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LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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03/09/2016 03:27 PM

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Senator Brandes moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

326.004 Licensing.—

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



926844

12 ~~\$100 for each branch office license.~~

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

15 447.02 Definitions.—The following terms, when used in this
16 chapter, shall have the meanings ascribed to them in this
17 section:

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

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 Section 447.04, Florida Statutes, is repealed.

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 Section 447.041, Florida Statutes, is repealed.

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 Section 447.045, Florida Statutes, is repealed.

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 Section 447.06, Florida Statutes, is repealed.

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

26 447.09 Right of franchise preserved; penalties.—It shall be
27 unlawful for any person:

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

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

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 Section 447.12, Florida Statutes, is repealed.

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 Section 447.16, Florida Statutes, is repealed.

34 Section 10. Section 468.401, Florida Statutes, is reordered
35 and amended to read:

36 468.401 ~~Regulation of~~ Talent agencies; definitions.—As used
37 in this part, the term ~~or any rule adopted pursuant hereto:~~

38 (8)~~(1)~~ "Talent agency" means any person who, for
39 compensation, engages in the occupation or business of procuring
40 or attempting to procure engagements for an artist.



926844

41 ~~(6)-(2)~~ "Owner" means any partner in a partnership, member
42 of a firm, or principal officer or officers of a corporation,
43 whose partnership, firm, or corporation owns a talent agency, or
44 any individual who is the sole owner of a talent agency.

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

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

49 (b) Any money received by any person in excess of that
50 which has been paid out by such person for transportation,
51 transfer of baggage, or board and lodging for any applicant for
52 employment; or

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

58 (4) "Engagement" means any employment or placement of an
59 artist, where the artist performs in his or her artistic
60 capacity. However, the term "engagement" shall not apply to
61 procuring opera, music, theater, or dance engagements for any
62 organization defined in s. 501(c)(3) of the Internal Revenue
63 Code or any nonprofit Florida arts organization that has
64 received a grant from the Division of Cultural Affairs of the
65 Department of State or has participated in the state touring
66 program of the Division of Cultural Affairs.

67 ~~(5) "Department" means the Department of Business and
68 Professional Regulation.~~

69 ~~(5)-(6)~~ "Operator" means the person who is or who will be in



926844

70 actual charge of a talent agency.

71 ~~(2)(7)~~ "Buyer" or "employer" means a person, company,
72 partnership, or corporation that uses the services of a talent
73 agency to provide artists.

74 ~~(1)(8)~~ "Artist" means a person performing on the
75 professional stage or in the production of television, radio, or
76 motion pictures; a musician or group of musicians; or a model.

77 ~~(7)(9)~~ "Person" means any individual, company, society,
78 firm, partnership, association, corporation, manager, or any
79 agent or employee of any of the foregoing.

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

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

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

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

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

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

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

91 468.406 Fees to be charged by talent agencies; rates;
92 display.-

93 (1) Each owner or operator of a talent agency shall post
94 applicant for a license shall file with the application an
95 itemized schedule of maximum fees, charges, and commissions that
96 which it intends to charge and collect for its services. This
97 schedule may thereafter be raised only by filing with the
98 department an amended or supplemental schedule at least 30 days



926844

99 ~~before the change is to become effective. The schedule shall be~~
100 ~~posted~~ in a conspicuous place in each place of business of the
101 agency, and the schedule shall be printed in not less than a 30-
102 point boldfaced type, except that an agency that uses written
103 contracts containing maximum fee schedules need not post such
104 schedules.

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

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

108 468.408 Bond required.-

109 (1) ~~A There shall be filed with the department for each~~
110 talent agency shall obtain license a bond in the form of a
111 surety by a reputable company engaged in the bonding business
112 and authorized to do business in this state. The bond shall be
113 for the penal sum of \$5,000, with one or more sureties ~~to be~~
114 ~~approved by the department,~~ and be conditioned that the talent
115 agency applicant conform to and not violate any of the duties,
116 terms, conditions, provisions, or requirements of this part.

117 (a) If any person is aggrieved by the misconduct of any
118 talent agency, the person may maintain an action in his or her
119 own name upon the bond of the agency in any court having
120 jurisdiction of the amount claimed. All such claims shall be
121 assignable, and the assignee shall be entitled to the same
122 remedies, upon the bond of the agency or otherwise, as the
123 person aggrieved would have been entitled to if such claim had
124 not been assigned. Any claim or claims so assigned may be
125 enforced in the name of such assignee.

126 (b) The bonding company shall notify the talent agency
127 ~~department~~ of any claim against such bond, and a copy of such



926844

128 notice shall be sent to the talent agency against which the
129 claim is made.

130 Section 18. Section 468.409, Florida Statutes, is amended
131 to read:

132 468.409 Records required to be kept.—Each talent agency
133 shall keep on file the application, registration, or contract of
134 each artist. In addition, such file must include the name and
135 address of each artist, the amount of the compensation received,
136 and all attempts to procure engagements for the artist. No such
137 agency or employee thereof shall knowingly make any false entry
138 in applicant files or receipt files. Each card or document in
139 such files shall be preserved for a period of 1 year after the
140 date of the last entry thereon. ~~Records required under this~~
141 ~~section shall be readily available for inspection by the~~
142 ~~department during reasonable business hours at the talent~~
143 ~~agency's principal office. A talent agency must provide the~~
144 ~~department with true copies of the records in the manner~~
145 ~~prescribed by the department.~~

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

148 468.410 Prohibition against registration fees; referral.—

149 (3) A talent agency shall give each applicant a copy of a
150 contract, within 24 hours after the contract's execution, which
151 lists the services to be provided and the fees to be charged.
152 ~~The contract shall state that the talent agency is regulated by~~
153 ~~the department and shall list the address and telephone number~~
154 ~~of the department.~~

155 Section 20. Section 468.412, Florida Statutes, is amended
156 to read:



926844

157 468.412 Talent agency regulations; prohibited acts.-
158 (1) A talent agency shall maintain a record sheet for each
159 booking. This shall be the only required record of placement and
160 shall be kept for a period of 1 year after the date of the last
161 entry in the buyer's file.
162 (2) Each talent agency shall keep records in which shall be
163 entered:
164 (a) The name and address of each artist employing such
165 talent agency;
166 (b) The amount of fees received from each such artist; and
167 (c) The employment in which each such artist is engaged at
168 the time of employing such talent agency and the amount of
169 compensation of the artist in such employment, if any, and the
170 employments subsequently secured by such artist during the term
171 of the contract between the artist and the talent agency and the
172 amount of compensation received by the artist pursuant thereto. +
173 and
174 ~~(d) Other information which the department may require from~~
175 ~~time to time.~~
176 ~~(3) All books, records, and other papers kept pursuant to~~
177 ~~this act by any talent agency shall be open at all reasonable~~
178 ~~hours to the inspection of the department and its agents. Each~~
179 ~~talent agency shall furnish to the department, upon request, a~~
180 ~~true copy of such books, records, and papers, or any portion~~
181 ~~thereof, and shall make such reports as the department may~~
182 ~~prescribe from time to time.~~
183 (3)~~(4)~~ Each talent agency shall post in a conspicuous place
184 in the office of such talent agency a printed copy of this part
185 ~~and of the rules adopted under this part. Such copies shall also~~



