

By Senator Brandes

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1 A bill to be entitled
2 An act relating to regulated professions and
3 occupations; amending s. 326.004, F.S.; deleting a
4 requirement that yacht and ship brokers maintain a
5 separate license for each branch office and related
6 fees; amending s. 447.02, F.S.; deleting a definition;
7 repealing s. 447.04, F.S., relating to business
8 agents, licenses, and permits; repealing s. 447.041,
9 F.S., relating to hearings; repealing s. 447.045,
10 F.S., relating to certain confidential information;
11 repealing s. 447.06, F.S., relating to the required
12 registration of labor organizations; amending s.
13 447.09, F.S.; deleting prohibitions against specified
14 actions; repealing s. 447.12, F.S., relating to
15 registration fees; repealing s. 447.16, F.S., relating
16 to the applicability of ch. 447, F.S.; repealing part
17 VII of ch. 468, F.S., relating to the regulation of
18 talent agencies; amending s. 468.451, F.S.; revising
19 legislative intent related to the regulation of
20 athlete agents; reordering and amending s. 468.452,
21 F.S.; deleting the term "department"; repealing s.
22 468.453, F.S., relating to the licensure of athlete
23 agents; repealing s. 468.4536, F.S., relating to
24 renewal of such licenses; amending s. 468.454, F.S.;
25 revising the information that must be stated in agent
26 contracts; deleting a condition under which an agent
27 contract is void and unenforceable; repealing s.
28 468.456, F.S., relating to prohibited acts for athlete
29 agents; repealing s. 468.4561, F.S., relating to

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30 unlicensed activity and penalties for violations;
31 amending s. 468.45615, F.S.; conforming provisions to
32 changes made by the act; amending s. 468.4565, F.S.;
33 deleting provisions authorizing the Department of
34 Business and Professional Regulation to access and
35 inspect certain records of athlete agents and related
36 disciplinary actions and subpoena powers; repealing s.
37 468.457, F.S., relating to rulemaking authority;
38 amending s. 469.006, F.S.; requiring that a license be
39 in the name of a qualifying agent rather than the name
40 of a business organization; requiring the qualifying
41 agent, rather than the business organization, to
42 report certain changes in information; conforming
43 provisions to changes made by the act; amending s.
44 469.009, F.S.; deleting the authority of the
45 department to reprimand, censure, or impose probation
46 on certain business organizations; amending s.
47 474.203, F.S.; excluding veterinary acupuncture and
48 massage from certain provisions in ch. 474, F.S.;
49 defining terms; amending s. 477.0132, F.S.; excluding
50 the practices of hair wrapping and body wrapping from
51 regulation under the Florida Cosmetology Act; amending
52 s. 477.0135, F.S.; providing that a license or
53 registration is not required for a person whose
54 occupation or practice is confined solely to adding
55 polish to nails or solely to hair wrapping or body
56 wrapping; amending ss. 477.019, 477.026, 477.0265, and
57 477.029, F.S.; conforming provisions to changes made
58 by the act; amending s. 481.203, F.S.; defining the

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59 term "business organization"; deleting the definition
60 of the term "certificate of authorization"; amending
61 s. 481.219, F.S.; revising the process by which a
62 business organization obtains the requisite license to
63 perform architectural services; requiring that a
64 licensee or an applicant apply to qualify a business
65 organization under certain circumstances; specifying
66 application requirements; authorizing the Board of
67 Architecture and Interior Design to deny an
68 application under certain circumstances; requiring
69 that a qualifying agent be a registered architect or a
70 registered interior designer under certain
71 circumstances; requiring that a qualifying agent
72 notify the department when she or he ceases to be
73 affiliated with a business organization; prohibiting a
74 business organization from engaging in certain
75 practices until it is qualified by a qualifying agent;
76 authorizing a business organization to proceed with
77 specified contracts under a temporary certificate in
78 certain circumstances; defining the term "incomplete
79 contract"; requiring the qualifying agent to give
80 written notice to the department before engaging in
81 practice under her or his own name or in affiliation
82 with another business organization; requiring the
83 board to certify an applicant to qualify one or more
84 business organizations or to operate using a
85 fictitious name under certain circumstances;
86 specifying that a qualifying agent for a business
87 organization is jointly and severally liable with the

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88 business organization for certain damages; conforming
89 provisions to changes made by the act; amending ss.
90 481.221 and 481.229, F.S.; conforming provisions to
91 changes made by the act; reordering and amending s.
92 481.303, F.S.; deleting the term "certificate of
93 authorization"; amending s. 481.321, F.S.; revising
94 provisions that require persons to display certificate
95 numbers under certain circumstances; conforming
96 provisions to changes made by the act; amending ss.
97 481.311, 481.317, and 481.319, F.S.; conforming
98 provisions to changes made by the act; amending s.
99 481.329, F.S.; conforming a cross-reference; amending
100 s. 489.503, F.S.; deleting an exemption from
101 regulation for certain persons; exempting a person who
102 installs certain low-voltage landscape lighting from
103 specified requirements; amending s. 489.518, F.S.;
104 exempting certain persons from initial training for
105 burglar alarm system agents; amending s. 492.111,
106 F.S.; revising the requirements for an individual to
107 practice or offer to practice professional geology
108 through a firm, corporation, or partnership; requiring
109 a firm, corporation, or partnership to be qualified by
110 one or more individuals licensed as a professional
111 geologist under certain circumstances; revising
112 provisions specifying which persons must notify the
113 department of changes in the geologist of record;
114 deleting provisions relating to certificates of
115 authorization; conforming provisions to changes made
116 by the act; amending ss. 492.104, 492.113, and

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117 492.115, F.S.; conforming provisions to changes made
 118 by the act; providing an effective date.
 119

120 Be It Enacted by the Legislature of the State of Florida:
 121

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

124 326.004 Licensing.—

125 (13) Each broker must maintain a principal place of
 126 business in this state and may establish branch offices in the
 127 state. ~~A separate license must be maintained for each branch~~
 128 ~~office. The division shall establish by rule a fee not to exceed~~
 129 ~~\$100 for each branch office license.~~

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

132 447.02 Definitions.—The following terms, when used in this
 133 chapter, shall have the meanings ascribed to them in this
 134 section:

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

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

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

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

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

141 Section 7. Subsections (6) and (8) of section 447.09,

142 Florida Statutes, are amended to read:

143 447.09 Right of franchise preserved; penalties.—It shall be
 144 unlawful for any person:

145 ~~(6) To act as a business agent without having obtained and~~

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146 ~~possessing a valid and subsisting license or permit.~~

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

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

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

151 Section 10. Part VII of chapter 468, Florida Statutes,
152 consisting of ss. 468.401, 468.402, 468.403, 468.404, 468.405,
153 468.406, 468.407, 468.408, 468.409, 468.410, 468.411, 468.412,
154 468.413, 468.414, and 468.415, is repealed.

