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576-03720-16

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on General Government)

A bill to be entitled

An act relating to regulated professions and occupations; amending s. 326.004, F.S.; deleting a requirement that yacht and ship brokers maintain a separate license for each branch office and related fees; amending s. 447.02, F.S.; deleting a definition; repealing s. 447.04, F.S., relating to business agents, licenses, and permits; repealing s. 447.041, F.S., relating to hearings; repealing s. 447.045, F.S., relating to certain confidential information; repealing s. 447.06, F.S., relating to the required registration of labor organizations; amending s. 447.09, F.S.; deleting prohibitions against specified actions; repealing s. 447.12, F.S., relating to registration fees; repealing s. 447.16, F.S., relating to the applicability of ch. 447, F.S.; amending s. 468.401, F.S.; deleting the definitions of the terms "department," "license," and "licensee"; repealing s. 468.402, F.S., relating to the duties of the Department of Business and Professional Regulation; repealing s. 468.403, F.S., relating to licensure and application requirements for owners and operators of talent agencies; repealing s. 468.404, F.S., relating to fees and renewal of talent agency licenses; repealing s. 468.405, F.S., relating to qualification for talent agency licenses; amending s. 468.406, F.S.; deleting the requirement for talent agencies to file



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28 with the department an itemized schedule of certain
29 fees and an amended or supplemental schedule under
30 certain circumstances; repealing s. 468.407, F.S.,
31 relating to license contents and posting; amending s.
32 468.408, F.S.; deleting a requirement that a talent
33 agency file a bond for each talent agency license;
34 deleting a departmental requirement to approve talent
35 agency bonds; requiring that a bonding company notify
36 the talent agency, rather than notifying the
37 department, of certain claims; amending s. 468.409,
38 F.S.; deleting provisions requiring talent agencies to
39 make specified records readily available for
40 inspection by the department; amending s. 468.410,
41 F.S.; deleting a reference to the department in talent
42 agency contracts; amending s. 468.412, F.S.; revising
43 the requirements for talent agencies to enter in the
44 talent agency records; revising the requirements for
45 talent agencies to post certain laws and rules;
46 revising the information required in talent agency
47 publications; amending s. 468.413, F.S.; deleting
48 provisions relating to criminal violations for failing
49 to obtain or maintain licensure with the department;
50 deleting provisions authorizing the court to suspend
51 or revoke a license; deleting a provision authorizing
52 the court to bring certain actions; repealing s.
53 468.414, F.S., relating to collection and deposit of
54 fines, fees, and penalties collected by the
55 department; amending s. 468.415, F.S.; deleting a
56 provision authorizing the department to revoke a



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57 license; amending s. 468.451, F.S.; revising
58 legislative intent related to the regulation of
59 athlete agents; reordering and amending s. 468.452,
60 F.S.; deleting the term "department"; repealing s.
61 468.453, F.S., relating to the licensure of athlete
62 agents; repealing s. 468.4536, F.S., relating to
63 renewal of such licenses; amending s. 468.454, F.S.;
64 revising the information that must be stated in agent
65 contracts; deleting a condition under which an agent
66 contract is void and unenforceable; repealing s.
67 468.456, F.S., relating to prohibited acts for athlete
68 agents; repealing s. 468.4561, F.S., relating to
69 unlicensed activity and penalties for violations;
70 amending s. 468.45615, F.S.; conforming provisions to
71 changes made by the act; amending s. 468.4565, F.S.;
72 deleting provisions authorizing the Department of
73 Business and Professional Regulation to access and
74 inspect certain records of athlete agents and related
75 disciplinary actions and subpoena powers; repealing s.
76 468.457, F.S., relating to rulemaking authority;
77 amending s. 469.006, F.S.; requiring that a license be
78 in the name of a qualifying agent rather than the name
79 of a business organization; requiring the qualifying
80 agent, rather than the business organization, to
81 report certain changes in information; conforming
82 provisions to changes made by the act; amending s.
83 469.009, F.S.; deleting the authority of the
84 department to reprimand, censure, or impose probation
85 on certain business organizations; amending s.



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86 477.0135, F.S.; providing that a license or
87 registration is not required for a person whose
88 occupation or practice is confined solely to adding
89 polish to nails; amending s. 481.203, F.S.; defining
90 the term "business organization"; deleting the
91 definition of the term "certificate of authorization";
92 amending s. 481.219, F.S.; revising the process by
93 which a business organization obtains the requisite
94 license to perform architectural services; requiring
95 that a licensee or an applicant apply to qualify a
96 business organization under certain circumstances;
97 specifying application requirements; authorizing the
98 Board of Architecture and Interior Design to deny an
99 application under certain circumstances; requiring
100 that a qualifying agent be a registered architect or a
101 registered interior designer under certain
102 circumstances; requiring that a qualifying agent
103 notify the department when she or he ceases to be
104 affiliated with a business organization; prohibiting a
105 business organization from engaging in certain
106 practices until it is qualified by a qualifying agent;
107 authorizing the executive director or the chair of the
108 board to authorize a certain registered architect or
109 interior designer to temporarily serve as the business
110 organization's qualifying agent for a specified
111 timeframe under certain circumstances; requiring the
112 qualifying agent to give written notice to the
113 department before engaging in practice under her or
114 his own name or in affiliation with another business



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115 organization; requiring the board to certify an
116 applicant to qualify one or more business
117 organizations or to operate using a fictitious name
118 under certain circumstances; conforming provisions to
119 changes made by the act; amending s. 481.221, F.S.;
120 requiring a business organization to include the
121 license number of a certain registered architect or
122 interior designer in any advertising; providing an
123 exception; conforming provisions to changes made by
124 the act; amending s. 481.229, F.S.; conforming
125 provisions to changes made by the act; reordering and
126 amending s. 481.303, F.S.; deleting the term
127 "certificate of authorization"; amending s. 481.321,
128 F.S.; revising provisions that require persons to
129 display certificate numbers under certain
130 circumstances; conforming provisions to changes made
131 by the act; amending ss. 481.311, 481.317, and
132 481.319, F.S.; conforming provisions to changes made
133 by the act; amending s. 481.329, F.S.; conforming a
134 cross-reference; amending s. 489.503, F.S.; revising
135 an exemption from regulation for certain persons;
136 exempting a person who installs certain low-voltage
137 landscape lighting from specified requirements;
138 amending s. 489.518, F.S.; exempting certain persons
139 from initial training for burglar alarm system agents;
140 providing an effective date.