926844

186 ~~contain the name and address of the officer charged with~~
187 ~~enforcing this part. The department shall furnish to talent~~
188 ~~agencies printed copies of any statute or rule required to be~~
189 ~~posted under this subsection.~~

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

194 (b) A talent agency must advise an artist, in writing, that
195 the artist has a right to rescind a contract for employment
196 within the first 3 business days after the contract's execution.
197 Any engagement procured by the talent agency for the artist
198 during the first 3 business days of the contract remains
199 commissionable to the talent agency.

200 (5) ~~(6)~~ No talent agency may publish or cause to be
201 published any false, fraudulent, or misleading information,
202 representation, notice, or advertisement. All advertisements of
203 a talent agency by means of card, circulars, or signs, and in
204 newspapers and other publications, and all letterheads,
205 receipts, and blanks shall be printed and contain the ~~licensed~~
206 ~~name, department license number,~~ and address of the talent
207 agency and the words "talent agency." No talent agency may give
208 any false information or make any false promises or
209 representations concerning an engagement or employment to any
210 applicant who applies for an engagement or employment.

211 (6) ~~(7)~~ No talent agency may send or cause to be sent any
212 person as an employee to any house of ill fame, to any house or
213 place of amusement for immoral purposes, to any place resorted
214 to for the purposes of prostitution, to any place for the



926844

215 modeling or photographing of a minor in the nude in the absence
216 of written permission from the minor's parents or legal
217 guardians, the character of which places the talent agency could
218 have ascertained upon reasonable inquiry.

219 ~~(7)~~(8) No talent agency, without the written consent of the
220 artist, may divide fees with anyone, including, but not limited
221 to, an agent or other employee of an employer, a buyer, a
222 casting director, a producer, a director, or any venue that uses
223 entertainment. For purposes of this subsection, to "divide fees"
224 includes the sharing among two or more persons of those fees
225 charged to an artist for services performed on behalf of that
226 artist, the total amount of which fees exceeds the amount that
227 would have been charged to the artist by the talent agency
228 alone.

229 ~~(8)~~(9) If a talent agency collects from an artist a fee or
230 expenses for obtaining employment for the artist, and the artist
231 fails to procure such employment, or the artist fails to be paid
232 for such employment if procured, such talent agency shall, upon
233 demand therefor, repay to the artist the fee and expenses so
234 collected. Unless repayment thereof is made within 48 hours
235 after demand therefor, the talent agency shall pay to the artist
236 an additional sum equal to the amount of the fee.

237 ~~(9)~~(10) Each talent agency must maintain a permanent office
238 and must maintain regular operating hours at that office.

239 ~~(10)~~(11) A talent agency may assign an engagement contract
240 to another talent agency licensed in this state only if the
241 artist agrees in writing to the assignment. The assignment must
242 occur, and written notice of the assignment must be given to the
243 artist, within 30 days after the artist agrees in writing to the



926844

244 assignment.

245 Section 21. Section 468.413, Florida Statutes, is amended
246 to read:

247 468.413 Legal requirements; penalties.-

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

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

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

256 (1)~~(2)~~ Each of the following acts constitutes a misdemeanor
257 of the second degree, punishable as provided in s. 775.082 or s.
258 775.083:

259 ~~(a) Relocating a business as a talent agency, or operating~~
260 ~~under any name other than that designated on the license, unless~~
261 ~~written notification is given to the department and to the~~
262 ~~surety or sureties on the original bond, and unless the license~~
263 ~~is returned to the department for the recording thereon of such~~
264 ~~changes.~~

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

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

271 (a)~~(d)~~ Failing to maintain the records required by s.
272 468.409 or knowingly making false entries in such records.



926844

273 ~~(b)(e)~~ Requiring as a condition to registering or obtaining
274 employment or placement for any applicant that the applicant
275 subscribe to, purchase, or attend any publication, postcard
276 service, advertisement, resume service, photography service,
277 school, acting school, workshop, or acting workshop.

278 ~~(c)(f)~~ Failing to give each applicant a copy of a contract
279 which lists the services to be provided and the fees to be
280 charged by, ~~which states that~~ the talent agency ~~is regulated by~~
281 ~~the department, and which lists the address and telephone number~~
282 ~~of the department.~~

283 ~~(d)(g)~~ Failing to maintain a record sheet as required by s.
284 468.412(1).

285 ~~(e)(h)~~ Knowingly sending or causing to be sent any artist
286 to a prospective employer or place of business, the character or
287 operation of which employer or place of business the talent
288 agency knows to be in violation of the laws of the United States
289 or of this state.

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

294 ~~(2)(4)~~ In the event that ~~the department or~~ any state
295 attorney shall have probable cause to believe that a talent
296 agency or other person has violated any provision of subsection
297 (1), an action may be brought by ~~the department or~~ any state
298 attorney to enjoin such talent agency or any person from
299 continuing such violation, or engaging therein or doing any acts
300 in furtherance thereof, and for such other relief as to the
301 court seems appropriate. ~~In addition to this remedy, the~~



926844

302 ~~department may assess a penalty against any talent agency or any~~
303 ~~person in an amount not to exceed \$5,000.~~

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

305 Section 23. Section 468.415, Florida Statutes, is amended
306 to read:

307 468.415 Sexual misconduct in the operation of a talent
308 agency.—The talent agent-artist relationship is founded on
309 mutual trust. Sexual misconduct in the operation of a talent
310 agency means violation of the talent agent-artist relationship
311 through which the talent agent uses the relationship to induce
312 or attempt to induce the artist to engage or attempt to engage
313 in sexual activity. Sexual misconduct is prohibited in the
314 operation of a talent agency. ~~If~~ Any agent, owner, or operator
315 of a ~~licensed~~ talent agency who commits ~~is found to have~~
316 ~~committed~~ sexual misconduct in the operation of a talent agency,
317 ~~the agency license shall be permanently revoked. Such agent,~~
318 ~~owner, or operator~~ shall be permanently prohibited from acting
319 ~~disqualified from present and future licensure as an agent,~~
320 owner, or operator of a ~~Florida~~ talent agency.