155 Section 11. Section 468.451, Florida Statutes, is amended
156 to read:

157 468.451 Legislative findings and intent.—The Legislature
158 finds that dishonest or unscrupulous practices by agents who
159 solicit representation of student athletes can cause significant
160 harm to student athletes and the academic institutions for which
161 they play. It is the intent of the Legislature to provide civil
162 and criminal causes of action against athlete agents to protect
163 the interests of student athletes and academic institutions ~~by~~
164 ~~regulating the activities of athlete agents.~~

165 Section 12. Subsections (4) through (7) of section 468.452,
166 Florida Statutes, are reordered and amended to read:

167 468.452 Definitions.—For purposes of this part, the term:

168 ~~(4) "Department" means the Department of Business and~~
169 ~~Professional Regulation.~~

170 (6)~~(5)~~ "Student athlete" means any student who:

171 (a) Resides in Florida, has informed, in writing, a college
172 or university of the student's intent to participate in that
173 school's intercollegiate athletics, or who does participate in
174 that school's intercollegiate athletics and is eligible to do

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175 so; or

176 (b) Does not reside in Florida, but has informed, in
177 writing, a college or university in Florida of the student's
178 intent to participate in that school's intercollegiate
179 athletics, or who does participate in that school's
180 intercollegiate athletics and is eligible to do so.

181 (4)~~(6)~~ "Financial services" means the counseling on or the
182 making or execution of investment and other financial decisions
183 by the agent on behalf of the student athlete.

184 (5)~~(7)~~ "Participation" means practicing, competing, or
185 otherwise representing a college or university in
186 intercollegiate athletics.

187 Section 13. Section 468.453, Florida Statutes, is repealed.

188 Section 14. Section 468.4536, Florida Statutes, is
189 repealed.

190 Section 15. Subsections (2) and (12) of section 468.454,
191 Florida Statutes, are amended to read:

192 468.454 Contracts.—

193 (2) An agent contract must state:

194 (a) The amount and method of calculating the consideration
195 to be paid by the student athlete for services to be provided by
196 the athlete agent and any other consideration the agent has
197 received or will receive from any other source under the
198 contract;

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

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

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204 (d) A description of the services to be provided to the
205 student athlete;

206 (e) The duration of the contract; and

207 (f) The date of execution.

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

210 Section 16. Section 468.456, Florida Statutes, is repealed.

211 Section 17. Section 468.4561, Florida Statutes, is
212 repealed.

213 Section 18. Section 468.45615, Florida Statutes, is amended
214 to read:

215 468.45615 Provision of illegal inducements to athletes
216 ~~prohibited; penalties; license suspension.-~~

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

224 (2) (a) Regardless of whether adjudication is withheld, any
225 person convicted or found guilty of, or entering a plea of nolo
226 contendere to, the violation described in subsection (1) may
227 ~~shall~~ not employ, utilize, or otherwise collaborate with an a
228 ~~licensed or unlicensed~~ athlete agent in Florida to illegally
229 recruit or solicit student athletes. Any person who violates the
230 provisions of this subsection is guilty of a felony of the
231 second degree, punishable as provided in s. 775.082, s. 775.083,
232 s. 775.084, s. 775.089, or s. 775.091.

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233 (b) Regardless of whether adjudication is withheld, any
234 person who knowingly actively assists in the illegal recruitment
235 or solicitation of student athletes for a person who has been
236 convicted or found guilty of, or entered a plea of nolo
237 contendere to, a violation of this section is guilty of a felony
238 of the second degree, punishable as provided in s. 775.082, s.
239 775.083, s. 775.084, s. 775.089, or s. 775.091.

240 ~~(3) In addition to any other penalties provided in this~~
241 ~~section, the court may suspend the license of the person pending~~
242 ~~the outcome of any administrative action against the person by~~
243 ~~the department.~~

244 (3)~~(4)~~ (a) An athlete agent, with the intent to induce a
245 student athlete to enter into an agent contract, may not:

246 1. Give any materially false or misleading information or
247 make a materially false promise or representation;

248 2. Furnish anything of value to a student athlete before
249 the student athlete enters into the agent contract; or

250 3. Furnish anything of value to any individual other than
251 the student athlete or another athlete agent.

252 (b) An athlete agent may not intentionally:

253 1. ~~Initiate contact with a student athlete unless licensed~~
254 ~~under this part;~~

255 ~~2.~~ Refuse or fail to retain or permit inspection of the
256 records required to be retained by s. 468.4565;

257 ~~3. Provide materially false or misleading information in an~~
258 ~~application for licensure;~~

259 2.4. Predate or postdate an agent contract;

260 3.5. Fail to give notice of the existence of an agent
261 contract as required by s. 468.454(6); or

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262 ~~4.6.~~ Fail to notify a student athlete before the student
263 athlete signs or otherwise authenticates an agent contract for a
264 sport that the signing or authentication may make the student
265 athlete ineligible to participate as a student athlete in that
266 sport.

267 (c) An athlete agent who violates this subsection commits a
268 felony of the second degree, punishable as provided in s.
269 775.082, s. 775.083, or s. 775.084.

270 Section 19. Section 468.4565, Florida Statutes, is amended
271 to read:

272 468.4565 Business records requirement.—

273 ~~(1)~~ An athlete agent shall establish and maintain complete
274 financial and business records. The athlete agent shall save
275 each entry into a financial or business record for at least 5
276 years after ~~from~~ the date of entry. These records must include:

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

279 (2) ~~(b)~~ Any agent contract entered into by the athlete
280 agent; and

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

284 ~~(2) The department shall have access to and shall have the~~
285 ~~right to inspect and examine the financial or business records~~
286 ~~of an athlete agent during normal business hours. Refusal or~~
287 ~~failure of an athlete agent to provide the department access to~~
288 ~~financial and business records shall be the basis for~~
289 ~~disciplinary action by the department pursuant to s. 455.225.~~
290 ~~The department may exercise its subpoena powers to obtain the~~

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291 ~~financial and business records of an athlete agent.~~

292 Section 20. Section 468.457, Florida Statutes, is repealed.

293 Section 21. Paragraphs (a) and (e) of subsection (2),
294 subsection (3), paragraph (b) of subsection (4), and subsection
295 (6) of section 469.006, Florida Statutes, are amended to read:

296 469.006 Licensure of business organizations; qualifying
297 agents.—

298 (2) (a) If the applicant proposes to engage in consulting or
299 contracting as a partnership, corporation, business trust, or
300 other legal entity, or in any name other than the applicant's
301 legal name, the ~~legal entity must apply for licensure through a~~
302 ~~qualifying agent or the~~ individual applicant must apply for
303 licensure under the name of the business organization ~~fictitious~~
304 ~~name.~~

305 (e) ~~A~~ The license, ~~when issued upon application of a~~
306 ~~business organization,~~ must be in the name of the qualifying
307 agent ~~business organization,~~ and the name of the business
308 organization ~~qualifying agent~~ must be noted on the license
309 ~~thereon.~~ If there is a change in any information that is
310 required to be stated on the application, the qualifying agent
311 ~~business organization~~ shall, within 45 days after such change
312 occurs, mail the correct information to the department.