141

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

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144 Section 1. Subsection (13) of section 326.004, Florida
145 Statutes, is amended to read:

146 326.004 Licensing.—

147 (13) Each broker must maintain a principal place of
148 business in this state and may establish branch offices in the
149 state. ~~A separate license must be maintained for each branch~~
150 ~~office. The division shall establish by rule a fee not to exceed~~
151 ~~\$100 for each branch office license.~~

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

154 447.02 Definitions.—The following terms, when used in this
155 chapter, shall have the meanings ascribed to them in this
156 section:

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

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

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

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

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

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

165 447.09 Right of franchise preserved; penalties.—It shall be
166 unlawful for any person:

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

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

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

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



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173 Section 10. Section 468.401, Florida Statutes, is amended
174 to read:

175 468.401 ~~Regulation of~~ Talent agencies; definitions.—As used
176 in this part ~~or any rule adopted pursuant hereto:~~

177 (1) "Talent agency" means any person who, for compensation,
178 engages in the occupation or business of procuring or attempting
179 to procure engagements for an artist.

180 (2) "Owner" means any partner in a partnership, member of a
181 firm, or principal officer or officers of a corporation, whose
182 partnership, firm, or corporation owns a talent agency, or any
183 individual who is the sole owner of a talent agency.

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

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

188 (b) Any money received by any person in excess of that
189 which has been paid out by such person for transportation,
190 transfer of baggage, or board and lodging for any applicant for
191 employment; or

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

197 (4) "Engagement" means any employment or placement of an
198 artist, where the artist performs in his or her artistic
199 capacity. However, the term "engagement" shall not apply to
200 procuring opera, music, theater, or dance engagements for any
201 organization defined in s. 501(c)(3) of the Internal Revenue



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202 Code or any nonprofit Florida arts organization that has
203 received a grant from the Division of Cultural Affairs of the
204 Department of State or has participated in the state touring
205 program of the Division of Cultural Affairs.

206 ~~(5) "Department" means the Department of Business and~~
207 ~~Professional Regulation.~~

208 (5)~~(6)~~ "Operator" means the person who is or who will be in
209 actual charge of a talent agency.

210 (6)~~(7)~~ "Buyer" or "employer" means a person, company,
211 partnership, or corporation that uses the services of a talent
212 agency to provide artists.

213 (7)~~(8)~~ "Artist" means a person performing on the
214 professional stage or in the production of television, radio, or
215 motion pictures; a musician or group of musicians; or a model.

216 (8)~~(9)~~ "Person" means any individual, company, society,
217 firm, partnership, association, corporation, manager, or any
218 agent or employee of any of the foregoing.

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

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

224 Section 11. Section 468.402, Florida Statutes, is repealed.

225 Section 12. Section 468.403, Florida Statutes, is repealed.

226 Section 13. Section 468.404, Florida Statutes, is repealed.

227 Section 14. Section 468.405, Florida Statutes, is repealed.

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

230 468.406 Fees to be charged by talent agencies; rates;



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231 display.-

232 (1) Each owner or operator of a talent agency shall post
233 ~~applicant for a license shall file with the application an~~
234 itemized schedule of maximum fees, charges, and commissions that
235 ~~which~~ it intends to charge and collect for its services. ~~This~~
236 ~~schedule may thereafter be raised only by filing with the~~
237 ~~department an amended or supplemental schedule at least 30 days~~
238 ~~before the change is to become effective. The schedule shall be~~
239 ~~posted~~ in a conspicuous place in each place of business of the
240 agency, and the schedule shall be printed in not less than a 30-
241 point boldfaced type, except that an agency that uses written
242 contracts containing maximum fee schedules need not post such
243 schedules.

244 Section 16. Section 468.407, Florida Statutes, is repealed.

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

247 468.408 Bond required.-

248 (1) ~~A There shall be filed with the department for each~~
249 talent agency shall obtain license a bond in the form of a
250 surety by a reputable company engaged in the bonding business
251 and authorized to do business in this state. The bond shall be
252 for the penal sum of \$5,000, with one or more sureties ~~to be~~
253 ~~approved by the department~~, and be conditioned that the talent
254 agency applicant conform to and not violate any of the duties,
255 terms, conditions, provisions, or requirements of this part.

256 (a) If any person is aggrieved by the misconduct of any
257 talent agency, the person may maintain an action in his or her
258 own name upon the bond of the agency in any court having
259 jurisdiction of the amount claimed. All such claims shall be



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260 assignable, and the assignee shall be entitled to the same
261 remedies, upon the bond of the agency or otherwise, as the
262 person aggrieved would have been entitled to if such claim had
263 not been assigned. Any claim or claims so assigned may be
264 enforced in the name of such assignee.

265 (b) The bonding company shall notify the talent agency ~~the~~
266 ~~department~~ of any claim against such bond, and a copy of such
267 notice shall be sent to the talent agency against which the
268 claim is made.

269 Section 18. Section 468.409, Florida Statutes, is amended
270 to read:

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

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

287 468.410 Prohibition against registration fees; referral.—

288 (3) A talent agency shall give each applicant a copy of a



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289 contract, within 24 hours after the contract's execution, which
290 lists the services to be provided and the fees to be charged.
291 ~~The contract shall state that the talent agency is regulated by~~
292 ~~the department and shall list the address and telephone number~~
293 ~~of the department.~~

294 Section 20. Section 468.412, Florida Statutes, is amended
295 to read:

296 468.412 Talent agency regulations; prohibited acts.—

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

301 (2) Each talent agency shall keep records in which shall be
302 entered:

303 (a) The name and address of each artist employing such
304 talent agency;

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

306 (c) The employment in which each such artist is engaged at
307 the time of employing such talent agency and the amount of
308 compensation of the artist in such employment, if any, and the
309 employments subsequently secured by such artist during the term
310 of the contract between the artist and the talent agency and the
311 amount of compensation received by the artist pursuant thereto. ~~+~~
312 ~~and~~

313 ~~(d) Other information which the department may require from~~
314 ~~time to time.~~

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



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

322 (3)~~(4)~~ Each talent agency shall post in a conspicuous place
323 in the office of such talent agency a printed copy of this part
324 and ~~of the rules adopted under this part. Such copies shall also~~
325 ~~contain the name and address of the officer charged with~~
326 ~~enforcing this part. The department shall furnish to talent~~
327 ~~agencies printed copies of any statute or rule required to be~~
328 ~~posted under this subsection.~~

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

333 (b) A talent agency must advise an artist, in writing, that
334 the artist has a right to rescind a contract for employment
335 within the first 3 business days after the contract's execution.
336 Any engagement procured by the talent agency for the artist
337 during the first 3 business days of the contract remains
338 commissionable to the talent agency.

339 (5)~~(6)~~ No talent agency may publish or cause to be
340 published any false, fraudulent, or misleading information,
341 representation, notice, or advertisement. All advertisements of
342 a talent agency by means of card, circulars, or signs, and in
343 newspapers and other publications, and all letterheads,
344 receipts, and blanks shall be printed and contain the licensed
345 ~~name, department license number,~~ and address of the talent
346 agency and the words "talent agency." No talent agency may give



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347 any false information or make any false promises or
348 representations concerning an engagement or employment to any
349 applicant who applies for an engagement or employment.