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

324 469.006 Licensure of business organizations; qualifying
325 agents.—

326 (2) (a) If the applicant proposes to engage in consulting or
327 contracting as a partnership, corporation, business trust, or
328 other legal entity, or in any name other than the applicant's
329 legal name, ~~the legal entity must apply for licensure through a~~
330 ~~qualifying agent or the individual applicant must apply for~~



926844

331 licensure under the ~~fictitious~~ name of the business
332 organization.

333 (e) ~~A~~ The license, ~~when issued upon application of a~~
334 ~~business organization~~, must be in the name of the qualifying
335 agent business organization, and the name of the business
336 organization ~~qualifying agent~~ must be noted on the license
337 ~~thereon~~. If there is a change in any information that is
338 required to be stated on the application, the qualifying agent
339 ~~business organization~~ shall, within 45 days after such change
340 occurs, mail the correct information to the department.

341 (3) The qualifying agent must ~~shall~~ be licensed under this
342 chapter in order for the business organization to be qualified
343 ~~licensed~~ in the category of the business conducted for which the
344 qualifying agent is licensed. If any qualifying agent ceases to
345 be affiliated with such business organization, the agent shall
346 so inform the department. In addition, if such qualifying agent
347 is the only licensed individual affiliated with the business
348 organization, the business organization shall notify the
349 department of the termination of the qualifying agent and has
350 ~~shall have~~ 60 days after ~~from~~ the date of termination of the
351 qualifying agent's affiliation with the business organization ~~in~~
352 ~~which~~ to employ another qualifying agent. The business
353 organization may not engage in consulting or contracting until a
354 qualifying agent is employed, unless the department has granted
355 a temporary nonrenewable license to the financially responsible
356 officer, the president, the sole proprietor, a partner, or, in
357 the case of a limited partnership, the general partner, who
358 assumes all responsibilities of a primary qualifying agent for
359 the entity. This temporary license only allows ~~shall only allow~~



926844

360 the entity to proceed with incomplete contracts.

361 (4)

362 (b) Upon a favorable determination by the department, after
363 investigation of the financial responsibility, credit, and
364 business reputation of the qualifying agent and the new business
365 organization, the department shall issue, without any
366 examination, a new license in the qualifying agent's business
367 ~~organization's~~ name, and the name of the business organization
368 ~~qualifying agent~~ shall be noted thereon.

369 (6) Each qualifying agent shall pay the department an
370 amount equal to the original fee for licensure ~~of a new business~~
371 ~~organization.~~ if the qualifying agent for a business
372 organization desires to qualify additional business
373 organizations. ~~7~~ The department shall require the agent to
374 present evidence of supervisory ability and financial
375 responsibility of each such organization. Allowing a licensee to
376 qualify more than one business organization must ~~shall~~ be
377 conditioned upon the licensee showing that the licensee has both
378 the capacity and intent to adequately supervise each business
379 organization. The department may ~~shall~~ not limit the number of
380 business organizations that ~~which~~ the licensee may qualify
381 except upon the licensee's failure to provide such information
382 as is required under this subsection or upon a finding that the
383 ~~such~~ information or evidence ~~as is~~ supplied is incomplete or
384 unpersuasive in showing the licensee's capacity and intent to
385 comply with the requirements of this subsection. A qualification
386 for an additional business organization may be revoked or
387 suspended upon a finding by the department that the licensee has
388 failed in the licensee's responsibility to adequately supervise



389 the operations of the business organization. Failure to
390 adequately supervise the operations of a business organization
391 ~~is shall be~~ grounds for denial to qualify additional business
392 organizations.

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

395 469.009 License revocation, suspension, and denial of
396 issuance or renewal.—

397 (1) The department may revoke, suspend, or deny the
398 issuance or renewal of a license; reprimand, censure, or place
399 on probation any contractor, consultant, or financially
400 responsible officer, ~~or business organization~~; require financial
401 restitution to a consumer; impose an administrative fine not to
402 exceed \$5,000 per violation; require continuing education; or
403 assess costs associated with any investigation and prosecution
404 if the contractor or consultant, or business organization or
405 officer or agent thereof, is found guilty of any of the
406 following acts:

407 (a) Willfully or deliberately disregarding or violating the
408 health and safety standards of the Occupational Safety and
409 Health Act of 1970, the Construction Safety Act, the National
410 Emission Standards for Asbestos, the Environmental Protection
411 Agency Asbestos Abatement Projects Worker Protection Rule, the
412 Florida Statutes or rules promulgated thereunder, or any
413 ordinance enacted by a political subdivision of this state.

414 (b) Violating any provision of chapter 455.

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

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



926844

418 asbestos consultant under any license issued under this chapter
419 except in the name of the licensee as set forth on the issued
420 license.

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

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

424 (g) Being convicted or found guilty of, or entering a plea
425 of nolo contendere to, regardless of adjudication, a crime in
426 any jurisdiction which directly relates to the practice of
427 asbestos consulting or contracting or the ability to practice
428 asbestos consulting or contracting.

429 (h) Knowingly violating any building code, lifesafety code,
430 or county or municipal ordinance relating to the practice of
431 asbestos consulting or contracting.

432 (i) Performing any act which assists a person or entity in
433 engaging in the prohibited unlicensed practice of asbestos
434 consulting or contracting, if the licensee knows or has
435 reasonable grounds to know that the person or entity was
436 unlicensed.

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

439 Financial mismanagement or misconduct occurs when:

440 1. Valid liens have been recorded against the property of a
441 contractor's customer for supplies or services ordered by the
442 contractor for the customer's job; the contractor has received
443 funds from the customer to pay for the supplies or services; and
444 the contractor has not had the liens removed from the property,
445 by payment or by bond, within 75 days after the date of such
446 liens;



926844

447 2. The contractor has abandoned a customer's job and the
448 percentage of completion is less than the percentage of the
449 total contract price paid to the contractor as of the time of
450 abandonment, unless the contractor is entitled to retain such
451 funds under the terms of the contract or refunds the excess
452 funds within 30 days after the date the job is abandoned; or

453 3. The contractor's job has been completed, and it is shown
454 that the customer has had to pay more for the contracted job
455 than the original contract price, as adjusted for subsequent
456 change orders, unless such increase in cost was the result of
457 circumstances beyond the control of the contractor, was the
458 result of circumstances caused by the customer, or was otherwise
459 permitted by the terms of the contract between the contractor
460 and the customer.