313 (3) The qualifying agent must ~~shall~~ be licensed under this
314 chapter in order for the business organization to be qualified
315 ~~licensed~~ in the category of the business conducted for which the
316 qualifying agent is licensed. If any qualifying agent ceases to
317 be affiliated with such business organization, the agent shall
318 so inform the department. In addition, if such qualifying agent
319 is the only licensed individual affiliated with the business

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320 organization, the business organization shall notify the
321 department of the termination of the qualifying agent and has
322 ~~shall have~~ 60 days after ~~from~~ the date of termination of the
323 qualifying agent's affiliation with the business organization ~~in~~
324 ~~which~~ to employ another qualifying agent. The business
325 organization may not engage in consulting or contracting until a
326 qualifying agent is employed, unless the department has granted
327 a temporary nonrenewable license to the financially responsible
328 officer, the president, the sole proprietor, a partner, or, in
329 the case of a limited partnership, the general partner, who
330 assumes all responsibilities of a primary qualifying agent for
331 the entity. This temporary license only allows ~~shall only allow~~
332 the entity to proceed with incomplete contracts.

333 (4)

334 (b) Upon a favorable determination by the department, after
335 investigation of the financial responsibility, credit, and
336 business reputation of the qualifying agent and the new business
337 organization, the department shall issue, without any
338 examination, a new license in the qualifying agent's business
339 ~~organization's~~ name, and the name of the business organization
340 ~~qualifying agent~~ shall be noted thereon.

341 (6) Each qualifying agent shall pay the department an
342 amount equal to the original fee for licensure ~~of a new business~~
343 ~~organization.~~ if the qualifying agent for a business
344 organization desires to qualify additional business
345 organizations.7 The department shall require the agent to
346 present evidence of supervisory ability and financial
347 responsibility of each such organization. Allowing a licensee to
348 qualify more than one business organization must ~~shall~~ be

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349 conditioned upon the licensee showing that the licensee has both
350 the capacity and intent to adequately supervise each business
351 organization. The department may ~~shall~~ not limit the number of
352 business organizations that ~~which~~ the licensee may qualify
353 except upon the licensee's failure to provide such information
354 as is required under this subsection or upon a finding that the
355 ~~such~~ information or evidence ~~as is~~ supplied is incomplete or
356 unpersuasive in showing the licensee's capacity and intent to
357 comply with the requirements of this subsection. A qualification
358 for an additional business organization may be revoked or
359 suspended upon a finding by the department that the licensee has
360 failed in the licensee's responsibility to adequately supervise
361 the operations of the business organization. Failure to
362 adequately supervise the operations of a business organization
363 is ~~shall be~~ grounds for denial to qualify additional business
364 organizations.

365 Section 22. Subsection (1) of section 469.009, Florida
366 Statutes, is amended to read:

367 469.009 License revocation, suspension, and denial of
368 issuance or renewal.—

369 (1) The department may revoke, suspend, or deny the
370 issuance or renewal of a license; reprimand, censure, or place
371 on probation any contractor, consultant, or financially
372 responsible officer, ~~or business organization~~; require financial
373 restitution to a consumer; impose an administrative fine not to
374 exceed \$5,000 per violation; require continuing education; or
375 assess costs associated with any investigation and prosecution
376 if the contractor or consultant, or business organization or
377 officer or agent thereof, is found guilty of any of the

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378 following acts:

379 (a) Willfully or deliberately disregarding or violating the
380 health and safety standards of the Occupational Safety and
381 Health Act of 1970, the Construction Safety Act, the National
382 Emission Standards for Asbestos, the Environmental Protection
383 Agency Asbestos Abatement Projects Worker Protection Rule, the
384 Florida Statutes or rules promulgated thereunder, or any
385 ordinance enacted by a political subdivision of this state.

386 (b) Violating any provision of chapter 455.

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

389 (d) Acting in the capacity of an asbestos contractor or
390 asbestos consultant under any license issued under this chapter
391 except in the name of the licensee as set forth on the issued
392 license.

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

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

396 (g) Being convicted or found guilty of, or entering a plea
397 of nolo contendere to, regardless of adjudication, a crime in
398 any jurisdiction which directly relates to the practice of
399 asbestos consulting or contracting or the ability to practice
400 asbestos consulting or contracting.

401 (h) Knowingly violating any building code, lifesafety code,
402 or county or municipal ordinance relating to the practice of
403 asbestos consulting or contracting.

404 (i) Performing any act which assists a person or entity in
405 engaging in the prohibited unlicensed practice of asbestos
406 consulting or contracting, if the licensee knows or has

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407 reasonable grounds to know that the person or entity was
408 unlicensed.

409 (j) Committing mismanagement or misconduct in the practice
410 of contracting that causes financial harm to a customer.
411 Financial mismanagement or misconduct occurs when:

412 1. Valid liens have been recorded against the property of a
413 contractor's customer for supplies or services ordered by the
414 contractor for the customer's job; the contractor has received
415 funds from the customer to pay for the supplies or services; and
416 the contractor has not had the liens removed from the property,
417 by payment or by bond, within 75 days after the date of such
418 liens;

419 2. The contractor has abandoned a customer's job and the
420 percentage of completion is less than the percentage of the
421 total contract price paid to the contractor as of the time of
422 abandonment, unless the contractor is entitled to retain such
423 funds under the terms of the contract or refunds the excess
424 funds within 30 days after the date the job is abandoned; or

425 3. The contractor's job has been completed, and it is shown
426 that the customer has had to pay more for the contracted job
427 than the original contract price, as adjusted for subsequent
428 change orders, unless such increase in cost was the result of
429 circumstances beyond the control of the contractor, was the
430 result of circumstances caused by the customer, or was otherwise
431 permitted by the terms of the contract between the contractor
432 and the customer.

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

435 (l) Failing in any material respect to comply with the

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436 provisions of this chapter, or violating a rule or lawful order
437 of the department.

438 (m) Abandoning an asbestos abatement project in which the
439 asbestos contractor is engaged or under contract as a
440 contractor. A project may be presumed abandoned after 20 days if
441 the contractor terminates the project without just cause and
442 without proper notification to the owner, including the reason
443 for termination; if the contractor fails to reasonably secure
444 the project to safeguard the public while work is stopped; or if
445 the contractor fails to perform work without just cause for 20
446 days.

