

By the Committees on Appropriations; and Regulated Industries;
and Senator Brandes

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1 A bill to be entitled
2 An act relating to the Department of Business and
3 Professional Regulation; amending s. 326.004, F.S.;
4 deleting a requirement that yacht and ship brokers
5 maintain a separate license for each branch office and
6 related fees; amending s. 447.02, F.S.; deleting a
7 definition; repealing s. 447.04, F.S., relating to
8 business agents, licenses, and permits; repealing s.
9 447.041, F.S., relating to hearings; repealing s.
10 447.045, F.S., relating to certain confidential
11 information; repealing s. 447.06, F.S., relating to
12 the required registration of labor organizations;
13 amending s. 447.09, F.S.; deleting prohibitions
14 against specified actions; repealing s. 447.12, F.S.,
15 relating to registration fees; repealing s. 447.16,
16 F.S., relating to the applicability of ch. 447, F.S.;
17 amending s. 468.401, F.S.; deleting the definitions of
18 the terms "department," "license," and "licensee";
19 repealing s. 468.402, F.S., relating to the duties of
20 the Department of Business and Professional
21 Regulation; repealing s. 468.403, F.S., relating to
22 licensure and application requirements for owners and
23 operators of talent agencies; repealing s. 468.404,
24 F.S., relating to fees and renewal of talent agency
25 licenses; repealing s. 468.405, F.S., relating to
26 qualification for talent agency licenses; amending s.
27 468.406, F.S.; deleting the requirement for talent
28 agencies to file with the department an itemized
29 schedule of certain fees and an amended or
30 supplemental schedule under certain circumstances;
31 repealing s. 468.407, F.S., relating to license

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32 contents and posting; amending s. 468.408, F.S.;

33 deleting a requirement that a talent agency file a

34 bond for each talent agency license; deleting a

35 departmental requirement to approve talent agency

36 bonds; requiring that a bonding company notify the

37 talent agency, rather than the department, of certain

38 claims; amending s. 468.409, F.S.; deleting provisions

39 requiring talent agencies to make specified records

40 readily available for inspection by the department;

41 amending s. 468.410, F.S.; deleting a reference to the

42 department in talent agency contracts; amending s.

43 468.412, F.S.; revising the information that talent

44 agencies are required to enter on records; revising

45 the requirements for talent agencies to post certain

46 laws and rules; revising the information required in

47 talent agency publications; amending s. 468.413, F.S.;

48 deleting provisions relating to criminal violations

49 for failing to obtain or maintain licensure with the

50 department; deleting provisions authorizing the court

51 to suspend or revoke a license; deleting a provision

52 authorizing the court to bring certain actions;

53 repealing s. 468.414, F.S., relating to collection and

54 deposit of fines, fees, and penalties by the

55 department; amending s. 468.415, F.S.; deleting a

56 provision authorizing the department to revoke a

57 license; amending s. 468.451, F.S.; revising

58 legislative intent related to the regulation of

59 athlete agents; reordering and amending s. 468.452,

60 F.S.; deleting the term "department"; repealing s.

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61 468.453, F.S., relating to the licensure of athlete
62 agents; repealing s. 468.4536, F.S., relating to
63 renewal of such licenses; amending s. 468.454, F.S.;
64 revising the information that must be stated in agent
65 contracts; deleting a condition under which an agent
66 contract is void and unenforceable; amending s.
67 468.456, F.S.; providing that certain actions are
68 grounds for civil causes of action and remedies;
69 deleting a provision authorizing the department to
70 impose certain penalties and fines; deleting the
71 requirement that the department suspend or revoke an
72 athlete agent's license for certain violations;
73 repealing s. 468.4561, F.S., relating to unlicensed
74 activity and penalties for violations; amending s.
75 468.45615, F.S.; conforming provisions to changes made
76 by the act; amending s. 468.4565, F.S.; deleting
77 provisions authorizing the department to access and
78 inspect certain records of athlete agents and related
79 disciplinary actions and subpoena powers; repealing s.
80 468.457, F.S., relating to rulemaking authority;
81 amending s. 469.006, F.S.; requiring that a license be
82 in the name of a qualifying agent rather than the name
83 of a business organization; requiring the qualifying
84 agent, rather than the business organization, to
85 report certain changes in information; conforming
86 provisions to changes made by the act; amending s.
87 469.009, F.S.; deleting the authority of the
88 department to reprimand, censure, or impose probation
89 on certain business organizations; amending s.

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

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119 organization; requiring the board to certify an
120 applicant to qualify one or more business
121 organizations or to operate using a fictitious name
122 under certain circumstances; conforming provisions to
123 changes made by the act; amending s. 481.221, F.S.;
124 requiring a business organization to include the
125 license number of a certain registered architect or
126 interior designer in any advertising; providing an
127 exception; conforming provisions to changes made by
128 the act; amending s. 481.229, F.S.; conforming
129 provisions to changes made by the act; reordering and
130 amending s. 481.303, F.S.; deleting the term
131 "certificate of authorization"; amending s. 481.321,
132 F.S.; revising provisions that require persons to
133 display certificate numbers under certain
134 circumstances; conforming provisions to changes made
135 by the act; amending ss. 481.311, 481.317, and
136 481.319, F.S.; conforming provisions to changes made
137 by the act; amending s. 481.329, F.S.; conforming a
138 cross-reference; amending s. 489.503, F.S.; revising
139 an exemption from regulation for certain persons;
140 exempting a person who installs certain low-voltage
141 landscape lighting from specified requirements;
142 amending s. 489.518, F.S.; exempting certain persons
143 from initial training for burglar alarm system agents;
144 amending ss. 718.111 and 719.104, F.S.; deleting
145 provisions requiring certain associations to file a
146 financial report; amending s. 720.303, F.S.; deleting
147 a provision authorizing a certain association to

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148 prepare a specified report; providing an effective
149 date.

150

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

152

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

155 326.004 Licensing.—

156 (13) Each broker must maintain a principal place of
157 business in this state and may establish branch offices in the
158 state. ~~A separate license must be maintained for each branch
159 office. The division shall establish by rule a fee not to exceed
160 \$100 for each branch office license.~~

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

163 447.02 Definitions.—The following terms, when used in this
164 chapter, shall have the meanings ascribed to them in this
165 section:

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

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

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

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

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

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

173 Florida Statutes, are amended to read:

174 447.09 Right of franchise preserved; penalties.—It shall be
175 unlawful for any person:

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

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

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

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

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

182 Section 10. Section 468.401, Florida Statutes, is amended
183 to read:

184 468.401 ~~Regulation of~~ Talent agencies; definitions.—As used
185 in this part ~~or any rule adopted pursuant hereto:~~

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

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

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

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

197 (b) Any money received by any person in excess of that
198 which has been paid out by such person for transportation,
199 transfer of baggage, or board and lodging for any applicant for
200 employment; or

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

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206 (4) "Engagement" means any employment or placement of an
207 artist, where the artist performs in his or her artistic
208 capacity. However, the term "engagement" shall not apply to
209 procuring opera, music, theater, or dance engagements for any
210 organization defined in s. 501(c)(3) of the Internal Revenue
211 Code or any nonprofit Florida arts organization that has
212 received a grant from the Division of Cultural Affairs of the
213 Department of State or has participated in the state touring
214 program of the Division of Cultural Affairs.

215 ~~(5) "Department" means the Department of Business and~~
216 ~~Professional Regulation.~~

217 (5)~~(6)~~ "Operator" means the person who is or who will be in
218 actual charge of a talent agency.

219 (6)~~(7)~~ "Buyer" or "employer" means a person, company,
220 partnership, or corporation that uses the services of a talent
221 agency to provide artists.

222 (7)~~(8)~~ "Artist" means a person performing on the
223 professional stage or in the production of television, radio, or
224 motion pictures; a musician or group of musicians; or a model.

