.06, F.S.,
1917 relating to required registration of labor
1918 organizations; amending s. 447.09, F.S.; deleting
1919 certain prohibited actions relating to the right of
1920 franchise of a member of a labor organization;
1921 repealing s. 447.12, F.S., relating to registration
1922 fees; repealing s. 447.16, F.S., relating to
1923 applicability; amending s. 447.305, F.S.; deleting a
1924 provision that requires notification of registrations



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1925 and renewals to the Department of Business and
1926 Professional Regulation; amending s. 455.213, F.S.;
1927 requiring the department or a board to enter into
1928 reciprocal licensing agreements with other states
1929 under certain circumstances; providing requirements;
1930 amending s. 456.072, F.S.; specifying that the failure
1931 to repay certain student loans is not considered a
1932 failure to perform a statutory or legal obligation for
1933 which certain disciplinary action can be taken;
1934 conforming provisions to changes made by the act;
1935 repealing s. 456.0721, F.S., relating to health care
1936 practitioners who are in default on student loan or
1937 scholarship obligations; amending s. 456.074, F.S.;
1938 deleting a provision relating to the suspension of a
1939 license issued by the Department of Health for
1940 defaulting on certain student loans; amending s.
1941 468.385, F.S.; revising requirements relating to
1942 businesses auctioning or offering to auction property
1943 in this state; amending s. 468.603, F.S.; revising
1944 which inspectors are included in the definition of the
1945 term "categories of building code inspectors";
1946 amending s. 468.613, F.S.; providing for waiver of
1947 specified requirements for certification under certain
1948 circumstances; amending s. 468.8314, F.S.; requiring
1949 an applicant for a license by endorsement to maintain
1950 a specified insurance policy; requiring the department
1951 to certify an applicant who holds a specified license
1952 issued by another state or territory of the United
1953 States under certain circumstances; amending s.



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1954 471.015, F.S.; revising licensure requirements for
1955 engineers who hold specified licenses in another
1956 state; amending s. 473.308, F.S.; deleting continuing
1957 education requirements for license by endorsement for
1958 certified public accountants; amending s. 474.202,
1959 F.S.; revising the definition of the term "limited-
1960 service veterinary medical practice" to include
1961 certain procedures; amending s. 474.207, F.S.;
1962 revising education requirements for licensure by
1963 examination; amending s. 474.217, F.S.; requiring the
1964 department to issue a license by endorsement to
1965 certain applicants who successfully complete a
1966 specified examination; amending s. 476.114, F.S.;
1967 revising training requirements for licensure as a
1968 barber; amending s. 476.144, F.S.; requiring the
1969 department to certify as qualified for licensure by
1970 endorsement an applicant who is licensed to practice
1971 barbering in another state; amending s. 477.013, F.S.;
1972 revising the definition of the term "hair braiding";
1973 repealing s. 477.0132, F.S., relating to registration
1974 for hair braiding, hair wrapping, and body wrapping;
1975 amending s. 477.0135, F.S.; providing additional
1976 exemptions from license or registration requirements
1977 for specified occupations or practices; amending s.
1978 477.019, F.S.; deleting a provision prohibiting the
1979 Board of Cosmetology from asking for proof of certain
1980 educational hours under certain circumstances;
1981 revising requirements for certification of licensure
1982 by endorsement for a certain applicant to engage in



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1983 the practice of cosmetology; conforming provisions to
1984 changes made by the act; amending s. 477.0201, F.S.;
1985 providing requirements for registration as a
1986 specialist; amending s. 477.026, F.S.; conforming
1987 provisions to changes made by the act; amending s.
1988 477.0263, F.S.; providing that certain cosmetology
1989 services may be performed in a location other than a
1990 licensed salon under certain circumstances; amending
1991 ss. 477.0265 and 477.029, F.S.; conforming provisions
1992 to changes made by the act; amending s. 481.201, F.S.;
1993 deleting legislative findings relating to the practice
1994 of interior design; amending s. 481.203, F.S.;
1995 revising and deleting definitions; amending s.
1996 481.205, F.S.; conforming provisions to changes made
1997 by the act; amending s. 481.207, F.S.; authorizing the
1998 board to establish certain fees for certificates of
1999 registration for interior designers; specifying that
2000 such registration is valid for a specified period of
2001 time; authorizing registered interior designers to
2002 renew such registration; conforming provisions to
2003 changes made by the act; amending s. 481.209, F.S.;
2004 providing requirements for a certificate of
2005 registration and a seal for interior designers;
2006 conforming provisions to changes made by the act;
2007 amending s. 481.213, F.S.; revising requirements for
2008 certification of licensure by endorsement for a
2009 certain licensee to engage in the practice of
2010 architecture; providing that a registration is not
2011 required for specified persons to practice; conforming



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2012 provisions to changes made by the act; amending s.
2013 481.2131, F.S.; requiring certain interior designers
2014 to include a specified seal when submitting documents
2015 for the issuance of a building permit; amending s.
2016 481.215, F.S.; conforming provisions to changes made
2017 by the act; deleting a provision requiring a specified
2018 number of hours in certain courses for the renewal of
2019 a license; amending s. 481.217, F.S.; conforming
2020 provisions to changes made by the act; amending s.
2021 481.219, F.S.; deleting provisions permitting the
2022 practice of or offer to practice interior design
2023 through certain business organizations; deleting
2024 provisions requiring certificates of authorization for
2025 certain business organizations offering interior
2026 design services to the public; requiring a licensee or
2027 applicant in the practice of architecture to qualify
2028 as a business organization; providing requirements;
2029 amending s. 481.221, F.S.; conforming provisions to
2030 changes made by the act; requiring registered
2031 architects and certain business organizations to
2032 display certain license numbers in specified
2033 advertisements; amending s. 481.223, F.S.; providing
2034 construction; conforming provisions to changes made by
2035 the act; amending s. 481.2251, F.S.; revising the acts
2036 that constitute grounds for disciplinary actions
2037 relating to interior designers; conforming provisions
2038 to changes made by the act; amending ss. 481.229 and
2039 481.231, F.S.; conforming provisions to changes made
2040 by the act; amending s. 481.303, F.S.; deleting the



2041 definition of the term "certificate of authorization";
2042 amending s. 481.310, F.S.; providing that an applicant
2043 who holds certain degrees is not required to
2044 demonstrate 1 year of practical experience for
2045 licensure; amending s. 481.311, F.S.; revising
2046 requirements for certification of licensure by
2047 endorsement for a certain applicant to engage in the
2048 practice of landscape architecture; amending s.
2049 481.317, F.S.; conforming provisions to changes made
2050 by the act; amending s. 481.319, F.S.; deleting the
2051 requirement for a certificate of authorization;
2052 authorizing landscape architects to practice in the
2053 name of a corporation or partnership; amending s.
2054 481.321, F.S.; requiring a landscape architect to
2055 display a certain certificate number in specified
2056 advertisements; amending s. 481.329, F.S.; conforming
2057 a cross-reference; amending s. 489.103, F.S.; revising
2058 certain contract prices for exemption; amending s.
2059 489.111, F.S.; revising provisions relating to
2060 eligibility for licensure; amending s. 489.115, F.S.;
2061 requiring the Construction Industry Licensing Board to
2062 certify any applicant who holds a specified license to
2063 practice contracting issued by another state or
2064 territory of the United States under certain
2065 circumstances; amending s. 489.511, F.S.; requiring
2066 the board to certify as qualified for certification by
2067 endorsement any applicant who holds a specified
2068 license to practice electrical or alarm system
2069 contracting issued by another state or territory of



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2070 the United States under certain circumstances;
2071 amending s. 489.517, F.S.; providing a reduction in
2072 certain continuing education hours required for
2073 registered contractors; amending s. 489.518, F.S.;
2074 requiring a person to have completed a specified
2075 amount of training within a certain time period to
2076 perform the duties of an alarm system agent; creating
2077 s. 509.102; preempting the regulation of mobile food
2078 dispensing vehicles to the state; defining the term
2079 mobile food dispensing vehicle; amending s. 548.003,
2080 F.S.; deleting the requirement that the Florida State
2081 Boxing Commission adopt rules relating to a knockdown
2082 timekeeper; amending s. 548.017, F.S.; deleting the
2083 licensure requirement for a timekeeper or an
2084 announcer; amending s. 553.5141, F.S.; conforming
2085 provisions to changes made by the act; amending s.
2086 553.74, F.S.; revising the membership and
2087 qualifications of the Florida Building Commission;
2088 amending ss. 558.002, 559.25, and 287.055,



The Florida Senate

Committee Agenda Request

To: Senator Wilton Simpson, Chair
Committee on Innovation, Industry, and Technology

Subject: Committee Agenda Request

Date: January 17, 2020

I respectfully request that **Senate Bill #474**, relating to Deregulation of Professions and Occupations, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink, appearing to read "Ben Albritton".

Senator Ben Albritton
Florida Senate, District 26

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/2020
Meeting Date

SB 474

Bill Number (if applicable)

377130

Amendment Barcode (if applicable)

Topic Deregulation of Professions

Name Bryan Soukup Sue-Cup

Job Title Vice President, Government + Public Affairs

Address 1152 15th St. NW

Phone 202-675-2352

Street

Washington DC

DC

20005

Email bsoukup@asid.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The American Society of Interior Designers

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/2020

Meeting Date

474

Bill Number (if applicable)

377130

Amendment Barcode (if applicable)

Topic DEREGULATION OF PROFESSIONS & OCCUPATIONS

Name DR. JILL PABLE

Job Title PROFESSOR & CHAIR OF FSU'S INTERIOR ARCHITECTURE & DESIGN DEPT.

Address 143 HONORS WAY, WILLIAM JOHNSTON BUILDING. Phone 850-644-8326

Street

TALAHASSEE

FL

32306

City

State

Zip

Email jpable@fsu.edu

Speaking: [X] For [] Against [] Information

Waive Speaking: [X] In Support [] Against (The Chair will read this information into the record.)

Representing FSU'S INTERIOR ARCHITECTURE & DESIGN DEPT.

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE

APPEARANCE RECORD

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1/21/2020

Meeting Date

474

Bill Number (if applicable)

377130

Amendment Barcode (if applicable)

Topic DEREGULATION OF PROFESSIONS & OCCUPATIONS

Name ~~DOUG~~ KELLEY ROBINSON

Job Title ASSISTANT PROFESSOR @ FSU, PRESIDENT OF AMERICAN SOCIETY OF INTERIOR DESIGNERS, FLORIDA NORTH

Address 1505 COLONIAL DRIVE

Phone 850-284-4235

Street

TAUAHASSEE

FL

32303

City

State

Zip

Email kelley@workshop131.com

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing AMERICAN SOCIETY OF INTERIOR DESIGNERS, FLORIDA NORTH

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/2020
Meeting Date

474
Bill Number (if applicable)
377130
Amendment Barcode (if applicable)

Topic DEREGULATION

Name SONIA LONGCHAMP

Job Title OWNER/DESIGNER ID672

Address 2234 N. FEDERAL HWY # 362

BOCA RATON FL 33431
City State Zip

Phone 561-350-8011

Email SLINTERIORDESIGN@ADL.COM

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing INTERIOR DESIGNERS ASSN

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE

APPEARANCE RECORD

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01/21/2020
Meeting Date

474
Bill Number (if applicable)
377130
Amendment Barcode (if applicable)

Topic Deregulation

Name Elizabeth Nieves, AIA/ASID

Job Title INTERIOR DESIGNER / PRESIDENT FLORIDA SOUTH CHAPTER, ASID

Address 3291 NW 96th Way
SUNRISE FL 33351
City State Zip

Phone 954-609-0021

Email eliznieves@

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA SOUTH CHAPTER of the AMERICAN SOCIETY OF
INTERIOR DESIGNERS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-21-2020
Meeting Date

474
Bill Number (if applicable)
377130
Amendment Barcode (if applicable)

Topic DEREGULATION

Name SUSAN MORGAN

Job Title PRINCIPLE REGISTERED INTERIOR DESIGNER ID0003314

Address 1493 NW COCONUT POINT LN Phone 772 285-7692
Street

STUART FL 34994
City State Zip

Email SUSAN@SUSANMORGANINTERIORS.COM

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing INTERIOR DESIGNERS AS ID

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE
APPEARANCE RECORD

01.21.2020
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

474
Bill Number (if applicable)
377130
Amendment Barcode (if applicable)

Topic deregulation of professions and occupations

Name Rebecca Davison, IIDA, A&ID

Job Title interior designer

Address 915 Alhambra Dr. N

Phone 904.923.8452

Jacksonville FL 32207
City State Zip

Email rebecca@designmindllc.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record!)

Representing IIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

11/21/2020
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

474
Bill Number (if applicable)

Topic Deregulation of Professions and Occupations Amendment Barcode (if applicable) 377130

Name AIDA LORA

Job Title Interior Designer

Address 15811 SW 20th St
Street

Phone 954-336-8622

Miramar FL 33027
City State Zip

Email ARQAIDA.LORA@BMA.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing IIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/20
Meeting Date

474
Bill Number (if applicable)

Topic Deregulation of Professions & Occupations

377130
Amendment Barcode (if applicable)

Name Allison Brown

Job Title Manufactures Representative & Interior Designer

Address 9116 Price Park
Street

Phone 904-233-6037

Jacksonville, FL 32257
City State Zip

Email aabrown818@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing American Society of Interior Designers & International Interior Designers

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No ASSOC.

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1.21.2020
Meeting Date

474
Bill Number (if applicable)
377130
Amendment Barcode (if applicable)

Topic Deregulation of Professions & Occupations

Name Marjorie Davis

Job Title Interior Designer

Address 3733 University Blvd. W #211
Street
Jacksonville, FL 32207
City State Zip

Phone 904.733.4004

Email marjorie@connieTURNERinteriors.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Connie Turner Interiors

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE APPEARANCE RECORD

1/21/20
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

474
Bill Number (if applicable)
377130
Amendment Barcode (if applicable)

Topic Deregulation of Profession & Occupation

Name Michele Brown

Job Title Director & Principal / micamy Design Studio

Address 4887 Victor Street

Phone 904 683 6625

Jacksonville FL 32207
City State Zip

michele@micamydesign.com
E-Mail

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing International Interior Design Assc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

21 Jan 2020
Meeting Date

474
Bill Number (if applicable)

Topic DEREGULATION OF PROFESSIONAL OCCUPATIONS

377130
Amendment Barcode (if applicable)

Name SUE BROWN

Job Title DIRECTOR OF CORPORATE INTERIORS

Address 4887 VICTOR ST
Street

Phone 904-387-6625

JACKSONVILLE FL 32207
City State Zip

Email Sbrown@micamydesign.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing MICAMY DESIGN STUDIO / IIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/2020
Meeting Date

474
Bill Number (if applicable)
377130
Amendment Barcode (if applicable)

Topic Deregulation of Professions & Occupations

Name Thomas "Randy" Jones

Job Title Draftsman

Address 66 Lake Success Dr

Street

Palm Coast FL 32137

City

State

Zip

Phone _____

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01/21/20
Meeting Date

474
Bill Number (if applicable)

Topic Deregulation of Professions & occupations Amendment Barcode (if applicable) 377130

Name Sarah Kaufmann

Job Title Interior Designer, Project Coordinator

Address 225 Water Street, Suite 2200 Phone (904) 328-2112
Street

Jacksonville FL 32224 Email _____
City State Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Gresham Smith / IIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

1/21/2020
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

474

Bill Number (if applicable)

377130

Amendment Barcode (if applicable)

Topic DEREGULATION OF PROFESSIONS & OCCUPATIONS

Name DAVID ROBERTS

Job Title

Address 210 SOUTH MONROE ST.
Street

Phone 850-443-4820

TALLAHASSEE FL 32301
City State Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing AMERICAN SOCIETY OF INTERIOR DESIGNERS & INTERNATIONAL INTERIOR DESIGN ASSOC.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/20
Meeting Date

SB 474
Bill Number (if applicable)
377/30
Amendment Barcode (if applicable)

Topic Deregulation

Name LISA WAXMAN

Job Title Professor Emeritus

Address 1411 Arundale Way

Phone (850) 443 0789

Street

Tallahassee FL 32317

City

State

Zip

Email lwaxman@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida State University + American Society of Interior Designers

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE
APPEARANCE RECORD

1/21/2020
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

474
Bill Number (if applicable)
377130
Amendment Barcode (if applicable)

Topic DEREGULATION OF PROFESSIONS & OCCUPATION

Name CYNTHIA DAVID

Job Title INTERIOR DESIGNER

Address 2232 HOLLY LEAF LANE
Street
ORANGE PARK FL 32073
City State Zip

Phone 904-278-0688

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing INTERIOR DESIGNERS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/2028

Meeting Date

474

Bill Number (if applicable)

377138

Amendment Barcode (if applicable)

Topic Deregulation of professions + Occupations

Name Candha Raynor

Job Title

Address 8700 Southside Blvd. Apt 1208

Phone 850-284-7585

Street

Jacksonville, FL 32256

City

State

Email Candhareneelraynor@gmail.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing American Society of Interior Design + International Interior Design Assoc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/2020
Meeting Date

474
Bill Number (if applicable)
377130
Amendment Barcode (if applicable)

Topic Deeregulation of Professors + Occupants

Name DOUGLAS FELDMAN

Job Title _____

Address 346 NE 8th Ave
Street

Phone 561-447-7301

DAWAY BEACH FL 33483
City State Zip

Email Douglas E Feldman@ny-studio.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing ASID + IIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-21-20

Meeting Date

SB474

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Gary Rutledge

Job Title _____

Address 641 Forest Ln

Phone 850-681-6788

Street

Tallahassee FL 32312

City

State

Zip

Email Gary.Rutledge@ecenia.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing ADT

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/21/2020

Meeting Date

SB 474

Bill Number (if applicable)

Topic SB 474

Amendment Barcode (if applicable)

Name GABE PETERS

Job Title LEGISLATIVE AFFAIRS DIRECTOR

Address 2601 BLAIR STONE RD

Phone 850-717-1580

Street

TALLAHASSEE

FL

32399

City

State

Zip

Email gabe.peters@myfloridalicense.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA DEPT OF BUSINESS & PROFESSIONAL REGULATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

1105 2:30

THE FLORIDA SENATE APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/2020
Meeting Date

SB 474
Bill Number (if applicable)

Topic Derogulation of Professions and Occupations

Amendment Barcode (if applicable)

Name STARLA BROWN

Job Title Deputy State Director

Address _____
Street

Phone _____

City _____ State _____ Zip _____

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Americans for Prosperity

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/20

Meeting Date

474

Bill Number (if applicable)

Topic DEREGULATION of PROFESSIONS

Amendment Barcode (if applicable)

Name RICHARD JONES

Job Title _____

Address 25397 Kowloon LN
Street

Phone 941 628 0813

PUNTA GORDA FL 33983
City State Zip

Email RJONES@DCT8.ORG

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing SELF

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-21-2020

Meeting Date

474

Bill Number (if applicable)

Topic Deregulation of professions

Amendment Barcode (if applicable)

Name Keith Dyl

Job Title _____

Address 2160 Coronet st.
Street

Phone 239-440-6799

Ft. Myers FL 33907
City State Zip

Email kdyl1@yahoo.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01/21/20
Meeting Date

474
Bill Number (if applicable)

Topic Occupational Licenses

Amendment Barcode (if applicable)

Name Justin Pearson

Job Title Florida Office Managing Attorney

Address 2 S. Biscayne Blvd. Suite 3180
Street
Miami FL 33131
City State Zip

Phone (305) 721-1600

Email JPearson@IJ.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Institute for Justice

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/21/20
Meeting Date

474
Bill Number (if applicable)

Topic Deregulation

Amendment Barcode (if applicable)

Name Rusty Payton

Job Title CEO

Address 2600 Centennial Place
Street

Phone 850-567-1073

Tallahassee FL 32308
City State Zip

Email rpayton@fhba.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Home Builders Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/20
Meeting Date

474
Bill Number (if applicable)

Topic Deregulation

Amendment Barcode (if applicable)

Name Allen Mortham Jr

Job Title Executive Director

Address 150 South Monroe St
Street

Phone (850) 566-3760

Gallahussee FL 32301
City State Zip

Email Allen@FAPSC.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL Assoc of Postsecondary Schools

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01/27/2020
Meeting Date

474
Bill Number (if applicable)

Topic Deregulation of Professions Occupation

Amendment Barcode (if applicable)

Name Johana Amaya

Job Title _____

Address 4713 Bedford Rd
Street

Phone 9046518153

Kirkcunne FL
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01/20/2020

Meeting Date

474

Bill Number (if applicable)

Topic Deregulation of Professions & Occupations Amendment Barcode (if applicable)

Name ^{nancy} Nancy Isaac Sanchez

Job Title Licensed insurance Agent

Address 11717 Surfwood ave

Street

Phone 904-671-4579

Jax FL 32246

City

State

Zip

Email joysa15a@yaho.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01/01/2020
Meeting Date

474
Bill Number (if applicable)

Topic Deregulation of Professions and Occupations Amendment Barcode (if applicable)

Name Kendy Tabora

Job Title _____

Address 3421 Turkey Oaks Ct
Street

Phone 904-474-2961

Jacksonville FL 32277
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01/31/2020

474

Meeting Date

Bill Number (if applicable)

Topic

Deregulation of Professions and Occupations

Amendment Barcode (if applicable)

Name

Amy Collins

Job Title

Address

3308 Sunnybrook Ave N

Phone

(904) 419-3369

Street

Jacksonville

FL

32254

Email

amysoilylife@gmail.com

City

State

Zip

Speaking:

For

Against

Information

Waive Speaking:

In Support

Against

(The Chair will read this information into the record.)

Representing

self

Appearing at request of Chair:

Yes

No

Lobbyist registered with Legislature:

Yes

No

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01/01/2008

Meeting Date

474

Bill Number (if applicable)

Topic Deregulation of Professions and Occupations Amendment Barcode (if applicable)

Name JOEL RIVERA

Joel

Job Title _____

Address 3721 TURKEY CREEK CT
Street

Phone (904) 521-9236

JACKSONVILLE FL 32277
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01/21/2020

Meeting Date

474

Bill Number (if applicable)

Topic Deregulation of Professions and Occupations

Amendment Barcode (if applicable)

Name Maure Machin

Job Title

Address 7103 Camelot Rd

Street

Phone 904 731 6591

Jacksonville FL

City

State

32211

Zip

Email mmachin@bellsouth.net

Speaking: [X] For [] Against [] Information

Waive Speaking: [X] In Support [] Against (The Chair will read this information into the record.)

Representing self

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01/31/2020
Meeting Date

474
Bill Number (if applicable)

Topic Deregulation of Professions and Occupations Amendment Barcode (if applicable)

Name Leydee Hernandez del Toro

Job Title Licensed Insurance Agent

Address 4809 Deermoss Way S
Street

Phone (015) 243-5585

Jacksonville FL 32217
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01/21/2020

474

Meeting Date

Bill Number (if applicable)

Topic Deregulation of Professions and Occupations

Amendment Barcode (if applicable)

Name Katie Chorbak

Job Title _____

Address 6305 Blanchard Rd

Phone _____

Street

Jacksonville

FL

32216

Email _____

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01/20/2020

474

Meeting Date

Bill Number (if applicable)

Topic Derogulation of Professions and Occupations

Amendment Barcode (if applicable)

Name Kelly Haser Pickens

Job Title Ms. Florida

Address 1347 Samantha Cir. N.

Phone 904-434-9599

Street

Day, FL 32218

Email Kellypickens@hotmail.com

City

State

Zip

Speaking: [X] For [] Against [] Information

Waive Speaking: [X] In Support [] Against (The Chair will read this information into the record.)

Representing self

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01/20/2020

SB 474

Meeting Date

Bill Number (if applicable)

Topic Deregulation of Professions and Occupations

Amendment Barcode (if applicable)

Name Leilani Pickens

Job Title _____

Address 1347 Samantha Cir N

Phone _____

Street

Jacksonville FL 32218

Email _____

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against

(The Chair will read this information into the record.)

Representing self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-21-2020

Meeting Date

SB 474

Bill Number (if applicable)

Topic Cosmetology & Barber Deregulation

Amendment Barcode (if applicable)

Name MEZ VORAL (FACTS) MEZ VORAL

Job Title President

Address 2550 South Ridgewood Ave -

Phone 386-764-4600

Street
South Daytona FL 32119

Email mez@intl-academy.com

Speaking: For Against Information

want to speak
Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Association of Cosmetology & Technical Schools

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/20
Meeting Date

474
Bill Number (if applicable)

Topic Cosmetology + Barber Deregulation

Amendment Barcode (if applicable)

Name Robert + Rosenberg

Job Title president

Address 4951 EAST ADLANS DR.
Street

Phone 813-654-4529

Tampa FL 33605
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing ANBA inc

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/20

474

Meeting Date

Bill Number (if applicable)

Topic Cosmetology + Barber De Regulation

Amendment Barcode (if applicable)

Name Patrick BENE

Job Title President, BENE'S Career Academy -

Address 7027 US Highway 19

Phone 727-848-8415

Street New Port Richey FL 34652

Email pbene@benes.edu

City State Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Bene's Career Academy -

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/20

Meeting Date

474

Bill Number (if applicable)

Topic DeReg

Amendment Barcode (if applicable)

Name Melissa Ramba

Job Title Lobbyist

Address 108 S Monroe

Phone 850-570-0269

Tallahassee
City State Zip

Email Melissa@flapartners.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Opportunity Solutions

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/20
Meeting Date

474
Bill Number (if applicable)

Topic DEREG

Amendment Barcode (if applicable)

Name Sal Nuzzo

Job Title Vice President of Policy

Address 100 N Duval Street

Phone 850-322-9941

Street

Tallahassee

FL

32301

Email snuzzo@jamesmadison.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The James Madison Institute

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/20
Meeting Date

SB 474
Bill Number (if applicable)

Topic Deregulation of Professions and Occupations

Amendment Barcode (if applicable)

Name Logan Padgett

Job Title Director of Communications and Public Affairs

Address 100 N. Duval Street
Street

Phone (850) 386-3131

Tallahassee FL 32301
City State Zip

Email lpadgett@jamesmadison.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The James Madison Institute

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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This form is part of the public record for this meeting.