447 (n) Signing a statement with respect to a project or
448 contract falsely indicating that the work is bonded; falsely
449 indicating that payment has been made for all subcontracted
450 work, labor, and materials which results in a financial loss to
451 the owner, purchaser, or contractor; or falsely indicating that
452 workers' compensation and public liability insurance are
453 provided.

454 (o) Committing fraud or deceit in the practice of asbestos
455 consulting or contracting.

456 (p) Committing incompetency or misconduct in the practice
457 of asbestos consulting or contracting.

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

461 (r) Intimidating, threatening, coercing, or otherwise
462 discouraging the service of a notice to owner under part I of
463 chapter 713 or a notice to contractor under chapter 255 or part
464 I of chapter 713.

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465 (s) Failing to satisfy, within a reasonable time, the terms
466 of a civil judgment obtained against the licensee, or the
467 business organization qualified by the licensee, relating to the
468 practice of the licensee's profession.

469
470 For the purposes of this subsection, construction is considered
471 to be commenced when the contract is executed and the contractor
472 has accepted funds from the customer or lender.

473 Section 23. Subsection (9) is added to section 474.203,
474 Florida Statutes, to read:

475 474.203 Exemptions.—This chapter does not apply to:

476 (9) The performance of veterinary acupressure or veterinary
477 massage.

478 (a) For purposes of this subsection, the term "veterinary
479 acupressure" means the stimulation with finger pressure, rather
480 than the insertion of needles, of the same points on an animal's
481 body which are targeted in acupuncture. The term does not
482 include the prescribing of drugs or the diagnosis of or
483 prognosis for a medical condition of the animal.

484 (b) For the purposes of this subsection, the term
485 "veterinary massage" means the use of fingers, hands, and
486 machines to manipulate the animal's soft tissues to improve the
487 healing and recovery of the animal. The term does not include
488 the prescribing of drugs or the diagnosis of or prognosis for a
489 medical condition of the animal.

490
491 For the purposes of chapters 465 and 893, persons exempt
492 pursuant to subsection (1), subsection (2), or subsection (4)
493 are deemed to be duly licensed practitioners authorized by the

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494 laws of this state to prescribe drugs or medicinal supplies.

495 Section 24. Section 477.0132, Florida Statutes, is amended
496 to read:

497 477.0132 Hair braiding, ~~hair wrapping, and body wrapping~~
498 registration.—

499 (1) (a) Persons whose occupation or practice is confined
500 solely to hair braiding must register with the department, pay
501 the applicable registration fee, and take a two-day 16-hour
502 course. The course shall be board approved and consist of 5
503 hours of HIV/AIDS and other communicable diseases, 5 hours of
504 sanitation and sterilization, 4 hours of disorders and diseases
505 of the scalp, and 2 hours of studies regarding laws affecting
506 hair braiding.

507 ~~(b) Persons whose occupation or practice is confined solely~~
508 ~~to hair wrapping must register with the department, pay the~~
509 ~~applicable registration fee, and take a one-day 6-hour course.~~
510 ~~The course shall be board approved and consist of education in~~
511 ~~HIV/AIDS and other communicable diseases, sanitation and~~
512 ~~sterilization, disorders and diseases of the scalp, and studies~~
513 ~~regarding laws affecting hair wrapping.~~

514 ~~(c) Unless otherwise licensed or exempted from licensure~~
515 ~~under this chapter, any person whose occupation or practice is~~
516 ~~body wrapping must register with the department, pay the~~
517 ~~applicable registration fee, and take a two day 12-hour course.~~
518 ~~The course shall be board approved and consist of education in~~
519 ~~HIV/AIDS and other communicable diseases, sanitation and~~
520 ~~sterilization, disorders and diseases of the skin, and studies~~
521 ~~regarding laws affecting body wrapping.~~

522 ~~(d) Only the board may review, evaluate, and approve a~~

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523 course required of an applicant for registration under this
524 subsection in the occupation or practice of hair braiding, ~~hair~~
525 ~~wrapping, or body wrapping~~. A provider of such a course is not
526 required to hold a license under chapter 1005.

527 (2) Hair braiding is, ~~hair wrapping, and body wrapping~~ are
528 not required to be practiced in a cosmetology salon or specialty
529 salon. When hair braiding, ~~hair wrapping, or body wrapping~~ is
530 practiced outside a cosmetology salon or specialty salon,
531 disposable implements must be used or all implements must be
532 sanitized in a disinfectant approved for hospital use or
533 approved by the federal Environmental Protection Agency.

534 (3) Pending issuance of registration, a person is eligible
535 to practice hair braiding, ~~hair wrapping, or body wrapping~~ upon
536 submission of a registration application that includes proof of
537 successful completion of the education requirements and payment
538 of the applicable fees required by this chapter.

539 Section 25. Subsections (7), (8), and (9) are added to
540 section 477.0135, Florida Statutes, to read:

541 477.0135 Exemptions.—

542 (7) A license or registration is not required for a person
543 whose occupation or practice is confined solely to adding polish
544 to fingernails and toenails.

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

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

551 Section 26. Paragraph (b) of subsection (7) of section

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552 477.019, Florida Statutes, is amended to read:

553 477.019 Cosmetologists; qualifications; licensure;
554 supervised practice; license renewal; endorsement; continuing
555 education.—

556 (7)

557 (b) Any person whose occupation or practice is confined
558 solely to hair braiding, ~~hair wrapping, or body wrapping~~ is
559 exempt from the continuing education requirements of this
560 subsection.

561 Section 27. Paragraph (f) of subsection (1) of section
562 477.026, Florida Statutes, is amended to read:

563 477.026 Fees; disposition.—

564 (1) The board shall set fees according to the following
565 schedule:

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

568 Section 28. Paragraph (f) of subsection (1) of section
569 477.0265, Florida Statutes, is amended to read:

570 477.0265 Prohibited acts.—

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

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

576 Section 29. Paragraph (a) of subsection (1) of section
577 477.029, Florida Statutes, is amended to read:

578 477.029 Penalty.—

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

580 (a) Hold himself or herself out as a cosmetologist,

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581 specialist, or ~~hair wrapper,~~ hair braider, ~~or body wrapper~~
582 unless duly licensed or registered, or otherwise authorized, as
583 provided in this chapter.