225 (8)~~(9)~~ "Person" means any individual, company, society,
226 firm, partnership, association, corporation, manager, or any
227 agent or employee of any of the foregoing.

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

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

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

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

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

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

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

239 468.406 Fees to be charged by talent agencies; rates;
240 display.—

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

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

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

256 468.408 Bond required.—

257 (1) ~~A There shall be filed with the department for each~~
258 ~~talent agency shall obtain license~~ a bond in the form of a
259 surety by a reputable company engaged in the bonding business
260 and authorized to do business in this state. The bond shall be
261 for the penal sum of \$5,000, with one or more sureties ~~to be~~
262 ~~approved by the department,~~ and be conditioned that the talent
263 agency applicant conform to and not violate any of the duties,

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264 terms, conditions, provisions, or requirements of this part.

265 (a) If any person is aggrieved by the misconduct of any
266 talent agency, the person may maintain an action in his or her
267 own name upon the bond of the agency in any court having
268 jurisdiction of the amount claimed. All such claims shall be
269 assignable, and the assignee shall be entitled to the same
270 remedies, upon the bond of the agency or otherwise, as the
271 person aggrieved would have been entitled to if such claim had
272 not been assigned. Any claim or claims so assigned may be
273 enforced in the name of such assignee.

274 (b) The bonding company shall notify the talent agency ~~the~~
275 ~~department~~ of any claim against such bond, and a copy of such
276 notice shall be sent to the talent agency against which the
277 claim is made.

278 Section 18. Section 468.409, Florida Statutes, is amended
279 to read:

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

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293 ~~prescribed by the department.~~

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

296 468.410 Prohibition against registration fees; referral.—

297 (3) A talent agency shall give each applicant a copy of a
298 contract, within 24 hours after the contract's execution, which
299 lists the services to be provided and the fees to be charged.
300 ~~The contract shall state that the talent agency is regulated by~~
301 ~~the department and shall list the address and telephone number~~
302 ~~of the department.~~

303 Section 20. Section 468.412, Florida Statutes, is amended
304 to read:

305 468.412 Talent agency regulations; prohibited acts.—

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

310 (2) Each talent agency shall keep records in which shall be
311 entered:

312 (a) The name and address of each artist employing such
313 talent agency;

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

315 (c) The employment in which each such artist is engaged at
316 the time of employing such talent agency and the amount of
317 compensation of the artist in such employment, if any, and the
318 employments subsequently secured by such artist during the term
319 of the contract between the artist and the talent agency and the
320 amount of compensation received by the artist pursuant thereto. †

321 ~~and~~

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322 ~~(d) Other information which the department may require from~~
323 ~~time to time.~~

324 ~~(3) All books, records, and other papers kept pursuant to~~
325 ~~this act by any talent agency shall be open at all reasonable~~
326 ~~hours to the inspection of the department and its agents. Each~~
327 ~~talent agency shall furnish to the department, upon request, a~~
328 ~~true copy of such books, records, and papers, or any portion~~
329 ~~thereof, and shall make such reports as the department may~~
330 ~~prescribe from time to time.~~

331 ~~(3)(4)~~ Each talent agency shall post in a conspicuous place
332 in the office of such talent agency a printed copy of this part
333 and of the rules adopted under this part. Such copies shall also
334 contain the name and address of the officer charged with
335 enforcing this part. The department shall furnish to talent
336 agencies printed copies of any statute or rule required to be
337 posted under this subsection.

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

342 (b) A talent agency must advise an artist, in writing, that
343 the artist has a right to rescind a contract for employment
344 within the first 3 business days after the contract's execution.
345 Any engagement procured by the talent agency for the artist
346 during the first 3 business days of the contract remains
347 commissionable to the talent agency.

348 ~~(5)(6)~~ No talent agency may publish or cause to be
349 published any false, fraudulent, or misleading information,
350 representation, notice, or advertisement. All advertisements of

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351 a talent agency by means of card, circulars, or signs, and in
352 newspapers and other publications, and all letterheads,
353 receipts, and blanks shall be printed and contain the ~~licensed~~
354 name, ~~department license number~~, and address of the talent
355 agency and the words "talent agency." No talent agency may give
356 any false information or make any false promises or
357 representations concerning an engagement or employment to any
358 applicant who applies for an engagement or employment.

359 (6)~~(7)~~ No talent agency may send or cause to be sent any
360 person as an employee to any house of ill fame, to any house or
361 place of amusement for immoral purposes, to any place resorted
362 to for the purposes of prostitution, to any place for the
363 modeling or photographing of a minor in the nude in the absence
364 of written permission from the minor's parents or legal
365 guardians, the character of which places the talent agency could
366 have ascertained upon reasonable inquiry.

367 (7)~~(8)~~ No talent agency, without the written consent of the
368 artist, may divide fees with anyone, including, but not limited
369 to, an agent or other employee of an employer, a buyer, a
370 casting director, a producer, a director, or any venue that uses
371 entertainment. For purposes of this subsection, to "divide fees"
372 includes the sharing among two or more persons of those fees
373 charged to an artist for services performed on behalf of that
374 artist, the total amount of which fees exceeds the amount that
375 would have been charged to the artist by the talent agency
376 alone.

377 (8)~~(9)~~ If a talent agency collects from an artist a fee or
378 expenses for obtaining employment for the artist, and the artist
379 fails to procure such employment, or the artist fails to be paid

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380 for such employment if procured, such talent agency shall, upon
381 demand therefor, repay to the artist the fee and expenses so
382 collected. Unless repayment thereof is made within 48 hours
383 after demand therefor, the talent agency shall pay to the artist
384 an additional sum equal to the amount of the fee.

385 (9)~~(10)~~ Each talent agency must maintain a permanent office
386 and must maintain regular operating hours at that office.

387 (10)~~(11)~~ A talent agency may assign an engagement contract
388 to another talent agency licensed in this state only if the
389 artist agrees in writing to the assignment. The assignment must
390 occur, and written notice of the assignment must be given to the
391 artist, within 30 days after the artist agrees in writing to the
392 assignment.

393 Section 21. Section 468.413, Florida Statutes, is amended
394 to read:

395 468.413 Legal requirements; penalties.—

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

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

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

404 ~~(2) Each of the following acts constitutes a misdemeanor of~~
405 ~~the second degree, punishable as provided in s. 775.082 or s.~~
406 ~~775.083:~~

407 ~~(a) Relocating a business as a talent agency, or operating~~
408 ~~under any name other than that designated on the license, unless~~

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409 ~~written notification is given to the department and to the~~
410 ~~surety or sureties on the original bond, and unless the license~~
411 ~~is returned to the department for the recording thereon of such~~
412 ~~changes.~~

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

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

419 ~~(a)~~ (d) Failing to maintain the records required by s.
420 468.409 or knowingly making false entries in such records.

421 ~~(b)~~ (e) Requiring as a condition to registering or obtaining
422 employment or placement for any applicant that the applicant
423 subscribe to, purchase, or attend any publication, postcard
424 service, advertisement, resume service, photography service,
425 school, acting school, workshop, or acting workshop.

426 ~~(c)~~ (f) Failing to give each applicant a copy of a contract
427 which lists the services to be provided and the fees to be
428 charged by, ~~which states that the talent agency is regulated by~~
429 ~~the department, and which lists the address and telephone number~~
430 ~~of the department.~~

431 ~~(d)~~ (g) Failing to maintain a record sheet as required by s.
432 468.412(1).

433 ~~(e)~~ (h) Knowingly sending or causing to be sent any artist
434 to a prospective employer or place of business, the character or
435 operation of which employer or place of business the talent
436 agency knows to be in violation of the laws of the United States
437 or of this state.