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

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

466 (m) Abandoning an asbestos abatement project in which the
467 asbestos contractor is engaged or under contract as a
468 contractor. A project may be presumed abandoned after 20 days if
469 the contractor terminates the project without just cause and
470 without proper notification to the owner, including the reason
471 for termination; if the contractor fails to reasonably secure
472 the project to safeguard the public while work is stopped; or if
473 the contractor fails to perform work without just cause for 20
474 days.

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



926844

476 contract falsely indicating that the work is bonded; falsely
477 indicating that payment has been made for all subcontracted
478 work, labor, and materials which results in a financial loss to
479 the owner, purchaser, or contractor; or falsely indicating that
480 workers' compensation and public liability insurance are
481 provided.

482 (o) Committing fraud or deceit in the practice of asbestos
483 consulting or contracting.

484 (p) Committing incompetency or misconduct in the practice
485 of asbestos consulting or contracting.

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

489 (r) Intimidating, threatening, coercing, or otherwise
490 discouraging the service of a notice to owner under part I of
491 chapter 713 or a notice to contractor under chapter 255 or part
492 I of chapter 713.

493 (s) Failing to satisfy, within a reasonable time, the terms
494 of a civil judgment obtained against the licensee, or the
495 business organization qualified by the licensee, relating to the
496 practice of the licensee's profession.

497
498 For the purposes of this subsection, construction is considered
499 to be commenced when the contract is executed and the contractor
500 has accepted funds from the customer or lender.

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

503 477.0135 Exemptions.—

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



926844

505 whose occupation or practice is confined solely to applying
506 polish to fingernails and toenails.

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

509 481.203 Definitions.—As used in this part:

510 (5) “Business organization” means a partnership, a limited
511 liability company, a corporation, or an individual operating
512 under a fictitious name ~~“Certificate of authorization” means a~~
513 ~~certificate issued by the department to a corporation or~~
514 ~~partnership to practice architecture or interior design.~~

515 Section 28. Section 481.219, Florida Statutes, is amended
516 to read:

517 481.219 Business organization; qualifying agents
518 ~~Certification of partnerships, limited liability companies, and~~
519 ~~corporations.—~~

520 (1) A licensee may ~~The practice of or the offer to practice~~
521 ~~architecture or interior design by licensees through a~~ business
522 organization that offers ~~corporation, limited liability company,~~
523 ~~or partnership offering~~ architectural or interior design
524 services to the public, or through ~~by~~ a business organization
525 that offers ~~corporation, limited liability company, or~~
526 ~~partnership offering~~ architectural or interior design services
527 to the public through such licensees ~~under this part~~ as agents,
528 employees, officers, or partners, ~~is permitted, subject to the~~
529 ~~provisions of this section.~~

530 (2) If a licensee or an applicant proposes to engage in the
531 practice of architecture or interior design as a business
532 organization, the licensee or applicant must apply to qualify
533 the business organization ~~For the purposes of this section, a~~



926844

534 ~~certificate of authorization shall be required for a~~
535 ~~corporation, limited liability company, partnership, or person~~
536 ~~practicing under a fictitious name, offering architectural~~
537 ~~services to the public jointly or separately. However, when an~~
538 ~~individual is practicing architecture in her or his own name,~~
539 ~~she or he shall not be required to be certified under this~~
540 ~~section. Certification under this subsection to offer~~
541 ~~architectural services shall include all the rights and~~
542 ~~privileges of certification under subsection (3) to offer~~
543 ~~interior design services.~~

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

545 1. If the business is a partnership, state the names of the
546 partnership and its partners.

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

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

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

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

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



926844

563 may not engage in the practice of interior design unless its
564 qualifying agent is a registered architect or a registered
565 interior designer under this part. A qualifying agent who
566 terminates her or his affiliation with a business organization
567 shall immediately notify the department of such termination. If
568 the qualifying agent who terminates her or his affiliation is
569 the only qualifying agent for a business organization, the
570 business organization must be qualified by another qualifying
571 agent within 60 days after the termination. Except as provided
572 in paragraph (b), such a business organization may not engage in
573 the practice of architecture or interior design until it is
574 qualified by a qualifying agent.

575 (b) In the event a qualifying architect or interior
576 designer ceases employment with the business organization, the
577 executive director or the chair of the board may authorize
578 another registered architect or interior designer employed by
579 the business organization to temporarily serve as its qualifying
580 agent for no more than 60 days. The business organization is not
581 authorized to operate beyond such period under this chapter
582 absent replacement of the qualifying architect or interior
583 designer who has ceased employment.

584 (c) A qualifying agent shall notify the department in
585 writing before engaging in the practice of architecture or
586 interior design in her or his own name or in affiliation with a
587 different business organization, and she or he or such business
588 organization shall supply the same information to the department
589 as required of applicants under this part ~~For the purposes of~~
590 ~~this section, a certificate of authorization shall be required~~
591 ~~for a corporation, limited liability company, partnership, or~~



926844

592 ~~person operating under a fictitious name, offering interior~~
593 ~~design services to the public jointly or separately. However,~~
594 ~~when an individual is practicing interior design in her or his~~
595 ~~own name, she or he shall not be required to be certified under~~
596 ~~this section.~~

597 (4) All final construction documents and instruments of
598 service which include drawings, specifications, plans, reports,
599 or other papers or documents that involve ~~involving~~ the practice
600 of architecture which are prepared or approved for the use of
601 the business organization ~~corporation, limited liability~~
602 ~~company, or partnership~~ and filed for public record within the
603 state must ~~shall~~ bear the signature and seal of the licensee who
604 prepared or approved them and the date on which they were
605 sealed.

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

613 ~~(6) The department shall issue a certificate of~~
614 ~~authorization to any applicant who the board certifies as~~
615 ~~qualified for a certificate of authorization and who has paid~~
616 ~~the fee set in s. 481.207.~~

617 ~~(6)-(7)~~ The board shall allow ~~certify~~ an applicant to
618 qualify one or more business organizations ~~as qualified for a~~
619 ~~certificate of authorization~~ to offer architectural or interior
620 design services, or to use a fictitious name to offer such



926844

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

622 (a) One or more of the principal officers of the
623 corporation or limited liability company, or one or more
624 partners of the partnership, and all personnel of the
625 corporation, limited liability company, or partnership who act
626 in its behalf in this state as architects, are registered as
627 provided by this part. ~~or~~

628 (b) One or more of the principal officers of the
629 corporation or one or more partners of the partnership, and all
630 personnel of the corporation, limited liability company, or
631 partnership who act in its behalf in this state as interior
632 designers, are registered as provided by this part.