584 Section 30. Subsection (5) of section 481.203, Florida
585 Statutes, is amended to read:

586 481.203 Definitions.—As used in this part:

587 (5) "Business organization" means a partnership, a limited
588 liability company, a corporation, or an individual operating
589 under a fictitious name ~~"Certificate of authorization" means a~~
590 ~~certificate issued by the department to a corporation or~~
591 ~~partnership to practice architecture or interior design.~~

592 Section 31. Section 481.219, Florida Statutes, is amended
593 to read:

594 481.219 Business organization; qualifying agents
595 ~~Certification of partnerships, limited liability companies, and~~
596 ~~corporations.—~~

597 (1) A licensee may ~~The practice of or the offer to practice~~
598 ~~architecture or interior design by licensees through a~~ business
599 organization that offers ~~corporation, limited liability company,~~
600 ~~or partnership offering~~ architectural or interior design
601 services to the public, or through ~~by~~ a business organization
602 that offers ~~corporation, limited liability company, or~~
603 ~~partnership offering~~ architectural or interior design services
604 to the public through such licensees ~~under this part~~ as agents,
605 employees, officers, or partners, ~~is permitted, subject to the~~
606 ~~provisions of this section.~~

607 (2) If a licensee or an applicant proposes to engage in the
608 practice of architecture or interior design as a business
609 organization, the licensee or applicant must apply to qualify

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610 ~~the business organization~~ For the purposes of this section, a
611 ~~certificate of authorization shall be required for a~~
612 ~~corporation, limited liability company, partnership, or person~~
613 ~~practicing under a fictitious name, offering architectural~~
614 ~~services to the public jointly or separately. However, when an~~
615 ~~individual is practicing architecture in her or his own name,~~
616 ~~she or he shall not be required to be certified under this~~
617 ~~section. Certification under this subsection to offer~~
618 ~~architectural services shall include all the rights and~~
619 ~~privileges of certification under subsection (3) to offer~~
620 ~~interior design services.~~

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

622 1. If the business is a partnership, state the names of the
623 partnership and its partners.

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

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

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

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

637 (3) (a) A business organization may not engage in the
638 practice of architecture unless its qualifying agent is a

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639 registered architect under this part. A business organization
640 may not engage in the practice of interior design unless its
641 qualifying agent is a registered architect or a registered
642 interior designer under this part. A qualifying agent who
643 terminates her or his affiliation with a business organization
644 shall immediately notify the department of such termination. If
645 the qualifying agent who terminates her or his affiliation is
646 the only qualifying agent for a business organization, the
647 business organization must be qualified by another qualifying
648 agent within 60 days after the termination. Except as provided
649 in paragraph (b), such a business organization may not engage in
650 the practice of architecture or interior design until it is
651 qualified by a qualifying agent.

652 (b) The executive director or chair of the board may grant
653 a temporary, nonrenewable certificate or registration to a
654 licensee in supervising control, the president, a managing
655 member, a partner, or, in the case of a limited partnership, the
656 general partner for the purpose of allowing the business
657 organization to begin or continue work required under an
658 incomplete contract. Such person shall assume all of the
659 responsibilities of a qualifying agent. For purposes of this
660 paragraph, the term "incomplete contract" means a contract that
661 has been awarded to, or entered into by, the business
662 organization before the termination of affiliation of the
663 qualifying agent with the business organization or a contract on
664 which the business organization was the low bidder and that is
665 subsequently awarded to the business organization, regardless of
666 whether any actual work has commenced under the contract before
667 termination of affiliation by the qualifying agent with the

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668 business organization.

669 (c) A qualifying agent shall notify the department in
670 writing before engaging in the practice of architecture or
671 interior design in her or his own name or in affiliation with a
672 different business organization, and she or he or such business
673 organization shall supply the same information to the department
674 as required of applicants under this part ~~For the purposes of~~
675 ~~this section, a certificate of authorization shall be required~~
676 ~~for a corporation, limited liability company, partnership, or~~
677 ~~person operating under a fictitious name, offering interior~~
678 ~~design services to the public jointly or separately. However,~~
679 ~~when an individual is practicing interior design in her or his~~
680 ~~own name, she or he shall not be required to be certified under~~
681 ~~this section.~~

682 (4) All final construction documents and instruments of
683 service which include drawings, specifications, plans, reports,
684 or other papers or documents that involve ~~involving~~ the practice
685 of architecture which are prepared or approved for the use of
686 the business organization ~~corporation, limited liability~~
687 ~~company, or partnership~~ and filed for public record within the
688 state must ~~shall~~ bear the signature and seal of the licensee who
689 prepared or approved them and the date on which they were
690 sealed.

691 (5) All drawings, specifications, plans, reports, or other
692 papers or documents prepared or approved for the use of the
693 business organization ~~corporation, limited liability company, or~~
694 ~~partnership~~ by an interior designer in her or his professional
695 capacity and filed for public record within the state must ~~shall~~
696 bear the signature and seal of the licensee who prepared or

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697 approved them and the date on which they were sealed.

698 ~~(6) The department shall issue a certificate of~~
699 ~~authorization to any applicant who the board certifies as~~
700 ~~qualified for a certificate of authorization and who has paid~~
701 ~~the fee set in s. 481.207.~~

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

707 (a) One or more of the principal officers of the
708 corporation or limited liability company, or one or more
709 partners of the partnership, and all personnel of the
710 corporation, limited liability company, or partnership who act
711 in its behalf in this state as architects, are registered as
712 provided by this part. ~~;~~ ~~or~~

713 (b) One or more of the principal officers of the
714 corporation or one or more partners of the partnership, and all
715 personnel of the corporation, limited liability company, or
716 partnership who act in its behalf in this state as interior
717 designers, are registered as provided by this part.

718 ~~(8) The department shall adopt rules establishing a~~
719 ~~procedure for the biennial renewal of certificates of~~
720 ~~authorization.~~

721 ~~(9) The department shall renew a certificate of~~
722 ~~authorization upon receipt of the renewal application and~~
723 ~~biennial renewal fee.~~

724 ~~(7)(10)~~ Each qualifying agent approved to qualify a
725 business organization ~~partnership, limited liability company,~~

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726 ~~and corporation certified~~ under this section shall notify the
727 department within 30 days of any change in the information
728 contained in the application upon which the qualification
729 ~~certification~~ is based. Any registered architect or interior
730 designer who qualifies the business organization shall ensure
731 ~~corporation, limited liability company, or partnership as~~
732 ~~provided in subsection (7)~~ shall be responsible for ensuring
733 responsible supervising control of projects of the business
734 organization entity and upon termination of her or his
735 employment with a business organization qualified partnership,
736 ~~limited liability company, or corporation certified~~ under this
737 section shall notify the department of the termination within 30
738 days.

739 (8) A licensed qualifying agent for a business organization
740 is jointly and severally liable with the business organization
741 for any damages resulting from the actions of the business
742 organization.