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

442 ~~(2)(4)~~ In the event that ~~the department or~~ any state
443 attorney shall have probable cause to believe that a talent
444 agency or other person has violated any provision of subsection
445 (1), an action may be brought by ~~the department or~~ any state
446 attorney to enjoin such talent agency or any person from
447 continuing such violation, or engaging therein or doing any acts
448 in furtherance thereof, and for such other relief as to the
449 court seems appropriate. ~~In addition to this remedy, the~~
450 ~~department may assess a penalty against any talent agency or any~~
451 ~~person in an amount not to exceed \$5,000.~~

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

453 Section 23. Section 468.415, Florida Statutes, is amended
454 to read:

455 468.415 Sexual misconduct in the operation of a talent
456 agency.—The talent agent-artist relationship is founded on
457 mutual trust. Sexual misconduct in the operation of a talent
458 agency means violation of the talent agent-artist relationship
459 through which the talent agent uses the relationship to induce
460 or attempt to induce the artist to engage or attempt to engage
461 in sexual activity. Sexual misconduct is prohibited in the
462 operation of a talent agency. ~~If~~ Any agent, owner, or operator
463 of a ~~licensed~~ talent agency who commits ~~is found to have~~
464 ~~committed~~ sexual misconduct in the operation of a talent agency,
465 ~~the agency license shall be permanently revoked. Such agent,~~
466 ~~owner, or operator~~ shall be permanently prohibited from acting

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467 ~~disqualified from present and future licensure as an agent,~~
468 ~~owner,~~ or operator of a Florida talent agency.

469 Section 24. Section 468.451, Florida Statutes, is amended
470 to read:

471 468.451 Legislative findings and intent.—The Legislature
472 finds that dishonest or unscrupulous practices by agents who
473 solicit representation of student athletes can cause significant
474 harm to student athletes and the academic institutions for which
475 they play. It is the intent of the Legislature to provide civil
476 and criminal causes of action against athlete agents to protect
477 the interests of student athletes and academic institutions ~~by~~
478 ~~regulating the activities of athlete agents.~~

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

481 468.452 Definitions.—For purposes of this part, the term:

482 ~~(4) "Department" means the Department of Business and~~
483 ~~Professional Regulation.~~

484 (6)~~(5)~~ "Student athlete" means any student who:

485 (a) Resides in Florida, has informed, in writing, a college
486 or university of the student's intent to participate in that
487 school's intercollegiate athletics, or who does participate in
488 that school's intercollegiate athletics and is eligible to do
489 so; or

490 (b) Does not reside in Florida, but has informed, in
491 writing, a college or university in Florida of the student's
492 intent to participate in that school's intercollegiate
493 athletics, or who does participate in that school's
494 intercollegiate athletics and is eligible to do so.

495 (4)~~(6)~~ "Financial services" means the counseling on or the

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496 making or execution of investment and other financial decisions
497 by the agent on behalf of the student athlete.

498 (5)~~(7)~~ "Participation" means practicing, competing, or
499 otherwise representing a college or university in
500 intercollegiate athletics.

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

502 Section 27. Section 468.4536, Florida Statutes, is
503 repealed.

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

506 468.454 Contracts.—

507 (2) An agent contract must state:

508 (a) The amount and method of calculating the consideration
509 to be paid by the student athlete for services to be provided by
510 the athlete agent and any other consideration the agent has
511 received or will receive from any other source under the
512 contract;

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

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

518 (d) A description of the services to be provided to the
519 student athlete;

520 (e) The duration of the contract; and

521 (f) The date of execution.

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

524 Section 29. Section 468.456, Florida Statutes, is amended

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525 to read:

526 468.456 Prohibited acts.—

527 (1) Any of the following acts shall be grounds for the
528 civil causes of action ~~disciplinary actions~~ and remedies as
529 provided for in s. 468.4562 ~~subsection (3)~~:

530 ~~(a) A violation of any law relating to the practice as an~~
531 ~~athlete agent including, but not limited to, violations of this~~
532 ~~part and chapter 455 and any rules promulgated thereunder.~~

533 (a) ~~(b)~~ Failure to account for or to pay, within a
534 reasonable time, not to exceed 30 days, assets belonging to
535 another which have come into the control of the athlete agent in
536 the course of conducting business as an athlete agent.

537 (b) ~~(e)~~ Any conduct as an athlete agent which demonstrates
538 bad faith or dishonesty.

539 (c) ~~(d)~~ Commingling money or property of another person with
540 the athlete agent's money or property. Every athlete agent shall
541 maintain a separate trust or escrow account in an insured bank
542 or savings and loan association located in this state in which
543 shall be deposited all proceeds received for another person
544 through the athlete agent.

545 (d) ~~(e)~~ Accepting as a client a student athlete referred by
546 and in exchange for any consideration made to an employee of or
547 a coach for a college or university located in this state.

548 (e) ~~(f)~~ Offering anything of value to any person to induce a
549 student athlete to enter into an agreement by which the agent
550 will represent the student athlete. However, negotiations
551 regarding the agent's fee shall not be considered an inducement.

552 ~~(g) Knowingly providing financial benefit from the~~
553 ~~licensee's conduct of business as an athlete agent to another~~

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554 ~~athlete agent whose license to practice as an athlete agent is~~
555 ~~suspended or has been permanently revoked within the previous 5~~
556 ~~years.~~

557 (f)~~(h)~~ Committing mismanagement or misconduct as an athlete
558 agent which causes financial harm to a student athlete or
559 college or university.

560 ~~(i) Failing to include the athlete agent's name and license~~
561 ~~number in any advertising related to the business of an athlete~~
562 ~~agent. Advertising shall not include clothing or other novelty~~
563 ~~items.~~

564 (g)~~(j)~~ Publishing or causing to be published false or
565 misleading information or advertisements, or giving any false
566 information or making false promises to a student athlete
567 concerning employment or financial services.

568 (h)~~(k)~~ Violating or aiding and abetting another person to
569 violate the rules of the athletic conference or collegiate
570 athletic association governing a student athlete or student
571 athlete's college or university.

572 (i)~~(l)~~ Having contact, as prohibited by this part, with a
573 student athlete.

574 (j)~~(m)~~ Postdating agent contracts.

575 ~~(n) Having an athlete agent certification acted against by~~
576 ~~a professional athletic club or association.~~

577 (k)~~(o)~~ Being employed to illegally recruit or solicit
578 student athletes by being utilized by or otherwise collaborating
579 with a person known to have been convicted or found guilty of,
580 or to have entered a plea of nolo contendere to, a violation of
581 s. 468.45615, regardless of adjudication.

582 (2) This part does not prohibit an athlete agent from:

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583 (a) Sending to a student athlete written materials provided
584 that the athlete agent simultaneously sends an identical copy of
585 such written materials to the athletic director, or the
586 director's designee, of the college or university in which the
587 student athlete is enrolled or to which the student athlete has
588 provided a written intent to participate in intercollegiate
589 athletics; and

590 (b) Otherwise contacting a student athlete, provided that
591 the student athlete initiates the contact with the athlete
592 agent, and the athlete agent gives prior notice, as provided for
593 by rule of the department, to the college or university in which
594 the student athlete is enrolled or to which the student athlete
595 has provided a written intent to participate in intercollegiate
596 athletics.