633 ~~(8) The department shall adopt rules establishing a~~
634 ~~procedure for the biennial renewal of certificates of~~
635 ~~authorization.~~

636 ~~(9) The department shall renew a certificate of~~
637 ~~authorization upon receipt of the renewal application and~~
638 ~~biennial renewal fee.~~

639 (7) ~~(10)~~ Each qualifying agent approved to qualify a
640 business organization ~~partnership, limited liability company,~~
641 ~~and corporation certified~~ under this section shall notify the
642 department within 30 days after ~~of~~ any change in the information
643 contained in the application upon which the qualification
644 ~~certification~~ is based. Any registered architect or interior
645 designer who qualifies the business organization shall ensure
646 ~~corporation, limited liability company, or partnership as~~
647 ~~provided in subsection (7)~~ shall be responsible for ensuring
648 responsible supervising control of projects of the business
649 organization ~~entity~~ and shall notify the department of the ~~upon~~



926844

650 termination of her or his employment with a business
651 organization qualified partnership, limited liability company,
652 or corporation certified under this section shall notify the
653 department of the termination within 30 days after such
654 termination.

655 (8) (11) A business organization is not ~~No corporation,~~
656 ~~limited liability company, or partnership shall be~~ relieved of
657 responsibility for the conduct or acts of its agents, employees,
658 or officers by reason of its compliance with this section.
659 However, except as provided in s. 558.0035, the architect who
660 signs and seals the construction documents and instruments of
661 service is shall be liable for the professional services
662 performed, and the interior designer who signs and seals the
663 interior design drawings, plans, or specifications is shall be
664 liable for the professional services performed.

665 ~~(12) Disciplinary action against a corporation, limited~~
666 ~~liability company, or partnership shall be administered in the~~
667 ~~same manner and on the same grounds as disciplinary action~~
668 ~~against a registered architect or interior designer,~~
669 ~~respectively.~~

670 (9) (13) Nothing in This section may not shall be construed
671 to mean that a certificate of registration to practice
672 architecture or interior design must shall be held by a business
673 organization corporation, limited liability company, or
674 partnership. Nothing in This section does not prohibit a
675 business organization from offering prohibits corporations,
676 limited liability companies, and partnerships from joining
677 together to offer architectural, engineering, interior design,
678 surveying and mapping, and landscape architectural services, or



926844

679 any combination of such services, to the public if the business
680 organization, ~~provided that each corporation, limited liability~~
681 ~~company, or partnership~~ otherwise meets the requirements of law.

682 ~~(10)-(14)~~ A business organization that is qualified by a
683 registered architect may ~~Corporations, limited liability~~
684 ~~companies, or partnerships holding a valid certificate of~~
685 ~~authorization to practice architecture shall be permitted to use~~
686 ~~in their title~~ the term "interior designer" or "registered
687 interior designer-" in its title.

688 Section 29. Section 481.221, Florida Statutes, is amended
689 to read:

690 481.221 Seals; display of license ~~certificate~~ number.-

691 (1) The board shall prescribe, by rule, one or more forms
692 of seals to be used by registered architects holding valid
693 certificates of registration.

694 (2) Each registered architect shall obtain one seal in a
695 form approved by rule of the board and may, in addition,
696 register her or his seal electronically in accordance with ss.
697 668.001-668.006. All final construction documents and
698 instruments of service which include drawings, plans,
699 specifications, or reports prepared or issued by the registered
700 architect and being filed for public record shall bear the
701 signature and seal of the registered architect who prepared or
702 approved the document and the date on which they were sealed.
703 The signature, date, and seal shall be evidence of the
704 authenticity of that to which they are affixed. Final plans,
705 specifications, or reports prepared or issued by a registered
706 architect may be transmitted electronically and may be signed by
707 the registered architect, dated, and sealed electronically with



926844

708 the seal in accordance with ss. 668.001-668.006.

709 (3) The board shall adopt a rule prescribing the distinctly
710 different seals to be used by registered interior designers
711 holding valid certificates of registration. Each registered
712 interior designer shall obtain a seal as prescribed by the
713 board, and all drawings, plans, specifications, or reports
714 prepared or issued by the registered interior designer and being
715 filed for public record shall bear the signature and seal of the
716 registered interior designer who prepared or approved the
717 document and the date on which they were sealed. The signature,
718 date, and seal shall be evidence of the authenticity of that to
719 which they are affixed. Final plans, specifications, or reports
720 prepared or issued by a registered interior designer may be
721 transmitted electronically and may be signed by the registered
722 interior designer, dated, and sealed electronically with the
723 seal in accordance with ss. 668.001-668.006.

724 (4) No registered architect shall affix, or permit to be
725 affixed, her or his seal or signature to any final construction
726 document or instrument of service which includes any plan,
727 specification, drawing, or other document which depicts work
728 which she or he is not competent to perform.

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

733 (6) No registered architect shall affix her or his
734 signature or seal to any final construction document or
735 instrument of service which includes drawings, plans,
736 specifications, or architectural documents which were not



926844

737 prepared by her or him or under her or his responsible
738 supervising control or by another registered architect and
739 reviewed, approved, or modified and adopted by her or him as her
740 or his own work according to rules adopted by the board.

741 (7) No registered interior designer shall affix her or his
742 signature or seal to any plans, specifications, or other
743 documents which were not prepared by her or him or under her or
744 his responsible supervising control or by another registered
745 interior designer and reviewed, approved, or modified and
746 adopted by her or him as her or his own work according to rules
747 adopted by the board.

748 (8) Final construction documents or instruments of service
749 which include plans, drawings, specifications, or other
750 architectural documents prepared by a registered architect as
751 part of her or his architectural practice shall be of a
752 sufficiently high standard to clearly and accurately indicate or
753 illustrate all essential parts of the work to which they refer.

754 (9) Studies, drawings, specifications, and other related
755 documents prepared by a registered interior designer in
756 providing interior design services shall be of a sufficiently
757 high standard to clearly and accurately indicate all essential
758 parts of the work to which they refer.

759 (10) Each registered architect or interior designer must,
760 ~~and each corporation, limited liability company, or partnership~~
761 ~~holding a certificate of authorization, shall include her or his~~
762 license its certificate number in any newspaper, telephone
763 directory, or other advertising medium used by the registered
764 licensee architect, interior designer, corporation, limited
765 liability company, or partnership. Each business organization



926844

766 must include the license number of the registered architect or
767 interior designer who serves as the qualifying agent for that
768 business organization in any newspaper, telephone directory, or
769 other advertising medium used by the business organization but
770 is not required to display the license numbers of other
771 registered architects or interior designers employed by the
772 business organization ~~A corporation, limited liability company,~~
773 ~~or partnership is not required to display the certificate number~~
774 ~~of individual registered architects or interior designers~~
775 ~~employed by or working within the corporation, limited liability~~
776 ~~company, or partnership.~~

777 (11) When the certificate of registration of a registered
778 architect or interior designer has been revoked or suspended by
779 the board, the registered architect or interior designer shall
780 surrender her or his seal to the secretary of the board within a
781 period of 30 days after the revocation or suspension has become
782 effective. If the certificate of the registered architect or
783 interior designer has been suspended for a period of time, her
784 or his seal shall be returned to her or him upon expiration of
785 the suspension period.