350 (6)~~(7)~~ No talent agency may send or cause to be sent any
351 person as an employee to any house of ill fame, to any house or
352 place of amusement for immoral purposes, to any place resorted
353 to for the purposes of prostitution, to any place for the
354 modeling or photographing of a minor in the nude in the absence
355 of written permission from the minor's parents or legal
356 guardians, the character of which places the talent agency could
357 have ascertained upon reasonable inquiry.

358 (7)~~(8)~~ No talent agency, without the written consent of the
359 artist, may divide fees with anyone, including, but not limited
360 to, an agent or other employee of an employer, a buyer, a
361 casting director, a producer, a director, or any venue that uses
362 entertainment. For purposes of this subsection, to "divide fees"
363 includes the sharing among two or more persons of those fees
364 charged to an artist for services performed on behalf of that
365 artist, the total amount of which fees exceeds the amount that
366 would have been charged to the artist by the talent agency
367 alone.

368 (8)~~(9)~~ If a talent agency collects from an artist a fee or
369 expenses for obtaining employment for the artist, and the artist
370 fails to procure such employment, or the artist fails to be paid
371 for such employment if procured, such talent agency shall, upon
372 demand therefor, repay to the artist the fee and expenses so
373 collected. Unless repayment thereof is made within 48 hours
374 after demand therefor, the talent agency shall pay to the artist
375 an additional sum equal to the amount of the fee.



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376 ~~(9)~~~~(10)~~ Each talent agency must maintain a permanent office
377 and must maintain regular operating hours at that office.

378 ~~(10)~~~~(11)~~ A talent agency may assign an engagement contract
379 to another talent agency licensed in this state only if the
380 artist agrees in writing to the assignment. The assignment must
381 occur, and written notice of the assignment must be given to the
382 artist, within 30 days after the artist agrees in writing to the
383 assignment.

384 Section 21. Section 468.413, Florida Statutes, is amended
385 to read:

386 468.413 Legal requirements; penalties.-

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

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

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

395 ~~(2) Each of the following acts constitutes a misdemeanor of~~
396 ~~the second degree, punishable as provided in s. 775.082 or s.~~
397 ~~775.083:~~

398 ~~(a) Relocating a business as a talent agency, or operating~~
399 ~~under any name other than that designated on the license, unless~~
400 ~~written notification is given to the department and to the~~
401 ~~surety or sureties on the original bond, and unless the license~~
402 ~~is returned to the department for the recording thereon of such~~
403 ~~changes.~~

404 ~~(b) Assigning or attempting to assign a license issued~~



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405 ~~under this part.~~

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

410 ~~(a)~~ (a) ~~(d)~~ Failing to maintain the records required by s.
411 468.409 or knowingly making false entries in such records.

412 ~~(b)~~ (b) ~~(e)~~ Requiring as a condition to registering or obtaining
413 employment or placement for any applicant that the applicant
414 subscribe to, purchase, or attend any publication, postcard
415 service, advertisement, resume service, photography service,
416 school, acting school, workshop, or acting workshop.

417 ~~(c)~~ (c) ~~(f)~~ Failing to give each applicant a copy of a contract
418 which lists the services to be provided and the fees to be
419 charged by, ~~which states that the talent agency is regulated by~~
420 ~~the department, and which lists the address and telephone number~~
421 ~~of the department.~~

422 ~~(d)~~ (d) ~~(g)~~ Failing to maintain a record sheet as required by s.
423 468.412(1).

424 ~~(e)~~ (e) ~~(h)~~ Knowingly sending or causing to be sent any artist
425 to a prospective employer or place of business, the character or
426 operation of which employer or place of business the talent
427 agency knows to be in violation of the laws of the United States
428 or of this state.

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

433 ~~(2)~~ (2) ~~(4)~~ In the event that ~~the department or any state~~



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434 attorney shall have probable cause to believe that a talent
435 agency or other person has violated any provision of subsection
436 (1), an action may be brought by ~~the department or~~ any state
437 attorney to enjoin such talent agency or any person from
438 continuing such violation, or engaging therein or doing any acts
439 in furtherance thereof, and for such other relief as to the
440 court seems appropriate. ~~In addition to this remedy, the~~
441 ~~department may assess a penalty against any talent agency or any~~
442 ~~person in an amount not to exceed \$5,000.~~

443 Section 22. Section 468.414, Florida Statutes, is repealed.

444 Section 23. Section 468.415, Florida Statutes, is amended
445 to read:

446 468.415 Sexual misconduct in the operation of a talent
447 agency.—The talent agent-artist relationship is founded on
448 mutual trust. Sexual misconduct in the operation of a talent
449 agency means violation of the talent agent-artist relationship
450 through which the talent agent uses the relationship to induce
451 or attempt to induce the artist to engage or attempt to engage
452 in sexual activity. Sexual misconduct is prohibited in the
453 operation of a talent agency. ~~If~~ Any agent, owner, or operator
454 of a ~~licensed~~ talent agency who commits ~~is found to have~~
455 ~~committed~~ sexual misconduct in the operation of a talent agency,
456 ~~the agency license shall be permanently revoked. Such agent,~~
457 ~~owner, or operator~~ shall be permanently prohibited from acting
458 ~~disqualified from present and future licensure as~~ an agent,
459 ~~owner,~~ or operator of a ~~Florida~~ talent agency.

460 Section 24. Section 468.451, Florida Statutes, is amended
461 to read:

462 468.451 Legislative findings and intent.—The Legislature



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463 finds that dishonest or unscrupulous practices by agents who
464 solicit representation of student athletes can cause significant
465 harm to student athletes and the academic institutions for which
466 they play. It is the intent of the Legislature to provide civil
467 and criminal causes of action against athlete agents to protect
468 the interests of student athletes and academic institutions ~~by~~
469 ~~regulating the activities of athlete agents.~~

470 Section 25. Subsections (4) through (7) of section 468.452,
471 Florida Statutes, are reordered and amended to read:

472 468.452 Definitions.—For purposes of this part, the term:

473 ~~(4) "Department" means the Department of Business and~~
474 ~~Professional Regulation.~~

475 (6)~~(5)~~ "Student athlete" means any student who:

476 (a) Resides in Florida, has informed, in writing, a college
477 or university of the student's intent to participate in that
478 school's intercollegiate athletics, or who does participate in
479 that school's intercollegiate athletics and is eligible to do
480 so; or

481 (b) Does not reside in Florida, but has informed, in
482 writing, a college or university in Florida of the student's
483 intent to participate in that school's intercollegiate
484 athletics, or who does participate in that school's
485 intercollegiate athletics and is eligible to do so.