597 ~~(3) When the department finds any person guilty of any of~~
598 ~~the prohibited acts set forth in subsection (1), the department~~
599 ~~may enter an order imposing one or more of the penalties~~
600 ~~provided for in s. 455.227, and an administrative fine not to~~
601 ~~exceed \$25,000 for each separate offense. In addition to any~~
602 ~~other penalties or disciplinary actions provided for in this~~
603 ~~part, the department shall suspend or revoke the license of any~~
604 ~~athlete agent licensed under this part who violates paragraph~~
605 ~~(1) (f) or paragraph (1) (e) or s. 468.45615.~~

606 Section 30. Section 468.4561, Florida Statutes, is
607 repealed.

608 Section 31. Section 468.45615, Florida Statutes, is amended
609 to read:

610 468.45615 Provision of illegal inducements to athletes
611 ~~prohibited; penalties; license suspension.-~~

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612 (1) A Any person who offers anything of value to another
613 person to induce a student athlete to enter into an agreement by
614 which the athlete agent will represent the student athlete
615 commits ~~violates s. 468.456(1)(f) is guilty of~~ a felony of the
616 second degree, punishable as provided in s. 775.082, s. 775.083,
617 s. 775.084, s. 775.089, or s. 775.091. Negotiations regarding an
618 athlete agent's fee are not considered an inducement.

619 (2) (a) Regardless of whether adjudication is withheld, any
620 person convicted or found guilty of, or entering a plea of nolo
621 contendere to, the violation described in subsection (1) may
622 ~~shall~~ not employ, utilize, or otherwise collaborate with an a
623 ~~licensed or unlicensed~~ athlete agent in Florida to illegally
624 recruit or solicit student athletes. Any person who violates the
625 provisions of this subsection is guilty of a felony of the
626 second degree, punishable as provided in s. 775.082, s. 775.083,
627 s. 775.084, s. 775.089, or s. 775.091.

628 (b) Regardless of whether adjudication is withheld, any
629 person who knowingly actively assists in the illegal recruitment
630 or solicitation of student athletes for a person who has been
631 convicted or found guilty of, or entered a plea of nolo
632 contendere to, a violation of this section is guilty of a felony
633 of the second degree, punishable as provided in s. 775.082, s.
634 775.083, s. 775.084, s. 775.089, or s. 775.091.

635 ~~(3) In addition to any other penalties provided in this~~
636 ~~section, the court may suspend the license of the person pending~~
637 ~~the outcome of any administrative action against the person by~~
638 ~~the department.~~

639 (3)~~(4)~~ (a) An athlete agent, with the intent to induce a
640 student athlete to enter into an agent contract, may not:

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641 1. Give any materially false or misleading information or
642 make a materially false promise or representation;

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

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

647 (b) An athlete agent may not intentionally:

648 1. ~~Initiate contact with a student athlete unless licensed~~
649 ~~under this part;~~

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

652 ~~3. Provide materially false or misleading information in an~~
653 ~~application for licensure;~~

654 2.4. Predate or postdate an agent contract;

655 3.5. Fail to give notice of the existence of an agent
656 contract as required by s. 468.454(6); or

657 4.6. Fail to notify a student athlete before the student
658 athlete signs or otherwise authenticates an agent contract for a
659 sport that the signing or authentication may make the student
660 athlete ineligible to participate as a student athlete in that
661 sport.

662 (c) An athlete agent who violates this subsection commits a
663 felony of the second degree, punishable as provided in s.
664 775.082, s. 775.083, or s. 775.084.

665 Section 32. Section 468.4565, Florida Statutes, is amended
666 to read:

667 468.4565 Business records requirement.—

668 ~~(1)~~ An athlete agent shall establish and maintain complete
669 financial and business records. The athlete agent shall save

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670 each entry into a financial or business record for at least 5
671 years after ~~from~~ the date of entry. These records must include:

672 (1)(a) The name and address of each individual represented
673 by the athlete agent;

674 (2)(b) Any agent contract entered into by the athlete
675 agent; and

676 (3)(e) Any direct costs incurred by the athlete agent in
677 the recruitment or solicitation of a student athlete to enter
678 into an agent contract.

679 ~~(2) The department shall have access to and shall have the
680 right to inspect and examine the financial or business records
681 of an athlete agent during normal business hours. Refusal or
682 failure of an athlete agent to provide the department access to
683 financial and business records shall be the basis for
684 disciplinary action by the department pursuant to s. 455.225.
685 The department may exercise its subpoena powers to obtain the
686 financial and business records of an athlete agent.~~

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

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

691 469.006 Licensure of business organizations; qualifying
692 agents.—

693 (2) (a) If the applicant proposes to engage in consulting or
694 contracting as a partnership, corporation, business trust, or
695 other legal entity, or in any name other than the applicant's
696 legal name, ~~the legal entity must apply for licensure through a
697 qualifying agent or the individual applicant must apply for
698 licensure under the name of the business organization ~~fictitious~~~~

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699 name.

700 (e) A ~~The license, when issued upon application of a~~
701 ~~business organization,~~ must be in the name of the qualifying
702 agent business organization, and the name of the business
703 organization ~~qualifying agent~~ must be noted on the license
704 ~~thereon.~~ If there is a change in any information that is
705 required to be stated on the application, the qualifying agent
706 ~~business organization~~ shall, within 45 days after such change
707 occurs, mail the correct information to the department.

708 (3) The qualifying agent must ~~shall~~ be licensed under this
709 chapter in order for the business organization to be qualified
710 ~~licensed~~ in the category of the business conducted for which the
711 qualifying agent is licensed. If any qualifying agent ceases to
712 be affiliated with such business organization, the agent shall
713 so inform the department. In addition, if such qualifying agent
714 is the only licensed individual affiliated with the business
715 organization, the business organization shall notify the
716 department of the termination of the qualifying agent and has
717 ~~shall have~~ 60 days after ~~from~~ the date of termination of the
718 qualifying agent's affiliation with the business organization ~~in~~
719 ~~which~~ to employ another qualifying agent. The business
720 organization may not engage in consulting or contracting until a
721 qualifying agent is employed, unless the department has granted
722 a temporary nonrenewable license to the financially responsible
723 officer, the president, the sole proprietor, a partner, or, in
724 the case of a limited partnership, the general partner, who
725 assumes all responsibilities of a primary qualifying agent for
726 the entity. This temporary license only allows ~~shall only allow~~
727 the entity to proceed with incomplete contracts.

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728 (4)

729 (b) Upon a favorable determination by the department, after
730 investigation of the financial responsibility, credit, and
731 business reputation of the qualifying agent and the new business
732 organization, the department shall issue, without any
733 examination, a new license in the qualifying agent's ~~business~~
734 ~~organization's~~ name, and the name of the business organization
735 ~~qualifying agent~~ shall be noted thereon.

736 (6) Each qualifying agent shall pay the department an
737 amount equal to the original fee for licensure ~~of a new business~~
738 ~~organization.~~ if the qualifying agent for a business
739 organization desires to qualify additional business
740 organizations. 7 The department shall require the agent to
741 present evidence of supervisory ability and financial
742 responsibility of each such organization. Allowing a licensee to
743 qualify more than one business organization must ~~shall~~ be
744 conditioned upon the licensee showing that the licensee has both
745 the capacity and intent to adequately supervise each business
746 organization. The department may ~~shall~~ not limit the number of
747 business organizations that ~~which~~ the licensee may qualify
748 except upon the licensee's failure to provide such information
749 as is required under this subsection or upon a finding that the
750 ~~such~~ information or evidence ~~as is~~ supplied is incomplete or
751 unpersuasive in showing the licensee's capacity and intent to
752 comply with the requirements of this subsection. A qualification
753 for an additional business organization may be revoked or
754 suspended upon a finding by the department that the licensee has
755 failed in the licensee's responsibility to adequately supervise
756 the operations of the business organization. Failure to

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757 adequately supervise the operations of a business organization
758 is ~~shall be~~ grounds for denial to qualify additional business
759 organizations.