786 (12) A person may not sign and seal by any means any final
787 plan, specification, or report after her or his certificate of
788 registration has expired or is suspended or revoked. A
789 registered architect or interior designer whose certificate of
790 registration is suspended or revoked shall, within 30 days after
791 the effective date of the suspension or revocation, surrender
792 her or his seal to the executive director of the board and
793 confirm in writing to the executive director the cancellation of
794 the registered architect's or interior designer's electronic



926844

795 signature in accordance with ss. 668.001-668.006. When a
796 registered architect's or interior designer's certificate of
797 registration is suspended for a period of time, her or his seal
798 shall be returned upon expiration of the period of suspension.

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

801 481.229 Exceptions; exemptions from licensure.-

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

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



926844

824 Section 31. Section 481.303, Florida Statutes, is reordered
825 and amended to read:

826 481.303 Definitions.—As used in this chapter, the term:

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

828 ~~(3)(2)~~ "Department" means the Department of Business and
829 Professional Regulation.

830 ~~(6)(3)~~ "Registered landscape architect" means a person who
831 holds a license to practice landscape architecture in this state
832 under the authority of this act.

833 ~~(2)(4)~~ "Certificate of registration" means a license issued
834 by the department to a natural person to engage in the practice
835 of landscape architecture.

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

839 ~~(4)(6)~~ "Landscape architecture" means professional
840 services, including, but not limited to, the following:

841 (a) Consultation, investigation, research, planning,
842 design, preparation of drawings, specifications, contract
843 documents and reports, responsible construction supervision, or
844 landscape management in connection with the planning and
845 development of land and incidental water areas, including the
846 use of Florida-friendly landscaping as defined in s. 373.185,
847 where, and to the extent that, the dominant purpose of such
848 services or creative works is the preservation, conservation,
849 enhancement, or determination of proper land uses, natural land
850 features, ground cover and plantings, or naturalistic and
851 aesthetic values;

852 (b) The determination of settings, grounds, and approaches



926844

853 for and the siting of buildings and structures, outdoor areas,
854 or other improvements;

855 (c) The setting of grades, shaping and contouring of land
856 and water forms, determination of drainage, and provision for
857 storm drainage and irrigation systems where such systems are
858 necessary to the purposes outlined herein; and

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

861 (5)~~(7)~~ "Landscape design" means consultation for and
862 preparation of planting plans drawn for compensation, including
863 specifications and installation details for plant materials,
864 soil amendments, mulches, edging, gravel, and other similar
865 materials. Such plans may include only recommendations for the
866 conceptual placement of tangible objects for landscape design
867 projects. Construction documents, details, and specifications
868 for tangible objects and irrigation systems shall be designed or
869 approved by licensed professionals as required by law.

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

872 481.321 Seals; display of certificate number.—

873 (5) Each registered landscape architect must ~~and each~~
874 ~~corporation or partnership holding a certificate of~~
875 ~~authorization shall~~ include her or his ~~its~~ certificate number in
876 any newspaper, telephone directory, or other advertising medium
877 used by the registered landscape architect, corporation, or
878 partnership. A corporation or partnership must ~~is not required~~
879 ~~to~~ display the certificate number ~~numbers~~ of at least one
880 officer, director, owner, or partner who is a individual
881 registered landscape architect ~~architects~~ employed by or



926844

882 practicing with the corporation or partnership.

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

885 481.311 Licensure.—

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

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

891 481.317 Temporary certificates.—

892 ~~(2) Upon approval by the board and payment of the fee set~~
893 ~~in s. 481.307, the department shall grant a temporary~~
894 ~~certificate of authorization for work on one specified project~~
895 ~~in this state for a period not to exceed 1 year to an out-of-~~
896 ~~state corporation, partnership, or firm, provided one of the~~
897 ~~principal officers of the corporation, one of the partners of~~
898 ~~the partnership, or one of the principals in the fictitiously~~
899 ~~named firm has obtained a temporary certificate of registration~~
900 ~~in accordance with subsection (1).~~

901 Section 35. Section 481.319, Florida Statutes, is amended
902 to read:

903 481.319 Corporate and partnership practice of landscape
904 architecture; ~~certificate of authorization.~~—

905 (1) The practice of or offer to practice landscape
906 architecture by registered landscape architects registered under
907 this part through a corporation or partnership offering
908 landscape architectural services to the public, or through a
909 corporation or partnership offering landscape architectural
910 services to the public through individual registered landscape



926844

911 architects as agents, employees, officers, or partners, is
912 permitted, subject to the provisions of this section, if:

913 (a) One or more of the principal officers of the
914 corporation, or partners of the partnership, and all personnel
915 of the corporation or partnership who act in its behalf as
916 landscape architects in this state are registered landscape
917 architects; and

918 (b) One or more of the officers, one or more of the
919 directors, one or more of the owners of the corporation, or one
920 or more of the partners of the partnership is a registered
921 landscape architect; ~~and~~

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

924 (2) All documents involving the practice of landscape
925 architecture which are prepared for the use of the corporation
926 or partnership shall bear the signature and seal of a registered
927 landscape architect.

928 (3) A landscape architect applying to practice in the name
929 of a ~~An applicant~~ corporation must ~~shall~~ file with the
930 department the names and addresses of all officers and board
931 members of the corporation, including the principal officer or
932 officers, duly registered to practice landscape architecture in
933 this state and, also, of all individuals duly registered to
934 practice landscape architecture in this state who shall be in
935 responsible charge of the practice of landscape architecture by
936 the corporation in this state. A landscape architect applying to
937 practice in the name of a ~~An applicant~~ partnership must ~~shall~~
938 file with the department the names and addresses of all partners
939 of the partnership, including the partner or partners duly



926844

940 registered to practice landscape architecture in this state and,
941 also, of an individual or individuals duly registered to
942 practice landscape architecture in this state who shall be in
943 responsible charge of the practice of landscape architecture by
944 said partnership in this state.

945 (4) Each landscape architect qualifying a partnership or
946 ~~and corporation licensed~~ under this part must ~~shall~~ notify the
947 department within 1 month after ~~of~~ any change in the information
948 contained in the application upon which the license is based.
949 Any landscape architect who terminates her or his ~~or her~~
950 employment with a partnership or corporation licensed under this
951 part shall notify the department of the termination within 1
952 month after such termination.