486 (4)~~(6)~~ "Financial services" means the counseling on or the
487 making or execution of investment and other financial decisions
488 by the agent on behalf of the student athlete.

489 (5)~~(7)~~ "Participation" means practicing, competing, or
490 otherwise representing a college or university in
491 intercollegiate athletics.



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492 Section 26. Section 468.453, Florida Statutes, is repealed.

493 Section 27. Section 468.4536, Florida Statutes, is
494 repealed.

495 Section 28. Subsections (2) and (12) of section 468.454,
496 Florida Statutes, are amended to read:

497 468.454 Contracts.—

498 (2) An agent contract must state:

499 (a) The amount and method of calculating the consideration
500 to be paid by the student athlete for services to be provided by
501 the athlete agent and any other consideration the agent has
502 received or will receive from any other source under the
503 contract;

504 (b) The name of any person ~~not listed in the licensure~~
505 ~~application~~ who will be compensated because the student athlete
506 signed the agent contract;

507 (c) A description of any expenses that the student athlete
508 agrees to reimburse;

509 (d) A description of the services to be provided to the
510 student athlete;

511 (e) The duration of the contract; and

512 (f) The date of execution.

513 ~~(12) An agent contract between a student athlete and a~~
514 ~~person not licensed under this part is void and unenforceable.~~

515 Section 29. Section 468.456, Florida Statutes, is repealed.

516 Section 30. Section 468.4561, Florida Statutes, is
517 repealed.

518 Section 31. Section 468.45615, Florida Statutes, is amended
519 to read:

520 468.45615 Provision of illegal inducements to athletes



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521 ~~prohibited; penalties; license suspension.-~~

522 (1) A Any person who offers anything of value to another
523 person to induce a student athlete to enter into an agreement by
524 which the athlete agent will represent the student athlete
525 commits violates s. 468.456(1)(f) is guilty of a felony of the
526 second degree, punishable as provided in s. 775.082, s. 775.083,
527 s. 775.084, s. 775.089, or s. 775.091. Negotiations regarding an
528 athlete agent's fee are not considered an inducement.

529 (2) (a) Regardless of whether adjudication is withheld, any
530 person convicted or found guilty of, or entering a plea of nolo
531 contendere to, the violation described in subsection (1) may
532 ~~shall~~ not employ, utilize, or otherwise collaborate with an a
533 ~~licensed or unlicensed~~ athlete agent in Florida to illegally
534 recruit or solicit student athletes. Any person who violates the
535 provisions of this subsection is guilty of a felony of the
536 second degree, punishable as provided in s. 775.082, s. 775.083,
537 s. 775.084, s. 775.089, or s. 775.091.

538 (b) Regardless of whether adjudication is withheld, any
539 person who knowingly actively assists in the illegal recruitment
540 or solicitation of student athletes for a person who has been
541 convicted or found guilty of, or entered a plea of nolo
542 contendere to, a violation of this section is guilty of a felony
543 of the second degree, punishable as provided in s. 775.082, s.
544 775.083, s. 775.084, s. 775.089, or s. 775.091.

545 ~~(3) In addition to any other penalties provided in this~~
546 ~~section, the court may suspend the license of the person pending~~
547 ~~the outcome of any administrative action against the person by~~
548 ~~the department.~~

549 (3)-(4) (a) An athlete agent, with the intent to induce a



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550 student athlete to enter into an agent contract, may not:
551 1. Give any materially false or misleading information or
552 make a materially false promise or representation;
553 2. Furnish anything of value to a student athlete before
554 the student athlete enters into the agent contract; or
555 3. Furnish anything of value to any individual other than
556 the student athlete or another athlete agent.
557 (b) An athlete agent may not intentionally:
558 1. ~~Initiate contact with a student athlete unless licensed~~
559 ~~under this part;~~
560 2. ~~Refuse or fail to retain or permit inspection of the~~
561 ~~records required to be retained by s. 468.4565;~~
562 3. ~~Provide materially false or misleading information in an~~
563 ~~application for licensure;~~
564 2.4. Predate or postdate an agent contract;
565 3.5. Fail to give notice of the existence of an agent
566 contract as required by s. 468.454(6); or
567 4.6. Fail to notify a student athlete before the student
568 athlete signs or otherwise authenticates an agent contract for a
569 sport that the signing or authentication may make the student
570 athlete ineligible to participate as a student athlete in that
571 sport.
572 (c) An athlete agent who violates this subsection commits a
573 felony of the second degree, punishable as provided in s.
574 775.082, s. 775.083, or s. 775.084.
575 Section 32. Section 468.4565, Florida Statutes, is amended
576 to read:
577 468.4565 Business records requirement.-
578 ~~(1)~~ An athlete agent shall establish and maintain complete



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579 financial and business records. The athlete agent shall save
580 each entry into a financial or business record for at least 5
581 years after ~~from~~ the date of entry. These records must include:

582 (1) ~~(a)~~ The name and address of each individual represented
583 by the athlete agent;

584 (2) ~~(b)~~ Any agent contract entered into by the athlete
585 agent; and

586 (3) ~~(c)~~ Any direct costs incurred by the athlete agent in
587 the recruitment or solicitation of a student athlete to enter
588 into an agent contract.

589 ~~(2) The department shall have access to and shall have the~~
590 ~~right to inspect and examine the financial or business records~~
591 ~~of an athlete agent during normal business hours. Refusal or~~
592 ~~failure of an athlete agent to provide the department access to~~
593 ~~financial and business records shall be the basis for~~
594 ~~disciplinary action by the department pursuant to s. 455.225.~~
595 ~~The department may exercise its subpoena powers to obtain the~~
596 ~~financial and business records of an athlete agent.~~

597 Section 33. Section 468.457, Florida Statutes, is repealed.

598 Section 34. Paragraphs (a) and (e) of subsection (2),
599 subsection (3), paragraph (b) of subsection (4), and subsection
600 (6) of section 469.006, Florida Statutes, are amended to read:

601 469.006 Licensure of business organizations; qualifying
602 agents.-

603 (2) (a) If the applicant proposes to engage in consulting or
604 contracting as a partnership, corporation, business trust, or
605 other legal entity, or in any name other than the applicant's
606 legal name, ~~the legal entity must apply for licensure through a~~
607 ~~qualifying agent or the individual applicant must apply for~~



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608 licensure under the name of the business organization ~~fictitious~~
609 ~~name~~.

610 (e) ~~A~~ The license, ~~when issued upon application of a~~
611 ~~business organization~~, must be in the name of the qualifying
612 agent ~~business organization~~, and the name of the business
613 organization ~~qualifying agent~~ must be noted on the license
614 ~~thereon~~. If there is a change in any information that is
615 required to be stated on the application, the qualifying agent
616 ~~business organization~~ shall, within 45 days after such change
617 occurs, mail the correct information to the department.