743 (9) ~~(11)~~ A business organization is not ~~No corporation,~~
744 ~~limited liability company, or partnership~~ shall be relieved of
745 responsibility for the conduct or acts of its agents, employees,
746 or officers by reason of its compliance with this section.
747 However, except as provided in s. 558.0035, the architect who
748 signs and seals the construction documents and instruments of
749 service is ~~shall be~~ liable for the professional services
750 performed, and the interior designer who signs and seals the
751 interior design drawings, plans, or specifications is ~~shall be~~
752 liable for the professional services performed.

753 ~~(12) Disciplinary action against a corporation, limited~~
754 ~~liability company, or partnership shall be administered in the~~

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755 ~~same manner and on the same grounds as disciplinary action~~
756 ~~against a registered architect or interior designer,~~
757 ~~respectively.~~

758 ~~(10)-(13) Nothing in~~ This section may not ~~shall~~ be construed
759 to mean that a certificate of registration to practice
760 architecture or interior design must ~~shall~~ be held by a business
761 organization ~~corporation, limited liability company, or~~
762 ~~partnership. Nothing in~~ This section does not prohibit ~~prohibits~~
763 corporations, limited liability companies, and partnerships from
764 joining together to offer architectural, engineering, interior
765 design, surveying and mapping, and landscape architectural
766 services, or any combination of such services, to the public if
767 ~~provided that~~ each corporation, limited liability company, or
768 partnership otherwise meets the requirements of law.

769 ~~(11)-(14) A business organization that is qualified by a~~
770 registered architect may ~~Corporations, limited liability~~
771 ~~companies, or partnerships holding a valid certificate of~~
772 ~~authorization to practice architecture shall be permitted to use~~
773 ~~in their title~~ the term "interior designer" or "registered
774 interior designer" ~~in its title. designer."~~

775 Section 32. Subsection (10) of section 481.221, Florida
776 Statutes, is amended to read:

777 481.221 Seals; display of certificate number.—

778 (10) Each registered architect or interior designer or
779 qualifying agent of a business organization must, ~~and each~~
780 ~~corporation, limited liability company, or partnership holding a~~
781 ~~certificate of authorization, shall include~~ her or his license
782 ~~its certificate~~ number in any newspaper, telephone directory, or
783 other advertising medium used by the registered architect or

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784 interior designer, or business organization ~~corporation, limited~~
785 ~~liability company, or partnership~~. A business organization
786 ~~corporation, limited liability company, or partnership~~ is not
787 required to display the certificate number of individual
788 registered architects or interior designers employed by or
789 working within the business organization ~~corporation, limited~~
790 ~~liability company, or partnership~~.

791 Section 33. Paragraphs (a) and (c) of subsection (5) of
792 section 481.229, Florida Statutes, are amended to read:

793 481.229 Exceptions; exemptions from licensure.-

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

801 (c) Notwithstanding any other provision of this part, a
802 registered architect or qualified business organization
803 certified ~~any corporation, partnership, or person operating~~
804 ~~under a fictitious name which holds a certificate of~~
805 ~~authorization to provide architectural services~~ must ~~shall~~ be
806 qualified, without fee, ~~for a certificate of authorization to~~
807 provide interior design services upon submission of a completed
808 application for qualification ~~therefor~~. ~~For corporations,~~
809 ~~partnerships, and persons operating under a fictitious name~~
810 ~~which hold a certificate of authorization to provide interior~~
811 ~~design services, satisfaction of the requirements for renewal of~~
812 ~~the certificate of authorization to provide architectural~~

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813 ~~services under s. 481.219 shall be deemed to satisfy the~~
814 ~~requirements for renewal of the certificate of authorization to~~
815 ~~provide interior design services under that section.~~

816 Section 34. Section 481.303, Florida Statutes, is reordered
817 and amended to read:

818 481.303 Definitions.—As used in this chapter, the term:

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

820 (3)~~(2)~~ "Department" means the Department of Business and
821 Professional Regulation.

822 (6)~~(3)~~ "Registered landscape architect" means a person who
823 holds a license to practice landscape architecture in this state
824 under the authority of this act.

825 (2)~~(4)~~ "Certificate of registration" means a license issued
826 by the department to a natural person to engage in the practice
827 of landscape architecture.

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

831 (4)~~(6)~~ "Landscape architecture" means professional
832 services, including, but not limited to, the following:

833 (a) Consultation, investigation, research, planning,
834 design, preparation of drawings, specifications, contract
835 documents and reports, responsible construction supervision, or
836 landscape management in connection with the planning and
837 development of land and incidental water areas, including the
838 use of Florida-friendly landscaping as defined in s. 373.185,
839 where, and to the extent that, the dominant purpose of such
840 services or creative works is the preservation, conservation,
841 enhancement, or determination of proper land uses, natural land

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842 features, ground cover and plantings, or naturalistic and
843 aesthetic values;

844 (b) The determination of settings, grounds, and approaches
845 for and the siting of buildings and structures, outdoor areas,
846 or other improvements;

847 (c) The setting of grades, shaping and contouring of land
848 and water forms, determination of drainage, and provision for
849 storm drainage and irrigation systems where such systems are
850 necessary to the purposes outlined herein; and

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

853 (5)~~(7)~~ "Landscape design" means consultation for and
854 preparation of planting plans drawn for compensation, including
855 specifications and installation details for plant materials,
856 soil amendments, mulches, edging, gravel, and other similar
857 materials. Such plans may include only recommendations for the
858 conceptual placement of tangible objects for landscape design
859 projects. Construction documents, details, and specifications
860 for tangible objects and irrigation systems shall be designed or
861 approved by licensed professionals as required by law.

862 Section 35. Subsection (5) of section 481.321, Florida
863 Statutes, is amended to read:

864 481.321 Seals; display of certificate number.—

865 (5) Each registered landscape architect must ~~and each~~
866 ~~corporation or partnership holding a certificate of~~
867 ~~authorization shall~~ include her or his ~~its~~ certificate number in
868 any newspaper, telephone directory, or other advertising medium
869 used by the registered landscape architect, corporation, or
870 partnership. A corporation or partnership must ~~is not required~~

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871 ~~to~~ display the certificate number numbers of at least one
872 officer, director, owner, or partner who is a individual
873 registered landscape architect architects employed by or
874 practicing with the corporation or partnership.