953 ~~(5) Disciplinary action against a corporation or~~
954 ~~partnership shall be administered in the same manner and on the~~
955 ~~same grounds as disciplinary action against a registered~~
956 ~~landscape architect.~~

957 (5) ~~(6)~~ Except as provided in s. 558.0035, the fact that a
958 registered landscape architect practices landscape architecture
959 through a corporation or partnership as provided in this section
960 does not relieve the landscape architect from personal liability
961 for her or his ~~or her~~ professional acts.

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

964 481.329 Exceptions; exemptions from licensure.—

965 (5) This part does not prohibit any person from engaging in
966 the practice of landscape design, as defined in s. 481.303(5)
967 ~~481.303(7)~~, or from submitting for approval to a governmental
968 agency planting plans that are independent of, or a component



926844

969 of, construction documents that are prepared by a Florida-
970 registered professional. Persons providing landscape design
971 services shall not use the title, term, or designation
972 "landscape architect," "landscape architectural," "landscape
973 architecture," "L.A.," "landscape engineering," or any
974 description tending to convey the impression that she or he is a
975 landscape architect unless she or he is registered as provided
976 in this part.

977 Section 37. Subsection (14) of section 489.503, Florida
978 Statutes, is amended, and subsection (24) is added to that
979 section, to read:

980 489.503 Exemptions.—This part does not apply to:

981 (14) The sale of, installation of, repair of, alteration
982 of, addition to, or design of electrical wiring, fixtures,
983 appliances, thermostats, apparatus, raceways, computers,
984 customer premises equipment, customer premises wiring, and
985 conduit, or any part thereof, ~~by an employee, contractor,~~
986 ~~subcontractor, or affiliate of a company operating under a~~
987 ~~certificate issued under chapter 364 or chapter 610, or under a~~
988 ~~local franchise or right-of-way agreement,~~ if those items are
989 for the purpose of transmitting data, voice, video, or other
990 communications, or commands as part of a cable television,
991 community antenna television, radio distribution,
992 communications, or telecommunications system. An employee,
993 subcontractor, contractor, or affiliate of a company that
994 operates under a certificate issued under chapter 364 or chapter
995 610, or under a local franchise or right-of-way agreement, is
996 not subject to any local ordinance that requires a permit for
997 work related to low-voltage electrical work, including related



926844

998 technical codes, regulations, and licensure. The scope of this
999 exemption is limited to electrical circuits and equipment
1000 governed by the applicable provisions of Articles 725 (Classes 2
1001 and 3 circuits only), 770, 800, 810, and 820 of the National
1002 Electrical Code, current edition, or 47 C.F.R. part 68, ~~and~~
1003 ~~employees, contractors, and subcontractors of companies, and~~
1004 ~~affiliates thereof, operating under a certificate issued under~~
1005 ~~chapter 364 or chapter 610 or under a local franchise or right-~~
1006 ~~of-way agreement.~~ This subsection does not relieve any person
1007 from licensure as an alarm system contractor.

1008 (24) A person who installs low-voltage landscape lighting
1009 that contains a factory-installed electrical cord with a plug
1010 and does not require installation, wiring, or a modification to
1011 the electrical wiring in a structure.

1012 Section 38. Paragraphs (a) through (e) of subsection (2) of
1013 section 489.518, Florida Statutes, are redesignated as
1014 paragraphs (b) through (f), respectively, and a new paragraph
1015 (a) is added to that subsection to read:

1016 489.518 Alarm system agents.—

1017 (2) (a) A person who performs only sales or installations of
1018 wireless alarm systems, other than fire alarm systems, in a
1019 single-family residence is not required to complete the initial
1020 training required for burglar alarm system agents.

1021 Section 39. Section 550.2416, Florida Statutes, is created
1022 to read:

1023 550.2416 Reporting of racing greyhound injuries.—

1024 (1) An injury to a racing greyhound which occurs while the
1025 greyhound is located in this state must be reported on a form
1026 adopted by the division within 7 days after the date on which



926844

1027 the injury occurred or is believed to have occurred. The
1028 presence of cocaine found in a racing greyhound is considered an
1029 injury under this section. The division may adopt rules defining
1030 the term "injury."

1031 (2) The form shall be completed and signed under oath or
1032 affirmation by the:

1033 (a) Racetrack veterinarian or director of racing, if the
1034 injury occurred at the racetrack facility; or

1035 (b) Owner, trainer, or kennel operator who had knowledge of
1036 the injury, if the injury occurred at a location other than the
1037 racetrack facility, including during transportation.

1038 (3) The division shall fine, suspend, or revoke the license
1039 of any individual who knowingly violates this section or who
1040 intentionally causes an injury to a racing greyhound.

1041 (4) The form must include the following:

1042 (a) The greyhound's registered name, right-ear and left-ear
1043 tattoo numbers, and, if any, the microchip manufacturer and
1044 number.

1045 (b) The names, business addresses, and telephone numbers of
1046 the greyhound's owner, trainer, and kennel operator.

1047 (c) The color, weight, and sex of the greyhound.

1048 (d) The specific type and bodily location of the injury,
1049 the cause of the injury, and the estimated recovery time from
1050 the injury.

1051 (e) If the injury occurred when the greyhound was racing:

1052 1. The racetrack where the injury occurred;

1053 2. The distance, grade, race, and post position of the
1054 greyhound when the injury occurred; and

1055 3. The weather conditions, time, and track conditions when



926844

1056 the injury occurred.

1057 (f) If the injury occurred when the greyhound was not
1058 racing:

1059 1. The location where the injury occurred; and

1060 2. The circumstances surrounding the injury.

1061 (g) Other information that the division determines is
1062 necessary to identify injuries to racing greyhounds in this
1063 state.

1064 (5) An injury form created pursuant to this section must be
1065 maintained as a public record by the division for at least 7
1066 years after the date it was received.

1067 (6) A licensee of the department who knowingly makes a
1068 false statement concerning an injury or fails to report an
1069 injury is subject to disciplinary action under this chapter or
1070 chapters 455 and 474.

1071 (7) This section does not apply to injuries to a service
1072 animal, personal pet, or greyhound that has been adopted as a
1073 pet.

1074 (8) The division shall adopt rules to implement this
1075 section.