By the Committee on Innovation, Industry, and Technology; and
Senator Albritton

580-02430-20

2020474c1

1 A bill to be entitled
2 An act relating to the deregulation of professions and
3 occupations; providing a short title; amending s.
4 20.165, F.S.; renaming the Board of Architecture and
5 Interior Design as the Board of Architecture within
6 the Department of Business and Professional
7 Regulation; amending s. 322.57, F.S.; defining the
8 term "servicemember"; requiring the Department of
9 Highway Safety and Motor Vehicles to waive the
10 requirement to pass the Commercial Driver License
11 Skills Tests for certain servicemembers and veterans;
12 requiring an applicant who receives such waiver to
13 complete certain requirements within a specified time;
14 requiring the department to adopt rules; amending s.
15 326.004, F.S.; deleting the requirement that a yacht
16 broker maintain a separate license for each branch
17 office; deleting the requirement that the Division of
18 Florida Condominiums, Timeshares, and Mobile Homes
19 establish a fee; amending s. 447.02, F.S.; conforming
20 provisions to changes made by the act; repealing s.
21 447.04, F.S., relating to licensure and permit
22 requirements for business agents; repealing s.
23 447.041, F.S., relating to hearings for persons or
24 labor organizations denied licensure as a business
25 agent; repealing s. 447.045, F.S., relating to
26 confidential information obtained during the
27 application process; repealing s. 447.06, F.S.,
28 relating to required registration of labor
29 organizations; amending s. 447.09, F.S.; deleting

580-02430-20

2020474c1

30 certain prohibited actions relating to the right of
31 franchise of a member of a labor organization;
32 repealing s. 447.12, F.S., relating to registration
33 fees; repealing s. 447.16, F.S., relating to
34 applicability; amending s. 447.305, F.S.; deleting a
35 provision that requires notification of registrations
36 and renewals to the Department of Business and
37 Professional Regulation; amending s. 455.213, F.S.;
38 requiring the department or a board to enter into
39 reciprocal licensing agreements with other states
40 under certain circumstances; providing requirements;
41 amending s. 456.072, F.S.; specifying that the failure
42 to repay certain student loans is not considered a
43 failure to perform a statutory or legal obligation for
44 which certain disciplinary action can be taken;
45 conforming provisions to changes made by the act;
46 repealing s. 456.0721, F.S., relating to health care
47 practitioners who are in default on student loan or
48 scholarship obligations; amending s. 456.074, F.S.;
49 deleting a provision relating to the suspension of a
50 license issued by the Department of Health for
51 defaulting on certain student loans; amending s.
52 468.385, F.S.; revising requirements relating to
53 businesses auctioning or offering to auction property
54 in this state; amending s. 468.603, F.S.; revising
55 which inspectors are included in the definition of the
56 term "categories of building code inspectors";
57 amending s. 468.613, F.S.; providing for waiver of
58 specified requirements for certification under certain

580-02430-20

2020474c1

59 circumstances; amending s. 468.8314, F.S.; requiring
60 an applicant for a license by endorsement to maintain
61 a specified insurance policy; requiring the department
62 to certify an applicant who holds a specified license
63 issued by another state or territory of the United
64 States under certain circumstances; amending s.
65 471.015, F.S.; revising licensure requirements for
66 engineers who hold specified licenses in another
67 state; amending s. 473.308, F.S.; deleting continuing
68 education requirements for license by endorsement for
69 certified public accountants; amending s. 474.202,
70 F.S.; revising the definition of the term "limited-
71 service veterinary medical practice" to include
72 certain procedures; amending s. 474.207, F.S.;
73 revising education requirements for licensure by
74 examination; amending s. 474.217, F.S.; requiring the
75 department to issue a license by endorsement to
76 certain applicants who successfully complete a
77 specified examination; amending s. 476.114, F.S.;
78 revising training requirements for licensure as a
79 barber; amending s. 476.144, F.S.; requiring the
80 department to certify as qualified for licensure by
81 endorsement an applicant who is licensed to practice
82 barbering in another state; amending s. 477.013, F.S.;
83 revising the definition of the term "hair braiding";
84 repealing s. 477.0132, F.S., relating to registration
85 for hair braiding, hair wrapping, and body wrapping;
86 amending s. 477.0135, F.S.; providing additional
87 exemptions from license or registration requirements

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88 for specified occupations or practices; amending s.
89 477.019, F.S.; deleting a provision prohibiting the
90 Board of Cosmetology from asking for proof of certain
91 educational hours under certain circumstances;
92 revising requirements for certification of licensure
93 by endorsement for a certain applicant to engage in
94 the practice of cosmetology; conforming provisions to
95 changes made by the act; amending s. 477.0201, F.S.;
96 providing requirements for registration as a
97 specialist; amending s. 477.026, F.S.; conforming
98 provisions to changes made by the act; amending s.
99 477.0263, F.S.; providing that certain cosmetology
100 services may be performed in a location other than a
101 licensed salon under certain circumstances; amending
102 ss. 477.0265 and 477.029, F.S.; conforming provisions
103 to changes made by the act; amending s. 481.201, F.S.;
104 deleting legislative findings relating to the practice
105 of interior design; amending s. 481.203, F.S.;
106 revising and deleting definitions; amending s.
107 481.205, F.S.; conforming provisions to changes made
108 by the act; amending s. 481.207, F.S.; authorizing the
109 board to establish certain fees for certificates of
110 registration for interior designers; specifying that
111 such registration is valid for a specified period of
112 time; authorizing registered interior designers to
113 renew such registration; conforming provisions to
114 changes made by the act; amending s. 481.209, F.S.;
115 providing requirements for a certificate of
116 registration and a seal for interior designers;

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117 conforming provisions to changes made by the act;
118 amending s. 481.213, F.S.; revising requirements for
119 certification of licensure by endorsement for a
120 certain licensee to engage in the practice of
121 architecture; providing that a registration is not
122 required for specified persons to practice; conforming
123 provisions to changes made by the act; amending s.
124 481.2131, F.S.; requiring certain interior designers
125 to include a specified seal when submitting documents
126 for the issuance of a building permit; amending s.
127 481.215, F.S.; conforming provisions to changes made
128 by the act; deleting a provision requiring a specified
129 number of hours in certain courses for the renewal of
130 a license; amending s. 481.217, F.S.; conforming
131 provisions to changes made by the act; amending s.
132 481.219, F.S.; deleting provisions permitting the
133 practice of or offer to practice interior design
134 through certain business organizations; deleting
135 provisions requiring certificates of authorization for
136 certain business organizations offering interior
137 design services to the public; requiring a licensee or
138 applicant in the practice of architecture to qualify
139 as a business organization; providing requirements;
140 amending s. 481.221, F.S.; conforming provisions to
141 changes made by the act; requiring registered
142 architects and certain business organizations to
143 display certain license numbers in specified
144 advertisements; amending s. 481.223, F.S.; providing
145 construction; conforming provisions to changes made by

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146 the act; amending s. 481.2251, F.S.; revising the acts
147 that constitute grounds for disciplinary actions
148 relating to interior designers; conforming provisions
149 to changes made by the act; amending ss. 481.229 and
150 481.231, F.S.; conforming provisions to changes made
151 by the act; amending s. 481.303, F.S.; deleting the
152 definition of the term "certificate of authorization";
153 amending s. 481.310, F.S.; providing that an applicant
154 who holds certain degrees is not required to
155 demonstrate 1 year of practical experience for
156 licensure; amending s. 481.311, F.S.; revising
157 requirements for certification of licensure by
158 endorsement for a certain applicant to engage in the
159 practice of landscape architecture; amending s.
160 481.317, F.S.; conforming provisions to changes made
161 by the act; amending s. 481.319, F.S.; deleting the
162 requirement for a certificate of authorization;
163 authorizing landscape architects to practice in the
164 name of a corporation or partnership; amending s.
165 481.321, F.S.; requiring a landscape architect to
166 display a certain certificate number in specified
167 advertisements; amending s. 481.329, F.S.; conforming
168 a cross-reference; amending s. 489.103, F.S.; revising
169 certain contract prices for exemption; amending s.
170 489.111, F.S.; revising provisions relating to
171 eligibility for licensure; amending s. 489.115, F.S.;
172 requiring the Construction Industry Licensing Board to
173 certify any applicant who holds a specified license to
174 practice contracting issued by another state or

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175 territory of the United States under certain
176 circumstances; amending s. 489.511, F.S.; requiring
177 the board to certify as qualified for certification by
178 endorsement any applicant who holds a specified
179 license to practice electrical or alarm system
180 contracting issued by another state or territory of
181 the United States under certain circumstances;
182 amending s. 489.517, F.S.; providing a reduction in
183 certain continuing education hours required for
184 registered contractors; amending s. 489.518, F.S.;
185 requiring a person to have completed a specified
186 amount of training within a certain time period to
187 perform the duties of an alarm system agent; creating
188 s. 509.102; preempting the regulation of mobile food
189 dispensing vehicles to the state; defining the term
190 mobile food dispensing vehicle; amending s. 548.003,
191 F.S.; deleting the requirement that the Florida State
192 Boxing Commission adopt rules relating to a knockdown
193 timekeeper; amending s. 548.017, F.S.; deleting the
194 licensure requirement for a timekeeper or an
195 announcer; amending s. 553.5141, F.S.; conforming
196 provisions to changes made by the act; amending s.
197 553.74, F.S.; revising the membership and
198 qualifications of the Florida Building Commission;
199 amending ss. 558.002, 559.25, and 287.055, F.S.;
200 conforming provisions to changes made by the act;
201 providing effective dates.

202
203 Be It Enacted by the Legislature of the State of Florida:

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Section 1. This act may be cited as the "Occupational Freedom and Opportunity Act."

Section 2. Paragraph (a) of subsection (4) of section 20.165, Florida Statutes, is amended to read:

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

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

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

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

3. Barbers' Board, created under chapter 476.

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

5. Construction Industry Licensing Board, created under part I of chapter 489.

6. Board of Cosmetology, created under chapter 477.

7. Electrical Contractors' Licensing Board, created under part II of chapter 489.

8. Board of Employee Leasing Companies, created under part XI of chapter 468.

9. Board of Landscape Architecture, created under part II of chapter 481.

10. Board of Pilot Commissioners, created under chapter 310.

11. Board of Professional Engineers, created under chapter

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233 471.

234 12. Board of Professional Geologists, created under chapter
235 492.

236 13. Board of Veterinary Medicine, created under chapter
237 474.

238 14. Home inspection services licensing program, created
239 under part XV of chapter 468.

240 15. Mold-related services licensing program, created under
241 part XVI of chapter 468.

242 Section 3. Present subsection (4) of section 322.57,
243 Florida Statutes, is redesignated as subsection (5), and a new
244 subsection (4) is added to that section, to read

245 322.57 Tests of knowledge concerning specified vehicles;
246 endorsement; nonresidents; violations.-

247 (4) (a) As used in this subsection, the term "servicemember"
248 means a member of any branch of the United States military or
249 military reserves, the United States Coast Guard or its
250 reserves, the Florida National Guard, or the Florida Air
251 National Guard.

252 (b) The department shall waive the requirement to pass the
253 Commercial Driver License Skills Tests for servicemembers and
254 veterans if:

255 1. The applicant has been honorably discharged from
256 military service within 1 year of the application, if the
257 applicant is a veteran;

258 2. The applicant is trained as an MOS 88M Army Motor
259 Transport Operator or similar military job specialty;

260 3. The applicant has received training to operate large
261 trucks in compliance with the Federal Motor Carrier Safety

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262 Administration; and

263 4. The applicant has at least 2 years of experience in the
264 military driving vehicles that would require a commercial driver
265 license to operate.

266 (c) An applicant must complete every other requirement for
267 a commercial driver license within 1 year of receiving a waiver
268 under paragraph (b) or the waiver is invalid.

269 (d)The department shall adopt rules to administer this
270 subsection.

271 Section 4. Subsection (13) of section 326.004, Florida
272 Statutes, is amended to read:

273 326.004 Licensing.—

274 (13) Each broker must maintain a principal place of
275 business in this state and may establish branch offices in the
276 state. ~~A separate license must be maintained for each branch~~
277 ~~office. The division shall establish by rule a fee not to exceed~~
278 ~~\$100 for each branch office license.~~

279 Section 5. Subsection (3) of section 447.02, Florida
280 Statutes, is amended to read:

281 447.02 Definitions.—The following terms, when used in this
282 chapter, shall have the meanings ascribed to them in this
283 section:

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

286 Section 6. Section 447.04, Florida Statutes, is repealed.

287 Section 7. Section 447.041, Florida Statutes, is repealed.

288 Section 8. Section 447.045, Florida Statutes, is repealed.

289 Section 9. Section 447.06, Florida Statutes, is repealed.

290 Section 10. Subsections (6) and (8) of section 447.09,

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291 Florida Statutes, are amended to read:

292 447.09 Right of franchise preserved; penalties.—It shall be
293 unlawful for any person:

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

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

298 Section 11. Section 447.12, Florida Statutes, is repealed.

299 Section 12. Section 447.16, Florida Statutes, is repealed.

300 Section 13. Subsection (4) of section 447.305, Florida
301 Statutes, is amended to read:

302 447.305 Registration of employee organization.—

303 ~~(4) Notification of registrations and renewals of
304 registration shall be furnished at regular intervals by the
305 commission to the Department of Business and Professional
306 Regulation.~~

307 Section 14. Subsection (14) is added to section 455.213,
308 Florida Statutes, to read:

309 455.213 General licensing provisions.—

310 (14) The department or a board must enter into a reciprocal
311 licensing agreement with other states if the practice act within
312 the purview of this chapter permits such agreement. If a
313 reciprocal licensing agreement exists or if the department or
314 board has determined another state's licensing requirements or
315 examinations to be substantially equivalent or more stringent to
316 those under the practice act, the department or board must post
317 on its website which jurisdictions have such reciprocal
318 licensing agreements or substantially similar licenses.

319 Section 15. Paragraph (k) of subsection (1) of section

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320 456.072, Florida Statutes, is amended to read:

321 456.072 Grounds for discipline; penalties; enforcement.—

322 (1) The following acts shall constitute grounds for which
323 the disciplinary actions specified in subsection (2) may be
324 taken:

325 (k) Failing to perform any statutory or legal obligation
326 placed upon a licensee. For purposes of this section, failing to
327 repay a student loan issued or guaranteed by the state or the
328 Federal Government in accordance with the terms of the loan is
329 not or failing to comply with service scholarship obligations
330 ~~shall be~~ considered a failure to perform a statutory or legal
331 obligation, ~~and the minimum disciplinary action imposed shall be~~
332 ~~a suspension of the license until new payment terms are agreed~~
333 ~~upon or the scholarship obligation is resumed, followed by~~
334 ~~probation for the duration of the student loan or remaining~~
335 ~~scholarship obligation period, and a fine equal to 10 percent of~~
336 ~~the defaulted loan amount.~~ Fines collected shall be deposited
337 into the Medical Quality Assurance Trust Fund.

338 Section 16. Section 456.0721, Florida Statutes, is
339 repealed.

340 Section 17. Subsection (4) of section 456.074, Florida
341 Statutes, is amended to read:

342 456.074 Certain health care practitioners; immediate
343 suspension of license.—

344 ~~(4) Upon receipt of information that a Florida-licensed~~
345 ~~health care practitioner has defaulted on a student loan issued~~
346 ~~or guaranteed by the state or the Federal Government, the~~
347 ~~department shall notify the licensee by certified mail that he~~
348 ~~or she shall be subject to immediate suspension of license~~

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349 ~~unless, within 45 days after the date of mailing, the licensee~~
350 ~~provides proof that new payment terms have been agreed upon by~~
351 ~~all parties to the loan. The department shall issue an emergency~~
352 ~~order suspending the license of any licensee who, after 45 days~~
353 ~~following the date of mailing from the department, has failed to~~
354 ~~provide such proof. Production of such proof shall not prohibit~~
355 ~~the department from proceeding with disciplinary action against~~
356 ~~the licensee pursuant to s. 456.073.~~

357 Section 18. Paragraph (b) of subsection (7) of section
358 468.385, Florida Statutes, is amended to read:

359 468.385 Licenses required; qualifications; examination.—

360 (7)

361 (b) A ~~No~~ business may not ~~shall~~ auction or offer to auction
362 any property in this state unless it is owned by an auctioneer
363 who is licensed as an auction business by the department board
364 or is exempt from licensure under this act. Each application for
365 licensure must ~~shall~~ include the names of the owner and the
366 business, the business mailing address and location, and any
367 other information which the board may require. The owner of an
368 auction business shall report to the board within 30 days of any
369 change in this required information.

370 Section 19. Paragraph (f) of subsection (5) of section
371 468.603, Florida Statutes, is amended to read:

372 468.603 Definitions.—As used in this part:

373 (5) "Categories of building code inspectors" include the
374 following:

375 (f) "Residential One and two family dwelling inspector"
376 means a person who is qualified to inspect and determine that
377 one-family, two-family, or three-family residences not exceeding

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378 two habitable stories above no more than one uninhabitable story
379 and accessory use structures in connection therewith ~~one and two~~
380 ~~family dwellings and accessory structures~~ are constructed in
381 accordance with the provisions of the governing building,
382 plumbing, mechanical, accessibility, and electrical codes.

383 Section 20. Section 468.613, Florida Statutes, is amended
384 to read:

385 468.613 Certification by endorsement.—The board shall
386 examine other certification or training programs, as applicable,
387 upon submission to the board for its consideration of an
388 application for certification by endorsement. The board shall
389 waive its examination, qualification, education, or training
390 requirements, to the extent that such examination,
391 qualification, education, or training requirements of the
392 applicant are determined by the board to be comparable with
393 those established by the board. The board shall waive its
394 examination, qualification, education, or training requirements
395 if an applicant for certification by endorsement is at least 18
396 years of age; is of good moral character; has held a valid
397 building administrator, inspector, plans examiner, or the
398 equivalent, certification issued by another state or territory
399 of the United States for at least 10 years before the date of
400 application; and has successfully passed an applicable
401 examination administered by the International Code Council. Such
402 application must be made either when the license in another
403 state or territory is active or within 2 years after such
404 license was last active.

405 Section 21. Subsection (3) of section 468.8314, Florida
406 Statutes, is amended to read:

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407 468.8314 Licensure.—

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

412 (a) Holds a valid license to practice home inspection
413 services in another state or territory of the United States,
414 whose educational requirements are substantially equivalent to
415 those required by this part; and has passed a national,
416 regional, state, or territorial licensing examination that is
417 substantially equivalent to the examination required by this
418 part; or

419 (b) Has held a valid license to practice home inspection
420 services issued by another state or territory of the United
421 States for at least 10 years before the date of application.
422 Such application must be made either when the license in another
423 state or territory is active or within 2 years after such
424 license was last active.

425 Section 22. Subsection (5) of section 471.015, Florida
426 Statutes, is amended to read:

427 471.015 Licensure.—

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

434 (b) The board shall deem that an applicant who seeks
435 licensure by endorsement has passed an examination substantially

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436 equivalent to the fundamentals examination and the principles
437 and practices examination when such applicant has held a valid
438 professional engineer's license in another state for 15 ~~25~~ years
439 ~~and has had 30 years of continuous professional-level~~
440 ~~engineering experience.~~

441 Section 23. Subsection (7) of section 473.308, Florida
442 Statutes, is amended to read:

443 473.308 Licensure.—

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

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

452 ~~2. Has completed such continuing education courses as the~~
453 ~~board deems appropriate, within the limits for each applicable~~
454 ~~2-year period as set forth in s. 473.312, but at least such~~
455 ~~courses as are equivalent to the continuing education~~
456 ~~requirements for a Florida certified public accountant licensed~~
457 ~~in this state during the 2 years immediately preceding her or~~
458 ~~his application for licensure by endorsement; or~~

459 (b)1.a. Holds a valid license to practice public accounting
460 issued by another state or territory of the United States, if
461 the criteria for issuance of such license were substantially
462 equivalent to the licensure criteria that existed in this state
463 at the time the license was issued;

464 2.b. Holds a valid license to practice public accounting

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465 issued by another state or territory of the United States but
466 the criteria for issuance of such license did not meet the
467 requirements of sub-subparagraph a.; has met the requirements of
468 this section for education, work experience, and good moral
469 character; and has passed a national, regional, state, or
470 territorial licensing examination that is substantially
471 equivalent to the examination required by s. 473.306; or

472 3.e. Holds a valid license to practice public accounting
473 issued by another state or territory of the United States for at
474 least 10 years before the date of application; has passed a
475 national, regional, state, or territorial licensing examination
476 that is substantially equivalent to the examination required by
477 s. 473.306; and has met the requirements of this section for
478 good moral character; ~~and~~

479 ~~2. Has completed continuing education courses that are~~
480 ~~equivalent to the continuing education requirements for a~~
481 ~~Florida certified public accountant licensed in this state~~
482 ~~during the 2 years immediately preceding her or his application~~
483 ~~for licensure by endorsement.~~

484 Section 24. Subsection (6) of section 474.202, Florida
485 Statutes, is amended to read:

486 474.202 Definitions.—As used in this chapter:

487 (6) "Limited-service veterinary medical practice" means
488 offering or providing veterinary services at any location that
489 has a primary purpose other than that of providing veterinary
490 medical service at a permanent or mobile establishment permitted
491 by the board; provides veterinary medical services for privately
492 owned animals that do not reside at that location; operates for
493 a limited time; and provides limited types of veterinary medical

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494 services, including vaccinations or immunizations against
495 disease, preventative procedures for parasitic control, and
496 microchipping.

497 Section 25. Paragraph (b) of subsection (2) of section
498 474.207, Florida Statutes, is amended to read:

499 474.207 Licensure by examination.—

500 (2) The department shall license each applicant who the
501 board certifies has:

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

505 2. Graduated from a college of veterinary medicine listed
506 in the American Veterinary Medical Association Roster of
507 Veterinary Colleges of the World and obtained a certificate from
508 the Education Commission for Foreign Veterinary Graduates or the
509 Program for the Assessment of Veterinary Education Equivalence.

510

511 The department shall not issue a license to any applicant who is
512 under investigation in any state or territory of the United
513 States or in the District of Columbia for an act which would
514 constitute a violation of this chapter until the investigation
515 is complete and disciplinary proceedings have been terminated,
516 at which time the provisions of s. 474.214 shall apply.

517 Section 26. Subsection (1) of section 474.217, Florida
518 Statutes, is amended to read:

519 474.217 Licensure by endorsement.—

520 (1) The department shall issue a license by endorsement to
521 any applicant who, upon applying to the department and remitting
522 a fee set by the board, demonstrates to the board that she or

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523 he:

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

527 (b)1. ~~Either~~ Holds, and has held for the 3 years
528 immediately preceding the application for licensure, a valid,
529 active license to practice veterinary medicine in another state
530 of the United States, the District of Columbia, or a territory
531 of the United States, provided that the applicant has
532 successfully completed a state, regional, national, or other
533 examination that is equivalent to or more stringent than the
534 examination required by the board ~~requirements for licensure in~~
535 ~~the issuing state, district, or territory are equivalent to or~~
536 ~~more stringent than the requirements of this chapter; or~~

537 2. Meets the qualifications of s. 474.207(2) (b) and has
538 successfully completed a state, regional, national, or other
539 examination which is equivalent to or more stringent than the
540 examination given by the department and has passed the board's
541 clinical competency examination or another clinical competency
542 examination specified by rule of the board.

543 Section 27. Subsection (2) of section 476.114, Florida
544 Statutes, is amended to read:

545 476.114 Examination; prerequisites.—

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

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

549 (b) Pays the required application fee; and

550 (c)1. Holds an active valid license to practice barbering
551 in another state, has held the license for at least 1 year, and

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552 does not qualify for licensure by endorsement as provided for in
553 s. 476.144(5); or

554 2. Has received a minimum of 900 ~~1,200~~ hours of training in
555 sanitation, safety, and laws and rules, as established by the
556 board, which shall include, but shall not be limited to, the
557 equivalent of completion of services directly related to the
558 practice of barbering at one of the following:

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

562

563 The board shall establish by rule procedures whereby the school
564 or program may certify that a person is qualified to take the
565 required examination after the completion of a minimum of 600
566 ~~1,000~~ actual school hours. If the person passes the examination,
567 she or he shall have satisfied this requirement; but if the
568 person fails the examination, she or he shall not be qualified
569 to take the examination again until the completion of the full
570 requirements provided by this section.

571 Section 28. Subsection (5) of section 476.144, Florida
572 Statutes, is amended to read:

573 476.144 Licensure.—

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

577 The board shall adopt rules specifying procedures for the
578 licensure by endorsement of practitioners desiring to be
579 licensed in this state who hold a current active license in
580 another ~~state or~~ country and who have met qualifications

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581 substantially similar to, equivalent to, or greater than the
582 qualifications required of applicants from this state.

583 Section 29. Subsection (9) of section 477.013, Florida
584 Statutes, is amended to read:

585 477.013 Definitions.—As used in this chapter:

586 (9) "Hair braiding" means the weaving or interweaving of
587 natural human hair or commercial hair, including the use of hair
588 extensions or wefts, for compensation without cutting, coloring,
589 permanent waving, relaxing, removing, or chemical treatment ~~and~~
590 ~~does not include the use of hair extensions or wefts.~~

591 Section 30. Section 477.0132, Florida Statutes, is
592 repealed.

593 Section 31. Subsections (7) through (10) are added to
594 section 477.0135, Florida Statutes, to read:

595 477.0135 Exemptions.—

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

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

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

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

608 Section 32. Subsections (6) and (7) of section 477.019,
609 Florida Statutes, are amended to read:

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610 477.019 Cosmetologists; qualifications; licensure;
611 supervised practice; license renewal; endorsement; continuing
612 education.—

613 (6) The board shall certify as qualified for licensure by
614 endorsement as a cosmetologist in this state an applicant who
615 holds a current active license to practice cosmetology in
616 another state and who has completed a 2-hour course approved by
617 the board on human immunodeficiency virus and acquired immune
618 deficiency syndrome. ~~The board may not require proof of~~
619 ~~educational hours if the license was issued in a state that~~
620 ~~requires 1,200 or more hours of prelicensure education and~~
621 ~~passage of a written examination. This subsection does not apply~~
622 ~~to applicants who received their license in another state~~
623 ~~through an apprenticeship program.~~

624 (7) (a) The board shall prescribe by rule continuing
625 education requirements intended to ensure protection of the
626 public through updated training of licensees and registered
627 specialists, not to exceed 10 ~~16~~ hours biennially, as a
628 condition for renewal of a license or registration as a
629 specialist under this chapter. Continuing education courses
630 shall include, but not be limited to, the following subjects as
631 they relate to the practice of cosmetology: human
632 immunodeficiency virus and acquired immune deficiency syndrome;
633 Occupational Safety and Health Administration regulations;
634 workers' compensation issues; state and federal laws and rules
635 as they pertain to cosmetologists, cosmetology, salons,
636 specialists, specialty salons, and booth renters; chemical
637 makeup as it pertains to hair, skin, and nails; and
638 environmental issues. Courses given at cosmetology conferences

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639 may be counted toward the number of continuing education hours
640 required if approved by the board.

641 ~~(b) Any person whose occupation or practice is confined~~
642 ~~solely to hair braiding, hair wrapping, or body wrapping is~~
643 ~~exempt from the continuing education requirements of this~~
644 ~~subsection.~~

645 ~~(c)~~ The board may, by rule, require any licensee in
646 violation of a continuing education requirement to take a
647 refresher course or refresher course and examination in addition
648 to any other penalty. The number of hours for the refresher
649 course may not exceed 48 hours.

650 Section 33. Subsection (1) of section 477.0201, Florida
651 Statutes, is amended to read:

652 477.0201 Specialty registration; qualifications;
653 registration renewal; endorsement.—

654 (1) Any person is qualified for registration as a
655 specialist in any ~~one or more of the specialty practice~~
656 ~~practices~~ within the practice of cosmetology under this chapter
657 who:

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

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

661 1. One hundred and eighty hours of training, as established
662 by the board, which shall focus primarily on sanitation and
663 safety, to practice specialties as defined in s. 477.013(6) (a)
664 and (b); specialty pursuant to s. 477.013(6)

665 2. Two hundred and twenty hours of training, as established
666 by the board, which shall focus primarily on sanitation and
667 safety, to practice the specialty as defined in s.

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668 477.013(6)(c); or

669 3. Four hundred hours of training or the number of hours of
670 training required to maintain minimum Pell Grant requirements,
671 as established by the board, which shall focus primarily on
672 sanitation and safety, to practice the specialties as defined in
673 s. 477.013(6)(a)-(c).

674 (c) The certificate of completion specified in paragraph
675 (b) must be from one of the following:

- 676 1. A school licensed pursuant to s. 477.023.
- 677 2. A school licensed pursuant to chapter 1005 or the
678 equivalent licensing authority of another state.
- 679 3. A specialty program within the public school system.
- 680 4. A specialty division within the Cosmetology Division of
681 the Florida School for the Deaf and the Blind, provided the
682 training programs comply with minimum curriculum requirements
683 established by the board.

684 Section 34. Paragraph (f) of subsection (1) of section
685 477.026, Florida Statutes, is amended to read:

686 477.026 Fees; disposition.—

687 (1) The board shall set fees according to the following
688 schedule:

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

691 Section 35. Subsection (4) of section 477.0263, Florida
692 Statutes, is amended, and subsection (5) is added to that
693 section, to read:

694 477.0263 Cosmetology services to be performed in licensed
695 salon; exceptions.—

696 (4) Pursuant to rules adopted by the board, any cosmetology

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697 or specialty service may be performed in a location other than a
698 licensed salon when the service is performed in connection with
699 a special event and is performed by a person ~~who is employed by~~
700 ~~a licensed salon and~~ who holds the proper license or specialty
701 registration. ~~An appointment for the performance of any such~~
702 ~~service in a location other than a licensed salon must be made~~
703 ~~through a licensed salon.~~

704 (5) Hair shampooing, hair cutting, hair arranging, nail
705 polish removal, nail filing, nail buffing, and nail cleansing
706 may be performed in a location other than a licensed salon when
707 the service is performed by a person who holds the proper
708 license.

709 Section 36. Paragraph (f) of subsection (1) of section
710 477.0265, Florida Statutes, is amended to read:

711 477.0265 Prohibited acts.—

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

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

717 Section 37. Paragraph (a) of subsection (1) of section
718 477.029, Florida Statutes, is amended to read:

719 477.029 Penalty.—

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

721 (a) Hold himself or herself out as a cosmetologist ~~or~~
722 ~~specialist, hair wrapper, hair braider, or body wrapper~~ unless
723 duly licensed or registered, or otherwise authorized, as
724 provided in this chapter.