618 (3) The qualifying agent must ~~shall~~ be licensed under this
619 chapter in order for the business organization to be qualified
620 ~~licensed~~ in the category of the business conducted for which the
621 qualifying agent is licensed. If any qualifying agent ceases to
622 be affiliated with such business organization, the agent shall
623 so inform the department. In addition, if such qualifying agent
624 is the only licensed individual affiliated with the business
625 organization, the business organization shall notify the
626 department of the termination of the qualifying agent and has
627 ~~shall have~~ 60 days after ~~from~~ the date of termination of the
628 qualifying agent's affiliation with the business organization ~~in~~
629 ~~which~~ to employ another qualifying agent. The business
630 organization may not engage in consulting or contracting until a
631 qualifying agent is employed, unless the department has granted
632 a temporary nonrenewable license to the financially responsible
633 officer, the president, the sole proprietor, a partner, or, in
634 the case of a limited partnership, the general partner, who
635 assumes all responsibilities of a primary qualifying agent for
636 the entity. This temporary license only allows ~~shall only allow~~



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637 the entity to proceed with incomplete contracts.

638 (4)

639 (b) Upon a favorable determination by the department, after
640 investigation of the financial responsibility, credit, and
641 business reputation of the qualifying agent and the new business
642 organization, the department shall issue, without any
643 examination, a new license in the qualifying agent's business
644 ~~organization's~~ name, and the name of the business organization
645 ~~qualifying agent~~ shall be noted thereon.

646 (6) Each qualifying agent shall pay the department an
647 amount equal to the original fee for licensure ~~of a new business~~
648 ~~organization.~~ if the qualifying agent for a business
649 organization desires to qualify additional business
650 organizations. ~~The~~ department shall require the agent to
651 present evidence of supervisory ability and financial
652 responsibility of each such organization. Allowing a licensee to
653 qualify more than one business organization must ~~shall~~ be
654 conditioned upon the licensee showing that the licensee has both
655 the capacity and intent to adequately supervise each business
656 organization. The department may ~~shall~~ not limit the number of
657 business organizations that ~~which~~ the licensee may qualify
658 except upon the licensee's failure to provide such information
659 as is required under this subsection or upon a finding that the
660 ~~such~~ information or evidence ~~as is~~ supplied is incomplete or
661 unpersuasive in showing the licensee's capacity and intent to
662 comply with the requirements of this subsection. A qualification
663 for an additional business organization may be revoked or
664 suspended upon a finding by the department that the licensee has
665 failed in the licensee's responsibility to adequately supervise



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666 the operations of the business organization. Failure to
667 adequately supervise the operations of a business organization
668 ~~is shall be~~ grounds for denial to qualify additional business
669 organizations.

670 Section 35. Subsection (1) of section 469.009, Florida
671 Statutes, is amended to read:

672 469.009 License revocation, suspension, and denial of
673 issuance or renewal.—

674 (1) The department may revoke, suspend, or deny the
675 issuance or renewal of a license; reprimand, censure, or place
676 on probation any contractor, consultant, or financially
677 responsible officer, ~~or business organization~~; require financial
678 restitution to a consumer; impose an administrative fine not to
679 exceed \$5,000 per violation; require continuing education; or
680 assess costs associated with any investigation and prosecution
681 if the contractor or consultant, or business organization or
682 officer or agent thereof, is found guilty of any of the
683 following acts:

684 (a) Willfully or deliberately disregarding or violating the
685 health and safety standards of the Occupational Safety and
686 Health Act of 1970, the Construction Safety Act, the National
687 Emission Standards for Asbestos, the Environmental Protection
688 Agency Asbestos Abatement Projects Worker Protection Rule, the
689 Florida Statutes or rules promulgated thereunder, or any
690 ordinance enacted by a political subdivision of this state.

691 (b) Violating any provision of chapter 455.

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

694 (d) Acting in the capacity of an asbestos contractor or



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695 asbestos consultant under any license issued under this chapter
696 except in the name of the licensee as set forth on the issued
697 license.

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

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

701 (g) Being convicted or found guilty of, or entering a plea
702 of nolo contendere to, regardless of adjudication, a crime in
703 any jurisdiction which directly relates to the practice of
704 asbestos consulting or contracting or the ability to practice
705 asbestos consulting or contracting.

706 (h) Knowingly violating any building code, lifesafety code,
707 or county or municipal ordinance relating to the practice of
708 asbestos consulting or contracting.

709 (i) Performing any act which assists a person or entity in
710 engaging in the prohibited unlicensed practice of asbestos
711 consulting or contracting, if the licensee knows or has
712 reasonable grounds to know that the person or entity was
713 unlicensed.

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

716 Financial mismanagement or misconduct occurs when:

717 1. Valid liens have been recorded against the property of a
718 contractor's customer for supplies or services ordered by the
719 contractor for the customer's job; the contractor has received
720 funds from the customer to pay for the supplies or services; and
721 the contractor has not had the liens removed from the property,
722 by payment or by bond, within 75 days after the date of such
723 liens;



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724 2. The contractor has abandoned a customer's job and the
725 percentage of completion is less than the percentage of the
726 total contract price paid to the contractor as of the time of
727 abandonment, unless the contractor is entitled to retain such
728 funds under the terms of the contract or refunds the excess
729 funds within 30 days after the date the job is abandoned; or

730 3. The contractor's job has been completed, and it is shown
731 that the customer has had to pay more for the contracted job
732 than the original contract price, as adjusted for subsequent
733 change orders, unless such increase in cost was the result of
734 circumstances beyond the control of the contractor, was the
735 result of circumstances caused by the customer, or was otherwise
736 permitted by the terms of the contract between the contractor
737 and the customer.

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

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

743 (m) Abandoning an asbestos abatement project in which the
744 asbestos contractor is engaged or under contract as a
745 contractor. A project may be presumed abandoned after 20 days if
746 the contractor terminates the project without just cause and
747 without proper notification to the owner, including the reason
748 for termination; if the contractor fails to reasonably secure
749 the project to safeguard the public while work is stopped; or if
750 the contractor fails to perform work without just cause for 20
751 days.

752 (n) Signing a statement with respect to a project or



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753 contract falsely indicating that the work is bonded; falsely
754 indicating that payment has been made for all subcontracted
755 work, labor, and materials which results in a financial loss to
756 the owner, purchaser, or contractor; or falsely indicating that
757 workers' compensation and public liability insurance are
758 provided.

759 (o) Committing fraud or deceit in the practice of asbestos
760 consulting or contracting.

761 (p) Committing incompetency or misconduct in the practice
762 of asbestos consulting or contracting.

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

766 (r) Intimidating, threatening, coercing, or otherwise
767 discouraging the service of a notice to owner under part I of
768 chapter 713 or a notice to contractor under chapter 255 or part
769 I of chapter 713.