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

762 469.009 License revocation, suspension, and denial of
763 issuance or renewal.—

764 (1) The department may revoke, suspend, or deny the
765 issuance or renewal of a license; reprimand, censure, or place
766 on probation any contractor, consultant, or financially
767 responsible officer, ~~or business organization~~; require financial
768 restitution to a consumer; impose an administrative fine not to
769 exceed \$5,000 per violation; require continuing education; or
770 assess costs associated with any investigation and prosecution
771 if the contractor or consultant, or business organization or
772 officer or agent thereof, is found guilty of any of the
773 following acts:

774 (a) Willfully or deliberately disregarding or violating the
775 health and safety standards of the Occupational Safety and
776 Health Act of 1970, the Construction Safety Act, the National
777 Emission Standards for Asbestos, the Environmental Protection
778 Agency Asbestos Abatement Projects Worker Protection Rule, the
779 Florida Statutes or rules promulgated thereunder, or any
780 ordinance enacted by a political subdivision of this state.

781 (b) Violating any provision of chapter 455.

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

784 (d) Acting in the capacity of an asbestos contractor or
785 asbestos consultant under any license issued under this chapter

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786 except in the name of the licensee as set forth on the issued
787 license.

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

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

791 (g) Being convicted or found guilty of, or entering a plea
792 of nolo contendere to, regardless of adjudication, a crime in
793 any jurisdiction which directly relates to the practice of
794 asbestos consulting or contracting or the ability to practice
795 asbestos consulting or contracting.

796 (h) Knowingly violating any building code, lifesafety code,
797 or county or municipal ordinance relating to the practice of
798 asbestos consulting or contracting.

799 (i) Performing any act which assists a person or entity in
800 engaging in the prohibited unlicensed practice of asbestos
801 consulting or contracting, if the licensee knows or has
802 reasonable grounds to know that the person or entity was
803 unlicensed.

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

806 Financial mismanagement or misconduct occurs when:

807 1. Valid liens have been recorded against the property of a
808 contractor's customer for supplies or services ordered by the
809 contractor for the customer's job; the contractor has received
810 funds from the customer to pay for the supplies or services; and
811 the contractor has not had the liens removed from the property,
812 by payment or by bond, within 75 days after the date of such
813 liens;

814 2. The contractor has abandoned a customer's job and the

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815 percentage of completion is less than the percentage of the
816 total contract price paid to the contractor as of the time of
817 abandonment, unless the contractor is entitled to retain such
818 funds under the terms of the contract or refunds the excess
819 funds within 30 days after the date the job is abandoned; or

820 3. The contractor's job has been completed, and it is shown
821 that the customer has had to pay more for the contracted job
822 than the original contract price, as adjusted for subsequent
823 change orders, unless such increase in cost was the result of
824 circumstances beyond the control of the contractor, was the
825 result of circumstances caused by the customer, or was otherwise
826 permitted by the terms of the contract between the contractor
827 and the customer.

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

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

833 (m) Abandoning an asbestos abatement project in which the
834 asbestos contractor is engaged or under contract as a
835 contractor. A project may be presumed abandoned after 20 days if
836 the contractor terminates the project without just cause and
837 without proper notification to the owner, including the reason
838 for termination; if the contractor fails to reasonably secure
839 the project to safeguard the public while work is stopped; or if
840 the contractor fails to perform work without just cause for 20
841 days.

842 (n) Signing a statement with respect to a project or
843 contract falsely indicating that the work is bonded; falsely

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844 indicating that payment has been made for all subcontracted
845 work, labor, and materials which results in a financial loss to
846 the owner, purchaser, or contractor; or falsely indicating that
847 workers' compensation and public liability insurance are
848 provided.

849 (o) Committing fraud or deceit in the practice of asbestos
850 consulting or contracting.

851 (p) Committing incompetency or misconduct in the practice
852 of asbestos consulting or contracting.

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

856 (r) Intimidating, threatening, coercing, or otherwise
857 discouraging the service of a notice to owner under part I of
858 chapter 713 or a notice to contractor under chapter 255 or part
859 I of chapter 713.

860 (s) Failing to satisfy, within a reasonable time, the terms
861 of a civil judgment obtained against the licensee, or the
862 business organization qualified by the licensee, relating to the
863 practice of the licensee's profession.

864

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

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

870 477.0135 Exemptions.—

871 (7) A license or registration is not required for a person
872 whose occupation or practice is confined solely to adding polish

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873 to fingernails and toenails.

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

876 481.203 Definitions.—As used in this part:

877 (5) “Business organization” means a partnership, a limited
878 liability company, a corporation, or an individual operating
879 under a fictitious name ~~“Certificate of authorization” means a~~
880 ~~certificate issued by the department to a corporation or~~
881 ~~partnership to practice architecture or interior design.~~

882 Section 38. Section 481.219, Florida Statutes, is amended
883 to read:

884 481.219 Business organization; qualifying agents
885 ~~Certification of partnerships, limited liability companies, and~~
886 ~~corporations.—~~

887 (1) A licensee may ~~The practice of or the offer to practice~~
888 ~~architecture or interior design by licensees through a business~~
889 ~~organization that offers~~ corporation, limited liability company,
890 ~~or partnership offering~~ architectural or interior design
891 services to the public, or through ~~by~~ a business organization
892 that offers ~~corporation, limited liability company, or~~
893 ~~partnership offering~~ architectural or interior design services
894 to the public through such licensees ~~under this part~~ as agents,
895 employees, officers, or partners, ~~is permitted, subject to the~~
896 ~~provisions of this section.~~

897 (2) If a licensee or an applicant proposes to engage in the
898 practice of architecture or interior design as a business
899 organization, the licensee or applicant must apply to qualify
900 the business organization ~~For the purposes of this section, a~~
901 ~~certificate of authorization shall be required for a~~

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902 ~~corporation, limited liability company, partnership, or person~~
903 ~~practicing under a fictitious name, offering architectural~~
904 ~~services to the public jointly or separately. However, when an~~
905 ~~individual is practicing architecture in her or his own name,~~
906 ~~she or he shall not be required to be certified under this~~
907 ~~section. Certification under this subsection to offer~~
908 ~~architectural services shall include all the rights and~~
909 ~~privileges of certification under subsection (3) to offer~~
910 ~~interior design services.~~

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

912 1. If the business is a partnership, state the names of the
913 partnership and its partners.

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

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

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

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

927 (3) (a) A business organization may not engage in the
928 practice of architecture unless its qualifying agent is a
929 registered architect under this part. A business organization
930 may not engage in the practice of interior design unless its

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931 qualifying agent is a registered architect or a registered
932 interior designer under this part. A qualifying agent who
933 terminates her or his affiliation with a business organization
934 shall immediately notify the department of such termination. If
935 the qualifying agent who terminates her or his affiliation is
936 the only qualifying agent for a business organization, the
937 business organization must be qualified by another qualifying
938 agent within 60 days after the termination. Except as provided
939 in paragraph (b), such a business organization may not engage in
940 the practice of architecture or interior design until it is
941 qualified by a qualifying agent.

942 (b) In the event a qualifying architect or interior
943 designer ceases employment with the business organization, the
944 executive director or the chair of the board may authorize
945 another registered architect or interior designer employed by
946 the business organization to temporarily serve as its qualifying
947 agent for a period of no more than 60 days. The business
948 organization is not authorized to operate beyond such period
949 under this chapter absent replacement of the qualifying
950 architect or interior designer who has ceased employment.

951 (c) A qualifying agent shall notify the department in
952 writing before engaging in the practice of architecture or
953 interior design in her or his own name or in affiliation with a
954 different business organization, and she or he or such business
955 organization shall supply the same information to the department
956 as required of applicants under this part ~~For the purposes of~~
957 ~~this section, a certificate of authorization shall be required~~
958 ~~for a corporation, limited liability company, partnership, or~~
959 ~~person operating under a fictitious name, offering interior~~

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960 ~~design services to the public jointly or separately. However,~~
961 ~~when an individual is practicing interior design in her or his~~
962 ~~own name, she or he shall not be required to be certified under~~
963 ~~this section.~~

964 (4) All final construction documents and instruments of
965 service which include drawings, specifications, plans, reports,
966 or other papers or documents that involve ~~involving~~ the practice
967 of architecture which are prepared or approved for the use of
968 the business organization ~~corporation, limited liability~~
969 ~~company, or partnership~~ and filed for public record within the
970 state must ~~shall~~ bear the signature and seal of the licensee who
971 prepared or approved them and the date on which they were
972 sealed.