725 Section 38. Section 481.201, Florida Statutes, is amended

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726 to read:

727 481.201 Purpose.—The primary legislative purpose for
728 enacting this part is to ensure that every architect practicing
729 in this state meets minimum requirements for safe practice. It
730 is the legislative intent that architects who fall below minimum
731 competency or who otherwise present a danger to the public shall
732 be prohibited from practicing in this state. ~~The Legislature~~
733 ~~further finds that it is in the interest of the public to limit~~
734 ~~the practice of interior design to interior designers or~~
735 ~~architects who have the design education and training required~~
736 ~~by this part or to persons who are exempted from the provisions~~
737 ~~of this part.~~

738 Section 39. Section 481.203, Florida Statutes, is amended
739 to read:

740 481.203 Definitions.—As used in this part, the term:

741 (3)~~(1)~~ "Board" means the Board of Architecture and Interior
742 Design.

743 (7)~~(2)~~ "Department" means the Department of Business and
744 Professional Regulation.

745 (1)~~(3)~~ "Architect" or "registered architect" means a
746 natural person who is licensed under this part to engage in the
747 practice of architecture.

748 (5)~~(4)~~ "Certificate of registration" means a license or
749 registration issued by the department to a natural person to
750 engage in the practice of architecture or interior design.

751 (4)~~(5)~~ "Business organization" means a partnership, a
752 limited liability company, a corporation, or an individual
753 operating under a fictitious name ~~"Certificate of authorization"~~
754 ~~means a certificate issued by the department to a corporation or~~

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

756 (2)~~(6)~~ "Architecture" means the rendering or offering to
757 render services in connection with the design and construction
758 of a structure or group of structures which have as their
759 principal purpose human habitation or use, and the utilization
760 of space within and surrounding such structures. These services
761 include planning, providing preliminary study designs, drawings
762 and specifications, job-site inspection, and administration of
763 construction contracts.

764 (16)~~(7)~~ "Townhouse" is a single-family dwelling unit not
765 exceeding three stories in height which is constructed in a
766 series or group of attached units with property lines separating
767 such units. Each townhouse shall be considered a separate
768 building and shall be separated from adjoining townhouses by the
769 use of separate exterior walls meeting the requirements for zero
770 clearance from property lines as required by the type of
771 construction and fire protection requirements; or shall be
772 separated by a party wall; or may be separated by a single wall
773 meeting the following requirements:

774 (a) Such wall shall provide not less than 2 hours of fire
775 resistance. Plumbing, piping, ducts, or electrical or other
776 building services shall not be installed within or through the
777 2-hour wall unless such materials and methods of penetration
778 have been tested in accordance with the Standard Building Code.

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

783 (c) Each dwelling unit sharing such wall shall be designed

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784 and constructed to maintain its structural integrity independent
785 of the unit on the opposite side of the wall.

786 (10)~~(8)~~ "Interior design" means designs, consultations,
787 studies, drawings, specifications, and administration of design
788 construction contracts relating to nonstructural interior
789 elements of a building or structure. "Interior design" includes,
790 but is not limited to, reflected ceiling plans, space planning,
791 furnishings, and the fabrication of nonstructural elements
792 within and surrounding interior spaces of buildings. "Interior
793 design" specifically excludes the design of or the
794 responsibility for architectural and engineering work, except
795 for specification of fixtures and their location within interior
796 spaces. As used in this subsection, "architectural and
797 engineering interior construction relating to the building
798 systems" includes, but is not limited to, construction of
799 structural, mechanical, plumbing, heating, air-conditioning,
800 ventilating, electrical, or vertical transportation systems, or
801 construction which materially affects lifesafety systems
802 pertaining to firesafety protection such as fire-rated
803 separations between interior spaces, fire-rated vertical shafts
804 in multistory structures, fire-rated protection of structural
805 elements, smoke evacuation and compartmentalization, emergency
806 ingress or egress systems, and emergency alarm systems.

807 (11)~~(9)~~ "Registered interior designer" ~~or "interior~~
808 ~~designer"~~ means a natural person who holds a valid certificate
809 of registration to practice interior design ~~is licensed under~~
810 ~~this part.~~

811 (12)~~(10)~~ "Nonstructural element" means an element which
812 does not require structural bracing and which is something other

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813 than a load-bearing wall, load-bearing column, or other load-
814 bearing element of a building or structure which is essential to
815 the structural integrity of the building.

816 (13)~~(11)~~ "Reflected ceiling plan" means a ceiling design
817 plan which is laid out as if it were projected downward and
818 which may include lighting and other elements.

819 (15)~~(12)~~ "Space planning" means the analysis, programming,
820 or design of spatial requirements, including preliminary space
821 layouts and final planning.

822 (6)~~(13)~~ "Common area" means an area that is held out for
823 use by all tenants or owners in a multiple-unit dwelling,
824 including, but not limited to, a lobby, elevator, hallway,
825 laundry room, clubhouse, or swimming pool.

826 (8)~~(14)~~ "Diversified interior design experience" means
827 experience which substantially encompasses the various elements
828 of interior design services set forth under the definition of
829 "interior design" in subsection (10)~~(8)~~.

830 (9)~~(15)~~ "Interior decorator services" includes the
831 selection or assistance in selection of surface materials,
832 window treatments, wallcoverings, paint, floor coverings,
833 surface-mounted lighting, surface-mounted fixtures, and loose
834 furnishings not subject to regulation under applicable building
835 codes.

836 (14)~~(16)~~ "Responsible supervising control" means the
837 exercise of direct personal supervision and control throughout
838 the preparation of documents, instruments of service, or any
839 other work requiring the seal and signature of a licensee under
840 this part.

841 Section 40. Paragraph (a) of subsection (3) of section

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842 481.205, Florida Statutes, is amended to read:

843 481.205 Board of Architecture and Interior Design.—

844 (3) (a) Notwithstanding the provisions of ss. 455.225,
845 455.228, and 455.32, the duties and authority of the department
846 to receive complaints and investigate and discipline persons
847 licensed or registered under this part, including the ability to
848 determine legal sufficiency and probable cause; to initiate
849 proceedings and issue final orders for summary suspension or
850 restriction of a license or certificate of registration pursuant
851 to s. 120.60(6); to issue notices of noncompliance, notices to
852 cease and desist, subpoenas, and citations; to retain legal
853 counsel, investigators, or prosecutorial staff in connection
854 with the licensed practice of architecture or registered ~~and~~
855 interior design; and to investigate and deter the unlicensed
856 practice of architecture ~~and interior design~~ as provided in s.
857 455.228 are delegated to the board. All complaints and any
858 information obtained pursuant to an investigation authorized by
859 the board are confidential and exempt from s. 119.07(1) as
860 provided in s. 455.225(2) and (10).

861 Section 41. Section 481.207, Florida Statutes, is amended
862 to read:

863 481.207 Fees.—

864 (1) The board, by rule, may establish ~~separate~~ fees for
865 architects ~~and interior designers~~, to be paid for applications,
866 examination, reexamination, licensing and renewal, delinquency,
867 reinstatement, and recordmaking and recordkeeping. The
868 examination fee shall be in an amount that covers the cost of
869 obtaining and administering the examination and shall be
870 refunded if the applicant is found ineligible to sit for the

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871 examination. The application fee is nonrefundable. The fee for
872 initial application and examination for architects ~~and interior~~
873 ~~designers~~ may not exceed \$775 plus the actual per applicant cost
874 to the department for purchase of the examination from the
875 National Council of Architectural Registration Boards ~~or the~~
876 ~~National Council of Interior Design Qualifications,~~
877 ~~respectively,~~ or similar national organizations. The biennial
878 renewal fee for architects may not exceed \$200. ~~The biennial~~
879 ~~renewal fee for interior designers may not exceed \$500.~~ The
880 delinquency fee may not exceed the biennial renewal fee
881 established by the board for an active license. The board shall
882 establish fees that are adequate to ensure the continued
883 operation of the board and to fund the proportionate expenses
884 incurred by the department which are allocated to the regulation
885 of architects and registered interior designers. Fees shall be
886 based on department estimates of the revenue required to
887 implement this part and the provisions of law with respect to
888 the regulation of architects and interior designers.

889 (2) The board may establish a fee for certificates of
890 registration for interior designers. Such fee, if established,
891 is not refundable and may not exceed \$75. A certificate of
892 registration is valid for 2 years and a registered interior
893 designer may renew the registration. The biennial renewal fee
894 may not exceed \$75.

895 Section 42. Section 481.209, Florida Statutes, is amended
896 to read:

897 481.209 Examinations.—

898 (1) A person desiring to be licensed as a registered
899 architect by initial examination shall apply to the department,

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900 complete the application form, and remit a nonrefundable
901 application fee. The department shall license any applicant who
902 the board certifies:

903 ~~(a)~~ has passed the licensure examination prescribed by
904 board rule; and

905 ~~(b)~~ is a graduate of a school or college of architecture
906 with a program accredited by the National Architectural
907 Accreditation Board.

908 (2) A person seeking to obtain a certificate of
909 registration as a registered interior designer and a seal
910 pursuant to s. 481.221 must provide the department with his or
911 her name and address and written proof that he or she has
912 successfully passed the qualification examination prescribed by
913 the Council for Interior Design Qualification or its successor
914 entity or the California Council for Interior Design
915 Certification or its successor entity, or has successfully
916 passed an equivalent exam as determined by the department A
917 ~~person desiring to be licensed as a registered interior designer~~
918 ~~shall apply to the department for licensure. The department~~
919 ~~shall administer the licensure examination for interior~~
920 ~~designers to each applicant who has completed the application~~
921 ~~form and remitted the application and examination fees specified~~
922 ~~in s. 481.207 and who the board certifies:~~

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

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

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929 ~~(c) Has completed at least 3 years in an interior design~~
930 ~~curriculum and has completed 3 years of diversified interior~~
931 ~~design experience; or~~

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

935

936 ~~Subsequent to October 1, 2000, for the purpose of having the~~
937 ~~educational qualification required under this subsection~~
938 ~~accepted by the board, the applicant must complete his or her~~
939 ~~education at a program, school, or college of interior design~~
940 ~~whose curriculum has been approved by the board as of the time~~
941 ~~of completion. Subsequent to October 1, 2003, all of the~~
942 ~~required amount of educational credits shall have been obtained~~
943 ~~in a program, school, or college of interior design whose~~
944 ~~curriculum has been approved by the board, as of the time each~~
945 ~~educational credit is gained. The board shall adopt rules~~
946 ~~providing for the review and approval of programs, schools, and~~
947 ~~colleges of interior design and courses of interior design study~~
948 ~~based on a review and inspection by the board of the curriculum~~
949 ~~of programs, schools, and colleges of interior design in the~~
950 ~~United States, including those programs, schools, and colleges~~
951 ~~accredited by the Foundation for Interior Design Education~~
952 ~~Research. The board shall adopt rules providing for the review~~
953 ~~and approval of diversified interior design experience required~~
954 ~~by this subsection.~~

955 Section 43. Section 481.213, Florida Statutes, is amended
956 to read:

957 481.213 Licensure and registration.—

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958 (1) The department shall license or register any applicant
959 who the board certifies is qualified for licensure or
960 registration and who has paid the initial licensure or
961 registration fee. Licensure as an architect under this section
962 shall be deemed to include all the rights and privileges of
963 registration ~~licensure~~ as an interior designer under this
964 section.

965 (2) The board shall certify for licensure or registration
966 by examination any applicant who passes the prescribed licensure
967 or registration examination and satisfies the requirements of
968 ss. 481.209 and 481.211, for architects, or the requirements of
969 s. 481.209, for interior designers.

970 (3) The board shall certify as qualified for a license by
971 endorsement as an architect or registration as a registered ~~an~~
972 interior designer an applicant who:

973 (a) Qualifies to take the prescribed licensure or
974 registration examination, and has passed the prescribed
975 licensure registration examination or a substantially equivalent
976 examination in another jurisdiction, as set forth in s. 481.209
977 for architects or registered interior designers, as applicable,
978 and has satisfied the internship requirements set forth in s.
979 481.211 for architects;

980 (b) Holds a valid license to practice architecture or a
981 license, registration, or certification to practice interior
982 design issued by another jurisdiction of the United States, if
983 the criteria for issuance of such license were substantially
984 equivalent to the licensure criteria that existed in this state
985 at the time the license was issued; ~~provided, however, that an~~
986 ~~applicant who has been licensed for use of the title "interior~~

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987 ~~design" rather than licensed to practice interior design shall~~
988 ~~not qualify hereunder; or~~

989 (c) Has passed the prescribed licensure examination and
990 holds a valid certificate issued by the National Council of
991 Architectural Registration Boards, and holds a valid license to
992 practice architecture issued by another state or jurisdiction of
993 the United States.

994

995 An architect who is licensed in another state who seeks
996 qualification for license by endorsement under this subsection
997 must complete a class approved by the board on the Florida
998 Building Code.

999 (4) The board may refuse to certify any applicant who has
1000 violated any of the provisions of s. 481.223, s. 481.225, or s.
1001 481.2251, as applicable.

1002 (5) The board may refuse to certify any applicant who is
1003 under investigation in any jurisdiction for any act which would
1004 constitute a violation of this part or of chapter 455 until such
1005 time as the investigation is complete and disciplinary
1006 proceedings have been terminated.

1007 (6) The board shall adopt rules to implement the provisions
1008 of this part relating to the examination, internship, and
1009 licensure of applicants.

1010 (7) For persons whose licensure requires satisfaction of
1011 the requirements of ss. 481.209 and 481.211, the board shall, by
1012 rule, establish qualifications for certification of such persons
1013 as special inspectors of threshold buildings, as defined in ss.
1014 553.71 and 553.79, and shall compile a list of persons who are
1015 certified. A special inspector is not required to meet standards

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1016 for certification other than those established by the board, and
1017 the fee owner of a threshold building may not be prohibited from
1018 selecting any person certified by the board to be a special
1019 inspector. The board shall develop minimum qualifications for
1020 the qualified representative of the special inspector who is
1021 authorized under s. 553.79 to perform inspections of threshold
1022 buildings on behalf of the special inspector.

1023 (8) A certificate of registration is not required for a
1024 person whose occupation or practice is confined to interior
1025 decorator services or for a person whose occupation or practice
1026 is confined to interior design except as required in this part.

1027 Section 44. Subsection (1) of section 481.2131, Florida
1028 Statutes, is amended to read:

1029 481.2131 Interior design; practice requirements; disclosure
1030 of compensation for professional services.-

1031 (1) A registered interior designer is authorized to perform
1032 "interior design" as defined in s. 481.203. Interior design
1033 documents prepared by a registered interior designer shall
1034 contain a statement that the document is not an architectural or
1035 engineering study, drawing, specification, or design and is not
1036 to be used for construction of any load-bearing columns, load-
1037 bearing framing or walls of structures, or issuance of any
1038 building permit, except as otherwise provided by law. Interior
1039 design documents that are prepared and sealed by a registered
1040 interior designer must ~~may~~, if required by a permitting body, be
1041 accepted by the permitting body ~~be submitted~~ for the issuance of
1042 a building permit for interior construction excluding design of
1043 any structural, mechanical, plumbing, heating, air-conditioning,
1044 ventilating, electrical, or vertical transportation systems or

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1045 that materially affect lifesafety systems pertaining to
1046 firesafety protection such as fire-rated separations between
1047 interior spaces, fire-rated vertical shafts in multistory
1048 structures, fire-rated protection of structural elements, smoke
1049 evacuation and compartmentalization, emergency ingress or egress
1050 systems, and emergency alarm systems. Interior design documents
1051 submitted for the issuance of a building permit by an individual
1052 performing interior design services who is not a licensed
1053 architect must include a seal issued by the department and in
1054 conformance with the requirements of s. 481.221.

1055 Section 45. Section 481.215, Florida Statutes, is amended
1056 to read:

1057 481.215 Renewal of license or certificate of registration.—

1058 (1) Subject to the requirement of subsection (3), the
1059 department shall renew a license or certificate of registration
1060 upon receipt of the renewal application and renewal fee.

1061 (2) The department shall adopt rules establishing a
1062 procedure for the biennial renewal of licenses and certificate
1063 of registrations.

1064 (3) A ~~No~~ license or certificate of registration renewal may
1065 not shall be issued to an architect or a registered ~~an~~ interior
1066 designer by the department until the licensee or registrant
1067 submits proof satisfactory to the department that, during the 2
1068 years before ~~prior to~~ application for renewal, the licensee or
1069 registrant participated per biennium in not less than 20 hours
1070 of at least 50 minutes each per biennium of continuing education
1071 approved by the board. The board shall approve only continuing
1072 education that builds upon the basic knowledge of architecture
1073 or interior design. The board may make exception from the

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1074 requirements of continuing education in emergency or hardship
1075 cases.

1076 (4) The board shall by rule establish criteria for the
1077 approval of continuing education courses and providers and shall
1078 by rule establish criteria for accepting alternative
1079 nonclassroom continuing education on an hour-for-hour basis.

1080 ~~(5) The board shall require, by rule adopted pursuant to~~
1081 ~~ss. 120.536(1) and 120.54, a specified number of hours in~~
1082 ~~specialized or advanced courses, approved by the Florida~~
1083 ~~Building Commission, on any portion of the Florida Building~~
1084 ~~Code, adopted pursuant to part IV of chapter 553, relating to~~
1085 ~~the licensee's respective area of practice.~~

1086 Section 46. Section 481.217, Florida Statutes, is amended
1087 to read:

1088 481.217 Inactive status.—

1089 (1) The board may prescribe by rule continuing education
1090 requirements as a condition of reactivating a license. The rules
1091 may not require more than one renewal cycle of continuing
1092 education to reactivate a license or registration for a
1093 registered architect or registered interior designer. ~~For~~
1094 ~~interior design, the board may approve only continuing education~~
1095 ~~that builds upon the basic knowledge of interior design.~~

1096 (2) The board shall adopt rules relating to application
1097 procedures for inactive status and for the reactivation of
1098 inactive licenses and registrations.

1099 Section 47. Section 481.219, Florida Statutes, is amended
1100 to read:

1101 481.219 Qualification of business organizations
1102 ~~certification of partnerships, limited liability companies, and~~

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1103 ~~corporations.-~~

1104 (1) A licensee may ~~The practice of or the offer to practice~~
1105 ~~architecture or interior design by licensees through a~~ qualified
1106 business organization that offers ~~corporation, limited liability~~
1107 ~~company, or partnership offering architectural or interior~~
1108 ~~design services to the public, or by a corporation, limited~~
1109 ~~liability company, or partnership offering architectural or~~
1110 ~~interior design services to the public through licensees under~~
1111 ~~this part as agents, employees, officers, or partners, is~~
1112 ~~permitted,~~ subject to the provisions of this section.

1113 (2) If a licensee or an applicant proposes to engage in the
1114 practice of architecture as a business organization, the
1115 licensee or applicant shall qualify the business organization
1116 upon approval of the board ~~For the purposes of this section, a~~
1117 ~~certificate of authorization shall be required for a~~
1118 ~~corporation, limited liability company, partnership, or person~~
1119 ~~practicing under a fictitious name, offering architectural~~
1120 ~~services to the public jointly or separately. However, when an~~
1121 ~~individual is practicing architecture in her or his own name,~~
1122 ~~she or he shall not be required to be certified under this~~
1123 ~~section. Certification under this subsection to offer~~
1124 ~~architectural services shall include all the rights and~~
1125 ~~privileges of certification under subsection (3) to offer~~
1126 ~~interior design services.~~

1127 (3) (a) A business organization may not engage in the
1128 practice of architecture unless its qualifying agent is a
1129 registered architect under this part. A qualifying agent who
1130 terminates an affiliation with a qualified business organization
1131 shall immediately notify the department of such termination. If

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1132 such qualifying agent is the only qualifying agent for that
1133 business organization, the business organization must be
1134 qualified by another qualifying agent within 60 days after the
1135 termination. Except as provided in paragraph (b), the business
1136 organization may not engage in the practice of architecture
1137 until it is qualified by another qualifying agent.

1138 (b) In the event a qualifying agent ceases employment with
1139 a qualified business organization, the executive director or the
1140 chair of the board may authorize another registered architect
1141 employed by the business organization to temporarily serve as
1142 its qualifying agent for a period of no more than 60 days. The
1143 business organization is not authorized to operate beyond such
1144 period under this chapter absent replacement of the qualifying
1145 agent who has ceased employment.

1146 (c) A qualifying agent shall notify the department in
1147 writing before engaging in the practice of architecture in her
1148 or his own name or in affiliation with a different business
1149 organization, and she or he or such business organization shall
1150 supply the same information to the department as required of
1151 applicants under this part.

1152 ~~(3) For the purposes of this section, a certificate of~~
1153 ~~authorization shall be required for a corporation, limited~~
1154 ~~liability company, partnership, or person operating under a~~
1155 ~~fictitious name, offering interior design services to the public~~
1156 ~~jointly or separately. However, when an individual is practicing~~
1157 ~~interior design in her or his own name, she or he shall not be~~
1158 ~~required to be certified under this section.~~

1159 (4) All final construction documents and instruments of
1160 service which include drawings, specifications, plans, reports,

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1161 or other papers or documents that involve ~~involving~~ the practice
1162 of architecture which are prepared or approved for the use of
1163 the business organization ~~corporation, limited liability~~
1164 ~~company, or partnership~~ and filed for public record within the
1165 state must ~~shall~~ bear the signature and seal of the licensee who
1166 prepared or approved them and the date on which they were
1167 sealed.

1168 (5) ~~All drawings, specifications, plans, reports, or other~~
1169 ~~papers or documents prepared or approved for the use of the~~
1170 ~~corporation, limited liability company, or partnership by an~~
1171 ~~interior designer in her or his professional capacity and filed~~
1172 ~~for public record within the state shall bear the signature and~~
1173 ~~seal of the licensee who prepared or approved them and the date~~
1174 ~~on which they were sealed.~~

1175 (6) ~~The department shall issue a certificate of~~
1176 ~~authorization to any applicant who the board certifies as~~
1177 ~~qualified for a certificate of authorization and who has paid~~
1178 ~~the fee set in s. 481.207.~~

1179 (7) The board shall allow a licensee or ~~certify~~ an
1180 applicant to qualify one or more business organizations ~~as~~
1181 ~~qualified for a certificate of authorization to offer~~
1182 ~~architectural or interior design services, or to use a~~
1183 fictitious name to offer such services, if provided that:

1184 (a) one or more of the principal officers of the
1185 corporation or limited liability company, or one or more
1186 partners of the partnership, and all personnel of the
1187 corporation, limited liability company, or partnership who act
1188 in its behalf in this state as architects, are registered as
1189 provided by this part; ~~or~~

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1190 ~~(b) One or more of the principal officers of the~~
1191 ~~corporation or one or more partners of the partnership, and all~~
1192 ~~personnel of the corporation, limited liability company, or~~
1193 ~~partnership who act in its behalf in this state as interior~~
1194 ~~designers, are registered as provided by this part.~~

1195 ~~(8) The department shall adopt rules establishing a~~
1196 ~~procedure for the biennial renewal of certificates of~~
1197 ~~authorization.~~

1198 ~~(9) The department shall renew a certificate of~~
1199 ~~authorization upon receipt of the renewal application and~~
1200 ~~biennial renewal fee.~~

1201 ~~(6)-(10)~~ Each qualifying agent who qualifies a business
1202 organization, partnership, limited liability company, or and
1203 corporation certified under this section shall notify the
1204 department within 30 days after of any change in the information
1205 contained in the application upon which the qualification
1206 certification is based. Any registered architect or interior
1207 designer who qualifies the business organization shall ensure
1208 corporation, limited liability company, or partnership as
1209 provided in subsection (7) shall be responsible for ensuring
1210 responsible supervising control of projects of the business
1211 organization entity and shall notify the department of the upon
1212 termination of her or his employment with a business
1213 organization qualified partnership, limited liability company,
1214 or corporation certified under this section shall notify the
1215 department of the termination within 30 days after such
1216 termination.

1217 ~~(7)-(11)~~ A business organization is not No corporation,
1218 limited liability company, or partnership shall be relieved of

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1219 responsibility for the conduct or acts of its agents, employees,
1220 or officers by reason of its compliance with this section.
1221 However, except as provided in s. 558.0035, the architect who
1222 signs and seals the construction documents and instruments of
1223 service is ~~shall be~~ liable for the professional services
1224 performed, and the interior designer who signs and seals the
1225 interior design drawings, plans, or specifications shall be
1226 liable for the professional services performed.

1227 ~~(12) Disciplinary action against a corporation, limited~~
1228 ~~liability company, or partnership shall be administered in the~~
1229 ~~same manner and on the same grounds as disciplinary action~~
1230 ~~against a registered architect or interior designer,~~
1231 ~~respectively.~~

1232 ~~(8)(13) Nothing in This section may not shall be construed~~
1233 ~~to mean that a certificate of registration to practice~~
1234 ~~architecture must or interior design shall be held by a business~~
1235 ~~organization corporation, limited liability company, or~~
1236 ~~partnership. Nothing in This section does not prohibit a~~
1237 ~~business organization from offering prohibits corporations,~~
1238 ~~limited liability companies, and partnerships from joining~~
1239 ~~together to offer architectural, engineering, interior design,~~
1240 ~~surveying and mapping, and landscape architectural services, or~~
1241 ~~any combination of such services, to the public if the business~~
1242 ~~organization, provided that each corporation, limited liability~~
1243 ~~company, or partnership otherwise meets the requirements of law.~~

1244 ~~(14) Corporations, limited liability companies, or~~
1245 ~~partnerships holding a valid certificate of authorization to~~
1246 ~~practice architecture shall be permitted to use in their title~~
1247 ~~the term "interior designer" or "registered interior designer."~~

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1248 Section 48. Subsections (1), (3), (5), (7), (10), (11), and
1249 (12) of section 481.221, Florida Statutes, are amended to read:
1250 481.221 Seals; display of certificate number.—

1251 (1) The department ~~board~~ shall prescribe, by rule, one or
1252 more forms of seals to be used by registered architects holding
1253 valid certificates of registration.

1254 (3) The department ~~board~~ shall adopt a rule prescribing the
1255 distinctly different seals to be used by registered interior
1256 designers holding valid certificates of registration. Each
1257 registered interior designer shall obtain a seal as prescribed
1258 by the department ~~board~~, and all drawings, plans,
1259 specifications, or reports prepared or issued by the registered
1260 interior designer and being filed for public record shall bear
1261 the signature and seal of the registered interior designer who
1262 prepared or approved the document and the date on which they
1263 were sealed. The signature, date, and seal shall be evidence of
1264 the authenticity of that to which they are affixed. Final plans,
1265 specifications, or reports prepared or issued by a registered
1266 interior designer may be transmitted electronically and may be
1267 signed by the registered interior designer, dated, and sealed
1268 electronically with the seal in accordance with ss. 668.001-
1269 668.006.

1270 (5) No registered interior designer shall affix, or permit
1271 to be affixed, her or his seal or signature to any plan,
1272 specification, drawing, or other document which depicts work
1273 which she or he is not competent or registered ~~licensed~~ to
1274 perform.

1275 (7) No registered interior designer shall affix her or his
1276 signature or seal to any plans, specifications, or other

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1277 documents which were not prepared by her or him or under her or
1278 his responsible supervising control or by another registered
1279 interior designer and reviewed, approved, or modified and
1280 adopted by her or him as her or his own work according to rules
1281 adopted by the department board.

1282 (10) Each registered architect must ~~or interior designer,~~
1283 ~~and each corporation, limited liability company, or partnership~~
1284 ~~holding a certificate of authorization, shall include her or his~~
1285 license its certificate number in any newspaper, telephone
1286 directory, or other advertising medium used by the registered
1287 licensee. Each business organization must include the license
1288 number of the registered architect who serves as the qualifying
1289 agent for that business organization in any newspaper, telephone
1290 directory, or other advertising medium used by the business
1291 organization architect, interior designer, corporation, limited
1292 liability company, or partnership. A corporation, limited
1293 liability company, or partnership is not required to display the
1294 certificate number of individual registered architects or
1295 interior designers employed by or working within the
1296 corporation, limited liability company, or partnership.