770 (s) Failing to satisfy, within a reasonable time, the terms
771 of a civil judgment obtained against the licensee, or the
772 business organization qualified by the licensee, relating to the
773 practice of the licensee's profession.

774

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

778 Section 36. Subsection (7) is added to section 477.0135,
779 Florida Statutes, to read:

780 477.0135 Exemptions.—

781 (7) A license or registration is not required for a person



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782 whose occupation or practice is confined solely to adding polish
783 to fingernails and toenails.

784 Section 37. Subsection (5) of section 481.203, Florida
785 Statutes, is amended to read:

786 481.203 Definitions.—As used in this part:

787 (5) “Business organization” means a partnership, a limited
788 liability company, a corporation, or an individual operating
789 under a fictitious name ~~“Certificate of authorization” means a~~
790 ~~certificate issued by the department to a corporation or~~
791 ~~partnership to practice architecture or interior design.~~

792 Section 38. Section 481.219, Florida Statutes, is amended
793 to read:

794 481.219 Business organization; qualifying agents
795 ~~Certification of partnerships, limited liability companies, and~~
796 ~~corporations.—~~

797 (1) A licensee may ~~The practice of or the offer to practice~~
798 ~~architecture or interior design by licensees through a~~ business
799 organization that offers ~~corporation, limited liability company,~~
800 ~~or partnership offering~~ architectural or interior design
801 services to the public, or through ~~by~~ a business organization
802 that offers ~~corporation, limited liability company, or~~
803 ~~partnership offering~~ architectural or interior design services
804 to the public through such licensees ~~under this part~~ as agents,
805 employees, officers, or partners, ~~is permitted, subject to the~~
806 ~~provisions of this section.~~

807 (2) If a licensee or an applicant proposes to engage in the
808 practice of architecture or interior design as a business
809 organization, the licensee or applicant must apply to qualify
810 the business organization ~~For the purposes of this section, a~~



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811 ~~certificate of authorization shall be required for a~~
812 ~~corporation, limited liability company, partnership, or person~~
813 ~~practicing under a fictitious name, offering architectural~~
814 ~~services to the public jointly or separately. However, when an~~
815 ~~individual is practicing architecture in her or his own name,~~
816 ~~she or he shall not be required to be certified under this~~
817 ~~section. Certification under this subsection to offer~~
818 ~~architectural services shall include all the rights and~~
819 ~~privileges of certification under subsection (3) to offer~~
820 ~~interior design services.~~

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

822 1. If the business is a partnership, state the names of the
823 partnership and its partners.

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

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

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

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

837 (3) (a) A business organization may not engage in the
838 practice of architecture unless its qualifying agent is a
839 registered architect under this part. A business organization



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840 may not engage in the practice of interior design unless its
841 qualifying agent is a registered architect or a registered
842 interior designer under this part. A qualifying agent who
843 terminates her or his affiliation with a business organization
844 shall immediately notify the department of such termination. If
845 the qualifying agent who terminates her or his affiliation is
846 the only qualifying agent for a business organization, the
847 business organization must be qualified by another qualifying
848 agent within 60 days after the termination. Except as provided
849 in paragraph (b), such a business organization may not engage in
850 the practice of architecture or interior design until it is
851 qualified by a qualifying agent.

852 (b) In the event a qualifying architect or interior
853 designer ceases employment with the business organization, the
854 executive director or the chair of the board may authorize
855 another registered architect or interior designer employed by
856 the business organization to temporarily serve as its qualifying
857 agent for a period of no more than 60 days. The business
858 organization is not authorized to operate beyond such period
859 under this chapter absent replacement of the qualifying
860 architect or interior designer who has ceased employment.

861 (c) A qualifying agent shall notify the department in
862 writing before engaging in the practice of architecture or
863 interior design in her or his own name or in affiliation with a
864 different business organization, and she or he or such business
865 organization shall supply the same information to the department
866 as required of applicants under this part ~~For the purposes of~~
867 ~~this section, a certificate of authorization shall be required~~
868 ~~for a corporation, limited liability company, partnership, or~~



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869 ~~person operating under a fictitious name, offering interior~~
870 ~~design services to the public jointly or separately. However,~~
871 ~~when an individual is practicing interior design in her or his~~
872 ~~own name, she or he shall not be required to be certified under~~
873 ~~this section.~~

874 (4) All final construction documents and instruments of
875 service which include drawings, specifications, plans, reports,
876 or other papers or documents that involve ~~involving~~ the practice
877 of architecture which are prepared or approved for the use of
878 the business organization ~~corporation, limited liability~~
879 ~~company, or partnership~~ and filed for public record within the
880 state must ~~shall~~ bear the signature and seal of the licensee who
881 prepared or approved them and the date on which they were
882 sealed.

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

890 ~~(6) The department shall issue a certificate of~~
891 ~~authorization to any applicant who the board certifies as~~
892 ~~qualified for a certificate of authorization and who has paid~~
893 ~~the fee set in s. 481.207.~~

894 ~~(6)-(7)~~ The board shall allow ~~certify~~ an applicant to
895 qualify one or more business organizations ~~as qualified for a~~
896 ~~certificate of authorization~~ to offer architectural or interior
897 design services, or to use a fictitious name to offer such



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898 services, if one of the following criteria is met ~~provided that:~~

899 (a) One or more of the principal officers of the
900 corporation or limited liability company, or one or more
901 partners of the partnership, and all personnel of the
902 corporation, limited liability company, or partnership who act
903 in its behalf in this state as architects, are registered as
904 provided by this part. ~~or~~

905 (b) One or more of the principal officers of the
906 corporation or one or more partners of the partnership, and all
907 personnel of the corporation, limited liability company, or
908 partnership who act in its behalf in this state as interior
909 designers, are registered as provided by this part.

910 ~~(8) The department shall adopt rules establishing a
911 procedure for the biennial renewal of certificates of
912 authorization.~~

913 ~~(9) The department shall renew a certificate of
914 authorization upon receipt of the renewal application and
915 biennial renewal fee.~~

916 (7) ~~(10)~~ Each qualifying agent approved to qualify a
917 business organization ~~partnership, limited liability company,~~
918 ~~and corporation certified~~ under this section shall notify the
919 department within 30 days of any change in the information
920 contained in the application upon which the qualification
921 ~~certification~~ is based. Any registered architect or interior
922 designer who qualifies the business organization shall ensure
923 ~~corporation, limited liability company, or partnership as~~
924 ~~provided in subsection (7)~~ shall be responsible for ensuring
925 responsible supervising control of projects of the business
926 organization ~~entity~~ and upon termination of her or his



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927 employment with a business organization qualified partnership,
928 ~~limited liability company, or corporation~~ certified under this
929 section shall notify the department of the termination within 30
930 days.