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

980 ~~(6) The department shall issue a certificate of~~
981 ~~authorization to any applicant who the board certifies as~~
982 ~~qualified for a certificate of authorization and who has paid~~
983 ~~the fee set in s. 481.207.~~

984 ~~(6)(7)~~ The board shall allow ~~certify~~ an applicant to
985 qualify one or more business organizations ~~as qualified for a~~
986 ~~certificate of authorization~~ to offer architectural or interior
987 design services, or to use a fictitious name to offer such
988 services, if one of the following criteria is met ~~provided that:~~

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989 (a) One or more of the principal officers of the
990 corporation or limited liability company, or one or more
991 partners of the partnership, and all personnel of the
992 corporation, limited liability company, or partnership who act
993 in its behalf in this state as architects, are registered as
994 provided by this part. ~~or~~

995 (b) One or more of the principal officers of the
996 corporation or one or more partners of the partnership, and all
997 personnel of the corporation, limited liability company, or
998 partnership who act in its behalf in this state as interior
999 designers, are registered as provided by this part.

1000 ~~(8) The department shall adopt rules establishing a~~
1001 ~~procedure for the biennial renewal of certificates of~~
1002 ~~authorization.~~

1003 ~~(9) The department shall renew a certificate of~~
1004 ~~authorization upon receipt of the renewal application and~~
1005 ~~biennial renewal fee.~~

1006 ~~(7)-(10)~~ Each qualifying agent approved to qualify a
1007 business organization ~~partnership, limited liability company,~~
1008 ~~and corporation certified~~ under this section shall notify the
1009 department within 30 days of any change in the information
1010 contained in the application upon which the qualification
1011 ~~certification~~ is based. Any registered architect or interior
1012 designer who qualifies the business organization shall ensure
1013 ~~corporation, limited liability company, or partnership as~~
1014 ~~provided in subsection (7)~~ shall be responsible for ensuring
1015 responsible supervising control of projects of the business
1016 organization ~~entity~~ and upon termination of her or his
1017 employment with a business organization qualified ~~partnership,~~

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1018 ~~limited liability company, or corporation~~ certified under this
1019 section shall notify the department of the termination within 30
1020 days.

1021 ~~(8)-(11) A business organization is not No corporation,~~
1022 ~~limited liability company, or partnership shall be~~ relieved of
1023 responsibility for the conduct or acts of its agents, employees,
1024 or officers by reason of its compliance with this section.
1025 However, except as provided in s. 558.0035, the architect who
1026 signs and seals the construction documents and instruments of
1027 service is ~~shall be~~ liable for the professional services
1028 performed, and the interior designer who signs and seals the
1029 interior design drawings, plans, or specifications is ~~shall be~~
1030 liable for the professional services performed.

1031 ~~(12) Disciplinary action against a corporation, limited~~
1032 ~~liability company, or partnership shall be administered in the~~
1033 ~~same manner and on the same grounds as disciplinary action~~
1034 ~~against a registered architect or interior designer,~~
1035 ~~respectively.~~

1036 ~~(9)-(13) Nothing in This section may not shall~~ be construed
1037 to mean that a certificate of registration to practice
1038 architecture or interior design must ~~shall~~ be held by a business
1039 organization ~~corporation, limited liability company, or~~
1040 ~~partnership. Nothing in This section does not prohibit a~~
1041 business organization from offering ~~prohibits corporations,~~
1042 ~~limited liability companies, and partnerships from joining~~
1043 ~~together to offer~~ architectural, engineering, interior design,
1044 surveying and mapping, and landscape architectural services, or
1045 any combination of such services, to the public if the business
1046 organization, ~~provided that each corporation, limited liability~~

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1047 ~~company, or partnership~~ otherwise meets the requirements of law.

1048 ~~(10)(14)~~ A business organization that is qualified by a
1049 registered architect may ~~Corporations, limited liability~~
1050 ~~companies, or partnerships holding a valid certificate of~~
1051 ~~authorization to practice architecture shall be permitted to use~~
1052 ~~in their title~~ the term "interior designer" or "registered
1053 interior designer" in its title. ~~designer."~~

1054 Section 39. Subsection (10) of section 481.221, Florida
1055 Statutes, is amended to read:

1056 481.221 Seals; display of certificate number.—

1057 (10) Each registered architect or interior designer, ~~and~~
1058 ~~each corporation, limited liability company, or partnership~~
1059 ~~holding a certificate of authorization, shall~~ must include her
1060 or his license ~~its certificate~~ number in any newspaper,
1061 telephone directory, or other advertising medium used by the
1062 registered licensee ~~architect, interior designer, corporation,~~
1063 ~~limited liability company, or partnership.~~ Each business
1064 organization must include the license number of the registered
1065 architect or interior designer who serves as the qualifying
1066 agent for that business organization in any newspaper, telephone
1067 directory, or other advertising medium used by the business
1068 organization, but is not required to display the license numbers
1069 of other registered architects or interior designers employed by
1070 the business organization ~~A corporation, limited liability~~
1071 ~~company, or partnership is not required to display the~~
1072 ~~certificate number of individual registered architects or~~
1073 ~~interior designers employed by or working within the~~
1074 ~~corporation, limited liability company, or partnership.~~

1075 Section 40. Paragraphs (a) and (c) of subsection (5) of

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1076 section 481.229, Florida Statutes, are amended to read:

1077 481.229 Exceptions; exemptions from licensure.—

1078 (5) (a) ~~Nothing contained in~~ This part does not prohibit
1079 ~~shall prevent~~ a registered architect or a qualified business
1080 organization partnership, limited liability company, or
1081 ~~corporation holding a valid certificate of authorization to~~
1082 ~~provide architectural services~~ from performing any interior
1083 design service or from using the title "interior designer" or
1084 "registered interior designer."

1085 (c) Notwithstanding any other provision of this part, a
1086 registered architect or qualified business organization
1087 certified ~~any corporation, partnership, or person operating~~
1088 ~~under a fictitious name which holds a certificate of~~
1089 ~~authorization to provide architectural services~~ must ~~shall~~ be
1090 qualified, without fee, ~~for a certificate of authorization to~~
1091 provide interior design services upon submission of a completed
1092 application for qualification therefor. ~~For corporations,~~
1093 ~~partnerships, and persons operating under a fictitious name~~
1094 ~~which hold a certificate of authorization to provide interior~~
1095 ~~design services, satisfaction of the requirements for renewal of~~
1096 ~~the certificate of authorization to provide architectural~~
1097 ~~services under s. 481.219 shall be deemed to satisfy the~~
1098 ~~requirements for renewal of the certificate of authorization to~~
1099 ~~provide interior design services under that section.~~

1100 Section 41. Section 481.303, Florida Statutes, is reordered
1101 and amended to read:

1102 481.303 Definitions.—As used in this chapter, the term:

1103 (1) "Board" means the Board of Landscape Architecture.

1104 (3) ~~(2)~~ "Department" means the Department of Business and

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1105 Professional Regulation.

1106 (6)~~(3)~~ "Registered landscape architect" means a person who
1107 holds a license to practice landscape architecture in this state
1108 under the authority of this act.

1109 (2)~~(4)~~ "Certificate of registration" means a license issued
1110 by the department to a natural person to engage in the practice
1111 of landscape architecture.