1297 (11) When the certificate of registration of a registered
1298 architect ~~or interior designer~~ has been revoked or suspended by
1299 the board, the registered architect ~~or interior designer~~ shall
1300 surrender her or his seal to the secretary of the board within a
1301 period of 30 days after the revocation or suspension has become
1302 effective. If the certificate of the registered architect ~~or~~
1303 ~~interior designer~~ has been suspended for a period of time, her
1304 or his seal shall be returned to her or him upon expiration of
1305 the suspension period.

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1306 (12) A person may not sign and seal by any means any final
1307 plan, specification, or report after her or his certificate of
1308 registration has expired or is suspended or revoked. A
1309 registered architect ~~or interior designer~~ whose certificate of
1310 registration is suspended or revoked shall, within 30 days after
1311 the effective date of the suspension or revocation, surrender
1312 her or his seal to the executive director of the board and
1313 confirm in writing to the executive director the cancellation of
1314 the registered architect's ~~or interior designer's~~ electronic
1315 signature in accordance with ss. 668.001-668.006. When a
1316 registered architect's ~~or interior designer's~~ certificate of
1317 registration is suspended for a period of time, her or his seal
1318 shall be returned upon expiration of the period of suspension.

1319 Section 49. Section 481.223, Florida Statutes, is amended
1320 to read:

1321 481.223 Prohibitions; penalties; injunctive relief.-

1322 (1) A person may not knowingly:

1323 (a) Practice architecture unless the person is an architect
1324 or a registered architect; however, a licensed architect who has
1325 been licensed by the board and who chooses to relinquish or not
1326 to renew his or her license may use the title "Architect,
1327 Retired" but may not otherwise render any architectural
1328 services.

1329 ~~(b) Practice interior design unless the person is a~~
1330 ~~registered interior designer unless otherwise exempted herein;~~
1331 ~~however, an interior designer who has been licensed by the board~~
1332 ~~and who chooses to relinquish or not to renew his or her license~~
1333 ~~may use the title "Interior Designer, Retired" but may not~~
1334 ~~otherwise render any interior design services.~~

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1335 (b)~~(e)~~ Use the name or title "architect," ~~or~~ "registered
1336 architect," or ~~"interior designer" or "registered interior~~
1337 ~~designer," or words to that effect,~~ when the person is not then
1338 the holder of a valid license or certificate of registration
1339 issued pursuant to this part. This paragraph does not restrict
1340 the use of the name or title "interior designer" or "interior
1341 design firm."

1342 (c)~~(d)~~ Present as his or her own the license of another.

1343 (d)~~(e)~~ Give false or forged evidence to the board or a
1344 member thereof.

1345 (e)~~(f)~~ Use or attempt to use an architect ~~or interior~~
1346 ~~designer~~ license or interior design certificate of registration
1347 that has been suspended, revoked, or placed on inactive or
1348 delinquent status.

1349 (f)~~(g)~~ Employ unlicensed persons to practice architecture
1350 ~~or interior design.~~

1351 (g)~~(h)~~ Conceal information relative to violations of this
1352 part.

1353 (2) Any person who violates any provision of subsection (1)
1354 commits a misdemeanor of the first degree, punishable as
1355 provided in s. 775.082 or s. 775.083.

1356 (3) (a) Notwithstanding chapter 455 or any other law to the
1357 contrary, an affected person may maintain an action for
1358 injunctive relief to restrain or prevent a person from violating
1359 paragraph (1) (a) or, paragraph (1) (b), ~~or paragraph (1) (c).~~ The
1360 prevailing party is entitled to actual costs and attorney's
1361 fees.

1362 (b) For purposes of this subsection, the term "affected
1363 person" means a person directly affected by the actions of a

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1364 person suspected of violating paragraph (1)(a) or, paragraph
1365 (1)(b), ~~or paragraph (1)(c)~~ and includes, but is not limited to,
1366 the department, any person who received services from the
1367 alleged violator, or any private association composed primarily
1368 of members of the profession the alleged violator is practicing
1369 or offering to practice or holding himself or herself out as
1370 qualified to practice.

1371 Section 50. Section 481.2251, Florida Statutes, is amended
1372 to read:

1373 481.2251 Disciplinary proceedings against registered
1374 interior designers.—

1375 (1) The following acts constitute grounds for which the
1376 disciplinary actions specified in subsection (2) may be taken:

1377 (a) Attempting to register ~~obtain, obtaining,~~ or renewing
1378 registration, by bribery, by fraudulent misrepresentation, or
1379 through an error of the board, ~~a license to practice interior~~
1380 ~~design;~~

1381 (b) Having an interior design license, certification, or
1382 registration ~~a license to practice interior design~~ revoked,
1383 suspended, or otherwise acted against, including the denial of
1384 licensure, registration, or certification by the licensing
1385 authority of another jurisdiction for any act which would
1386 constitute a violation of this part or of chapter 455;

1387 (c) Being convicted or found guilty, ~~regardless of~~
1388 ~~adjudication,~~ of a crime in any jurisdiction which directly
1389 relates to the provision of interior design services or to the
1390 ability to provide interior design services. ~~A plea of nolo~~
1391 ~~contendere shall create a rebuttable presumption of guilt to the~~
1392 ~~underlying criminal charges. However, the board shall allow the~~

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1393 ~~person being disciplined to present any evidence relevant to the~~
1394 ~~underlying charges and the circumstances surrounding her or his~~
1395 ~~plea;~~

1396 (d) False, deceptive, or misleading advertising;

1397 (e) ~~Failing to report to the board any person who the~~
1398 ~~licensee knows is in violation of this part or the rules of the~~
1399 ~~board;~~

1400 (f) ~~Aiding, assisting, procuring, or advising any~~
1401 ~~unlicensed person to use the title "interior designer" contrary~~
1402 ~~to this part or to a rule of the board;~~

1403 (g) ~~Failing to perform any statutory or legal obligation~~
1404 ~~placed upon a registered interior designer;~~

1405 (h) Making or filing a report which the registrant licensee
1406 knows to be false, intentionally or negligently failing to file
1407 a report or record required by state or federal law, or
1408 willfully impeding or obstructing such filing or inducing
1409 another person to do so. Such reports or records shall include
1410 only those which are signed in the capacity as a registered
1411 interior designer;

1412 (f)(i) Making deceptive, untrue, or fraudulent
1413 representations in the provision of interior design services;

1414 (g)(j) Accepting and performing professional
1415 responsibilities which the registrant licensee knows or has
1416 reason to know that she or he is not competent ~~or licensed~~ to
1417 perform;

1418 (k) ~~Violating any provision of this part, any rule of the~~
1419 ~~board, or a lawful order of the board previously entered in a~~
1420 ~~disciplinary hearing;~~

1421 (l) ~~Conspiring with another licensee or with any other~~

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1422 ~~person to commit an act, or committing an act, which would tend~~
 1423 ~~to coerce, intimidate, or preclude another licensee from~~
 1424 ~~lawfully advertising her or his services;~~

1425 ~~(m) Acceptance of compensation or any consideration by an~~
 1426 ~~interior designer from someone other than the client without~~
 1427 ~~full disclosure of the compensation or consideration amount or~~
 1428 ~~value to the client prior to the engagement for services, in~~
 1429 ~~violation of s. 481.2131(2);~~

1430 ~~(h)(n)~~ (h) Rendering or offering to render architectural
 1431 services; or

1432 ~~(i)(o)~~ (i) Committing an act of fraud or deceit, or of
 1433 negligence, incompetency, or misconduct, in the practice of
 1434 interior design, ~~including, but not limited to, allowing the~~
 1435 ~~preparation of any interior design studies, plans, or other~~
 1436 ~~instruments of service in an office that does not have a full-~~
 1437 ~~time Florida-registered interior designer assigned to such~~
 1438 ~~office or failing to exercise responsible supervisory control~~
 1439 ~~over services or projects, as required by board rule.~~

1440 (2) When the board finds any person guilty of any of the
 1441 grounds set forth in subsection (1), it may enter an order
 1442 taking the following action or imposing one or more of the
 1443 following penalties:

1444 (a) Refusal to register the applicant ~~approve an~~
 1445 ~~application for licensure;~~

1446 (b) Refusal to renew an existing registration ~~license;~~

1447 (c) Removal from the state registry ~~Revocation or~~
 1448 ~~suspension of a license; or~~

1449 (d) Imposition of an administrative fine not to exceed \$500
 1450 ~~\$1,000~~ for each violation or separate offense and a fine of up

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1451 to \$2,500 ~~\$5,000~~ for matters pertaining to a material violation
1452 of the Florida Building Code as reported by a local
1453 jurisdiction; ~~or~~

1454 ~~(e) Issuance of a reprimand.~~

1455 Section 51. Paragraph (b) of subsection (5), and
1456 subsections (6), and (8) of section 481.229, Florida Statutes,
1457 are amended to read:

1458 481.229 Exceptions; exemptions from licensure.—

1459 (5)

1460 (b) Notwithstanding any other provision of this part, all
1461 persons licensed as architects under this part shall be
1462 qualified for interior design registration licensure upon
1463 submission of a completed application for such license and a fee
1464 not to exceed \$30. Such persons shall be exempt from the
1465 requirements of s. 481.209(2). For architects licensed as
1466 interior designers, satisfaction of the requirements for renewal
1467 of licensure as an architect under s. 481.215 shall be deemed to
1468 satisfy the requirements for renewal of registration licensure
1469 as an interior designer under that section. Complaint
1470 processing, investigation, or other discipline-related legal
1471 costs related to persons licensed as interior designers under
1472 this paragraph shall be assessed against the architects' account
1473 of the Regulatory Trust Fund.

1474 (6) This part shall not apply to:

1475 ~~(a) A person who performs interior design services or~~
1476 ~~interior decorator services for any residential application,~~
1477 ~~provided that such person does not advertise as, or represent~~
1478 ~~himself or herself as, an interior designer. For purposes of~~
1479 ~~this paragraph, "residential applications" includes all types of~~

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1480 ~~residences, including, but not limited to, residence buildings,~~
1481 ~~single-family homes, multifamily homes, townhouses, apartments,~~
1482 ~~condominiums, and domestic outbuildings appurtenant to one-~~
1483 ~~family or two-family residences. However, "residential~~
1484 ~~applications" does not include common areas associated with~~
1485 ~~instances of multiple-unit dwelling applications.~~

1486 ~~(b)~~ an employee of a retail establishment providing
1487 "interior decorator services" on the premises of the retail
1488 establishment or in the furtherance of a retail sale or
1489 prospective retail sale, provided that such employee does not
1490 advertise as, or represent himself or herself as, an interior
1491 designer.

1492 (8) A manufacturer of commercial food service equipment or
1493 the manufacturer's representative, distributor, or dealer or an
1494 employee thereof, who prepares designs, specifications, or
1495 layouts for the sale or installation of such equipment is exempt
1496 from licensure as an architect ~~or interior designer~~, if:

1497 (a) The designs, specifications, or layouts are not used
1498 for construction or installation that may affect structural,
1499 mechanical, plumbing, heating, air conditioning, ventilating,
1500 electrical, or vertical transportation systems.

1501 (b) The designs, specifications, or layouts do not
1502 materially affect lifesafety systems pertaining to firesafety
1503 protection, smoke evacuation and compartmentalization, and
1504 emergency ingress or egress systems.

1505 (c) Each design, specification, or layout document prepared
1506 by a person or entity exempt under this subsection contains a
1507 statement on each page of the document that the designs,
1508 specifications, or layouts are not architectural, ~~interior~~

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1509 ~~design,~~ or engineering designs, specifications, or layouts and
1510 not used for construction unless reviewed and approved by a
1511 licensed architect or engineer.

1512 Section 52. Subsection (1) of section 481.231, Florida
1513 Statutes, is amended to read:

1514 481.231 Effect of part locally.—

1515 (1) ~~Nothing in~~ This part does not ~~shall be construed to~~
1516 repeal, amend, limit, or otherwise affect any specific provision
1517 of any local building code or zoning law or ordinance that has
1518 been duly adopted, now or hereafter enacted, which is more
1519 restrictive, with respect to the services of registered
1520 architects or registered interior designers, than ~~the provisions~~
1521 ~~of~~ this part; provided, however, that a licensed architect shall
1522 be deemed registered ~~licensed~~ as an interior designer for
1523 purposes of offering or rendering interior design services to a
1524 county, municipality, or other local government or political
1525 subdivision.

1526 Section 53. Section 481.303, Florida Statutes, is amended
1527 to read:

1528 481.303 Definitions.—As used in this chapter, the term:

1529 (1) "Board" means the Board of Landscape Architecture.

1530 ~~(3)(2)~~ "Department" means the Department of Business and
1531 Professional Regulation.

1532 ~~(6)(3)~~ "Registered landscape architect" means a person who
1533 holds a license to practice landscape architecture in this state
1534 under the authority of this act.

1535 ~~(2)(4)~~ "Certificate of registration" means a license issued
1536 by the department to a natural person to engage in the practice
1537 of landscape architecture.

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1538 ~~(5) "Certificate of authorization" means a license issued~~
1539 ~~by the department to a corporation or partnership to engage in~~
1540 ~~the practice of landscape architecture.~~

1541 (4)~~(6)~~ "Landscape architecture" means professional
1542 services, including, but not limited to, the following:

1543 (a) Consultation, investigation, research, planning,
1544 design, preparation of drawings, specifications, contract
1545 documents and reports, responsible construction supervision, or
1546 landscape management in connection with the planning and
1547 development of land and incidental water areas, including the
1548 use of Florida-friendly landscaping as defined in s. 373.185,
1549 where, and to the extent that, the dominant purpose of such
1550 services or creative works is the preservation, conservation,
1551 enhancement, or determination of proper land uses, natural land
1552 features, ground cover and plantings, or naturalistic and
1553 aesthetic values;

1554 (b) The determination of settings, grounds, and approaches
1555 for and the siting of buildings and structures, outdoor areas,
1556 or other improvements;

1557 (c) The setting of grades, shaping and contouring of land
1558 and water forms, determination of drainage, and provision for
1559 storm drainage and irrigation systems where such systems are
1560 necessary to the purposes outlined herein; and

1561 (d) The design of such tangible objects and features as are
1562 necessary to the purpose outlined herein.

1563 (5)~~(7)~~ "Landscape design" means consultation for and
1564 preparation of planting plans drawn for compensation, including
1565 specifications and installation details for plant materials,
1566 soil amendments, mulches, edging, gravel, and other similar

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1567 materials. Such plans may include only recommendations for the
1568 conceptual placement of tangible objects for landscape design
1569 projects. Construction documents, details, and specifications
1570 for tangible objects and irrigation systems shall be designed or
1571 approved by licensed professionals as required by law.

1572 Section 54. Section 481.310, Florida Statutes, is amended
1573 to read:

1574 481.310 Practical experience requirement.—Beginning October
1575 1, 1990, every applicant for licensure as a registered landscape
1576 architect shall demonstrate, prior to licensure, 1 year of
1577 practical experience in landscape architectural work. An
1578 applicant who holds a master of landscape architecture degree
1579 and a bachelor's degree in a related field is not required to
1580 demonstrate 1 year of practical experience in landscape
1581 architectural work to obtain licensure. The board shall adopt
1582 rules providing standards for the required experience. An
1583 applicant who qualifies for examination pursuant to s.
1584 481.309(1)(b)1. may obtain the practical experience after
1585 completing the required professional degree. Experience used to
1586 qualify for examination pursuant to s. 481.309(1)(b)2. may not
1587 be used to satisfy the practical experience requirement under
1588 this section.

1589 Section 55. Subsections (3) and (4) of section 481.311,
1590 Florida Statutes, are amended, to read:

1591 481.311 Licensure.—

1592 (3) The board shall certify as qualified for a license by
1593 endorsement an applicant who÷

1594 ~~(a) Qualifies to take the examination as set forth in s.~~
1595 ~~481.309; and has passed a national, regional, state, or~~

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1596 ~~territorial licensing examination which is substantially~~
1597 ~~equivalent to the examination required by s. 481.309; or~~

1598 ~~(b) holds a valid license to practice landscape~~
1599 ~~architecture issued by another state or territory of the United~~
1600 ~~States, if the criteria for issuance of such license were~~
1601 ~~substantially identical to the licensure criteria which existed~~
1602 ~~in this state at the time the license was issued.~~

1603 ~~(4) The board shall certify as qualified for a certificate~~
1604 ~~of authorization any applicant corporation or partnership who~~
1605 ~~satisfies the requirements of s. 481.319.~~

1606 Section 56. Subsection (2) of section 481.317, Florida
1607 Statutes, is amended to read:

1608 481.317 Temporary certificates.—

1609 ~~(2) Upon approval by the board and payment of the fee set~~
1610 ~~in s. 481.307, the department shall grant a temporary~~
1611 ~~certificate of authorization for work on one specified project~~
1612 ~~in this state for a period not to exceed 1 year to an out-of-~~
1613 ~~state corporation, partnership, or firm, provided one of the~~
1614 ~~principal officers of the corporation, one of the partners of~~
1615 ~~the partnership, or one of the principals in the fictitiously~~
1616 ~~named firm has obtained a temporary certificate of registration~~
1617 ~~in accordance with subsection (1).~~

1618 Section 57. Section 481.319, Florida Statutes, is amended
1619 to read:

1620 481.319 Corporate and partnership practice of landscape
1621 architecture; ~~certificate of authorization.~~—

1622 (1) The practice of or offer to practice landscape
1623 architecture by registered landscape architects registered under
1624 this part through a corporation or partnership offering

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1625 landscape architectural services to the public, or through a
1626 corporation or partnership offering landscape architectural
1627 services to the public through individual registered landscape
1628 architects as agents, employees, officers, or partners, is
1629 permitted, subject to the provisions of this section, if:

1630 (a) One or more of the principal officers of the
1631 corporation, or partners of the partnership, and all personnel
1632 of the corporation or partnership who act in its behalf as
1633 landscape architects in this state are registered landscape
1634 architects; and

1635 (b) One or more of the officers, one or more of the
1636 directors, one or more of the owners of the corporation, or one
1637 or more of the partners of the partnership is a registered
1638 landscape architect; ~~and~~

1639 ~~(c) The corporation or partnership has been issued a~~
1640 ~~certificate of authorization by the board as provided herein.~~

1641 (2) All documents involving the practice of landscape
1642 architecture which are prepared for the use of the corporation
1643 or partnership shall bear the signature and seal of a registered
1644 landscape architect.

1645 (3) A landscape architect applying to practice in the name
1646 of a corporation must ~~shall~~ file with the
1647 department the names and addresses of all officers and board
1648 members of the corporation, including the principal officer or
1649 officers, duly registered to practice landscape architecture in
1650 this state and, also, of all individuals duly registered to
1651 practice landscape architecture in this state who shall be in
1652 responsible charge of the practice of landscape architecture by
1653 the corporation in this state. A landscape architect applying to

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1654 practice in the name of a ~~An applicant~~ partnership must ~~shall~~
1655 file with the department the names and addresses of all partners
1656 of the partnership, including the partner or partners duly
1657 registered to practice landscape architecture in this state and,
1658 also, of an individual or individuals duly registered to
1659 practice landscape architecture in this state who shall be in
1660 responsible charge of the practice of landscape architecture by
1661 said partnership in this state.

1662 (4) Each landscape architect qualifying a partnership or
1663 ~~and~~ corporation licensed under this part must ~~shall~~ notify the
1664 department within 1 month after ~~of~~ any change in the information
1665 contained in the application upon which the license is based.
1666 Any landscape architect who terminates her or his ~~or her~~
1667 employment with a partnership or corporation licensed under this
1668 part shall notify the department of the termination within 1
1669 month after such termination.

1670 (5) ~~Disciplinary action against a corporation or~~
1671 ~~partnership shall be administered in the same manner and on the~~
1672 ~~same grounds as disciplinary action against a registered~~
1673 ~~landscape architect.~~

1674 ~~(6)~~ Except as provided in s. 558.0035, the fact that a
1675 registered landscape architect practices landscape architecture
1676 through a corporation or partnership as provided in this section
1677 does not relieve the landscape architect from personal liability
1678 for her or his ~~or her~~ professional acts.

1679 Section 58. Subsection (5) of section 481.321, Florida
1680 Statutes, is amended to read:

1681 481.321 Seals; display of certificate number.—

1682 (5) Each registered landscape architect must ~~and each~~

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1683 ~~corporation or partnership holding a certificate of~~
1684 ~~authorization shall~~ include her or his ~~its~~ certificate number in
1685 any newspaper, telephone directory, or other advertising medium
1686 used by the registered landscape architect, corporation, or
1687 partnership. A corporation or partnership must ~~is not required~~
1688 ~~to~~ display the certificate number ~~numbers~~ of at least one
1689 officer, director, owner, or partner who is a individual
1690 registered landscape architect ~~architects~~ employed by or
1691 practicing with the corporation or partnership.

1692 Section 59. Subsection (5) of section 481.329, Florida
1693 Statutes, is amended to read:

1694 481.329 Exceptions; exemptions from licensure.—

1695 (5) This part does not prohibit any person from engaging in
1696 the practice of landscape design, as defined in s. 481.303 ~~s.~~
1697 ~~481.303(7)~~, or from submitting for approval to a governmental
1698 agency planting plans that are independent of, or a component
1699 of, construction documents that are prepared by a Florida-
1700 registered professional. Persons providing landscape design
1701 services shall not use the title, term, or designation
1702 "landscape architect," "landscape architectural," "landscape
1703 architecture," "L.A.," "landscape engineering," or any
1704 description tending to convey the impression that she or he is a
1705 landscape architect unless she or he is registered as provided
1706 in this part.

1707 Section 60. Subsection (9) of section 489.103, Florida
1708 Statutes, is amended to read:

1709 489.103 Exemptions.—This part does not apply to:

1710 (9) Any work or operation of a casual, minor, or
1711 inconsequential nature in which the aggregate contract price for

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1712 labor, materials, and all other items is less than \$2,500
1713 ~~\$1,000~~, but this exemption does not apply:

1714 (a) If the construction, repair, remodeling, or improvement
1715 is a part of a larger or major operation, whether undertaken by
1716 the same or a different contractor, or in which a division of
1717 the operation is made in contracts of amounts less than \$2,500
1718 ~~\$1,000~~ for the purpose of evading this part or otherwise.

1719 (b) To a person who advertises that he or she is a
1720 contractor or otherwise represents that he or she is qualified
1721 to engage in contracting.

1722 Section 61. Subsection (2) of section 489.111, Florida
1723 Statutes, is amended to read:

1724 489.111 Licensure by examination.—

1725 (2) A person shall be eligible for licensure by examination
1726 if the person:

1727 (a) Is 18 years of age;

1728 (b) Is of good moral character; and

1729 (c) Meets eligibility requirements according to one of the
1730 following criteria:

1731 1. Has received a baccalaureate degree from an accredited
1732 4-year college in the appropriate field of engineering,
1733 architecture, or building construction and has 1 year of proven
1734 experience in the category in which the person seeks to qualify.
1735 For the purpose of this part, a minimum of 2,000 person-hours
1736 shall be used in determining full-time equivalency.

1737 2. Has a total of at least 4 years of active experience as
1738 a worker who has learned the trade by serving an apprenticeship
1739 as a skilled worker who is able to command the rate of a
1740 mechanic in the particular trade or as a foreman who is in

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1741 charge of a group of workers and usually is responsible to a
1742 superintendent or a contractor or his or her equivalent,
1743 provided, however, that at least 1 year of active experience
1744 shall be as a foreman.

1745 3. Has a combination of not less than 1 year of experience
1746 as a foreman and not less than 3 years of credits for any
1747 accredited college-level courses; has a combination of not less
1748 than 1 year of experience as a skilled worker, 1 year of
1749 experience as a foreman, and not less than 2 years of credits
1750 for any accredited college-level courses; or has a combination
1751 of not less than 2 years of experience as a skilled worker, 1
1752 year of experience as a foreman, and not less than 1 year of
1753 credits for any accredited college-level courses. All junior
1754 college or community college-level courses shall be considered
1755 accredited college-level courses.

1756 4.a. An active certified residential contractor is eligible
1757 to receive a certified building contractor license after passing
1758 or having previously passed ~~take~~ the building contractors'
1759 examination if he or she possesses a minimum of 3 years of
1760 proven experience in the classification in which he or she is
1761 certified.

1762 b. An active certified residential contractor is eligible
1763 to receive a certified general contractor license after passing
1764 or having previously passed ~~take~~ the general contractors'
1765 examination if he or she possesses a minimum of 4 years of
1766 proven experience in the classification in which he or she is
1767 certified.

1768 c. An active certified building contractor is eligible to
1769 receive a certified general contractor license after passing or

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1770 having previously passed ~~take~~ the general contractors'
1771 examination if he or she possesses a minimum of 4 years of
1772 proven experience in the classification in which he or she is
1773 certified.

1774 5.a. An active certified air-conditioning Class C
1775 contractor is eligible to receive a certified air-conditioning
1776 Class B contractor license after passing or having previously
1777 passed ~~take~~ the air-conditioning Class B contractors'
1778 examination if he or she possesses a minimum of 3 years of
1779 proven experience in the classification in which he or she is
1780 certified.

1781 b. An active certified air-conditioning Class C contractor
1782 is eligible to receive a certified air-conditioning Class A
1783 contractor license after passing or having previously passed
1784 ~~take~~ the air-conditioning Class A contractors' examination if he
1785 or she possesses a minimum of 4 years of proven experience in
1786 the classification in which he or she is certified.

1787 c. An active certified air-conditioning Class B contractor
1788 is eligible to receive a certified air-conditioning Class A
1789 contractor license after passing or having previously passed
1790 ~~take~~ the air-conditioning Class A contractors' examination if he
1791 or she possesses a minimum of 1 year of proven experience in the
1792 classification in which he or she is certified.

1793 6.a. An active certified swimming pool servicing contractor
1794 is eligible to receive a certified residential swimming pool
1795 contractor license after passing or having previously passed
1796 ~~take~~ the residential swimming pool contractors' examination if
1797 he or she possesses a minimum of 3 years of proven experience in
1798 the classification in which he or she is certified.

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1799 b. An active certified swimming pool servicing contractor
1800 is eligible to receive a certified commercial swimming pool
1801 contractor license after passing or having previously passed
1802 ~~take~~ the swimming pool commercial contractors' examination if he
1803 or she possesses a minimum of 4 years of proven experience in
1804 the classification in which he or she is certified.

1805 c. An active certified residential swimming pool contractor
1806 is eligible to receive a certified commercial swimming pool
1807 contractor license after passing or having previously passed
1808 ~~take~~ the commercial swimming pool contractors' examination if he
1809 or she possesses a minimum of 1 year of proven experience in the
1810 classification in which he or she is certified.

1811 d. An applicant is eligible to receive a certified swimming
1812 pool/spa servicing contractor license after passing or having
1813 previously passed ~~take~~ the swimming pool/spa servicing
1814 contractors' examination if he or she has satisfactorily
1815 completed 60 hours of instruction in courses related to the
1816 scope of work covered by that license and approved by the
1817 Construction Industry Licensing Board by rule and has at least 1
1818 year of proven experience related to the scope of work of such a
1819 contractor.

1820 Section 62. Subsection (3) of section 489.115, Florida
1821 Statutes, is amended to read:

1822 489.115 Certification and registration; endorsement;
1823 reciprocity; renewals; continuing education.—

1824 (3) The board shall certify as qualified for certification
1825 by endorsement any applicant who:

1826 (a) Meets the requirements for certification as set forth
1827 in this section; has passed a national, regional, state, or

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1828 United States territorial licensing examination that is
1829 substantially equivalent to the examination required by this
1830 part; and has satisfied the requirements set forth in s.
1831 489.111;

1832 (b) Holds a valid license to practice contracting issued by
1833 another state or territory of the United States, if the criteria
1834 for issuance of such license were substantially equivalent to
1835 Florida's current certification criteria; ~~or~~

1836 (c) Holds a valid, current license to practice contracting
1837 issued by another state or territory of the United States, if
1838 the state or territory has entered into a reciprocal agreement
1839 with the board for the recognition of contractor licenses issued
1840 in that state, based on criteria for the issuance of such
1841 licenses that are substantially equivalent to the criteria for
1842 certification in this state; or

1843 (d) Has held a valid, current license to practice
1844 contracting issued by another state or territory of the United
1845 States for at least 10 years before the date of application and
1846 is applying for the same or similar license in this state,
1847 subject to subsections (5)-(9). The board may consider whether
1848 such applicant has had a license to practice contracting
1849 revoked, suspended, or otherwise acted against by the licensing
1850 authority of another state, territory, or country. Such
1851 application must be made either when the license in another
1852 state or territory is active or within 2 years after such
1853 license was last active.