931 ~~(8)(11) A business organization is not No corporation,~~
932 ~~limited liability company, or partnership~~ shall be relieved of
933 responsibility for the conduct or acts of its agents, employees,
934 or officers by reason of its compliance with this section.
935 However, except as provided in s. 558.0035, the architect who
936 signs and seals the construction documents and instruments of
937 service is ~~shall be~~ liable for the professional services
938 performed, and the interior designer who signs and seals the
939 interior design drawings, plans, or specifications is ~~shall be~~
940 liable for the professional services performed.

941 ~~(12) Disciplinary action against a corporation, limited~~
942 ~~liability company, or partnership shall be administered in the~~
943 ~~same manner and on the same grounds as disciplinary action~~
944 ~~against a registered architect or interior designer,~~
945 ~~respectively.~~

946 ~~(9)(13) Nothing in~~ This section may not ~~shall~~ be construed
947 to mean that a certificate of registration to practice
948 architecture or interior design must ~~shall~~ be held by a business
949 organization ~~corporation, limited liability company, or~~
950 ~~partnership.~~ Nothing in This section does not prohibit a
951 business organization from offering ~~prohibits corporations,~~
952 ~~limited liability companies, and partnerships from joining~~
953 ~~together to offer~~ architectural, engineering, interior design,
954 surveying and mapping, and landscape architectural services, or
955 any combination of such services, to the public if the business



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956 ~~organization, provided that each corporation, limited liability~~
957 ~~company, or partnership~~ otherwise meets the requirements of law.

958 (10) (14) A business organization that is qualified by a
959 registered architect may Corporations, limited liability
960 companies, or partnerships holding a valid certificate of
961 authorization to practice architecture shall be permitted to use
962 in their title the term "interior designer" or "registered
963 interior designer" in its title. designer."

964 Section 39. Subsection (10) of section 481.221, Florida
965 Statutes, is amended to read:

966 481.221 Seals; display of certificate number.-

967 (10) Each registered architect or interior designer, ~~and~~
968 ~~each corporation, limited liability company, or partnership~~
969 ~~holding a certificate of authorization, shall~~ must include her
970 or his license its certificate number in any newspaper,
971 telephone directory, or other advertising medium used by the
972 registered licensee architect, interior designer, corporation,
973 limited liability company, or partnership. Each business
974 organization must include the license number of the registered
975 architect or interior designer who serves as the qualifying
976 agent for that business organization in any newspaper, telephone
977 directory, or other advertising medium used by the business
978 organization, but is not required to display the license numbers
979 of other registered architects or interior designers employed by
980 the business organization ~~A corporation, limited liability~~
981 ~~company, or partnership is not required to display the~~
982 ~~certificate number of individual registered architects or~~
983 ~~interior designers employed by or working within the~~
984 ~~corporation, limited liability company, or partnership.~~



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Section 40. Paragraphs (a) and (c) of subsection (5) of section 481.229, Florida Statutes, are amended to read:

481.229 Exceptions; exemptions from licensure.—

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

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

Section 41. Section 481.303, Florida Statutes, is reordered and amended to read:

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



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- 1014 (1) "Board" means the Board of Landscape Architecture.
- 1015 (3)~~(2)~~ "Department" means the Department of Business and
1016 Professional Regulation.
- 1017 (6)~~(3)~~ "Registered landscape architect" means a person who
1018 holds a license to practice landscape architecture in this state
1019 under the authority of this act.
- 1020 (2)~~(4)~~ "Certificate of registration" means a license issued
1021 by the department to a natural person to engage in the practice
1022 of landscape architecture.
- 1023 ~~(5) "Certificate of authorization" means a license issued~~
1024 ~~by the department to a corporation or partnership to engage in~~
1025 ~~the practice of landscape architecture.~~
- 1026 (4)~~(6)~~ "Landscape architecture" means professional
1027 services, including, but not limited to, the following:
- 1028 (a) Consultation, investigation, research, planning,
1029 design, preparation of drawings, specifications, contract
1030 documents and reports, responsible construction supervision, or
1031 landscape management in connection with the planning and
1032 development of land and incidental water areas, including the
1033 use of Florida-friendly landscaping as defined in s. 373.185,
1034 where, and to the extent that, the dominant purpose of such
1035 services or creative works is the preservation, conservation,
1036 enhancement, or determination of proper land uses, natural land
1037 features, ground cover and plantings, or naturalistic and
1038 aesthetic values;
- 1039 (b) The determination of settings, grounds, and approaches
1040 for and the siting of buildings and structures, outdoor areas,
1041 or other improvements;
- 1042 (c) The setting of grades, shaping and contouring of land



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1043 and water forms, determination of drainage, and provision for
1044 storm drainage and irrigation systems where such systems are
1045 necessary to the purposes outlined herein; and

1046 (d) The design of such tangible objects and features as are
1047 necessary to the purpose outlined herein.

1048 (5) ~~(7)~~ "Landscape design" means consultation for and
1049 preparation of planting plans drawn for compensation, including
1050 specifications and installation details for plant materials,
1051 soil amendments, mulches, edging, gravel, and other similar
1052 materials. Such plans may include only recommendations for the
1053 conceptual placement of tangible objects for landscape design
1054 projects. Construction documents, details, and specifications
1055 for tangible objects and irrigation systems shall be designed or
1056 approved by licensed professionals as required by law.

1057 Section 42. Subsection (5) of section 481.321, Florida
1058 Statutes, is amended to read:

1059 481.321 Seals; display of certificate number.—

1060 (5) Each registered landscape architect must ~~and each~~
1061 ~~corporation or partnership holding a certificate of~~
1062 ~~authorization shall~~ include her or his ~~its~~ certificate number in
1063 any newspaper, telephone directory, or other advertising medium
1064 used by the registered landscape architect, corporation, or
1065 partnership. A corporation or partnership must ~~is not required~~
1066 ~~to~~ display the certificate number ~~numbers~~ of at least one
1067 officer, director, owner, or partner who is a individual
1068 registered landscape architect ~~architects~~ employed by or
1069 practicing with the corporation or partnership.