1112 ~~(5) "Certificate of authorization" means a license issued~~
1113 ~~by the department to a corporation or partnership to engage in~~
1114 ~~the practice of landscape architecture.~~

1115 (4)~~(6)~~ "Landscape architecture" means professional
1116 services, including, but not limited to, the following:

1117 (a) Consultation, investigation, research, planning,
1118 design, preparation of drawings, specifications, contract
1119 documents and reports, responsible construction supervision, or
1120 landscape management in connection with the planning and
1121 development of land and incidental water areas, including the
1122 use of Florida-friendly landscaping as defined in s. 373.185,
1123 where, and to the extent that, the dominant purpose of such
1124 services or creative works is the preservation, conservation,
1125 enhancement, or determination of proper land uses, natural land
1126 features, ground cover and plantings, or naturalistic and
1127 aesthetic values;

1128 (b) The determination of settings, grounds, and approaches
1129 for and the siting of buildings and structures, outdoor areas,
1130 or other improvements;

1131 (c) The setting of grades, shaping and contouring of land
1132 and water forms, determination of drainage, and provision for
1133 storm drainage and irrigation systems where such systems are

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1134 necessary to the purposes outlined herein; and

1135 (d) The design of such tangible objects and features as are
1136 necessary to the purpose outlined herein.

1137 (5)~~(7)~~ "Landscape design" means consultation for and
1138 preparation of planting plans drawn for compensation, including
1139 specifications and installation details for plant materials,
1140 soil amendments, mulches, edging, gravel, and other similar
1141 materials. Such plans may include only recommendations for the
1142 conceptual placement of tangible objects for landscape design
1143 projects. Construction documents, details, and specifications
1144 for tangible objects and irrigation systems shall be designed or
1145 approved by licensed professionals as required by law.

1146 Section 42. Subsection (5) of section 481.321, Florida
1147 Statutes, is amended to read:

1148 481.321 Seals; display of certificate number.—

1149 (5) Each registered landscape architect must ~~and each~~
1150 ~~corporation or partnership holding a certificate of~~
1151 ~~authorization shall~~ include her or his ~~its~~ certificate number in
1152 any newspaper, telephone directory, or other advertising medium
1153 used by the registered landscape architect, corporation, or
1154 partnership. A corporation or partnership must ~~is not required~~
1155 ~~to~~ display the certificate number ~~numbers~~ of at least one
1156 officer, director, owner, or partner who is a individual
1157 registered landscape architect ~~architects~~ employed by or
1158 practicing with the corporation or partnership.

1159 Section 43. Subsection (4) of section 481.311, Florida
1160 Statutes, is amended to read:

1161 481.311 Licensure.—

1162 ~~(4) The board shall certify as qualified for a certificate~~

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1163 ~~of authorization any applicant corporation or partnership who~~
1164 ~~satisfies the requirements of s. 481.319.~~

1165 Section 44. Subsection (2) of section 481.317, Florida
1166 Statutes, is amended to read:

1167 481.317 Temporary certificates.—

1168 ~~(2) Upon approval by the board and payment of the fee set~~
1169 ~~in s. 481.307, the department shall grant a temporary~~
1170 ~~certificate of authorization for work on one specified project~~
1171 ~~in this state for a period not to exceed 1 year to an out-of-~~
1172 ~~state corporation, partnership, or firm, provided one of the~~
1173 ~~principal officers of the corporation, one of the partners of~~
1174 ~~the partnership, or one of the principals in the fictitiously~~
1175 ~~named firm has obtained a temporary certificate of registration~~
1176 ~~in accordance with subsection (1).~~

1177 Section 45. Section 481.319, Florida Statutes, is amended
1178 to read:

1179 481.319 Corporate and partnership practice of landscape
1180 architecture; ~~certificate of authorization.~~—

1181 (1) The practice of or offer to practice landscape
1182 architecture by registered landscape architects registered under
1183 this part through a corporation or partnership offering
1184 landscape architectural services to the public, or through a
1185 corporation or partnership offering landscape architectural
1186 services to the public through individual registered landscape
1187 architects as agents, employees, officers, or partners, is
1188 permitted, subject to the provisions of this section, if:

1189 (a) One or more of the principal officers of the
1190 corporation, or partners of the partnership, and all personnel
1191 of the corporation or partnership who act in its behalf as

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1192 landscape architects in this state are registered landscape
1193 architects; and

1194 (b) One or more of the officers, one or more of the
1195 directors, one or more of the owners of the corporation, or one
1196 or more of the partners of the partnership is a registered
1197 landscape architect; ~~and~~

1198 ~~(c) The corporation or partnership has been issued a~~
1199 ~~certificate of authorization by the board as provided herein.~~

1200 (2) All documents involving the practice of landscape
1201 architecture which are prepared for the use of the corporation
1202 or partnership shall bear the signature and seal of a registered
1203 landscape architect.

1204 (3) A landscape architect applying to practice in the name
1205 of a ~~An applicant~~ corporation must ~~shall~~ file with the
1206 department the names and addresses of all officers and board
1207 members of the corporation, including the principal officer or
1208 officers, duly registered to practice landscape architecture in
1209 this state and, also, of all individuals duly registered to
1210 practice landscape architecture in this state who shall be in
1211 responsible charge of the practice of landscape architecture by
1212 the corporation in this state. A landscape architect applying to
1213 practice in the name of a ~~An applicant~~ partnership must ~~shall~~
1214 file with the department the names and addresses of all partners
1215 of the partnership, including the partner or partners duly
1216 registered to practice landscape architecture in this state and,
1217 also, of an individual or individuals duly registered to
1218 practice landscape architecture in this state who shall be in
1219 responsible charge of the practice of landscape architecture by
1220 said partnership in this state.

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1221 (4) Each landscape architect qualifying a partnership or
1222 ~~and corporation licensed~~ under this part must ~~shall~~ notify the
1223 department within 1 month of any change in the information
1224 contained in the application upon which the license is based.
1225 Any landscape architect who terminates her or his ~~or her~~
1226 employment with a partnership or corporation licensed under this
1227 part shall notify the department of the termination within 1
1228 month.

1229 (5) ~~Disciplinary action against a corporation or~~
1230 ~~partnership shall be administered in the same manner and on the~~
1231 ~~same grounds as disciplinary action against a registered~~
1232 ~~landscape architect.~~

1233 (6) Except as provided in s. 558.0035, the fact that a
1234 registered landscape architect practices landscape architecture
1235 through a corporation or partnership as provided in this section
1236 does not relieve the landscape architect from personal liability
1237 for her or his ~~or her~~ professional acts.

1238 Section 46. Subsection (5) of section 481.329, Florida
1239 Statutes, is amended to read:

1240 481.329 Exceptions; exemptions from licensure.—

1241 (5) This part does not prohibit any person from engaging in
1242 the practice of landscape design, as defined in s. 481.303(5) ~~s.~~
1243 ~~481.303(7)~~, or from submitting for approval to a governmental
1244 agency planting plans that are independent of, or a component
1245 of, construction documents that are prepared by a Florida-
1246 registered professional. Persons providing landscape design
1247 services shall not use the title, term, or designation
1248 "landscape architect," "landscape architectural," "landscape
1249 architecture," "L.A.," "landscape engineering," or any

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1250 description tending to convey the impression that she or he is a
1251 landscape architect unless she or he is registered as provided
1252 in this part.