1854 Section 63. Subsection (5) of section 489.511, Florida
1855 Statutes, is amended to read:

1856 489.511 Certification; application; examinations;

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1857 endorsement.—

1858 (5) The board shall certify as qualified for certification
1859 by endorsement any individual applying for certification who:

1860 (a) Meets the requirements for certification as set forth
1861 in this section; has passed a national, regional, state, or
1862 United States territorial licensing examination that is
1863 substantially equivalent to the examination required by this
1864 part; and has satisfied the requirements set forth in s.

1865 489.521; ~~or~~

1866 (b) Holds a valid license to practice electrical or alarm
1867 system contracting issued by another state or territory of the
1868 United States, if the criteria for issuance of such license was
1869 substantially equivalent to the certification criteria that
1870 existed in this state at the time the certificate was issued; or

1871 (c) Has held a valid, current license to practice
1872 electrical or alarm system contracting issued by another state
1873 or territory of the United States for at least 10 years before
1874 the date of application and is applying for the same or similar
1875 license in this state, subject to ss. 489.510 and 489.521(3)(a),
1876 and subparagraph (1)(b)1. Such application must be made either
1877 when the license in another state or territory is active or
1878 within 2 years after such license was last active.

1879 Section 64. Subsection (3) and paragraph (b) of subsection
1880 (4) of section 489.517, Florida Statutes, are amended to read:

1881 489.517 Renewal of certificate or registration; continuing
1882 education.—

1883 (3) Each certificateholder or registrant shall provide
1884 proof, in a form established by rule of the board, that the
1885 certificateholder or registrant has completed at least 11 ~~14~~

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1886 classroom hours of at least 50 minutes each of continuing
1887 education courses during each biennium since the issuance or
1888 renewal of the certificate or registration. The board shall by
1889 rule establish criteria for the approval of continuing education
1890 courses and providers and may by rule establish criteria for
1891 accepting alternative nonclassroom continuing education on an
1892 hour-for-hour basis.

1893 (4)

1894 (b) Of the 11 ~~14~~ classroom hours of continuing education
1895 required, at least 6 ~~7~~ hours must be on technical subjects, 1
1896 hour on workers' compensation, 1 hour on workplace safety, 1
1897 hour on business practices, and for alarm system contractors and
1898 electrical contractors engaged in alarm system contracting, 2
1899 hours on false alarm prevention.

1900 Section 65. Paragraph (b) of subsection (1) of section
1901 489.518, Florida Statutes, is amended to read:

1902 489.518 Alarm system agents.—

1903 (1) A licensed electrical or alarm system contractor may
1904 not employ a person to perform the duties of a burglar alarm
1905 system agent unless the person:

1906 (b) Has successfully completed a minimum of 14 hours of
1907 training within 90 days after employment, to include basic alarm
1908 system electronics in addition to related training including
1909 CCTV and access control training, with at least 2 hours of
1910 training in the prevention of false alarms. Such training shall
1911 be from a board-approved provider, and the employee or applicant
1912 for employment shall provide proof of successful completion to
1913 the licensed employer. The board shall by rule establish
1914 criteria for the approval of training courses and providers and

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1915 may by rule establish criteria for accepting alternative
1916 nonclassroom education on an hour-for-hour basis. The board
1917 shall approve providers that conduct training in other than the
1918 English language. The board shall establish a fee for the
1919 approval of training providers or courses, not to exceed \$60.
1920 Qualified employers may conduct training classes for their
1921 employees, with board approval.

1922 Section 66. Section 509.102, Florida Statutes, is created
1923 to read:

1924 509.102 Mobile food dispensing vehicles; preemption.-

1925 (1) As used in this section, the term "mobile food
1926 dispensing vehicle" means any vehicle that is a public food
1927 service establishment and that is self-propelled or otherwise
1928 movable from place to place and includes self-contained
1929 utilities, including, but not limited to, gas, water,
1930 electricity, or liquid waste disposal.

1931 (2) Regulation of mobile food dispensing vehicles involving
1932 licenses, registrations, permits, and fees and the regulation of
1933 the operation of mobile food dispensing vehicles is preempted to
1934 the state. A municipality, county, or other local government
1935 entity may not:

1936 (a) Require a separate license, registration, or permit
1937 other than the license required under s. 509.241, or require the
1938 payment of any license, registration, or permit fee other than
1939 the fee required under s. 509.251, as a condition for the
1940 operation of a mobile food dispensing vehicle within the
1941 entity's jurisdiction;

1942 (b) Prohibit mobile food dispensing vehicles from operating
1943 within the entity's jurisdiction.

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1944 Section 67. Paragraph (i) of subsection (2) of section
 1945 548.003, Florida Statutes, is amended to read:

1946 548.003 Florida State Boxing Commission.—

1947 (2) The Florida State Boxing Commission, as created by
 1948 subsection (1), shall administer the provisions of this chapter.
 1949 The commission has authority to adopt rules pursuant to ss.
 1950 120.536(1) and 120.54 to implement the provisions of this
 1951 chapter and to implement each of the duties and responsibilities
 1952 conferred upon the commission, including, but not limited to:

1953 ~~(i) Designation and duties of a knockdown timekeeper.~~

1954 Section 68. Subsection (1) of section 548.017, Florida
 1955 Statutes, is amended to read:

1956 548.017 Participants, managers, and other persons required
 1957 to have licenses.—

1958 (1) A participant, manager, trainer, second, ~~timekeeper,~~
 1959 referee, judge, ~~announcer,~~ physician, matchmaker, or promoter
 1960 must be licensed before directly or indirectly acting in such
 1961 capacity in connection with any match involving a participant. A
 1962 physician approved by the commission must be licensed pursuant
 1963 to chapter 458 or chapter 459, must maintain an unencumbered
 1964 license in good standing, and must demonstrate satisfactory
 1965 medical training or experience in boxing, or a combination of
 1966 both, to the executive director before working as the ringside
 1967 physician.

1968 Section 69. Paragraph (d) of subsection (1) of section
 1969 553.5141, Florida Statutes, is amended to read:

1970 553.5141 Certifications of conformity and remediation
 1971 plans.—

1972 (1) For purposes of this section:

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- 1973 (d) "Qualified expert" means:
- 1974 1. An engineer licensed pursuant to chapter 471.
- 1975 2. A certified general contractor licensed pursuant to
- 1976 chapter 489.
- 1977 3. A certified building contractor licensed pursuant to
- 1978 chapter 489.
- 1979 4. A building code administrator licensed pursuant to
- 1980 chapter 468.
- 1981 5. A building inspector licensed pursuant to chapter 468.
- 1982 6. A plans examiner licensed pursuant to chapter 468.
- 1983 7. An interior designer registered ~~licensed~~ pursuant to
- 1984 chapter 481.
- 1985 8. An architect licensed pursuant to chapter 481.
- 1986 9. A landscape architect licensed pursuant to chapter 481.
- 1987 10. Any person who has prepared a remediation plan related
- 1988 to a claim under Title III of the Americans with Disabilities
- 1989 Act, 42 U.S.C. s. 12182, that has been accepted by a federal
- 1990 court in a settlement agreement or court proceeding, or who has
- 1991 been qualified as an expert in Title III of the Americans with
- 1992 Disabilities Act, 42 U.S.C. s. 12182, by a federal court.
- 1993 Section 70. Effective January 1, 2021, subsection (1) of
- 1994 section 553.74, Florida Statutes, is amended to read:
- 1995 553.74 Florida Building Commission.—
- 1996 (1) The Florida Building Commission is created and located
- 1997 within the Department of Business and Professional Regulation
- 1998 for administrative purposes. Members are appointed by the
- 1999 Governor subject to confirmation by the Senate. The commission
- 2000 is composed of 19 ~~27~~ members, consisting of the following
- 2001 members:

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2002 (a) One architect licensed pursuant to chapter 481 with at
2003 least 5 years of experience in the design and construction of
2004 buildings designated for Group E or Group I occupancies by the
2005 Florida Building Code ~~registered to practice in this state and~~
2006 ~~actively engaged in the profession.~~ The American Institute of
2007 Architects, Florida Section, is encouraged to recommend a list
2008 of candidates for consideration.

2009 (b) One structural engineer registered to practice in this
2010 state and actively engaged in the profession. The Florida
2011 Engineering Society is encouraged to recommend a list of
2012 candidates for consideration.

2013 (c) One air-conditioning contractor, ~~or~~ mechanical
2014 contractor, or mechanical engineer certified to do business in
2015 this state and actively engaged in the profession. The Florida
2016 Air Conditioning Contractors Association, the Florida
2017 Refrigeration and Air Conditioning Contractors Association, ~~and~~
2018 the Mechanical Contractors Association of Florida, and the
2019 Florida Engineering Society are encouraged to recommend a list
2020 of candidates for consideration.

2021 (d) One electrical contractor or electrical engineer
2022 certified to do business in this state and actively engaged in
2023 the profession. The Florida Association of Electrical
2024 Contractors, ~~and~~ the National Electrical Contractors
2025 Association, Florida Chapter, and the Florida Engineering
2026 Society are encouraged to recommend a list of candidates for
2027 consideration.

2028 ~~(e) One member from fire protection engineering or~~
2029 ~~technology who is actively engaged in the profession. The~~
2030 ~~Florida Chapter of the Society of Fire Protection Engineers and~~

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2031 ~~the Florida Fire Marshals and Inspectors Association are~~
2032 ~~encouraged to recommend a list of candidates for consideration.~~

2033 (e)~~(f)~~ One certified general contractor or one certified
2034 building contractor certified to do business in this state and
2035 actively engaged in the profession. The Associated Builders and
2036 Contractors of Florida, the Florida Associated General
2037 Contractors Council, the Florida Home Builders Association, and
2038 the Union Contractors Association are encouraged to recommend a
2039 list of candidates for consideration.

2040 (f)~~(g)~~ One plumbing contractor licensed to do business in
2041 this state and actively engaged in the profession. The Florida
2042 Association of Plumbing, Heating, and Cooling Contractors is
2043 encouraged to recommend a list of candidates for consideration.

2044 (g)~~(h)~~ One roofing or sheet metal contractor certified to
2045 do business in this state and actively engaged in the
2046 profession. The Florida Roofing, Sheet Metal, and Air
2047 Conditioning Contractors Association and the Sheet Metal and Air
2048 Conditioning Contractors' National Association are encouraged to
2049 recommend a list of candidates for consideration.

2050 (h)~~(i)~~ One certified residential contractor licensed to do
2051 business in this state and actively engaged in the profession.
2052 The Florida Home Builders Association is encouraged to recommend
2053 a list of candidates for consideration.

2054 (i)~~(j)~~ Three members who are municipal, county, or district
2055 codes enforcement officials, one of whom is also a fire
2056 official. The Building Officials Association of Florida and the
2057 Florida Fire Marshals and Inspectors Association are encouraged
2058 to recommend a list of candidates for consideration.

2059 ~~(k) One member who represents the Department of Financial~~

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2060 ~~Services.~~

2061 ~~(l) One member who is a county codes enforcement official.~~
2062 ~~The Building Officials Association of Florida is encouraged to~~
2063 ~~recommend a list of candidates for consideration.~~

2064 (j) ~~(m)~~ One member of a Florida-based organization of
2065 persons with disabilities or a nationally chartered organization
2066 of persons with disabilities with chapters in this state which
2067 complies with or is certified to be compliant with the
2068 requirements of the Americans with Disability Act of 1990, as
2069 amended.

2070 (k) ~~(n)~~ One member of the manufactured buildings industry
2071 who is licensed to do business in this state and is actively
2072 engaged in the industry. The Florida Manufactured Housing
2073 Association is encouraged to recommend a list of candidates for
2074 consideration.

2075 ~~(o) One mechanical or electrical engineer registered to~~
2076 ~~practice in this state and actively engaged in the profession.~~
2077 ~~The Florida Engineering Society is encouraged to recommend a~~
2078 ~~list of candidates for consideration.~~

2079 ~~(p) One member who is a representative of a municipality or~~
2080 ~~a charter county. The Florida League of Cities and the Florida~~
2081 ~~Association of Counties are encouraged to recommend a list of~~
2082 ~~candidates for consideration.~~

2083 (l) ~~(q)~~ One member of the building products manufacturing
2084 industry who is authorized to do business in this state and is
2085 actively engaged in the industry. The Florida Building Material
2086 Association, the Florida Concrete and Products Association, and
2087 the Fenestration Manufacturers Association are encouraged to
2088 recommend a list of candidates for consideration.

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2089 (m)~~(r)~~ One member who is a representative of the building
2090 owners and managers industry who is actively engaged in
2091 commercial building ownership or management. The Building Owners
2092 and Managers Association is encouraged to recommend a list of
2093 candidates for consideration.

2094 (n)~~(s)~~ One member who is a representative of the insurance
2095 industry. The Florida Insurance Council is encouraged to
2096 recommend a list of candidates for consideration.

2097 ~~(t) One member who is a representative of public education.~~

2098 (o)~~(u)~~ One member who is a swimming pool contractor
2099 licensed to do business in this state and actively engaged in
2100 the profession. The Florida Swimming Pool Association and the
2101 United Pool and Spa Association are encouraged to recommend a
2102 list of candidates for consideration.

2103 (p)~~(v)~~ One member who is a representative of the green
2104 building industry and who is a third-party commission agent, a
2105 Florida board member of the United States Green Building Council
2106 or Green Building Initiative, a professional who is accredited
2107 under the International Green Construction Code (IGCC), or a
2108 professional who is accredited under Leadership in Energy and
2109 Environmental Design (LEED).

2110 (q)~~(w)~~ One member who is a representative of a natural gas
2111 distribution system and who is actively engaged in the
2112 distribution of natural gas in this state. The Florida Natural
2113 Gas Association is encouraged to recommend a list of candidates
2114 for consideration.

2115 ~~(x) One member who is a representative of the Department of
2116 Agriculture and Consumer Services' Office of Energy. The
2117 Commissioner of Agriculture is encouraged to recommend a list of~~

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2118 ~~candidates for consideration.~~

2119 ~~(y) One member who shall be the chair.~~

2120 Section 71. Subsection (7) of section 558.002, Florida
2121 Statutes, is amended to read:

2122 558.002 Definitions.—As used in this chapter, the term:

2123 (7) "Design professional" means a person, as defined in s.
2124 1.01, who is licensed in this state as an architect, interior
2125 designer, a landscape architect, an engineer, a surveyor, or a
2126 geologist or who is a registered interior designer, as defined
2127 in s. 481.203.

2128 Section 72. Subsection (3) of section 559.25, Florida
2129 Statutes, is amended to read:

2130 559.25 Exemptions.—The provisions of this part shall not
2131 apply to or affect the following persons:

2132 ~~(3) Duly licensed auctioneers, selling at auction.~~

2133 Section 73. Paragraphs (h) and (k) of subsection (2) of
2134 section 287.055, Florida Statutes, are amended to read:

2135 287.055 Acquisition of professional architectural,
2136 engineering, landscape architectural, or surveying and mapping
2137 services; definitions; procedures; contingent fees prohibited;
2138 penalties.—

2139 (2) DEFINITIONS.—For purposes of this section:

2140 (h) A "design-build firm" means a partnership, corporation,
2141 or other legal entity that:

2142 1. Is certified under s. 489.119 to engage in contracting
2143 through a certified or registered general contractor or a
2144 certified or registered building contractor as the qualifying
2145 agent; or

2146 2. Is qualified ~~certified~~ under s. 471.023 to practice or

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2147 to offer to practice engineering; qualified ~~certified~~ under s.
2148 481.219 to practice or to offer to practice architecture; or
2149 qualified ~~certified~~ under s. 481.319 to practice or to offer to
2150 practice landscape architecture.

2151 (k) A "design criteria professional" means a firm that is
2152 qualified ~~who holds a current certificate of registration~~ under
2153 chapter 481 to practice architecture or landscape architecture
2154 or a firm who holds a current certificate as a registered
2155 engineer under chapter 471 to practice engineering and who is
2156 employed by or under contract to the agency for the providing of
2157 professional architect services, landscape architect services,
2158 or engineering services in connection with the preparation of
2159 the design criteria package.

2160 Section 74. Except as otherwise expressly provided in this
2161 act, this act shall take effect July 1, 2020.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Innovation, Industry, and Technology

BILL: CS/SB 498

INTRODUCER: Commerce and Tourism Committee and Senator Baxley

SUBJECT: Consumer Protection

DATE: January 17, 2020 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harmsen</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
2.	<u>Kraemer</u>	<u>Imhof</u>	<u>IT</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 498 requires an unlicensed vendor to perform his or her work duties within a specific timeframe after the unlicensed vendor receives payment for the services. The bill also creates a rebuttable presumption that an unlicensed vendor does not have just cause to fail to comply with their duties, refund their payment, or continue their work for any 14-day period.

An unlicensed vendor who violates this provision commits a crime punishable as, depending on the total money received for the services and any prior offenses, a first degree misdemeanor or a felony.

The Revenue Estimating Conference has not yet assessed the fiscal impact for this bill. To the extent that the felony and misdemeanor penalties created in the bill result in persons being convicted, the bill may result in an indeterminate fiscal impact on prisons.

Additionally, the bill requires solicitors, salespersons, and agents who conduct door-to-door sales of consumer goods or services that will be delivered more than three days after the sale to obtain a home solicitation permit from a county clerk of the circuit court.

The bill takes effect on July 1, 2020.

II. Present Situation:

Florida consumers experienced growing numbers of contractor theft and unlicensed contractor fraud in the wake of recent hurricanes Irma and Michael.¹ However, victims met difficulty prosecuting the perpetrators because theft requires proof that the defendant had the intent to commit the crime at the time of, or prior to, the taking.² Especially in cases where a contract exists, it is difficult to prove criminal intent at the time the contract was signed.³ Florida courts have also found that a partial performance of a contract negates criminal intent.⁴

In 2019, the Legislature updated the construction contracting theft statute⁵ to remove the requirement that a construction contractor have intent to defraud the owner to be convicted of such theft.⁶ This change only applies to actors who are, or were acting as, a licensed construction contractor.

An unlicensed person may perform work that falls under the scope of construction contracting if the work is casual, minor, or inconsequential in nature, and the aggregate contract price for all labor and materials is less than \$1,000, subject to certain requirements. This is generally called the “handyman exception.” The “handyman exception” was enacted in 1979, and the contractual amount of \$1,000 has not been updated since.⁷

Unlicensed Activity

Several Florida agencies protect consumers from unlicensed activity. The Department of Business and Professional Regulation (DBPR) regulates several professions, including contractors and many of the construction trades. The DBPR regulates the unlicensed practice of those professions as well.⁸ According to the DBPR, unlicensed activity occurs most commonly

¹ See, e.g., Insurance Journal, *10 Arrests Made in Florida Unlicensed Contractor, Workers' Comp Fraud Sting* (Jun. 19, 2019), <https://www.insurancejournal.com/news/southeast/2019/06/19/529814.htm> (last visited Jan. 16, 2020); and Cape Coral Police Department, *Unlicensed Contractors and Scams* (Nov. 7, 2018), <https://www.capecops.com/newsroom/2018/11/7/unlicensed-contractors-and-scams> (last visited Jan. 16, 2020); and see Florida Dept. of Financial Services, *CFO Jimmy Patronis Announces Arrest of Fake Contractor for Stealing Over \$116,000 from Hurricane Irma Victims* (Mar. 1, 2019), <https://www.myfloridacfo.com/sitePages/newsroom/pressRelease.aspx?id=5206> (last visited Jan. 16, 2020).

² See *Stramaglia v. State*, 603 So. 2d 536, 537-38 (Fla. 4th DCA 1992) and *Frazier v. State*, 114 So. 3d 461 (Fla. 2nd DCA 2013). Florida recognizes two types of intent crimes: specific intent and general intent crimes. A specific intent crime requires the offender to intend to accomplish a precise, prohibited act. A general intent crime requires the offender to intend to do something unlawful, but the offender does not need to intend the precise harm or result that occurs. See Black's Law Dictionary 47, 559 and 560 (6th ed. 1995). Unless an offender confesses his or her intent, intent must be inferred. See generally, David Crump, *What Does Intent Mean*, 38 HOFSTRA L.R. 1059, <https://scholarlycommons.law.hofstra.edu/hlr/vol38/iss4/2/> (last visited Jan. 16, 2020).

³ See *Adams v. State*, 443 So. 2d 1003 (Fla. 2nd DCA 1983).

⁴ See *Yerrick v. State*, 979 So. 2d 1228 (Fla. 4th DCA 2008).

⁵ Section 489.126(2), F.S.

⁶ Section 19, ch. 2019-167, Laws of Fla. See also, Sasha Jones, *New Florida Law Protects You Against Contractor Fraud* (Jul. 11, 2019), <https://www.nbcmiami.com/news/local/New-Florida-Law-Protects-You-Against-Contractor-Fraud-512600391.html> (last visited Jan. 10, 2020).

⁷ Section 489.103(9), F.S. The exemption does not apply if the construction, repair, remodeling, or improvement is part of a larger operation, regardless of whether the work is undertaken by the same or a different contractor.

⁸ Florida Dept. of Business and Professional Regulation, *Department Overview*, <http://www.myfloridalicense.com/DBPR/about-us/departments-overview/> (last visited Jan. 16, 2020).

in the construction and electrical trades.⁹ In fiscal year 2017-2018, the DBPR received 3,043 complaints of unlicensed construction contractor and electrical contractor activity, and filed 664 administrative cases to address those complaints.¹⁰ The number of complaints of such unlicensed activity and the DBPR's response to them increased in fiscal year 2018-2019, when the DBPR received 3,198 such complaints and filed 1,175 administrative cases.¹¹

The Department of Agriculture and Consumer Services serves as the consumer complaint clearinghouse for issues that arise about businesses whether regulated or not.¹²

Additionally the Florida Office of the Attorney General's Consumer Protection Division prosecutes deceptive and unfair trade practices under the Florida Deceptive and Unfair Trade Practices Act (ch. 501, F.S.).¹³ Since 2011, that division has resolved 558 investigations and recovered over \$10 billion for Florida consumers.¹⁴

Construction Contracting Fraud and Theft

A construction contractor is a person who undertakes a job or submits a bid to construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure for others, and whose job scope is substantially similar to one of 17 specified scopes of work.¹⁵ A construction contractor must be licensed by the DBPR's Construction Industry Licensing Board (board) or certified by the county in which he or she wishes to work.¹⁶ In most circumstances, a construction contractor must subcontract all electrical, mechanical, plumbing, roofing, sheet metal, swimming pool, and air-conditioning work, unless the construction contractor holds a state certificate or registration in the appropriate trade category.¹⁷

A subcontractor who does not have a state certificate or registration may work under the supervision of a licensed or certified construction contractor, but only if:

- The work of the subcontractor falls within the scope of the construction contractor's license; and

⁹ Florida Dept. of Business and Professional Regulation, *2017-2018 Unlicensed Activity Annual Report* at 4, available at <http://www.myfloridalicense.com/dbpr/reg/documents/ULA%20Annual%20Report%20FY2017-18.pdf> (last visited Jan. 16, 2020).

¹⁰ *Id.* at 28.

¹¹ Florida Dept. of Business and Professional Regulation, *2018-2019 Unlicensed Activity Annual Report* at 29 (on file with with Senate Committee on Innovation, Industry, and Technology).

¹² Florida Dept. of Agriculture and Consumer Services, *Division of Consumer Services*, <https://www.fdacs.gov/Divisions-Offices/Consumer-Services> (last visited Jan. 16, 2020) and <https://www.fdacs.gov/Contact-Us/File-a-Complaint> (last visited Jan. 16, 2020).

¹³ Florida Office of the Attorney General, *Consumer Protection Division*, <http://www.myfloridalegal.com/pages.nsf/Main/18A7753257FE439085256CC9004EC4F7> (last visited Jan. 16, 2020).

¹⁴ *Id.*

¹⁵ See ss. 489.105(3)(a) through (q), F.S. The specified scopes of work are identified as general contractor, building contractor, residential contractor, sheet metal contractor, roofing contractor, Class A, B, and C air-conditioning contractor, mechanical contractor, commercial pool/spa contractor, residential pool/spa contractor, swimming pool servicing contractor, plumbing contractor, underground utility and excavation contractor, solar contractor, pollutant storage systems contractor, and specialty contractor.

¹⁶ Sections 489.107(1), 489.113(1), and 489.117(1)(b), F.S.

¹⁷ Section 489.113(3), F.S. Various exceptions for general, building, residential, and solar contractors are set forth in ss. 489.113(3)(a) through (g), F.S.

- The subcontractor is not engaged in construction work that would require specified contractor licensing (i.e., licensure as an electrical contractor,¹⁸ a septic tank contractor,¹⁹ a sheet metal contractor, roofing contractor, Class A, B, or C air-conditioning contractor, mechanical contractor, commercial pool/spa contractor, residential pool/spa contractor, swimming pool servicing contractor, plumbing contractor, underground utility and excavation contractor, or solar contractor.²⁰

Administrative Offenses and Penalties

The board may discipline a construction contractor's certification or registration²¹ if he or she is found guilty of certain offenses, including but not limited to:²²

- Committing mismanagement or misconduct in the practice of contracting that causes financial harm to a customer;
- Abandoning a construction project. There is a presumption a construction contractor has abandoned a project after 90 days if the contractor terminates the project without just cause or without proper notification to the owner, or the contractor fails to perform work without just cause for 90 consecutive days;
- Committing fraud or deceit in the practice of contracting; and
- Proceeding on a job without obtaining required building permits and inspections.

In addition to board action, Florida law imposes criminal penalties for prohibited behavior in the construction contracting industry. A person commits a first degree misdemeanor²³ if he or she:

- Falsely holds himself or herself out as a licensee, certificate holder, or registrant;
- Acts or advertises as a construction contractor without being duly registered or certified; or
- Starts or performs work for which a building permit is required without such permit.

If a person commits a subsequent offense, or commits any such offense during a state emergency as declared by the Governor, it is punishable as a third degree felony.²⁴

Criminal Offenses and Penalties

A construction contractor, or a person who acts as a construction contractor, who receives an initial payment of more than 10 percent of the contract price for the project must, unless the payor agreed in writing to a longer period or the contractor has just cause for failing to do so:

- Apply for any necessary permits within 30 days after the payment is made; and
- Start the work within 90 days after all necessary permits are issued.

¹⁸ See Part II, of ch. 489, F.S., relating to Electrical and Alarm System Contracting,

¹⁹ See Part III of ch. 489, F.S., relating to Septic Tank Contracting.

²⁰ Section 489.113(2), F.S. See also s. 489.113(3), F.S., relating to subcontracting.

²¹ See as. 489.105(8) and (10), F.S.

²² Section 489.129(1), F.S. The board may place a contractor on probation, reprimand him or her, and revoke, suspend, or deny the issuance or renewal of a contractor's certificate or registration. The board may also require the contractor to provide financial restitution to a consumer for financial harm he or she caused, require the contractor to perform continuing education, or to pay costs related to the investigation and prosecution.

²³ Section 489.127, F.S. See *infra* note 28 for the penalties that may be imposed.

²⁴ Section 489.127(2)(b) and (c), F.S. See *infra* notes 24-26 and 27-29 for possible penalties that may be imposed.

A construction contractor is deemed not to have just cause for a failure to apply for permits, perform work, or refund monies paid, if the payor has made a written demand and given the contractor 30 days to perform.²⁵

Section 489.126, F.S., sets the dollar thresholds for the offense severity at the following levels:

Total Money Received	Offense Level
≥ \$200,000	First Degree Felony
≥\$20,000, but < \$200,000	Second Degree Felony
≥ \$1,000, but < \$20,000	Third Degree Felony
< \$1,000	First Degree Misdemeanor

Theft

Section 812.014, F.S., provides that a person commits theft if he or she knowingly obtains or uses, or endeavors to obtain or use, the property of another with intent to (temporarily or permanently):

- Deprive the other person of a right to the property or a benefit thereof; or
- Appropriate the property to his or her own use or to the use of any person not entitled to its use.