875 Section 36. Subsection (4) of section 481.311, Florida
876 Statutes, is amended to read:

877 481.311 Licensure.—

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

881 Section 37. Subsection (2) of section 481.317, Florida
882 Statutes, is amended to read:

883 481.317 Temporary certificates.—

884 ~~(2) Upon approval by the board and payment of the fee set~~
885 ~~in s. 481.307, the department shall grant a temporary~~
886 ~~certificate of authorization for work on one specified project~~
887 ~~in this state for a period not to exceed 1 year to an out-of-~~
888 ~~state corporation, partnership, or firm, provided one of the~~
889 ~~principal officers of the corporation, one of the partners of~~
890 ~~the partnership, or one of the principals in the fictitiously~~
891 ~~named firm has obtained a temporary certificate of registration~~
892 ~~in accordance with subsection (1).~~

893 Section 38. Section 481.319, Florida Statutes, is amended
894 to read:

895 481.319 Corporate and partnership practice of landscape
896 architecture; ~~certificate of authorization.~~—

897 (1) The practice of or offer to practice landscape
898 architecture by registered landscape architects registered under
899 this part through a corporation or partnership offering

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900 landscape architectural services to the public, or through a
901 corporation or partnership offering landscape architectural
902 services to the public through individual registered landscape
903 architects as agents, employees, officers, or partners, is
904 permitted, subject to the provisions of this section, if:

905 (a) One or more of the principal officers of the
906 corporation, or partners of the partnership, and all personnel
907 of the corporation or partnership who act in its behalf as
908 landscape architects in this state are registered landscape
909 architects; and

910 (b) One or more of the officers, one or more of the
911 directors, one or more of the owners of the corporation, or one
912 or more of the partners of the partnership is a registered
913 landscape architect; ~~and~~

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

916 (2) All documents involving the practice of landscape
917 architecture which are prepared for the use of the corporation
918 or partnership shall bear the signature and seal of a registered
919 landscape architect.

920 (3) A landscape architect applying to practice in the name
921 of a corporation must ~~shall~~ file with the
922 department the names and addresses of all officers and board
923 members of the corporation, including the principal officer or
924 officers, duly registered to practice landscape architecture in
925 this state and, also, of all individuals duly registered to
926 practice landscape architecture in this state who shall be in
927 responsible charge of the practice of landscape architecture by
928 the corporation in this state. A landscape architect applying to

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929 practice in the name of a ~~An applicant~~ partnership must ~~shall~~
930 file with the department the names and addresses of all partners
931 of the partnership, including the partner or partners duly
932 registered to practice landscape architecture in this state and,
933 also, of an individual or 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 said partnership in this state.

937 (4) Each landscape architect qualifying a partnership or
938 ~~and corporation licensed~~ under this part must ~~shall~~ notify the
939 department within 1 month of any change in the information
940 contained in the application upon which the license is based.
941 Any landscape architect who terminates her or his ~~or her~~
942 employment with a partnership or corporation licensed under this
943 part shall notify the department of the termination within 1
944 month.

945 (5) ~~Disciplinary action against a corporation or~~
946 ~~partnership shall be administered in the same manner and on the~~
947 ~~same grounds as disciplinary action against a registered~~
948 ~~landscape architect.~~

949 ~~(6)~~ Except as provided in s. 558.0035, the fact that a
950 registered landscape architect practices landscape architecture
951 through a corporation or partnership as provided in this section
952 does not relieve the landscape architect from personal liability
953 for her or his ~~or her~~ professional acts.

954 Section 39. Subsection (5) of section 481.329, Florida
955 Statutes, is amended to read:

956 481.329 Exceptions; exemptions from licensure.—

957 (5) This part does not prohibit any person from engaging in

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958 the practice of landscape design, as defined in s. 481.303(5) ~~s.~~
 959 ~~481.303(7)~~, or from submitting for approval to a governmental
 960 agency planting plans that are independent of, or a component
 961 of, construction documents that are prepared by a Florida-
 962 registered professional. Persons providing landscape design
 963 services shall not use the title, term, or designation
 964 "landscape architect," "landscape architectural," "landscape
 965 architecture," "L.A.," "landscape engineering," or any
 966 description tending to convey the impression that she or he is a
 967 landscape architect unless she or he is registered as provided
 968 in this part.

969 Section 40. Subsection (14) of section 489.503, Florida
 970 Statutes, is amended, and subsection (24) is added to that
 971 section, to read:

972 489.503 Exemptions.—This part does not apply to:

973 (14) The sale of, installation of, repair of, alteration
 974 of, addition to, or design of electrical wiring, fixtures,
 975 appliances, thermostats, apparatus, raceways, computers,
 976 customer premises equipment, customer premises wiring, and
 977 conduit, or any part thereof, ~~by an employee, contractor,~~
 978 ~~subcontractor, or affiliate of a company operating under a~~
 979 ~~certificate issued under chapter 364 or chapter 610, or under a~~
 980 ~~local franchise or right-of-way agreement,~~ if those items are
 981 for the purpose of transmitting data, voice, video, or other
 982 communications, or commands as part of a cable television,
 983 community antenna television, radio distribution,
 984 communications, or telecommunications system. An employee,
 985 subcontractor, contractor, or affiliate of a company that
 986 operates under a certificate issued under chapter 364 or chapter

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987 610, or under a local franchise or right-of-way agreement, is
988 not subject to any local ordinance that requires a permit for
989 work related to low-voltage electrical work, including related
990 technical codes, regulations, and licensure. The scope of this
991 exemption is limited to electrical circuits and equipment
992 governed by the applicable provisions of Articles 725 (Classes 2
993 and 3 circuits only), 770, 800, 810, and 820 of the National
994 Electrical Code, current edition, or 47 C.F.R. part 68, ~~and~~
995 ~~employees, contractors, and subcontractors of companies, and~~
996 ~~affiliates thereof, operating under a certificate issued under~~
997 ~~chapter 364 or chapter 610 or under a local franchise or right-~~
998 ~~of-way agreement.~~ This subsection does not relieve any person
999 from licensure as an alarm system contractor.

1000 (24) A person who installs low-voltage landscape lighting
1001 that contains a factory-installed electrical cord with a plug
1002 and does not require installation, wiring, or a modification to
1003 the electrical wiring in a structure.

1004 Section 41. Present paragraphs (a) through (e) of
1005 subsection (2) of section 489.518, Florida Statutes, are
1006 redesignated as paragraphs (b) through (f), respectively, and a
1007 new paragraph (a) is added to that subsection, to read:

1008 489.518 Alarm system agents.—

1009 (2) (a) A person who performs only sales or installations of
1010 wireless alarm systems, other than fire alarm systems, in a
1011 single-family residence is not required to complete the initial
1012 training required for burglar alarm system agents.