1253 Section 47. Subsection (14) of section 489.503, Florida
1254 Statutes, is amended, and subsection (24) is added to that
1255 section, to read:

1256 489.503 Exemptions.—This part does not apply to:

1257 (14) The sale of, installation of, repair of, alteration
1258 of, addition to, or design of electrical wiring, fixtures,
1259 appliances, thermostats, apparatus, raceways, computers,
1260 customer premises equipment, customer premises wiring, and
1261 conduit, or any part thereof, ~~by an employee, contractor,
1262 subcontractor, or affiliate of a company operating under a
1263 certificate issued under chapter 364 or chapter 610, or under a
1264 local franchise or right-of-way agreement,~~ if those items are
1265 for the purpose of transmitting data, voice, video, or other
1266 communications, or commands as part of a cable television,
1267 community antenna television, radio distribution,
1268 communications, or telecommunications system. An employee,
1269 subcontractor, contractor, or affiliate of a company that
1270 operates under a certificate issued under chapter 364 or chapter
1271 610, or under a local franchise or right-of-way agreement, is
1272 not subject to any local ordinance that requires a permit for
1273 work related to low-voltage electrical work, including related
1274 technical codes, regulations, and licensure. The scope of this
1275 exemption is limited to electrical circuits and equipment
1276 governed by the applicable provisions of Articles 725 (Classes 2
1277 and 3 circuits only), 770, 800, 810, and 820 of the National
1278 Electrical Code, current edition, or 47 C.F.R. part 68, ~~and~~

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1279 ~~employees, contractors, and subcontractors of companies, and~~
1280 ~~affiliates thereof, operating under a certificate issued under~~
1281 ~~chapter 364 or chapter 610 or under a local franchise or right-~~
1282 ~~of-way agreement.~~ This subsection does not relieve any person
1283 from licensure as an alarm system contractor.

1284 (24) A person who installs low-voltage landscape lighting
1285 that contains a factory-installed electrical cord with a plug
1286 and does not require installation, wiring, or a modification to
1287 the electrical wiring in a structure.

1288 Section 48. Present paragraphs (a) through (e) of
1289 subsection (2) of section 489.518, Florida Statutes, are
1290 redesignated as paragraphs (b) through (f), respectively, and a
1291 new paragraph (a) is added to that subsection, to read:

1292 489.518 Alarm system agents.—

1293 (2)(a) A person who performs only sales or installations of
1294 wireless alarm systems, other than fire alarm systems, in a
1295 single-family residence is not required to complete the initial
1296 training required for burglar alarm system agents.

1297 Section 49. Paragraph (b) of subsection (13) of section
1298 718.111, Florida Statutes, is amended to read:

1299 718.111 The association.—

1300 (13) FINANCIAL REPORTING.—Within 90 days after the end of
1301 the fiscal year, or annually on a date provided in the bylaws,
1302 the association shall prepare and complete, or contract for the
1303 preparation and completion of, a financial report for the
1304 preceding fiscal year. Within 21 days after the final financial
1305 report is completed by the association or received from the
1306 third party, but not later than 120 days after the end of the
1307 fiscal year or other date as provided in the bylaws, the

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1308 association shall mail to each unit owner at the address last
1309 furnished to the association by the unit owner, or hand deliver
1310 to each unit owner, a copy of the financial report or a notice
1311 that a copy of the financial report will be mailed or hand
1312 delivered to the unit owner, without charge, upon receipt of a
1313 written request from the unit owner. The division shall adopt
1314 rules setting forth uniform accounting principles and standards
1315 to be used by all associations and addressing the financial
1316 reporting requirements for multicondominium associations. The
1317 rules must include, but not be limited to, standards for
1318 presenting a summary of association reserves, including a good
1319 faith estimate disclosing the annual amount of reserve funds
1320 that would be necessary for the association to fully fund
1321 reserves for each reserve item based on the straight-line
1322 accounting method. This disclosure is not applicable to reserves
1323 funded via the pooling method. In adopting such rules, the
1324 division shall consider the number of members and annual
1325 revenues of an association. Financial reports shall be prepared
1326 as follows:

1327 (b)1. An association with total annual revenues of less
1328 than \$150,000 shall prepare a report of cash receipts and
1329 expenditures.

1330 ~~2. An association that operates fewer than 50 units,~~
1331 ~~regardless of the association's annual revenues, shall prepare a~~
1332 ~~report of cash receipts and expenditures in lieu of financial~~
1333 ~~statements required by paragraph (a).~~

1334 2.3. A report of cash receipts and disbursements must
1335 disclose the amount of receipts by accounts and receipt
1336 classifications and the amount of expenses by accounts and

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1337 expense classifications, including, but not limited to, the
1338 following, as applicable: costs for security, professional and
1339 management fees and expenses, taxes, costs for recreation
1340 facilities, expenses for refuse collection and utility services,
1341 expenses for lawn care, costs for building maintenance and
1342 repair, insurance costs, administration and salary expenses, and
1343 reserves accumulated and expended for capital expenditures,
1344 deferred maintenance, and any other category for which the
1345 association maintains reserves.

1346 Section 50. Paragraph (c) of subsection (4) of section
1347 719.104, Florida Statutes, is amended to read:

1348 719.104 Cooperatives; access to units; records; financial
1349 reports; assessments; purchase of leases.—

1350 (4) FINANCIAL REPORT.—

1351 (c)1. An association with total annual revenues of less
1352 than \$150,000 shall prepare a report of cash receipts and
1353 expenditures.

1354 ~~2. An association in a community of fewer than 50 units,~~
1355 ~~regardless of the association's annual revenues, shall prepare a~~
1356 ~~report of cash receipts and expenditures in lieu of the~~
1357 ~~financial statements required by paragraph (b), unless the~~
1358 ~~declaration or other recorded governing documents provide~~
1359 ~~otherwise.~~

1360 2.3. A report of cash receipts and expenditures must
1361 disclose the amount of receipts by accounts and receipt
1362 classifications and the amount of expenses by accounts and
1363 expense classifications, including the following, as applicable:
1364 costs for security, professional, and management fees and
1365 expenses; taxes; costs for recreation facilities; expenses for

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1366 refuse collection and utility services; expenses for lawn care;
1367 costs for building maintenance and repair; insurance costs;
1368 administration and salary expenses; and reserves, if maintained
1369 by the association.

1370 Section 51. Paragraph (b) of subsection (7) of section
1371 720.303, Florida Statutes, is amended to read:

1372 720.303 Association powers and duties; meetings of board;
1373 official records; budgets; financial reporting; association
1374 funds; recalls.—

1375 (7) FINANCIAL REPORTING.—Within 90 days after the end of
1376 the fiscal year, or annually on the date provided in the bylaws,
1377 the association shall prepare and complete, or contract with a
1378 third party for the preparation and completion of, a financial
1379 report for the preceding fiscal year. Within 21 days after the
1380 final financial report is completed by the association or
1381 received from the third party, but not later than 120 days after
1382 the end of the fiscal year or other date as provided in the
1383 bylaws, the association shall, within the time limits set forth
1384 in subsection (5), provide each member with a copy of the annual
1385 financial report or a written notice that a copy of the
1386 financial report is available upon request at no charge to the
1387 member. Financial reports shall be prepared as follows:

1388 (b)1. An association with total annual revenues of less
1389 than \$150,000 shall prepare a report of cash receipts and
1390 expenditures.

1391 ~~2. An association in a community of fewer than 50 parcels,~~
1392 ~~regardless of the association's annual revenues, may prepare a~~
1393 ~~report of cash receipts and expenditures in lieu of financial~~
1394 ~~statements required by paragraph (a) unless the governing~~

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1395 ~~documents provide otherwise.~~

1396 2.3. A report of cash receipts and disbursement must
1397 disclose the amount of receipts by accounts and receipt
1398 classifications and the amount of expenses by accounts and
1399 expense classifications, including, but not limited to, the
1400 following, as applicable: costs for security, professional, and
1401 management fees and expenses; taxes; costs for recreation
1402 facilities; expenses for refuse collection and utility services;
1403 expenses for lawn care; costs for building maintenance and
1404 repair; insurance costs; administration and salary expenses; and
1405 reserves if maintained by the association.

1406 Section 52. This act shall take effect July 1, 2016.