The penalties for theft crimes depend on the value of the property taken, classified as follows:

Offense	Property Value	Offense Level
Grand Theft	≥ \$100,000	First Degree Felony ²⁶
	≥ \$20,000, but < \$100,000	Second Degree Felony ²⁷
	≥ \$750, but < \$20,000	Third Degree Felony ²⁸
	≥ \$100, but < \$750 if taken from a dwelling or unenclosed curtilage ²⁹ of a dwelling	Third Degree Felony

²⁵ See s. 489.126, F.S.

²⁶ A first degree felony is punishable by up to 30 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

²⁷ A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

²⁸ A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

²⁹ “Unenclosed curtilage of a dwelling” means the unenclosed land or grounds, or any outbuildings, directly and intimately adjacent to and connected with the dwelling and necessary, convenient, and habitually used in connection with that dwelling. Section 810.09(1)(b), F.S.

Offense	Property Value	Offense Level
Petit Theft	≥ \$100, but < \$750	First Degree Misdemeanor ³⁰
	< \$100	Second Degree Misdemeanor ³¹

However, as discussed above, it has been difficult for prosecutors to apply the theft statute to theft that results from an individual’s failure to perform contracted work.³²

Home Solicitation Sales Permits³³

Unless exempted, a person must obtain a home solicitation sales permit (permit) to sell items valued at \$25 or more by solicitation at any location that is not his or her business’s fixed location.³⁴ The seller can apply for a permit at the clerk of the circuit court within the county in which the seller wants to do business.³⁵ A county clerk of the circuit court may deny a home solicitation sales permit if the applicant has been convicted of, or entered a guilty or no contest plea, to a crime involving moral turpitude, fraudulent or dishonest dealing, or the illegal use or sale of a controlled substance, or to any violation of the home solicitation laws.³⁶ The solicitor must display the permit to each prospective buyer before he or she begins a solicitation. A solicitor who attempts to make a sale without a permit commits a first degree misdemeanor. Additionally, the clerk of the circuit court can discipline or revoke the permit for specific violations.

Under current law, all solicitors, salesperson, or agents conducting sales, leases, or rentals of consumer goods by using samples, catalogs, or brochures for delivery of the goods more than three business days after the sale are exempt from home solicitations sales permit requirements.³⁷

III. Effect of Proposed Changes:

Section 1 creates s. 501.0195, F.S., and defines the term “unlicensed vendor,” requires them to perform their duties within specific timeframes, and sets criminal penalties for the failure to meet those requirements.

The bill defines an unlicensed vendor as a person who is not deemed a construction contractor under s. 489.105(3), F.S.³⁸ in Florida who also provides or promises to provide services related to a residential home or the extended parcel of land on which the home is situated. This may

³⁰ A first degree misdemeanor is punishable by up to one year in county jail and a \$1,000 fine. Sections 775.082 and 775.083, F.S.

³¹ A second degree misdemeanor is punishable by up to 60 days in county jail and a \$500 fine. Sections 775.082 and 775.083, F.S.

³² See *supra* notes 2-4.

³³ See, sections 501.021-501.055, F.S.

³⁴ Section 501.021, F.S.

³⁵ Section 501.021(2), F.S.

³⁶ Section 501.021(4), F.S.

³⁷ Section 501.022(1)(b)4., F.S.

³⁸ See *infra* note 14 for the construction contractors regulated by the board.

include work on driveways, lawns, trees, gardens, walls, fences, or other vegetation or fixtures located on the land.

An unlicensed vendor who has agreed to perform a job and has accepted any amount of money as an initial payment for the job must perform the following duties:

- Apply for any required work permits within 14 days after receiving the consumer’s initial payment;
- Start the work within 14 days after either receiving an initial payment or within 14 days after all necessary work permits have been issued; and
- Continue the work until completion, with no breaks that are 14 days or longer in duration.

The unlicensed vendor may deviate from the above duties only when the consumer has agreed to a longer timeframe in writing, or when the unlicensed vendor has just cause.

Additionally, the bill creates a rebuttable presumption that an unlicensed vendor does not have just cause to deviate from the above duties, or fail to refund payment within 14 days. It is the unlicensed vendor’s burden to rebut this presumption and to plead and prove any just cause for the violation.

An unlicensed vendor who violates this section may be subject to the following penalties, based on the total amount of money received for the services to be performed on a home or its surrounding parcel:

Total Money Received	Offense Level
≥ \$50,000	First Degree Felony
≥ \$5,000 but < \$50,000	Second Degree Felony
≥ \$300 but < \$5,000,000	Third Degree Felony
< \$300	First Degree Misdemeanor

A person who is not licensed as a construction contractor who performs work on a home or its surrounding parcel may be subject to the above penalties as well as similar penalties imposed by s. 489.126(2), F.S., which applies to “any person performing or contracting or promising to perform contracting work” without regard to the licensure of the person.

Section 2 amends s. 501.022, F.S., to require solicitors, salespersons, and agents to conduct a sale, lease, or rental of consumer goods or services by sample, catalog, or brochure for future delivery to obtain a home solicitation sales permit from the pertinent county’s clerk of the circuit court before they begin their door-to-door sales. This type of solicitor is currently exempt from the permitting requirement.

Section 3 provides an effective date of July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Homeowners who use unlicensed vendors for services and repairs to their property may be less susceptible to theft of their payments and more timely performance of their repairs as a result of the criminal penalties implemented by this bill.

Solicitors who conduct door-to-door sales, leases, or rentals of consumer goods or services by sample, catalog, or brochure for future delivery will be required to obtain a permit to perform their work. This will increase the cost to do business as such a solicitor. Consumers targeted by such solicitors may be less subject to unscrupulous sales as a result of the permitting process.

C. Government Sector Impact:

The bill creates new criminal penalties, which may increase the need for prison beds if the number of successful prosecutions increases.

County clerks of circuit courts may see an increase in permit processing for certain door-to-door solicitors.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill's definition of an unlicensed vendor is relatively broad and may inadvertently capture professionals who are licensed in some capacity by the state of Florida. For example, licensed electrical contractors, alarm system contractors, and septic tank contractors who may perform work on a home or its surrounding property are not construction contractors described in s. 489.105(3), F.S., in part I of ch. 489, F.S., as referenced on line 31 of the bill. Those contractors are licensed under parts II and III of ch. 489, F.S., but appear to fall within the definition of "unlicensed vendor" despite such licensing. Consideration of an amendment to paragraph (2)(b) may be needed to exclude contractors regulated by other provisions in ch. 489, F.S.

Paragraph (3)(a) of the bill addresses action that is to occur after the date all "necessary" permits are issued. The term "necessary" may be subject to interpretation; substitution of the term "required" may be appropriate to establish a more objective standard.

As written, the bill appears to require all unlicensed vendors to refund their payment within 14 days after receiving it, whether or not they have otherwise complied with their duty outlined in the bill to perform work in a timely fashion. See lines 47-48. Consideration of an amendment to paragraph (3)(b) may be needed to clarify that the just cause presumption rests on failure of the unlicensed vendor to:

- Within 14 days of payment, apply for any required permits, timely start the work, and perform the work without suspending work for any period longer than 14 days (as required by paragraph (3)(a)); or
- Refund payment within 14 days after receiving payment if required permits have not been applied for by the vendor, no work has been performed by the vendor, or work has been suspended by the vendor for longer than 14 days in any period.

Such an amendment would eliminate duplicative references in paragraphs (3)(a) and (3)(b) (lines 41-43 and 48-50), related to failure by the vendor to continue the work without suspension for a 14-day period, which may create confusion for those seeking to rely on or rebut the just cause presumption.

VIII. Statutes Affected:

This bill amends section 501.022 of the Florida Statutes.

This bill creates section 501.0195 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Commerce and Tourism on December 10, 2019:

The CS clarifies that an unlicensed vendor is an individual who is not deemed a construction contractor in Florida who also provides or promises to provide services related to a residential home *or* the extended parcel of land on which the home is situated.

- B. **Amendments:**

None.



343886

LEGISLATIVE ACTION

Senate

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. .
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. .

House

The Committee on Innovation, Industry, and Technology (Baxley)
recommended the following:

Senate Amendment

Delete line 31

and insert:

(b) Is not certified or registered under chapter 489.



974332

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Innovation, Industry, and Technology (Baxley) recommended the following:

Senate Amendment

Delete lines 46 - 51
and insert:
not have just cause if the unlicensed vendor fails to do any of the following:

1. Apply for permits within 14 days after receiving payment for the work, if the work requires permits.

2. Start the work within 14 days after receiving payment for the work or within 14 days after the date all required



974332

11 permits for the work, if any, are issued.

12 3. Perform the work, without any failure to continue the
13 work for any 14-day period after payment is made or 14 days
14 after the date all required permits for work, if any, are
15 issued.

16 4. Refund payment for the work within 14 days after
17 receiving payment, if required permits have not been applied for
18 by the vendor, no work has been performed by the vendor, or work
19 has not continued for any 14-day period after payment is made or
20 all required permits for work, if any, are issued.

21
22 The burden is on the unlicensed vendor to prove just cause and
23 to rebut the presumption.

THE FLORIDA SENATE

COMMITTEES:

Ethics and Elections, *Chair*
Appropriations Subcommittee on Education
Education
Finance and Tax
Health Policy
Judiciary

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR DENNIS BAXLEY

12th District

December 10, 2019

The Honorable Chair Wilton Simpson
420 Senate Office Building
Tallahassee, Florida 32399

Dear Chairman Simpson,

I would like to request that SB 498 Consumer Protection be heard in the next Innovation, Industry, and Technology Committee meeting.

This good bill amends sections of the “Theft by Abandonment” and “Unauthorized Home Solicitation” statues to fix several loopholes that prevent law enforcement and state’s attorneys from pursuing criminal prosecution for fraudulent contractors and solicitors.

Thank you for your favorable consideration.

Onward & Upward,



Senator Dennis K. Baxley
Senate District 12

DKB/dd

cc: Booter Imhof, Staff Director

320 Senate Office Building, 404 South Monroe St, Tallahassee, Florida 32399-1100 • (850) 487-5012
Email: baxley.dennis@flsenate.gov

Bill Galvano
President of the Senate

David Simmons
President Pro Tempore

Ron DeSantis, Governor
Halsey Beshears, Secretary



Unlicensed Activity Program

Annual Report

2018 - 2019 Fiscal Year



Unlicensed Activity Complaints Annual Report Fiscal Year 2018-2019

	Complaints Received	Legally Sufficient	Cease and Desist Issued	ULA Citations Filed	Cases Received in Legal	Administrative Complaints Filed	Final Orders Filed
Accountancy	61	36	42	7	13	2	4
Asbestos	2	0	0	0	0	0	0
Athlete Agents	2	0	0	0	0	0	0
Auctioneers	11	6	1	0	2	1	0
Barbers	202	108	7	67	34	21	26
Boxing Commission	9	2	0	0	4	0	1
Building Code Admin. and Inspectors	9	3	0	0	3	0	0
Community Association Managers	92	43	7	11	17	2	1
Construction Industry	2657	1711	1177	38	1472	921	688
Cosmetology	464	147	19	89	49	23	19
Electrical Contractors	541	381	317	5	382	254	207
Employee Leasing	0	0	0	0	1	0	0
Geologists	2	0	0	0	0	0	0
Harbor Pilots	0	0	0	0	0	0	0
Home Inspectors	13	5	2	0	4	4	4
Landscape Arch.	15	2	2	0	1	0	0
Mold-Related Services	69	44	23	0	23	10	10
Real Estate	556	144	10	0	209	60	45
Talent Agents	21	10	3	0	6	2	0
Veterinary Medicine	28	12	4	0	13	2	0
Totals	4816	2654	1614	217	2233	1302	1005

- **Complaints Received** refers to complaints received and assigned a case number.
- **Complaints Legally Sufficient** refers to complaints that met the standard of legal sufficiency established in section 455.225 (1), Florida Statutes.
- **Cease & Desist Issued** refers to cases where a Notice of Cease and Desist was issued.
- **Number of Citations Filed** refers to citations filed with Department’s Agency Clerk.
- **Cases Received in Legal** refers to cases received in the Office of General Counsel from DBPR investigators after their investigation is complete.
- **Closed Insufficient Evidence** refers to cases closed based on insufficient evidence to prove that the violation occurred.
- **Administrative Complaints Filed** refers to cases where an Administrative Complaint has been filed with the Agency Clerks Office.
- **Final Orders Filed** refers to final orders entered, which imposed administrative fines and investigative costs.

* These statistics may not be all inclusive of the reporting period and may include information from previous quarters.

By the Committee on Commerce and Tourism; and Senator Baxley

577-02021-20

2020498c1

1 A bill to be entitled
2 An act relating to consumer protection; creating s.
3 501.0195, F.S.; providing legislative findings and
4 intent; defining the term "unlicensed vendor";
5 requiring an unlicensed vendor to take certain actions
6 within a specified timeframe after receiving payment;
7 providing an exception; providing that the unlicensed
8 vendor has the burden to prove just cause; providing
9 criminal penalties; amending s. 501.022, F.S.;
10 removing an exemption from permitting requirements for
11 certain solicitors, salespersons, and agents;
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Section 501.0195, Florida Statutes, is created
17 to read:

18 501.0195 Home repairs by unlicensed vendors.—

19 (1) The Legislature finds that vigorous enforcement of
20 residential contracting laws is necessary to protect residents,
21 consumers, and this state's economy, and therefore, the
22 Legislature intends that this section be strictly construed and
23 enforced.

24 (2) For the purposes of this section, the term "unlicensed
25 vendor" means a person who:

26 (a) Provides or promises to provide services related to a
27 residential home or the extended parcel of land on which the
28 home is located, including, but not limited to, driveways,
29 lawns, trees, gardens, landscaping areas, walls, fences, or

577-02021-20

2020498c1

30 other vegetation or fixtures located thereon; and

31 (b) Is not deemed a "contractor" under s. 489.105(3).

32 (3) (a) An unlicensed vendor who receives an initial payment
33 of any amount must do all of the following unless the unlicensed
34 vendor has just cause or has agreed, in writing, with the person
35 who made the payment to a longer timeframe for performance:

36 1. If the work requires a permit, apply for such permits
37 within 14 days after receiving payment for the work.

38 2. Start the work within 14 days after receiving payment
39 for the work or within 14 days after the date all necessary
40 permits for work, if any, are issued.

41 3. Perform the work, without any failure to continue the
42 work for any 14-day period after payment is made or 14 days
43 after the date all necessary permits for work, if any, are
44 issued.

45 (b) There is a presumption that an unlicensed vendor does
46 not have just cause if the unlicensed vendor fails to comply
47 with paragraph (a), fails to refund the payment within 14 days
48 after receiving payment, or fails to continue the work for any
49 14-day period after the date all necessary permits for work, if
50 any, are issued. The burden is on the unlicensed vendor to prove
51 just cause and to rebut the presumption.

52 (4) A violation of this section is:

53 (a) If the total money received is less than \$300, a
54 misdemeanor of the first degree, punishable as provided in s.
55 775.082 or s. 775.083.

56 (b) If the total money received is less than \$300 and the
57 unlicensed vendor has had more than one violation within a 3-
58 year period, a felony of the third degree, punishable as

577-02021-20

2020498c1

59 provided in s. 775.082, s. 775.083, or s. 775.084.

60 (c) If the total money received is greater than or equal to
61 \$300 but less than \$5,000, a felony of the third degree,
62 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

63 (d) If the total money received is \$5,000 or more but less
64 than \$50,000, a felony of the second degree, punishable as
65 provided in s. 775.082, s. 775.083, or s. 775.084.

66 (e) If the total money received is \$50,000 or more, a
67 felony of the first degree, punishable as provided in s.
68 775.082, s. 775.083, or s. 775.084.

69 Section 2. Paragraphs (a) and (b) of subsection (1) of
70 section 501.022, Florida Statutes, are amended to read:

71 501.022 Home solicitation sale; permit required.—

72 (1)(a) It is unlawful for any person to conduct any home
73 solicitation sale, as defined in s. 501.021, or to supervise
74 excluded minors conducting such sales provided in subparagraph
75 (b)4. ~~subparagraph (b)5.~~, in this state without first obtaining
76 a valid home solicitation sale permit as provided in this
77 section.

78 (b) The following are excluded from the operation of this
79 section:

80 1. Bona fide agents, business representatives, or
81 salespersons making calls or soliciting orders at the usual
82 place of business of a customer regarding products or services
83 for use in connection with the customer's business.

84 2. Solicitors, salespersons, or agents making a call or
85 business visit upon the express invitation, oral or written, of
86 an inhabitant of the premises or her or his agent.

87 3. Telephone solicitors, salespersons, or agents making

577-02021-20

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88 calls which involve transactions that are unsolicited by the
89 consumer and consummated by telephone and without any other
90 contact between the buyer and the seller or its representative
91 before ~~prior to~~ delivery of the goods or performance of the
92 services.

93 ~~4. Solicitors, salespersons, or agents conducting a sale,~~
94 ~~lease, or rental of consumer goods or services by sample,~~
95 ~~catalog, or brochure for future delivery.~~

96 ~~4.5.~~ Minors, as defined in s. 1.01(13), conducting home
97 solicitation sales under the supervision of an adult supervisor
98 who holds a valid home solicitation sale permit. Minors excluded
99 from operation of this section must, however, carry personal
100 identification which includes their full name, date of birth,
101 residence address, and employer and the name and permit number
102 of their adult supervisor.

103 ~~5.6.~~ Those sellers or their representatives that are
104 currently regulated as to the sale of goods and services by
105 chapter 475 or chapter 497.

106 ~~6.7.~~ Solicitors, salespersons, or agents making calls or
107 soliciting orders on behalf of a religious, charitable,
108 scientific, educational, or veterans' institution or
109 organization holding a sales tax exemption certificate under s.
110 212.08(7).

111 Section 3. This act shall take effect July 1, 2020.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Innovation, Industry, and Technology

BILL: SB 900

INTRODUCER: Senator Stargel

SUBJECT: Malt Beverages

DATE: January 21, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>IT</u>	Favorable
2.	_____	_____	<u>CM</u>	_____
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 900 provides a process for returns of malt beverages by a vendor to a distributor for an exchange of product, a refund, or a credit. A vendor may return malt beverages to a distributor if the malt beverages are a “damaged product,” an “out-of-code” product,” or an “undamaged product.” An “out-of-code product” is a malt beverage that has exceeded the manufacturer’s code date indicating the product’s freshness and availability for purchase at retail. A distributor is not required to accept a return request.

The bill prohibits the sale of malt beverages on consignment or on any basis other than a bona fide sale. A product may not be returned because it is overstocked or slow-moving or because there is only limited or seasonal demand for the product.

Under the bill, a vendor may request the return of undamaged product for an exchange of product, a refund, or for credit. Returns of damaged and undamaged products must be made within seven days after the delivery date. Damaged product may be returned for an exchange of product or a credit. The bill specifies the circumstances in which damaged or undamaged malt beverages may be returned, if a return is requested by the vendor.

Under the bill, an out-of-code product may be returned to a distributor only for an exchange of product at any time, if the conditions in the bill are satisfied, including that the manufacturer’s code date is printed on the product container and the manufacturer of the products has written policies and procedures that specify the date that product should be removed. The manufacturer’s policies and procedures must be readily available, verifiable, and consistently applied.

The bill requires a malt beverage distributor to keep a written record of each return of malt beverages.

The bill provides an effective date of July 1, 2020.

II. Present Situation:

In Florida, alcoholic beverages are regulated by the Beverage Law,¹ which regulates the manufacture, distribution, and sale of wine, beer, and liquor by manufacturers, distributors, and vendors.² The Division of Alcoholic Beverages and Tobacco (division) in the Department of Business and Professional Regulation administers and enforces the Beverage Law.³

“Alcoholic beverages” are defined in s. 561.01, F.S., as “distilled spirits and all beverages containing one-half of one percent or more alcohol by volume.” “Malt beverages” are brewed alcoholic beverages containing malt.⁴

Section 561.14, F.S., specifies the license and registration classifications used in the Beverage Law.

- “Manufacturers” are those “licensed to manufacture alcoholic beverages and distribute the same at wholesale to licensed distributors and to no one else within the state, unless authorized by statute.”⁵
- “Distributors” are those “licensed to sell and distribute alcoholic beverages at wholesale to persons who are licensed to sell alcoholic beverages.”⁶
- “Importers” are those licensed to sell, or to cause to be sold, shipped, and invoiced, alcoholic beverages to licensed manufacturers or licensed distributors, and to no one else in this state; provided that ss. 564.045 and 565.095, F.S., relating to primary American source of supply licensure, are in no way violated by such imports.⁷
- “Vendors” are those “licensed to sell alcoholic beverages at retail only” and who may not “purchase or acquire in any manner for the purpose of resale any alcoholic beverages from any person not licensed as a vendor, manufacturer, bottler, or distributor under the Beverage Law.”⁸

Three-Tier System

In the United States, the regulation of alcohol since the repeal of Prohibition has traditionally been based upon a “three-tier system.” The system requires separation of the manufacture, distribution, and sale of alcoholic beverages. The manufacturer creates the beverages, and the distributor obtains the beverages from the manufacturer to deliver to the vendor. The vendor makes the ultimate sale to the consumer.⁹ A manufacturer, distributor, or exporter may not be licensed as a vendor to sell directly to consumers.¹⁰

¹ Section 561.01(6), F.S., provides that the “The Beverage Law” means chs. 561, 562, 563, 564, 565, 567, and 568, F.S.

² See s. 561.14, F.S.

³ Section 561.02, F.S.

⁴ Section 563.01, F.S.

⁵ Section 561.14(1), F.S.

⁶ Section 561.14(2), F.S.

⁷ Section 561.01(5), F.S.

⁸ Section 561.14(3), F.S.

⁹ Section 561.14, F.S.

¹⁰ Section 561.22(1), F.S.

Generally, in Florida, only licensed vendors are permitted to sell alcoholic beverages directly to consumers at retail.¹¹ Licensed manufacturers, distributors, and registered exporters are prohibited from also being licensed as vendors.¹² Manufacturers are also generally prohibited from having an interest in a vendor and from distributing directly to a vendor.¹³

Tied House Evil Prohibitions

States have enacted statutes designed to prevent or limit the control of retail alcoholic beverage vendors by manufacturers, wholesalers, and importers, or to prohibit "tied-house arrangements." Such legislation is referred to as "tied house" or "tied house evil" statutes.¹⁴

Section 561.42, F.S., Florida's "tied house evil" statute, regulates the permitted and prohibited relationships and interactions of manufacturers and distributors with vendors in order to prevent a manufacturer or distributor from having a financial interest, directly or indirectly, in the establishment or business of a licensed vendor, and to prevent a manufacturer or distributor from giving a vendor gifts, loans or property, or rebates.¹⁵ The prohibitions also apply to an importer, primary American source of supply registrant,¹⁶ brand owner or registrant, broker, and sales agent (or sales person thereof).

The tied house evil statute also prohibits any distributor or vendor from receiving any financial incentives from any manufacturer. It further prohibits manufacturers or distributors from assisting retail vendors by gifts or loans of money or property or by the giving of rebates. These prohibitions do not, however, apply to any bottles, barrels, or other containers necessary for the legitimate transportation of such beverages, to advertising materials, or to the extension of credit for liquors sold, if made strictly in compliance with the provisions of s. 561.42, F.S.¹⁷

Section 561.42, F.S., also prohibits licensed manufacturers and distributors from:

- Making further sales to vendors that the division has certified as not having fully paid for all liquors previously purchased;¹⁸
- Directly or indirectly giving, lending, renting, selling, or in any other manner furnishing to a vendor any outside sign, printed, painted, electric, or otherwise;¹⁹
- Providing neon or electric signs, window painting and decalcomanias, posters, placards, and other advertising material herein authorized to be used or displayed by the vendor in the interior of the licensed premises;²⁰ and
- Providing expendable retail advertising specialties, unless sold to the vendor at not less than the actual cost to the industry member who initially purchased them.²¹

¹¹ Section 561.14(3), F.S. However, see the exceptions provided in ss. 561.221 and 565.03, F.S.

¹² Section 561.22, F.S.

¹³ Sections 563.022(14) and 561.14(1), F.S.

¹⁴ 45 AM. JUR. 2d *Intoxicating Liquors*, s. 94 (2017).

¹⁵ Section 561.42(1), F.S.

¹⁶ See s. 564.045, F.S.

¹⁷ Section 564.42(1). Section 561.42(2), F.S., permits distributors to extend credit for the sale of liquors to any vendor up to, but not including, the 10th day after the calendar week within which such sale was made.

¹⁸ Section 561.42(4), F.S.

¹⁹ Section 561.42(10), F.S.

²⁰ Section 561.42(12), F.S.

²¹ Section 561.42(14)(a), F.S.

Section 561.42(14), F.S., further prohibits industry members from providing expendable retail advertising specialties, unless sold to the vendor at not less than the actual cost to the industry member who initially purchased them. A member of the malt beverage industry may provide a vendor with expendable retailer advertising specialties such as trays, coasters, mats, menu cards, napkins, cups, glasses, thermometers, and the like. The industry member must sell these items to a vendor only at a price not less than the actual cost to the industry member who initially purchased the items, without limitation in total dollar value of such items sold to a vendor. Industry members may not engage in cooperative advertising with a vendor.²²

Division Rules - Returns of Products

The Florida Statutes do not address the return of products to distributors by vendors. The division has adopted rules to provide guidance to the industry.

Return of Damaged Products

Products are damaged if they exhibit product deterioration, leaking containers, damaged labels, or missing or mutilated tamper-evident closures.²³

Under the division's rule, a vendor must request for return of damaged products within 15 days after delivery and may receive an exchange of product, cash, or a credit.²⁴ A vendor may not return products damaged by the vendor or vendor's customers.²⁵ A distributor is required to make and keep a record of all exchanges of damaged products for product, cash, or credit.²⁶ Under current law, each manufacturer, distributor, broker, agent, and importer licensed under the Beverage Law is required to maintain and keep, for a period of three years at the licensed place of business, such records of alcoholic beverages received, sold, or delivered within or without this state as may be required by the division.²⁷

If the vendor requests a return 15 or more days after delivery, a return may only be for exchange, cash, or credit, under the following circumstances:

- A manufacturer has issued a product recall that affects multiple unaffiliated vendors; or
- A product has deteriorated due to manufacturing or packaging problems.

Return of Undamaged Products

A vendor must request for return of undamaged products within 10 days after delivery and may receive cash or a credit within 10 days of the request.²⁸ A distributor is required to make and keep a record of all undamaged products returned for cash or credit (not an exchange).²⁹

If the vendor requests a return 10 or more days after delivery, a return may only be:

²² Section 561.42(14)(e), F.S.

²³ Fla. Admin. Code R. 61A-1.0107(1) (2018)

²⁴ *Id.*

²⁵ *Id.*

²⁶ Fla. Admin. Code R. 61A-1.0107(2) (2018)

²⁷ Section 561.55(3)(a), F.S.

²⁸ Fla. Admin. Code R. 61A-1.0108(1) (2018)

²⁹ *Id.*

- For cash or credit, if the products may no longer be lawfully sold due to a change of law;
- For cash or credit, if the vendor’s business is terminated (excluding a temporary seasonal shutdown);
- For an equal exchange of product, if there is a change in product, such as a change in formula, proof, label, or container;
- For cash or credit, if the product is discontinued; or
- For cash or credit, if a vendor, who is only open for a portion of the year, has product remaining at closure that will spoil in the off-season.³⁰

Federal Law

The Federal Alcohol Administration Act (FAA Act)³¹ prohibits consignment sales, but does not prohibit transactions involving the bona fide return of products for “ordinary and usual commercial reasons arising after the merchandise has been sold.” The Alcohol and Tobacco Tax and Trade Bureau (TTB), has prescribed regulations for unfair trade practices, and in the case of malt beverages, trade practices of the FAA Act apply only if the laws of the State in which the malt beverage products are sold or shipped impose similar requirements. TTB regulations provide permissible reasons for returns under the FAA Act.³²

III. Effect of Proposed Changes:

The bill creates s. 563.061, F.S., to provide a process for returns of malt beverages by a vendor to a distributor for exchange of product, refund, or credit. A vendor may return malt beverages to a distributor, with certain conditions, if the malt beverages are a “damaged product,” an “out-of-code product,” or an “undamaged product.”

Definitions

The bill defines a “damaged product” to mean:

Malt beverage product delivered to a vendor exhibiting product deterioration, defective seals, leaking, damaged labels, or missing or mutilated tamper-evident closures.