1070 Section 43. Subsection (4) of section 481.311, Florida
1071 Statutes, is amended to read:



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1072 481.311 Licensure.-

1073 ~~(4) The board shall certify as qualified for a certificate~~
1074 ~~of authorization any applicant corporation or partnership who~~
1075 ~~satisfies the requirements of s. 481.319.~~

1076 Section 44. Subsection (2) of section 481.317, Florida
1077 Statutes, is amended to read:

1078 481.317 Temporary certificates.-

1079 ~~(2) Upon approval by the board and payment of the fee set~~
1080 ~~in s. 481.307, the department shall grant a temporary~~
1081 ~~certificate of authorization for work on one specified project~~
1082 ~~in this state for a period not to exceed 1 year to an out-of-~~
1083 ~~state corporation, partnership, or firm, provided one of the~~
1084 ~~principal officers of the corporation, one of the partners of~~
1085 ~~the partnership, or one of the principals in the fictitiously~~
1086 ~~named firm has obtained a temporary certificate of registration~~
1087 ~~in accordance with subsection (1).~~

1088 Section 45. Section 481.319, Florida Statutes, is amended
1089 to read:

1090 481.319 Corporate and partnership practice of landscape
1091 architecture; ~~certificate of authorization.-~~

1092 (1) The practice of or offer to practice landscape
1093 architecture by registered landscape architects registered under
1094 this part through a corporation or partnership offering
1095 landscape architectural services to the public, or through a
1096 corporation or partnership offering landscape architectural
1097 services to the public through individual registered landscape
1098 architects as agents, employees, officers, or partners, is
1099 permitted, subject to the provisions of this section, if:

1100 (a) One or more of the principal officers of the



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1101 corporation, or partners of the partnership, and all personnel
1102 of the corporation or partnership who act in its behalf as
1103 landscape architects in this state are registered landscape
1104 architects; and

1105 (b) One or more of the officers, one or more of the
1106 directors, one or more of the owners of the corporation, or one
1107 or more of the partners of the partnership is a registered
1108 landscape architect; ~~and~~

1109 ~~(c) The corporation or partnership has been issued a~~
1110 ~~certificate of authorization by the board as provided herein.~~

1111 (2) All documents involving the practice of landscape
1112 architecture which are prepared for the use of the corporation
1113 or partnership shall bear the signature and seal of a registered
1114 landscape architect.

1115 (3) A landscape architect applying to practice in the name
1116 of a ~~An applicant~~ corporation must ~~shall~~ file with the
1117 department the names and addresses of all officers and board
1118 members of the corporation, including the principal officer or
1119 officers, duly registered to practice landscape architecture in
1120 this state and, also, of all individuals duly registered to
1121 practice landscape architecture in this state who shall be in
1122 responsible charge of the practice of landscape architecture by
1123 the corporation in this state. A landscape architect applying to
1124 practice in the name of a ~~An applicant~~ partnership must ~~shall~~
1125 file with the department the names and addresses of all partners
1126 of the partnership, including the partner or partners duly
1127 registered to practice landscape architecture in this state and,
1128 also, of an individual or individuals duly registered to
1129 practice landscape architecture in this state who shall be in



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1130 responsible charge of the practice of landscape architecture by
1131 said partnership in this state.

1132 (4) Each landscape architect qualifying a partnership or
1133 ~~and corporation licensed~~ under this part must ~~shall~~ notify the
1134 department within 1 month of any change in the information
1135 contained in the application upon which the license is based.
1136 Any landscape architect who terminates her or his ~~or her~~
1137 employment with a partnership or corporation licensed under this
1138 part shall notify the department of the termination within 1
1139 month.

1140 (5) ~~Disciplinary action against a corporation or~~
1141 ~~partnership shall be administered in the same manner and on the~~
1142 ~~same grounds as disciplinary action against a registered~~
1143 ~~landscape architect.~~

1144 ~~(6)~~ Except as provided in s. 558.0035, the fact that a
1145 registered landscape architect practices landscape architecture
1146 through a corporation or partnership as provided in this section
1147 does not relieve the landscape architect from personal liability
1148 for her or his ~~or her~~ professional acts.

1149 Section 46. Subsection (5) of section 481.329, Florida
1150 Statutes, is amended to read:

1151 481.329 Exceptions; exemptions from licensure.—

1152 (5) This part does not prohibit any person from engaging in
1153 the practice of landscape design, as defined in s. 481.303(5) ~~s.~~
1154 ~~481.303(7)~~, or from submitting for approval to a governmental
1155 agency planting plans that are independent of, or a component
1156 of, construction documents that are prepared by a Florida-
1157 registered professional. Persons providing landscape design
1158 services shall not use the title, term, or designation



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1159 "landscape architect," "landscape architectural," "landscape
1160 architecture," "L.A.," "landscape engineering," or any
1161 description tending to convey the impression that she or he is a
1162 landscape architect unless she or he is registered as provided
1163 in this part.

1164 Section 47. Subsection (14) of section 489.503, Florida
1165 Statutes, is amended, and subsection (24) is added to that
1166 section, to read:

1167 489.503 Exemptions.—This part does not apply to:

1168 (14) The sale of, installation of, repair of, alteration
1169 of, addition to, or design of electrical wiring, fixtures,
1170 appliances, thermostats, apparatus, raceways, computers,
1171 customer premises equipment, customer premises wiring, and
1172 conduit, or any part thereof, ~~by an employee, contractor,~~
1173 ~~subcontractor, or affiliate of a company operating under a~~
1174 ~~certificate issued under chapter 364 or chapter 610, or under a~~
1175 ~~local franchise or right-of-way agreement,~~ if those items are
1176 for the purpose of transmitting data, voice, video, or other
1177 communications, or commands as part of a cable television,
1178 community antenna television, radio distribution,
1179 communications, or telecommunications system. An employee,
1180 subcontractor, contractor, or affiliate of a company that
1181 operates under a certificate issued under chapter 364 or chapter
1182 610, or under a local franchise or right-of-way agreement, is
1183 not subject to any local ordinance that requires a permit for
1184 work related to low-voltage electrical work, including related
1185 technical codes, regulations, and licensure. The scope of this
1186 exemption is limited to electrical circuits and equipment
1187 governed by the applicable provisions of Articles 725 (Classes 2



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1188 and 3 circuits only), 770, 800, 810, and 820 of the National
1189 Electrical Code, current edition, or 47 C.F.R. part 68, ~~and~~
1190 ~~employees, contractors, and subcontractors of companies, and~~
1191 ~~affiliates thereof, operating under a certificate issued under~~
1192 ~~chapter 364 or chapter 610 or under a local franchise or right-~~
1193 ~~of-way agreement.~~ This subsection does not relieve any person
1194 from licensure as an alarm system contractor.

1195 (24) A person who installs low-voltage landscape lighting
1196 that contains a factory-installed electrical cord with a plug
1197 and does not require installation, wiring, or a modification to
1198 the electrical wiring in a structure.

1199 Section 48. Present paragraphs (a) through (e) of
1200 subsection (2) of section 489.518, Florida Statutes, are
1201 redesignated as paragraphs (b) through (f), respectively, and a
1202 new paragraph (a) is added to that subsection, to read:

1203 489.518 Alarm system agents.—

1204 (2)(a) A person who performs only sales or installations of
1205 wireless alarm systems, other than fire alarm systems, in a
1206 single-family residence is not required to complete the initial
1207 training required for burglar alarm system agents.

1208 Section 49. This act shall take effect July 1, 2016.