1076 Section 40. This act shall take effect July 1, 2016.

1077
1078 ===== T I T L E A M E N D M E N T =====

1079 And the title is amended as follows:

1080 Delete everything before the enacting clause
1081 and insert:

1082 A bill to be entitled
1083 An act relating to the Department of Business and
1084 Professional Regulation; amending s. 326.004, F.S.;



926844

1085 deleting a requirement that yacht and ship brokers
1086 maintain a separate license for each branch office and
1087 related fees; amending s. 447.02, F.S.; deleting the
1088 definition of the term "department"; repealing s.
1089 447.04, F.S., relating to business agents, licenses,
1090 and permits; repealing s. 447.041, F.S., relating to a
1091 hearing for a denied license, permit, or registration;
1092 repealing s. 447.045, F.S., relating to certain
1093 confidential information; repealing s. 447.06, F.S.,
1094 relating to the required registration of labor
1095 organizations; amending s. 447.09, F.S.; deleting
1096 prohibitions against specified actions; repealing s.
1097 447.12, F.S., relating to registration fees; repealing
1098 s. 447.16, F.S., relating to the applicability of ch.
1099 447, F.S.; amending s. 468.401, F.S.; deleting
1100 definitions; repealing s. 468.402, F.S., relating to
1101 the duties of the Department of Business and
1102 Professional Regulation; repealing s. 468.403, F.S.,
1103 relating to licensure and application requirements for
1104 owners and operators of talent agencies; repealing s.
1105 468.404, F.S., relating to fees and renewal of talent
1106 agency licenses; repealing s. 468.405, F.S., relating
1107 to qualification for talent agency licenses; amending
1108 s. 468.406, F.S.; deleting the requirement for talent
1109 agencies to file with the department an itemized
1110 schedule of certain fees and an amended or
1111 supplemental schedule under certain circumstances;
1112 repealing s. 468.407, F.S., relating to license
1113 contents and posting; amending s. 468.408, F.S.;



926844

1114 revising requirements for talent agency bonds;
1115 deleting a departmental requirement to approve talent
1116 agency bonds; requiring that a bonding company notify
1117 the talent agency, rather than notifying the
1118 department, of certain claims; amending s. 468.409,
1119 F.S.; deleting provisions requiring talent agencies to
1120 make specified records readily available for
1121 inspection by the department; amending s. 468.410,
1122 F.S.; deleting a reference to the department in talent
1123 agency contracts; amending s. 468.412, F.S.; revising
1124 the information that talent agencies must enter in the
1125 talent agency records; deleting requirements relating
1126 to the inspection of talent agency records and the
1127 submission of certain records and reports to the
1128 department; revising the requirements for talent
1129 agencies to post certain laws and rules; revising the
1130 information required in talent agency publications;
1131 amending s. 468.413, F.S.; deleting provisions
1132 relating to criminal violations for failing to obtain
1133 or maintain licensure with the department; deleting
1134 provisions authorizing the court to suspend or revoke
1135 a license; deleting a provision authorizing the court
1136 to take certain actions; revising the department's
1137 authority to bring certain actions and impose certain
1138 remedies for violations of talent agency regulations;
1139 repealing s. 468.414, F.S., relating to collection and
1140 deposit of fines, fees, and penalties by the
1141 department; amending s. 468.415, F.S.; deleting a
1142 provision requiring the department to revoke a



1143 license; amending s. 469.006, F.S.; requiring that a
1144 license be in the name of a qualifying agent rather
1145 than the name of a business organization; requiring
1146 the qualifying agent, rather than the business
1147 organization, to report certain changes in
1148 information; conforming provisions to changes made by
1149 the act; amending s. 469.009, F.S.; deleting the
1150 authority of the department to reprimand, censure, or
1151 impose probation on certain business organizations;
1152 amending s. 477.0135, F.S.; providing that a license
1153 or registration is not required for a person whose
1154 occupation or practice is confined solely to applying
1155 polish to nails; amending s. 481.203, F.S.; defining
1156 the term "business organization"; deleting the
1157 definition of the term "certificate of authorization";
1158 amending s. 481.219, F.S.; revising the process by
1159 which a business organization obtains the requisite
1160 license to perform architectural services; requiring
1161 that a licensee or an applicant apply to qualify a
1162 business organization under certain circumstances;
1163 specifying application requirements; authorizing the
1164 Board of Architecture and Interior Design to deny an
1165 application under certain circumstances; requiring
1166 that a qualifying agent be a registered architect or a
1167 registered interior designer under certain
1168 circumstances; requiring that a qualifying agent
1169 notify the department when she or he ceases to be
1170 affiliated with a business organization; prohibiting a
1171 business organization from engaging in certain



926844

1172 practices until it is qualified by a qualifying agent;
1173 authorizing the executive director or the chair of the
1174 board to authorize a certain registered architect or
1175 interior designer to temporarily serve as the business
1176 organization's qualifying agent for a specified
1177 timeframe under certain circumstances; requiring the
1178 qualifying agent to give written notice to the
1179 department before engaging in practice under her or
1180 his own name or in affiliation with another business
1181 organization; requiring the board to allow an
1182 applicant to qualify one or more business
1183 organizations or to operate using a fictitious name
1184 under certain circumstances; conforming provisions to
1185 changes made by the act; amending s. 481.221, F.S.;
1186 requiring a business organization to include the
1187 license number of a certain registered architect or
1188 interior designer in any advertising; providing an
1189 exception; conforming provisions to changes made by
1190 the act; amending s. 481.229, F.S.; conforming
1191 provisions to changes made by the act; reordering and
1192 amending s. 481.303, F.S.; deleting the definition of
1193 the term "certificate of authorization"; amending s.
1194 481.321, F.S.; revising provisions that require
1195 persons to display certificate numbers under certain
1196 circumstances; conforming provisions to changes made
1197 by the act; amending ss. 481.311, 481.317, and
1198 481.319, F.S.; conforming provisions to changes made
1199 by the act; amending s. 481.329, F.S.; conforming a
1200 cross-reference; amending s. 489.503, F.S.; revising



926844

1201 an exemption from regulation for certain persons;
1202 exempting a person who installs certain low-voltage
1203 landscape lighting from specified requirements;
1204 amending s. 489.518, F.S.; exempting certain persons
1205 from initial training for burglar alarm system agents;
1206 creating s. 550.2416, F.S.; requiring injuries to
1207 racing greyhounds to be reported within a certain
1208 timeframe on a form adopted by the Division of Pari-
1209 mutuel Wagering of the department; requiring such form
1210 to be completed and signed under oath or affirmation
1211 by certain individuals; providing penalties;
1212 specifying information that must be included in the
1213 form; requiring the division to maintain the forms as
1214 public records for a specified time; specifying
1215 disciplinary action that may be taken against a
1216 licensee of the department who fails to report an
1217 injury or who makes false statements on an injury
1218 form; exempting injuries to certain animals from
1219 reporting requirements; requiring the division to
1220 adopt rules; providing an effective date.