A “manufacturer’s code date” is defined to mean:

A coded best-by date, expiration date, or other designated date or dating system established by a manufacturer to signify the freshness that is printed on the malt beverage container or, in the case of a keg, marked on a cap, collar, tag, or label directly affixed to the keg.

An “out-of-code product” is defined to mean:

Malt beverage product that has exceeded the manufacturer’s code date and, according to the manufacturer’s policies, must be removed and replaced with fresh products for purchase in the retail market.

³⁰ Fla. Admin. Code R. 61A-1.0108(2) (2018)

³¹ 27 U.S.C. 205(d)

³² See 27 CFR part 11

An “undamaged product” is defined as those malt beverage products that is not a damaged or out-of-code product.

Prohibitions

The bill prohibits the sale of malt beverages on consignment or on any basis other than a bona fide sale. A return of malt beverages to a distributor is only allowed for the ordinary and usual commercial reasons authorized by the bill. A product may not be returned because it is overstocked or slow-moving or because there is only limited or seasonal demand, including, but not limited to, product packaged in holiday decanters or distinctive bottles.

Returns of Undamaged Product

Under the bill, a vendor may request return of undamaged product to a distributor for exchange of product or for credit, depending on the reason for the return. A distributor may not accept a return of undamaged product unless the return is requested within seven days³³ after the delivery date. A distributor may accept a return of undamaged product for:

- Credit or refund, if there is a change in regulation or administrative procedure prohibiting the sale of a particular brand or container size.
- Credit or refund, if a vendor terminates operations (excluding a temporary seasonal shutdown);
- Exchange of product, if a vendor requests return of a product for purposes of quality control or freshness, and the product has not yet exceeded the manufacturer’s code date;
- Exchange of product or credit, if a manufacturer has issued a product recall that affects multiple vendors who are not affiliated with one another through having common ownership, through being members of the same pool buying group, or through being members of the same advertising cooperative.
- Credit or refund, if the production or importation of a product is discontinued.
- Credit or refund, if a vendor is only open for a portion of the year and has product remaining at closure which, with respect to quality control or freshness, would become unsuitable for sale during the off-season, according to the manufacturer’s code date.

Returns of Damaged Products

The bill permits damaged product to be returned to a distributor, if:

- The return is for exchange of product or for a credit;
- The distributor verifies that the product is damaged before accepting the return;
- The product was not damaged by the vendor or its employees, agents, or customers.
- The vendor makes the request within seven days³⁴ after the delivery date.

Returns of Out-of-Code Product

The bill permits a vendor to return out-of-code product to a distributor for an exchange of product. A distributor may accept out-of-code product at any time, if:

³³ See Fla. Admin. Code R. 61A-1.0108(1), which permits returns of undamaged products within 10 days of delivery.

³⁴ Fla. Admin. Code R. 61A-1.0107(1), which permits returns of undamaged products within 15 days of delivery.

- The distributor first verifies that the product is an out-of-code product;
- The manufacturer has written policies and procedures that specify the date that product should be removed;
- The manufacturer's policies and procedures are readily available, verifiable, and consistently applied by the manufacturer;
- The manufacturer's code date is printed on the product container or, in the case of a keg, marked on a cap, collar, tag, or label affixed to the keg; and
- Out-of-code product returned to a distributor does not reenter the retail market.

Exchanges of Product

The bill requires that an exchange of product must be in exact quantities with product of near or equal value made by the same manufacturer and in the same size individual container or keg, unless a credit is authorized at the time of return.

Distributor Requirements

Under the bill, a distributor is not required to accept returns of product. If a distributor accepts a return of product, the distributor must:

- Provide the exchange of product, the credit, or the refund to the vendor, as authorized under the bill, at the same time the distributor picks up the product being returned; and
- Pick up damaged or undamaged products being returned within 14 days after receipt of the vendor's request.

Recordkeeping Requirement

The bill requires a distributor to keep and maintain a transaction record of each return for three years. The distributor must provide a copy of the transaction record to the vendor in a format accessible by and legible to the vendor.

Other Provisions

The bill provides that bona fide returns for exchange of product, credit, or refund are not considered gifts, loans, or other forms of financial aid or assistance as prohibited by s. 561.42, F.S.

As provided in s. 561.29, F.S., the bill authorizes the division to impose a civil penalty of \$1,000 per violation against a distributor or vendor who violates s. 563.061, F.S., or any rule adopted under this section.

The bill authorizes the division to adopt rules to administer and enforce s. 563.061, F.S.

Effective Date

The bill provides an effective date of July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Vendors in possession of undamaged, damaged, or out-of-code malt beverage products could return the products for a refund, an exchange of product, or a credit subject to the conditions in the bill.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 563.061 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on
Education, *Chair*
Appropriations
Education
Ethics and Elections
Finance and Tax
Judiciary
Rules

JOINT COMMITTEE:
Joint Select Committee on Collective Bargaining

SENATOR KELLI STARGEL

22nd District

December 19, 2019

The Honorable Wilton Simpson
Senate Committee on Innovation, Industry, and Technology, Chair
420 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Simpson:

I respectfully request that SB 900, related to *Malt Beverages*, be placed on the Innovation, Industry, and Technology meeting agenda at your earliest convenience.

Thank you for your consideration, and please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Kelli Stargel".

Kelli Stargel
State Senator, District 22

Cc: Booter Imhof/Staff Director
Lynn Coon/AA

REPLY TO:

- 2033 East Edgewood Drive, Suite 1, Lakeland, Florida 33803 (863) 668-3028
- 408 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5022

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/2020
Meeting Date

900
Bill Number (if applicable)

Topic Malt Beverages

Amendment Barcode (if applicable)

Name Grace Lovett

Job Title VP Government Affairs

Address 227 S. Adams St.
Street

Phone 850-222-4082

Tallahassee FL 32301
City State Zip

Email grace@trf.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL Retail Federation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/20
Meeting Date

900
Bill Number (if applicable)

Topic Malt Beverages

Amendment Barcode (if applicable)

Name Mitch Rubin

Job Title Executive Director

Address 215 S. Monroe St. #340
Street

Phone _____

Tallahassee, FL 32301
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Beer Wholesalers Assn

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01-21-20
Meeting Date

900
Bill Number (if applicable)

Topic Malt Beverages

Amendment Barcode (if applicable)

Name Scott Dick

Job Title lobbyst

Address 210 S. MAROC ST.
Street

Phone 850 421 9100

Tallahassee, FL 32301
City State Zip

Email scott@skdgrp.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing ABC LIQUOR

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-21-20
Meeting Date

SB 900
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Gary Rutledge

Job Title _____

Address 641 Forest Lair
Street

Phone 850-681-6788

Tallahassee FL 32312
City State Zip

Email Gary.Rutledge@sen.state.fl.us
Com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Miller-Coors

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

By Senator Stargel

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1 A bill to be entitled
2 An act relating to malt beverages; creating s.
3 563.061, F.S.; defining terms; prohibiting certain
4 sales of malt beverages between a distributor and
5 vendor; authorizing bona fide returns of malt
6 beverages under certain conditions; providing
7 applicability; authorizing distributors to accept
8 returns of certain products under specified
9 conditions; providing distributor requirements for
10 such returns; providing requirements for exchanges of
11 product; providing recordkeeping requirements;
12 specifying that authorized returns are not gifts,
13 loans, or other prohibited forms of financial aid or
14 assistance; providing civil penalties; providing for
15 rulemaking; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Section 563.061, Florida Statutes, is created to
20 read:

21 563.061 Return of malt beverage products.-

22 (1) DEFINITIONS.-As used in this section, the term:

23 (a) "Damaged product" means a malt beverage product
24 delivered to a vendor exhibiting product deterioration,
25 defective seals, leaking, damaged labels, or missing or
26 mutilated tamper-evident closures.

27 (b) "Keg" means a reusable container used to store and
28 dispense a malt beverage product in draft form on tap.

29 (c) "Manufacturer's code date" means a coded best-by date,

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30 expiration date, or other designated date or dating system
31 established by a manufacturer to signify freshness that is
32 printed on the malt beverage container or, in the case of a keg,
33 marked on a cap, collar, tag, or label affixed directly to the
34 keg.

35 (d) "Out-of-code product" means a malt beverage product
36 that has exceeded the manufacturer's code date and, according to
37 the manufacturer's policies, must be removed and replaced with
38 fresh product for purchase in the retail market.

39 (e) "Undamaged product" means a malt beverage product that
40 is not damaged or out of code.

41 (2) CONSIGNMENT SALES PROHIBITED; AUTHORIZED RETURNS.—A
42 distributor may not sell, offer for sale, or contract to sell
43 malt beverages on consignment or any basis other than a bona
44 fide sale. A vendor may not purchase, offer to purchase, or
45 contract to purchase malt beverages on consignment or any basis
46 other than a bona fide sale. Once a distributor sells malt
47 beverages to a vendor, only bona fide returns are permitted for
48 the ordinary and usual commercial reasons authorized in this
49 section. This section does not permit return of product because
50 it is overstocked or slow-moving or because it has limited or
51 seasonal demand, including, but not limited to, product packaged
52 in holiday decanters or distinctive bottles.

53 (3) RETURNS OF UNDAMAGED PRODUCT.—

54 (a) Except as provided in paragraph (b), undamaged product
55 may be returned for exchange of product or credit.

56 (b) A distributor may only accept a return of undamaged
57 product if the return is requested within 7 days after the
58 delivery date. However, a distributor may accept a return of

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59 undamaged product after such time in the following
60 circumstances:

61 1. If a vendor or its employees or agents are no longer
62 permitted, due to a change in regulation or administrative
63 procedure, to sell a particular brand or size product, such
64 product may be returned for credit or refund.

65 2. If a vendor terminates operations, the vendor's
66 inventory of product at the time of termination may be returned
67 for credit or refund. This subparagraph does not apply during a
68 vendor's temporary seasonal shutdown.

69 3. Except as provided in subparagraph 6., a product that
70 has not yet exceeded the manufacturer's code date may be
71 returned for purposes of ensuring quality control or freshness;
72 however, such product may only be returned for exchange of
73 product.

74 4. If a manufacturer has issued a product recall that
75 affects multiple vendors that are not affiliated through having
76 common ownership, being members of the same pool buying group,
77 or being members of the same advertising cooperative, the
78 recalled product may be returned for exchange of product or
79 credit. If return of such product is requested more than 7 days
80 after the delivery date, the distributor must keep documentation
81 of the recall with the transaction record maintained pursuant to
82 subsection (8).

83 5. If production or importation of a product is
84 discontinued, a vendor's inventory of the discontinued product
85 may be returned for credit or refund.

86 6. If a vendor is only open for a portion of the year and
87 has product remaining at closure which, with respect to quality

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88 control or freshness, would become unsuitable for sale during
89 the off-season according to the manufacturer's code date, such
90 product may be returned for credit or refund.

91
92 If undamaged product is returned under this paragraph, the
93 distributor must keep documentation of a qualifying exception in
94 subparagraphs 1.-6. with the transaction record maintained
95 pursuant to subsection (8).

96 (4) RETURNS OF DAMAGED PRODUCT.—

97 (a) Damaged product may only be returned for exchange of
98 product or credit. A distributor must verify damaged product
99 before accepting its return.

100 (b) Product damaged by a vendor, its employees or agents,
101 or its customers may not be returned and shall be the vendor's
102 liability.

103 (c) A distributor may only accept return of damaged product
104 if requested within 7 days after the delivery date.

105 (5) RETURNS OF OUT-OF-CODE PRODUCT.—

106 (a) Out-of-code product may only be returned for exchange
107 of product. A distributor must verify out-of-code product before
108 accepting its return.

109 (b) A distributor may accept return of out-of-code product
110 any time after the manufacturer's code date only in the
111 following circumstances:

112 1. The manufacturer has written policies and procedures
113 that specify the date that out-of-code product should be
114 removed.

115 2. Such policies and procedures are readily available,
116 verifiable, and consistently applied by the manufacturer.

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117 3. The manufacturer's code date is printed on the product
118 container or, in the case of a keg, marked on a cap, collar,
119 tag, or label affixed directly to the keg.

120 4. Out-of-code product removed by the distributor does not
121 reenter the retail market.

122 (6) EXCHANGES OF PRODUCT.—An exchange of product authorized
123 under this section must be in exact quantities with a product of
124 near or equal value, made by the same manufacturer, and in the
125 same size container or keg unless a credit is authorized under
126 this section to be issued at the time of the return.

127 (7) DISTRIBUTOR REQUIREMENTS FOR RETURNS.—This section does
128 not require a distributor to accept returns authorized under
129 this section; however, if a distributor accepts return of
130 product, the distributor must:

131 (a) Provide the exchange of product, credit, or refund to
132 the vendor, as provided in subsections (3), (4), and (5), at the
133 same time the distributor picks up the product being returned.

134 (b) For damaged or undamaged product, pick up the product
135 being returned within 14 days after receipt of the vendor's
136 request.

137 (8) TRANSACTION RECORDS.—A distributor must keep and
138 maintain for 3 years a transaction record of each return
139 identifying the vendor's business name, address, and license
140 number; the product returned for exchange of product, credit, or
141 refund; and any other documentation required by this section.
142 The distributor must provide a copy of the transaction record to
143 the vendor in a format accessible and readable by the vendor.
144 Such transaction records must be maintained on the distributor's
145 licensed premises, or may be kept at another location in this

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146 state if the distributor notifies the division in writing before
147 keeping records in another location, and must be made available
148 to the division upon request for inspection in a format
149 accessible and readable by the division. The distributor must
150 notify the division in writing of any change in recordkeeping
151 location.

152 (9) RETURNS NOT TIED HOUSE EVIL.—Bona fide returns
153 authorized under this section for exchange of product, credit,
154 or refund are not considered gifts, loans, or other forms of
155 financial aid or assistance prohibited by s. 561.42.

156 (10) CIVIL PENALTY.—In accordance with s. 561.29, the
157 division may impose a civil penalty against a distributor or
158 vendor for any violation of this section, or any rule adopted
159 under this section, not to exceed \$1,000 per violation.

160 (11) RULEMAKING AUTHORITY.—The division may adopt rules to
161 administer and enforce this section.

162 Section 2. This act shall take effect July 1, 2020.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Innovation, Industry, and Technology

BILL: SB 1102

INTRODUCER: Senator Gruters

SUBJECT: Specialty Contracting Services

DATE: January 17, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kraemer</u>	<u>Imhof</u>	<u>IT</u>	Favorable
2.	_____	_____	<u>CA</u>	_____
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1102 creates an exemption from local and state licensing for persons under the supervision of a certified or registered pool contractor for the construction, remodeling, or repair of swimming pools, hot tubs, and other water features. The supervising contractor need not have a direct contract with the unlicensed person performing the specialty contracting services. The exemption is not available for persons required to be certified or registered as contractors for specified trade categories described in current law.¹

The bill has no impact on state government.

The bill provides an effective date of July 1, 2020.

II. Present Situation:

Part I of ch. 489, F.S., dealing with Constructing Contracting, sets forth requirements for qualified persons to be licensed if they have sufficient technical expertise in the applicate trade.²

A contractor is a person who undertakes a job or submits a bid to construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure for others, and whose job scope is substantially similar to one of 17 specified scopes of work.³ A contractor

¹ See ss. 489.105(3)(a) through (i) and (m) through (o), F.S. The specified scopes of work are identified as general contractor, building contractor, residential contractor, sheet metal contractor, roofing contractor, Class A, B, and C air-conditioning contractor, mechanical contractor, plumbing contractor, underground utility and excavation contractor, and solar contractor.

² See ss. 489.101-489.146, F.S.

³ See ss. 489.105(3)(a) through (q), F.S. The specified scopes of work are identified as general contractor, building contractor, residential contractor, sheet metal contractor, roofing contractor, Class A, B, and C air-conditioning contractor, mechanical contractor, commercial pool/spa contractor, residential pool/spa contractor, swimming pool servicing contractor, plumbing contractor, underground utility and excavation contractor, solar contractor, pollutant storage systems contractor, and specialty contractor.

must be licensed by the Department of Business and Professional Regulation's Construction Industry Licensing Board (board) or certified by the county in which he or she wishes to work.⁴ In most circumstances, a contractor must subcontract all electrical, mechanical, plumbing, roofing, sheet metal, swimming pool, and air-conditioning work unless the contractor holds a state certificate or registration in the appropriate trade category.⁵

A subcontractor who does not have a state certificate or registration may work under the supervision of a licensed or certified contractor, if:

- The work of the subcontractor falls within the scope of the contractor's license; and
- The subcontractor is not engaged in construction work that would require specified contractor licensing (i.e., licensure as an electrical contractor,⁶ a septic tank contractor,⁷ a sheet metal contractor, roofing contractor, Class A, B, or C air-conditioning contractor, mechanical contractor, commercial pool/spa contractor, residential pool/spa contractor, swimming pool servicing contractor, plumbing contractor, underground utility and excavation contractor, or solar contractor.⁸

The term "certification" means the act by a contractor obtaining or holding a geographically unlimited certificate of competency from the DBPR.⁹ A contractor registered with the DBPR has fulfilled competency requirements only in those jurisdictions in which a registration is issued, and registered contractors may contract only in those jurisdictions.¹⁰

The term "specialty contractor" means a contractor whose scope of practice is limited to:

- A particular construction category adopted by board rule; and
- A subset of the [trade categories for contractors listed in s. 489.105(3)(a) through (p), F.S., such as roofing, air-conditioning, plumbing, etc.].¹¹

The board has adopted rules for the voluntary certification of swimming pool specialty contractors and residential pool/spa servicing contractors.¹² Licenses for these contractors include those for:

- Swimming Pool Layout;
- Swimming Pool Structural;
- Swimming Pool Excavation;
- Swimming Pool Trim;
- Swimming Pool Decking;
- Swimming Pool Piping; and
- Swimming Pool Finishes.

⁴ Sections 489.107(1), 489.113(1), and 489.117(1)(b), F.S.

⁵ Section 489.113(3), F.S. Various exceptions for general, building, residential, and solar contractors are set forth in ss. 489.113(3)(a) through (g), F.S.

⁶ See Part II, of ch. 489, F.S., relating to Electrical and Alarm System Contracting,

⁷ See Part III of ch. 489, F.S., relating to Septic Tank Contracting.

⁸ Section 489.113(2), F.S.

⁹ See s. 489.105(7) and (8), F.S.

¹⁰ See ss. 489.105((9) and (10), F.S.

¹¹ Section 489.105(3)(q), F.S.

¹² See Fla. Admin. Code R. 61G4-15.032 and 61G4-15.040 (2020) available at <https://www.flrules.org/gateway/ChapterHome.asp?Chapter=61G4-15> (last visited Jan. 14, 2020).

Section 489.117(4)(d), F.S., similarly allows unlicensed persons to perform contracting services¹³ related to the construction, remodeling, repair, or improvement of single-family residences and townhomes, under supervision by a certified or registered general, building, or residential contractor. The supervising contractor need not have a direct contract with the unlicensed person performing the contracting services. A legal challenge to the applicability of this exemption to local license requirements in St. Johns County was not successful.¹⁴

III. Effect of Proposed Changes:

SB 1102 amends s. 487.117(4), F.S., to exempt from local and state licensing for persons under the supervision of a certified or registered commercial pool/spa contractor, a residential pool/spa contractor, or a swimming pool/spa servicing contractor (a licensed pool contractor) for the performance of certain specialty contracting services. The bill provides a contractual relationship between the supervising contractor and those performing the specialty contracting services is not required (i.e., the performance of such contracting services is outside the business of contracting and need not be undertaken through a contractor/subcontractor relationship).

The services that may be performed by unlicensed persons under the supervision of a licensed pool contractor include the construction, remodeling, repair, or improvement of swimming pools, hot tubs, spas, and interactive water features, as defined in the Florida Building Code (code).¹⁵ Of those terms, the current code does not appear to define “interactive water features.” However, the described scope of work for “swimming pool piping specialty contractor” includes “decorative or interactive water displays or areas.”¹⁶

The exemption is not available for persons required to be certified or registered as contractors for specified trade categories described in s. 489.105(3), F.S.¹⁷

The exemption from local contractor licensing and specialty contractor licensing created in the bill is similar to an exemption enacted in 1993.¹⁸ Section 489.117(4)(d), F.S., allows unlicensed persons to perform contracting services related to the construction, remodeling, repair, or improvement of single-family residences and townhomes, under supervision by a certified or registered general, building, or residential contractor. The supervising contractor need not have a direct contract with the unlicensed person performing the contracting services.

¹³ The specified scopes of work are sheet metal contractor, roofing contractor, Class A, B, and C air-conditioning contractor, mechanical contractor, plumbing contractor, underground utility and excavation contractor, and solar contractor.

¹⁴ See *Florida Home Builders Ass'n v. St. Johns County*, 914 So.2d 1035 (Fla. 5th DCA 2005).

¹⁵ The term “swimming pool” is defined as “[a]ny structure intended for swimming, recreational bathing or wading that contains water over 24 inches (610 mm) deep. This includes in-ground, aboveground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.” See ch. 2 of the 2017 Florida Building Code (Sixth Edition), available at <https://codes.iccsafe.org/content/FBC2017/chapter-2-definitions> (last visited Jan. 14, 2020).

¹⁶ See Fla. Admin. Code R. 61G4-15.032(2)(f), relating to certification of swimming pool piping specialty contractors, available at <https://www.flrules.org/gateway/ChapterHome.asp?Chapter=61G4-15> (last visited Jan. 14, 2020).

¹⁷ See ss. 489.105(3)(a) through (i) and (m) through (o), F.S. The specified scopes of work are identified as general contractor, building contractor, residential contractor, sheet metal contractor, roofing contractor, Class A, B, and C air-conditioning contractor, mechanical contractor, plumbing contractor, underground utility and excavation contractor, and solar contractor.

¹⁸ See ch. 93-154, s. 3, and ch. 93-166, s. 12, Laws of Fla. These provisions have been subsequently amended.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons who are not licensed as contractors in a trade and have not been eligible to engage in such work may now, under the supervision of certified or registered contractors whose licenses cover such work, construct, remodel, repair, or improve swimming pools, hot tubs, spas, or interactive water features.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 489.117 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Commerce and Tourism, *Chair*
Finance and Tax, *Vice Chair*
Appropriations Subcommittee on Criminal
and Civil Justice
Banking and Insurance

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR JOE GRUTERS

23rd District

January 6, 2020

The Honorable Wilton Simpson, Chair
Innovation, Industry, Technology Committee
525 Knott Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Simpson:

I am writing to request that Senate Bill 1102, Specialty Contracting Services be placed on the agenda of the next Innovation, Industry, and Technology committee meeting.

Should you have any questions regarding this bill, please do not hesitate to reach out to me. Thank you for your time and consideration.

Warm regards,

A handwritten signature in black ink that reads "Joe Gruters".

Joe Gruters

cc: Booter Imhof, Staff Director
Lynn Koon, Committee Administrative Assistant

REPLY TO:

- 381 Interstate Boulevard, Sarasota, Florida 34240 (941) 378-6309
- 324 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-21-20

Meeting Date

1102

Bill Number (if applicable)

Topic Subcontractor

Amendment Barcode (if applicable)

Name Deidre Bedford

Job Title President West Coast Pools, Inc.

Address 423 19th St. Et. W

Phone 941-312-3348

Bradenton FL 34205
City State Zip

Email deidre@wcpools.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Swimming Pool Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/2020
Meeting Date

SB 1102
Bill Number (if applicable)

Topic Specialty Contracting Services

Amendment Barcode (if applicable)

Name STARLA BROWN

Job Title Deputy State Director

Address Street

Phone

City

State

Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Americans for Prosperity

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/20

Meeting Date

SB1102

Bill Number (if applicable)

Topic Specialty Contracting License

Amendment Barcode (if applicable)

Name Scott Jenkins

Job Title Senior Gov't Consultant

Address 215 S. Monroe St. Ste 500

Phone 850 661 0829

Street

TLH

City

FL

State

32301

Zip

Email sjenkins@carltonarells.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL HOME BUILDERS ASSOC.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-21-2020

Meeting Date

SB 1102

Bill Number (if applicable)

Topic SUBCONTRACTOR LICENSING

Amendment Barcode (if applicable)

Name MAURICE BUSHROE

Job Title SWIMMING POOL CONTRACTOR - BLUE RIBBON POOLS

Address 3670 S. RIDGEWOOD AVE

Phone 386-366-9000

Street

PORT ORANGE FL 32129

maurice
Email blue.ribbon.pools@gmail.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA SWIMMING POOL ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Innovation, Industry, and Technology
ITEM: SB 1102
FINAL ACTION: Favorable
MEETING DATE: Tuesday, January 21, 2020
TIME: 2:30—4:00 p.m.
PLACE: 110 Senate Building

FINAL VOTE		SENATORS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Bracy						
X		Bradley						
X		Brandes						
X		Braynon						
X		Farmer						
X		Gibson						
		Hutson						
X		Passidomo						
X		Benacquisto, VICE CHAIR						
X		Simpson, CHAIR						
9	0	TOTALS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
 UNF=Unfavorable RE=Replaced by Engrossed Amendment VA=Vote After Roll Call OO=Out of Order
 -R=Reconsidered RS=Replaced by Substitute Amendment VC=Vote Change After Roll Call AV=Abstain from Voting

By Senator Gruters

23-00833A-20

20201102__

1 A bill to be entitled
2 An act relating to specialty contracting services;
3 amending s. 489.117, F.S.; authorizing certain persons
4 under the supervision of specified licensed
5 contractors to perform certain specialty contracting
6 services for commercial or residential swimming pools,
7 hot tubs or spas, or interactive water features;
8 providing that such supervision does not require a
9 direct contract between those persons; providing an
10 effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Paragraph (e) is added to subsection (4) of
15 section 489.117, Florida Statutes, to read:

16 489.117 Registration; specialty contractors.—

17 (4)

18 (e) Any person who is not required to be certified or
19 registered under s. 489.105(3)(d)-(i) or s. 489.105(3)(m)-(o)
20 may perform specialty contracting services for the construction,
21 remodeling, repair, or improvement of commercial or residential
22 swimming pools, hot tubs or spas, or interactive water features,
23 as defined in the Florida Building Code, without obtaining a
24 local contractor license or specialty contractor license if such
25 person is under the supervision of a person who is certified or
26 registered under s. 489.105(3)(j)-(l), provided that the work is
27 within the scope of the supervising contractor's license. Such
28 supervision does not require a direct contract between a person
29 certified or registered under s. 489.105(3)(j)-(l) and the

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20201102__

30 person performing specialty contracting services.

31 Section 2. This act shall take effect July 1, 2020.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Innovation, Industry, and Technology

BILL: SB 1140

INTRODUCER: Senator Gruters

SUBJECT: Public Accountancy

DATE: January 17, 2020 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	IT	Favorable
2.	_____	_____	CM	_____
3.	_____	_____	RC	_____

I. Summary:

SB 1140 permits a nonresident Florida-licensed certified public accountant (CPA) to renew his or her license, if the CPA has complied with the continuing education requirements in the state in which his or her office is located. However, a nonresident CPA must satisfy Florida’s ethics-related continuing education requirements. If the state in which the nonresident CPA’s office is located does not have continuing education requirements as a condition for license renewal, the nonresident CPA must comply with the continuing education requirements in Florida.

The bill requires that the majority of the hours for continuing education in ethics must review the applicable Florida statutes and rules.

The bill permits a CPA to place his or her license in a retired status if the person is at least 55 years of age, holds a current active or inactive license that is in good standing, and is not the subject of any sanction or disciplinary action. If a licensee on retired status reenters the workforce in a position that has an association with accounting or any of the CPA services, the licensee automatically loses her or his retired status. A retired CPA:

- May continue to provide services utilizing accounting skills, and tax, management advisory, or consulting services, as defined in s. 473.302(8)(b), F.S., but may not provide certain accounting services defined ss. 473.302(8)(a), (c), and (d), F.S., such as services that involve an opinion on financial statements or the preparation of financial statements.
- May engage in specified activities, including serving without compensation on a board of directors or board of trustees, providing volunteer tax preparation services, and participating in an advisory role for a similar charitable, civic, or other nonprofit organizations.
- May accept routine reimbursement for certain expenses, such as actual costs of travel and meals associated with volunteer services.
- May use the title of “retired CPA,” but may not offer or render professional services that require her or his signature and use of the CPA title, regardless of whether the word “retired” is attached to such title.