1013 Section 42. Section 492.111, Florida Statutes, is amended
1014 to read:

1015 492.111 Practice of professional geology by a firm,

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1016 corporation, or partnership; ~~certificate of authorization.~~—The
1017 practice of, or offer to practice, professional geology by
1018 individual professional geologists licensed under the provisions
1019 of this chapter through a firm, corporation, or partnership
1020 offering geological services to the public through individually
1021 licensed professional geologists as agents, employees, officers,
1022 or partners thereof is permitted subject to the provisions of
1023 this chapter, if ~~provided that~~:

1024 (1) At all times that it offers geological services to the
1025 public, the firm, corporation, or partnership is qualified by
1026 ~~has on file with the department the name and license number of~~
1027 one or more individuals who hold a current, active license as a
1028 professional geologist in the state and are serving as a
1029 geologist of record for the firm, corporation, or partnership. A
1030 geologist of record may be any principal officer or employee of
1031 such firm or corporation, or any partner or employee of such
1032 partnership, who holds a current, active license as a
1033 professional geologist in this state, or any other Florida-
1034 licensed professional geologist with whom the firm, corporation,
1035 or partnership has entered into a long-term, ongoing
1036 relationship, as defined by rule of the board, to serve as one
1037 of its geologists of record. ~~It shall be the responsibility of~~
1038 ~~the firm, corporation, or partnership and~~ The geologist of
1039 record shall ~~to~~ notify the department of any changes in the
1040 relationship or identity of that geologist of record within 30
1041 days after such change.

1042 (2) ~~The firm, corporation, or partnership has been issued a~~
1043 ~~certificate of authorization by the department as provided in~~
1044 ~~this chapter. For purposes of this section, a certificate of~~

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1045 ~~authorization shall be required of any firm, corporation,~~
1046 ~~partnership, association, or person practicing under a~~
1047 ~~fictitious name and offering geological services to the public;~~
1048 ~~except that, when an individual is practicing professional~~
1049 ~~geology in her or his own name, she or he shall not be required~~
1050 ~~to obtain a certificate of authorization under this section.~~
1051 ~~Such certificate of authorization shall be renewed every 2~~
1052 ~~years.~~

1053 ~~(3)~~ All final geological papers or documents involving the
1054 practice of the profession of geology which have been prepared
1055 or approved for the use of such firm, corporation, or
1056 partnership, for delivery to any person for public record with
1057 the state, shall be dated and bear the signature and seal of the
1058 professional geologist or professional geologists who prepared
1059 or approved them.

1060 (3)~~(4)~~ Except as provided in s. 558.0035, the fact that a
1061 licensed professional geologist practices through a corporation
1062 or partnership does not relieve the registrant from personal
1063 liability for negligence, misconduct, or wrongful acts committed
1064 by her or him. The partnership and all partners are jointly and
1065 severally liable for the negligence, misconduct, or wrongful
1066 acts committed by their agents, employees, or partners while
1067 acting in a professional capacity. Any officer, agent, or
1068 employee of a corporation is personally liable and accountable
1069 only for negligent acts, wrongful acts, or misconduct committed
1070 by her or him or committed by any person under her or his direct
1071 supervision and control, while rendering professional services
1072 on behalf of the corporation. The personal liability of a
1073 shareholder of a corporation, in her or his capacity as

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1074 shareholder, may be no greater than that of a shareholder-
1075 employee of a corporation incorporated under chapter 607. The
1076 corporation is liable up to the full value of its property for
1077 any negligent acts, wrongful acts, or misconduct committed by
1078 any of its officers, agents, or employees while they are engaged
1079 on behalf of the corporation in the rendering of professional
1080 services.

1081 ~~(5) The firm, corporation, or partnership desiring a~~
1082 ~~certificate of authorization shall file with the department an~~
1083 ~~application therefor, upon a form to be prescribed by the~~
1084 ~~department, accompanied by the required application fee.~~

1085 ~~(6) The department may refuse to issue a certificate of~~
1086 ~~authorization if any facts exist which would entitle the~~
1087 ~~department to suspend or revoke an existing certificate of~~
1088 ~~authorization or if the department, after giving persons~~
1089 ~~involved a full and fair hearing, determines that any of the~~
1090 ~~officers or directors of said firm or corporation, or partners~~
1091 ~~of said partnership, have violated the provisions of s. 492.113.~~

1092 Section 43. Section 492.104, Florida Statutes, is amended
1093 to read:

1094 492.104 Rulemaking authority.—The Board of Professional
1095 Geologists may ~~has authority to~~ adopt rules pursuant to ss.
1096 120.536(1) and 120.54 to implement this chapter. Every licensee
1097 shall be governed and controlled by this chapter and the rules
1098 adopted by the board. The board may establish ~~is authorized to~~
1099 ~~set~~, by rule, fees for application, examination, ~~certificate of~~
1100 ~~authorization~~, late renewal, initial licensure, and license
1101 renewal. These fees may ~~should~~ not exceed the cost of
1102 implementing the application, examination, initial licensure,

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1103 and license renewal or other administrative process and are
1104 ~~shall be~~ established as follows:

1105 (1) The application fee may ~~shall~~ not exceed \$150 and is
1106 ~~shall be~~ nonrefundable.

1107 (2) The examination fee may ~~shall~~ not exceed \$250, and the
1108 fee may be apportioned to each part of a multipart examination.
1109 The examination fee shall be refundable in whole or part if the
1110 applicant is found to be ineligible to take any portion of the
1111 licensure examination.

1112 (3) The initial license fee may ~~shall~~ not exceed \$100.

1113 (4) The biennial renewal fee may ~~shall~~ not exceed \$150.

1114 (5) ~~The fee for a certificate of authorization shall not~~
1115 ~~exceed \$350 and the fee for renewal of the certificate shall not~~
1116 ~~exceed \$350.~~

1117 ~~(6)~~ The fee for reactivation of an inactive license may
1118 ~~shall~~ not exceed \$50.

1119 ~~(6)~~ ~~(7)~~ The fee for a provisional license may ~~shall~~ not
1120 exceed \$400.

1121 ~~(7)~~ ~~(8)~~ The fee for application, examination, and licensure
1122 for a license by endorsement is ~~shall be~~ as provided in this
1123 section for licenses in general.

1124 Section 44. Subsection (4) of section 492.113, Florida
1125 Statutes, is amended to read:

1126 492.113 Disciplinary proceedings.—

1127 (4) The department shall reissue the license of a
1128 disciplined professional geologist ~~or business~~ upon
1129 certification by the board that the disciplined person has
1130 complied with ~~all of~~ the terms and conditions set forth in the
1131 final order.

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1132 Section 45. Section 492.115, Florida Statutes, is amended
1133 to read:

1134 492.115 Roster of licensed professional geologists.—A
1135 roster showing the names and places of business or residence of
1136 all licensed professional geologists and all properly qualified
1137 firms, corporations, or partnerships practicing ~~holding~~
1138 ~~certificates of authorization to practice~~ professional geology
1139 in the state shall be prepared annually by the department. A
1140 copy of this roster must be made available to ~~shall be~~
1141 ~~obtainable by~~ each licensed professional geologist and each
1142 firm, corporation, or partnership qualified by a professional
1143 geologist ~~holding a certificate of authorization~~, and copies
1144 thereof shall be placed on file with the department.

1145 Section 46. This act shall take effect July 1, 2016.