- Is not required to fulfill the continuing education requirements.
- May reactivate her or his license in a conditional manner determined by the board, which must require the payment of fees and the completion of any required continuing education.

The effective date of the bill is July 1, 2020.

II. Present Situation:

The Florida Board of Accounting (board) in the Department of Business and Professional Regulation (DBPR) is the agency responsible for regulating and licensing more than 38,000 active and 2,700 inactive CPAs and more than 5,700 accounting firms in Florida.¹ The Division of Certified Public Accounting provides administrative support to the nine-member board, which consists of seven CPAs and two laypersons.²

A certified public accountant is a person who holds a license to practice public accounting in this state under ch. 473, F.S., or an individual who is practicing public accounting in this state pursuant to the practice privilege granted in s. 473.3141, F.S.³

The practice of public accounting includes offering to the public the performance of services involving audits, reviews, compilations, tax preparation, management advisory or consulting services, or preparation of financial statements.⁴ To engage in the practice of public accounting, as defined in s. 473.302(8)(a), F.S., an individual or firm must be licensed pursuant to ss. 473.308 or 473.3101, F.S., and business entities must meet the requirements of s. 473.309, F.S.

Definitions

Section 473.302(8), F.S., define the terms “practice of,” “practicing public accountancy,” or “public accounting” to mean:

- (a) Offering to perform or performing for the public one or more types of services involving the expression of an opinion on financial statements, the attestation as an expert in accountancy to the reliability or fairness of presentation of financial information, the utilization of any form of opinion or financial statements that provide a level of assurance, the utilization of any form of disclaimer of opinion which conveys an assurance of reliability as to matters not specifically disclaimed, or the expression of an opinion on the reliability of an assertion by one party for the use by a third party;

¹ Florida Department of Business and Professional Regulation, Fiscal Year 2018-2019 Annual Report, page 12, available at http://www.myfloridalicense.com/DBPR/os/documents/DivisionAnnualReport_FY1819.pdf (last visited Jan. 14, 2020).

² Section 473.303, F.S.

³ See s. 473.302(4), F.S. Section 473.3141, F.S., permits a person who does not have an office in Florida to practice public accountancy in this state without obtaining a license under ch. 473, F.S., notifying or registering with the board, or paying a fee if the person meets the required criteria.

⁴ Section 473.302(8), F.S.

(b) Offering to perform or performing for the public one or more types of services involving the use of accounting skills, or one or more types of tax, management advisory, or consulting services, by any person who is a certified public accountant who holds an active license, issued pursuant to this chapter, or who is authorized to practice public accounting pursuant to the practice privileges granted in s. 473.3141, [F.S.,] including the performance of such services by a certified public accountant in the employ of a person or firm; or

(c) Offering to perform or performing for the public one or more types of service involving the preparation of financial statements not included within paragraph (a), by a certified public accountant who holds an active license, issued pursuant to this chapter, or who is authorized to practice public accounting pursuant to the practice privileges granted in s. 473.3141[, F.S.]; by a firm of certified public accountants; or by a firm in which a certified public accountant has an ownership interest, including the performance of such services in the employ of another person. The board shall adopt rules establishing standards of practice for such reports and financial statements; provided, however, that nothing in this paragraph shall be construed to permit the board to adopt rules that have the result of prohibiting Florida certified public accountants employed by unlicensed firms from preparing financial statements as authorized by this paragraph.

Qualifications

To be licensed as a certified public accountant, a person must:⁵

- Be of good moral character;
- Pass the licensure exam; and
- Have at least 150 semester hours of education, with a focus on accounting and business.

License by Endorsement

Section 473.308, F.S., provides for the licensure of individuals desiring to be licensed as a certified public accountant. Section 473.308(7), F.S., provides for licensure of certified public accountants by endorsement. To qualify, an applicant for licensure by endorsement the applicant must satisfy education, work experience, good moral character requirements. Applicants for endorsement must also have completed education courses that are equivalent to the continuing education requirements in this state during the two years immediately preceding the application for licensure by endorsement.

If the applicant is not licensed in another state or territory, the applicant must:⁶

- Have passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by s. 473.306, F.S.; and
- Have completed continuing professional education courses that are at least equivalent to the continuing professional education requirements for a Florida certified public accountant.

⁵ Sections 473.308(2)-(5), F.S.

⁶ Section 473.308(7)(a), F.S.

If the applicant is licensed in another state or territory, the applicant has:⁷

- Satisfied licensing criteria that were substantially equivalent to the licensure criteria in this state at the time the license was issued; or
- If the licensing criteria are not substantially equivalent to Florida, passed a national, regional, state or territorial licensing examination with examination criteria that were substantially equivalent to the examination criteria required in this state; or
- A valid license in another state or territory for at least 10 years before applying for a license in Florida, and has passed a national, regional, state or territorial licensing examination with examination criteria that were substantially equivalent to the examination criteria required in this state.

Continuing Education

Certified public accountants, as part of the license renewal procedure, are required to submit proof satisfactory to the board that, during the two years prior to their application for renewal, they have successfully completed not less than 48 or more than 80 hours of continuing professional education programs in public accounting subjects approved by the board.⁸ The board has the authority to prescribe by rule additional continuing professional education hours, not to exceed 25 percent of the total hours required, for failure to complete the hours required for renewal by the end of the reestablishment period.⁹

At least 25 percent of the total hours required by the board must be in accounting-related and auditing-related subjects, as distinguished from federal and local taxation matters and management services.¹⁰

Not less than 10 percent of the total continuing education hours must be in accounting-related and auditing-related subjects, as distinguished from federal and local taxation matters and management services.¹¹

Not less than five percent of the continuing education must be in ethics applicable to the practice of public accounting, including a review of the provisions of ch. 455, F.S.,¹² and ch. 473, F.S., and the related administrative rules. This requirement must be administered by providers approved by the board.

Inactive Licenses

Section 473.313(1), F.S., permits Florida-licensed CPAs to request that their license be placed on inactive status. Section 473.313(2), F.S., authorizes the board to adopt rules establishing the

⁷ Section 473.308(7)(b), F.S.

⁸ Section 473.312(1)(a), F.S.

⁹ *Id.*

¹⁰ *Id.*

¹¹ Section 473.312(1)(b), F.S.

¹² Chapter 455, relates to the regulation of professions by the department.

minimum requirements for placing a license on inactive status, renewing an inactive license, and reactivating the inactive license.¹³

A person may reactivate a license by applying to the department and paying a \$250 application fee.¹⁴ If the license is delinquent on January 1 because of failure to report completed continuing education requirements, the applicant must submit a complete application to the board by March 15 immediately after the delinquent period.¹⁵

Current law does not provide CPAs the option of placing licenses into a retired status as an alternative to inactive status.

III. Effect of Proposed Changes:

Licensure by Endorsement

The bill amends s. 476.308(1)(a)1., F.S., to change the term “another state” to “any state”. The bill does not make the same change throughout s. 476.308, F.S., where the term “another state” is used. Section 476.308(1)(a)1., F.S., as amended by the bill, appears to include persons who have not been licensed in Florida within the licensure by endorsement requirements in paragraph (a). The amendment to this section appears to not have a substantive effect because such a person, i.e., a person from Florida who has not been license in any state or territory, must satisfy the licensing requirements of this state whether they do so through the regular licensure qualification process or the licensure by endorsement process.

Continuing Education

The bill amends s. 473.311(1), F.S., to permit a nonresident licensee to renew his or her Florida license if the licensee has complied with the continuing education requirements in the state in which his or her office is located. However, under the bill, the nonresident licensee is required to complete not less than 5 percent of the continuing education in ethics applicable to the practice of public accounting, including a review of the provisions of ch. 455, F.S., and ch. 473, F.S., and the related administrative rules.

The nonresident licensee must comply with the continuing education requirements in Florida if the state in which the nonresident licensee’s office is located does not have continuing education requirements as a condition for license renewal.

The bill amends s. 473.312(1)(c), F.S., require that the majority of the hours for the continuing education in ethics must be in a review of the provisions of ch. 455, F.S.,¹⁶ and ch. 473, F.S., and the related administrative rules.

¹³ See Fla. Admin R. 61H1-33.006 (2019).

¹⁴ Fla Admin. R. 61H1-31.006 (2019).

¹⁵ Section 473.313(3), F.S.

¹⁶ Chapter 455, relates to the regulation of professions by the department.

Retired Status

The bill amends s. 473.313, F.S., to permit a Florida CPA to place his or her license in a retired status if the person is:

- At least 55 years of age;
- Holds a current active or inactive license; and
- In good standing and not the subject of any sanction or disciplinary action.

If a licensee on retired status reenters the workforce in a position that has an association with accounting or any of the services, the licensee automatically loses her or his retired status. However, a CPA on retired status may continue to provide services utilizing accounting skills, and tax, management advisory, or consulting services, as defined in s. 473.302(8)(b), F.S., but may not provide certain accounting services defined ss. 473.302(8)(a), (c), and (d), F.S., such as services that involve an opinion on financial statements or the preparation of financial statements.

The bill authorizes a retired licensee to engage in specified activities, including serving without compensation on a board of directors or board of trustees, providing volunteer tax preparation services, and participating in an advisory role for a similar charitable, civic, or other nonprofit organizations.

A licensee on retired status must affirm in writing her or his understanding of the limited types of activities in which she or he may engage while in retired status and that she or he has a professional duty to ensure that she or he holds the professional competencies necessary to participate in such activities.

A retired licensee:

- May accept routine reimbursement for actual costs of travel and meals associated with volunteer services or de minimis per diem amounts paid to the licensee to cover such expenses as allowed by law.
- May use the title of “retired CPA,” but may not offer or render professional services that require her or his signature and use of the CPA title, regardless of whether the word “retired” is attached to such title.
- Is not required to maintain the continuing education requirements.
- May reactivate her or his license in a conditional manner determined by the board, which must require the payment of fees and the completion of any required continuing education.

Effective Date

The effective date of the bill is July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 473.308, 473.311, 473.312, and 473.313.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Commerce and Tourism, *Chair*
Finance and Tax, *Vice Chair*
Appropriations Subcommittee on Criminal
and Civil Justice
Banking and Insurance

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR JOE GRUTERS

23rd District

January 6, 2020

The Honorable Wilton Simpson, Chair
Innovation, Industry, Technology Committee
525 Knott Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Simpson:

I am writing to request that Senate Bill 1140, Public Accountancy be placed on the agenda of the next Innovation, Industry, and Technology committee meeting.

Should you have any questions regarding this bill, please do not hesitate to reach out to me. Thank you for your time and consideration.

Warm regards,

A handwritten signature in black ink that reads "Joe Gruters".

Joe Gruters

cc: Booter Imhof, Staff Director
Lynn Koon, Committee Administrative Assistant

REPLY TO:

- 381 Interstate Boulevard, Sarasota, Florida 34240 (941) 378-6309
- 324 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-21-20

Meeting Date

1140
Bill Number (if applicable)

Topic Public Accountancy

Name Justin Thames

Amendment Barcode (if applicable)

Job Title Director of Governmental Affairs

Address 119 South Monroe St.

Phone 224-2727 ext. 204

Street

Tallahassee

City

FL

State

32301

Zip

Email justin@ficpa.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Institute of CPAs

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

By Senator Gruters

23-01202A-20

20201140__

1 A bill to be entitled
2 An act relating to public accountancy; amending s.
3 473.308, F.S.; requiring certain applicants to not be
4 licensed in any state or territory in order to be
5 licensed by endorsement; amending s. 473.311, F.S.;
6 providing license renewal requirements for nonresident
7 licensees; amending s. 473.312, F.S.; requiring that a
8 majority of the hours required for continuing
9 education include specific content; amending s.
10 473.313, F.S.; authorizing certain Florida certified
11 public accountants to apply to the Department of
12 Business and Professional Regulation to have their
13 license placed in a retired status; providing
14 requirements for such conversion; providing
15 requirements and prohibitions for retired licensees;
16 authorizing retired licensees to use a specified title
17 under certain circumstances; providing that retired
18 licensees are not required to maintain continuing
19 education requirements; authorizing retired licensees
20 to reactivate their licenses if certain conditions are
21 met; defining the term "retired licensee"; providing
22 an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Subsection (7) of section 473.308, Florida
27 Statutes, is amended to read:

28 473.308 Licensure.—

29 (7) The board shall certify as qualified for a license by

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30 endorsement an applicant who:

31 (a)1. Is not licensed and has not been licensed in any
32 ~~another~~ state or territory and who has met the requirements of
33 this section for education, work experience, and good moral
34 character and has passed a national, regional, state, or
35 territorial licensing examination that is substantially
36 equivalent to the examination required by s. 473.306; and

37 2. Has completed such continuing education courses as the
38 board deems appropriate, within the limits for each applicable
39 2-year period as set forth in s. 473.312, but at least such
40 courses as are equivalent to the continuing education
41 requirements for a Florida certified public accountant licensed
42 in this state during the 2 years immediately preceding her or
43 his application for licensure by endorsement; or

44 (b)1.a. Holds a valid license to practice public accounting
45 issued by another state or territory of the United States, if
46 the criteria for issuance of such license were substantially
47 equivalent to the licensure criteria that existed in this state
48 at the time the license was issued;

49 b. Holds a valid license to practice public accounting
50 issued by another state or territory of the United States but
51 the criteria for issuance of such license did not meet the
52 requirements of sub-subparagraph a.; has met the requirements of
53 this section for education, work experience, and good moral
54 character; and has passed a national, regional, state, or
55 territorial licensing examination that is substantially
56 equivalent to the examination required by s. 473.306; or

57 c. Holds a valid license to practice public accounting
58 issued by another state or territory of the United States for at

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59 least 10 years before the date of application; has passed a
60 national, regional, state, or territorial licensing examination
61 that is substantially equivalent to the examination required by
62 s. 473.306; and has met the requirements of this section for
63 good moral character; and

64 2. Has completed continuing education courses that are
65 equivalent to the continuing education requirements for a
66 Florida certified public accountant licensed in this state
67 during the 2 years immediately preceding her or his application
68 for licensure by endorsement.

69 Section 2. Subsection (1) of section 473.311, Florida
70 Statutes, is amended to read:

71 473.311 Renewal of license.—

72 (1) (a) The department shall renew a license issued under s.
73 473.308 upon receipt of the renewal application and fee and upon
74 certification by the board that the Florida certified public
75 accountant has satisfactorily completed the continuing education
76 requirements of s. 473.312.

77 (b) A nonresident licensee seeking renewal of a license in
78 this state shall be determined to have met the continuing
79 education requirements in s. 473.312, except for the
80 requirements in s. 473.312(1)(c), if the licensee has complied
81 with the continuing education requirements applicable in the
82 state in which his or her office is located. If the state in
83 which the nonresident licensee's office is located has no
84 continuing education requirements for license renewals, the
85 nonresident licensee must comply with the continuing education
86 requirements in s. 473.312.

87 Section 3. Paragraph (c) of subsection (1) of section

23-01202A-20

20201140__

88 473.312, Florida Statutes, is amended to read:

89 473.312 Continuing education.—

90 (1)

91 (c) Not less than 5 percent of the total hours required by
92 the board shall be in ethics applicable to the practice of
93 public accounting. This requirement shall be administered by
94 providers approved by the board and a majority of the hours
95 shall include a review of the provisions of chapter 455 and this
96 chapter and the related administrative rules.

97 Section 4. Section 473.313, Florida Statutes, is amended to
98 read:

99 473.313 Inactive status and retired status.—

100 (1) A Florida certified public accountant may request that
101 her or his license be placed in an inactive status by making
102 application to the department. The board may prescribe by rule
103 fees for placing a license on inactive status, renewal of
104 inactive status, and reactivation of an inactive license.

105 (a)~~(2)~~ A license that has become inactive under this
106 subsection ~~(1)~~ or for failure to complete the requirements in s.
107 473.312 may be reactivated under s. 473.311 upon application to
108 the department. The board may prescribe by rule continuing
109 education requirements as a condition of reactivating a license.
110 The maximum continuing education requirements for reactivating a
111 license are 120 hours, including at least 30 hours in
112 accounting-related and auditing-related subjects, not more than
113 30 hours in behavioral subjects, and a minimum of 8 hours in
114 ethics subjects approved by the board, for the reactivation of a
115 license that is inactive or delinquent.

116 (b)~~(3)~~ A license that is delinquent for failure to report

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117 completion of the requirements in s. 473.312 may be reactivated
118 under s. 473.311 upon application to the department.
119 Reactivation requires the payment of an application fee as
120 determined by the board and certification by the Florida
121 certified public accountant that the applicant satisfactorily
122 completed the continuing education requirements set forth under
123 s. 473.311. If the license is delinquent on January 1 because of
124 failure to report completed continuing education requirements,
125 the applicant must submit a complete application to the board by
126 March 15 immediately after the delinquent period.

127 (c)~~(4)~~ Any Florida certified public accountant holding an
128 inactive license may be permitted to reactivate such license in
129 a conditional manner. The conditions of reactivation shall
130 require the payment of fees and the completion of required
131 continuing education.

132 (d)~~(5)~~ Notwithstanding the provisions of s. 455.271, the
133 board may, at its discretion, reinstate the license of an
134 individual whose license has become null and void if the
135 individual has made a good faith effort to comply with this
136 section but has failed to comply because of illness or unusual
137 hardship. The individual shall apply to the board for
138 reinstatement in a manner prescribed by rules of the board and
139 shall pay an application fee in an amount determined by rule of
140 the board. The board shall require that the individual meet all
141 continuing education requirements as provided in subsection (2),
142 pay appropriate licensing fees, and otherwise be eligible for
143 renewal of licensure under this chapter.

144 (2) A Florida certified public accountant who is at least
145 55 years of age and currently holds an active or inactive

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146 license under this chapter may apply to the department for her
147 or his license to be placed in a retired status. The application
148 must be prescribed by the board and must state that the
149 applicant has no association with accounting or any of the
150 services described in s. 473.302(8)(a), (c), or (d). If a
151 licensee who has been granted retired status reenters the
152 workforce in a position that has an association with accounting
153 or any of the services described in s. 473.302(8)(a), (c), or
154 (d), the licensee automatically loses her or his retired status
155 except as provided in paragraph (a).

156 (a) A retired licensee who serves without compensation on a
157 board of directors or board of trustees, provides volunteer tax
158 preparation services, participates in a government-sponsored
159 business mentoring program such as the Internal Revenue
160 Service's Volunteer Income Tax Assistance program or the Small
161 Business Administration's SCORE program, or participates in an
162 advisory role for a similar charitable, civic, or other
163 nonprofit organization shall continue to be eligible for retired
164 status.

165 (b) The board shall require a retired licensee to affirm in
166 writing her or his understanding of the limited types of
167 activities in which she or he may engage while in retired status
168 and that she or he has a professional duty to ensure that she or
169 he holds the professional competencies necessary to participate
170 in such activities.

171 (c) Licensees may convert their license to retired status
172 only if they hold a license in good standing and are not the
173 subject of any sanction or disciplinary action.

174 (d) A retired licensee may accept routine reimbursement for

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20201140__

175 actual costs of travel and meals associated with volunteer
176 services or de minimis per diem amounts paid to the licensee to
177 cover such expenses as allowed by law.

178 (e) A retired licensee may use the title of "retired CPA"
179 on any business card or letterhead or any other printed or
180 electronic document. However, such title must not be applied in
181 such a manner that could confuse the public as to the current
182 status of the licensee. The licensee is not required to have a
183 certificate issued with the word "retired" on the certificate.

184 (f) A retired licensee is not required to maintain the
185 continuing education requirements under s. 473.312.

186 (g) A retired licensee may not offer or render professional
187 services that require her or his signature and use of the CPA
188 title, regardless of whether the word "retired" is attached to
189 such title.

190 (h) A retired licensee may reactivate her or his license in
191 a conditional manner determined by the board. The conditions of
192 reactivation must require the payment of fees and the completion
193 of any required continuing education.

194
195 For the purposes of this subsection, the term "retired licensee"
196 means a licensee whose license has been placed in retired status
197 by the department.

198 Section 5. This act shall take effect July 1, 2020.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Subcommittee on Transportation,
Tourism, and Economic Development, *Chair*
Appropriations
Appropriations Subcommittee on Agriculture,
Environment, and General Government
Commerce and Tourism
Infrastructure and Security
Innovation, Industry, and Technology
Judiciary
Rules

SENATOR TRAVIS HUTSON

7th District

January 16, 2020

The Honorable Wilton Simpson
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Simpson,

I am writing to request to be excused from the Innovation, Industry, and Technology meeting on January 21st, 2020 at 2:30pm due to the birth of my child. Thank you for your consideration of this request.

Respectfully,

A handwritten signature in black ink that reads "Travis Hutson". The signature is written in a cursive style with a long horizontal stroke at the end.

Travis Hutson

REPLY TO:

- 4875 Palm Coast Parkway, NW, Suite 5, Palm Coast, Florida 32137 (386) 446-7610 FAX: (888) 263-3475
- 314 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5007

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

CourtSmart Tag Report

Room: EL 110

Case No.:

Type:

Caption: Senate Innovation, Industry and Technology Committee

Judge:

Started: 1/21/2020 2:36:14 PM

Ends: 1/21/2020 3:38:43 PM Length: 01:02:30

2:36:12 PM Meeting called to order by Chair Simpson
2:36:17 PM Roll call by AA Lynn Koon
2:36:27 PM Quorum present
2:36:38 PM Senator Hutson is excused from meeting per Chair
2:37:08 PM Pledge of Allegiance
2:37:13 PM Comments from Chair Simpson
2:37:29 PM CS/SB 498 TP'd
2:37:44 PM Introduction of Tab 4 by Chair Simpson
2:37:48 PM Explanation of SB 1102, Specialty Contracting Services by Senator Gruters
2:38:42 PM Question from Senator Farmer
2:38:47 PM Response from Senator Gruters
2:39:26 PM Follow-up question from Senator Farmer
2:39:32 PM Response from Senator Gruters
2:39:40 PM Follow-up question from Senator Farmer
2:39:46 PM Response from Senator Gruters
2:40:22 PM Speaker Maurice Bushroe, Florida Swimming Pool Association in support
2:44:09 PM Scott Jenkins, Senior Government Consultant, FL Home Builders Association waives in support
2:44:19 PM Starla Brown, Deputy State Director, Americans for Prosperity waives in support
2:44:26 PM Deidre Redford, President West Coast Pools, Inc. waives in support
2:44:42 PM Senator Farmer in debate
2:45:43 PM Closure waived
2:45:46 PM Roll call by AA
2:45:51 PM SB 1102 reported favorably
2:46:07 PM Introduction of Tab 3 by Chair Simpson
2:46:26 PM Explanation of SB 900, Malt Beverages by Senator Stargel
2:46:44 PM Gary Rutledge, Miller-Coors waives in support
2:46:50 PM Scott Dick, ABC Liquor waives in support
2:46:56 PM Mitch Rubin, Florida Beer Wholesalers Association waives in support
2:47:01 PM Grace Lovett, Florida Retail Federation waives in support
2:47:12 PM Closure waived
2:47:15 PM Roll call by AA
2:47:19 PM SB 900 reported favorably
2:47:33 PM Introduction of Tab 5 by Chair Simpson
2:47:41 PM Explanation of SB 1140, Public Accountancy by Senator Gruters
2:48:26 PM Question from Senator Brandes
2:48:32 PM Response from Senator Gruters
2:49:02 PM Justin Thames, Florida Institute of CPAs waives in support
2:49:15 PM Closure waived
2:49:17 PM Roll call by AA
2:49:22 PM SB 1140 reported favorably
2:49:41 PM Introduction of Tab 1 by Chair Simpson

2:49:50 PM Explanation of SB 474, Deregulation of Professions and Occupations by Senator Albritton

2:51:08 PM Introduction of Amendment Barcode No. 377130 by Chair Simpson

2:51:24 PM Explanation of Amendment by Senator Albritton

2:59:35 PM Question from Senator Gibson

2:59:45 PM Response from Chair

3:00:31 PM Bryan Soukup, The American Society of Interior Designers waives in support

3:04:36 PM Speaker Cynthia David, Interior Designers in support

3:07:02 PM Lisa Waxman, Florida State University and American Society of Interior Designers waives in support

3:07:12 PM David Roberts waives in support

3:07:23 PM Sarah Kaufmann, Gresham Smith waives in support

3:07:36 PM Thomas Jones waives in support

3:07:43 PM Sue Brown, Micamy Design Studio waives in support

3:07:54 PM Michele Brown, International Interior Design Association waives in support

3:08:01 PM Marjorie Davis, Connie Turner Interiors waives in support

3:08:09 PM Allison Brown waives in support

3:08:27 PM Ada Lora waives in support

3:08:34 PM Rebecca Davisson waives in support

3:08:41 PM Susan Morgan, Interior Designers ASID waives in support

3:08:51 PM Elizabeth Nieves, Florida South Chapter of the American Society of Interior Designers waives in support

3:09:03 PM Sonia Longchamp, Interior Designers ASID waives in support

3:09:09 PM Kelley Robinson, American Society of Interior Designers, Florida North waives in support

3:09:14 PM Dr. Jill Pable, FSU's Interior Architecture & Design Department waives in support

3:09:27 PM Canitha Raynor waives in support

3:09:37 PM Douglas Feldman waives in support

3:09:54 PM Closure waived

3:09:58 PM Amendment adopted

3:10:07 PM Question from Senator Gibson

3:10:12 PM Response from Senator Albritton

3:11:18 PM Follow-up question from Senator Gibson

3:11:24 PM Response from Senator Albritton

3:13:14 PM Follow-up question from Senator Gibson

3:13:21 PM Response from Senator Albritton

3:13:57 PM Follow-up question from Senator Gibson

3:14:05 PM Response from Senator Albritton

3:16:05 PM Follow-up question from Senator Gibson

3:16:13 PM Response from Senator Albritton

3:16:35 PM Additional question from Senator Gibson

3:16:44 PM Response from Senator Albritton

3:19:05 PM Follow-up question from Senator Gibson

3:19:16 PM Response from Senator Albritton

3:21:19 PM Comments/question from Senator Gibson

3:21:59 PM Response from Senator Albritton

3:23:48 PM Question from Senator Farmer

3:23:54 PM Response from Senator Albritton

3:25:59 PM Follow-up question from Senator Farmer

3:26:10 PM Response from Senator Albritton

3:27:23 PM Gary Rutledge waives in support

3:27:32 PM Gabe Peters, Florida Department of Business & Professional Regulation waives in

support

- 3:27:36 PM** Starla Brown, Americans for Prosperity waives in support
- 3:27:43 PM** Richard Jones waives in opposition
- 3:27:51 PM** Keith Dye waives in opposition
- 3:28:02 PM** Justin Pearson, Institute for Justice in support
- 3:29:35 PM** Rusty Payton, CEO, Florida Home Builders Association in opposition
- 3:30:29 PM** Allen Mortham, Florida Association of Postsecondary Schools waives in support
- 3:30:39 PM** Johana Amaya waives in support
- 3:30:46 PM** Nancy Sanchez waives in support
- 3:30:53 PM** Kendy Tabora waives in support
- 3:31:00 PM** Amy Collins waives in support
- 3:31:09 PM** Joel Rivera waives in support
- 3:31:25 PM** Maria Mackin waives in support
- 3:31:35 PM** Laydee Hernandez Del Toro waives in support
- 3:31:41 PM** Katie Chorbak waives in support
- 3:31:45 PM** Kelly Pickens waives in support
- 3:31:50 PM** Leilani Pickens waives in support
- 3:33:34 PM** Speaker Mez Voral, President, Florida Association of Cosmetology & Technical Schools
in support
- 3:35:04 PM** Robert Rosenberg waives in support
- 3:35:11 PM** Patrick Bene waives in support
- 3:35:19 PM** Melissa Ramba waives in support
- 3:35:28 PM** Sal Nuzzo waives in support
- 3:35:35 PM** Speaker Logan Padgett, Director of Communications & Public Affairs in support
- 3:36:33 PM** Senator Albritton in closure
- 3:36:49 PM** Senator Benacquisto moves that technical changes be made
- 3:37:49 PM** Roll call by AA
- 3:37:53 PM** CS/SB 474 reported favorably
- 3:38:04 PM** Senator Braynon would like to be shown in the affirmative on SB 900
- 3:38:28 PM** Senator Gibson moves to adjourn, meeting adjourned