

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Regulatory Affairs
 2 Committee

3 Representative Grant offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 326.004 Licensing.—

10 (13) Each broker must maintain a principal place of
 11 business in this state and may establish branch offices in the
 12 state. ~~A separate license must be maintained for each branch
 13 office. The division shall establish by rule a fee not to exceed
 14 \$100 for each branch office license.~~

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

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

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

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 Section 447.04, Florida Statutes, is repealed.

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 Section 447.041, Florida Statutes, is repealed.

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 Section 447.045, Florida Statutes, is repealed.

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 Section 447.06, Florida Statutes, is repealed.

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

28 447.09 Right of franchise preserved; penalties.—It shall
29 be unlawful for any person:

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

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

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 Section 447.12, Florida Statutes, is repealed.

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 Section 447.16, Florida Statutes, is repealed.

36 Section 10. Section 468.401, Florida Statutes, is amended
37 to read:

38 468.401 ~~Regulation of~~ Talent agencies; definitions.—As
39 used in this part ~~or any rule adopted pursuant hereto:~~

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

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

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

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

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

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

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

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69 ~~(5) "Department" means the Department of Business and~~
70 ~~Professional Regulation.~~

71 ~~(5)(6)~~ "Operator" means the person who is or who will be
72 in actual charge of a talent agency.

73 ~~(6)(7)~~ "Buyer" or "employer" means a person, company,
74 partnership, or corporation that uses the services of a talent
75 agency to provide artists.

76 ~~(7)(8)~~ "Artist" means a person performing on the
77 professional stage or in the production of television, radio, or
78 motion pictures; a musician or group of musicians; or a model.

79 ~~(8)(9)~~ "Person" means any individual, company, society,
80 firm, partnership, association, corporation, manager, or any
81 agent or employee of any of the foregoing.

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

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

87 Section 11. Section 468.402, Florida Statutes, is
88 repealed.

89 Section 12. Section 468.403, Florida Statutes, is
90 repealed.

91 Section 13. Section 468.404, Florida Statutes, is
92 repealed.

93 Section 14. Section 468.405, Florida Statutes, is
94 repealed.

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

97 468.406 Fees to be charged by talent agencies; rates;
98 display.—

99 (1) Each owner or operator of a talent agency shall post
100 ~~applicant for a license shall file with the application an~~
101 ~~itemized schedule of maximum fees, charges, and commissions that~~
102 ~~which it intends to charge and collect for its services. This~~
103 ~~schedule may thereafter be raised only by filing with the~~
104 ~~department an amended or supplemental schedule at least 30 days~~
105 ~~before the change is to become effective. The schedule shall be~~
106 ~~posted~~ in a conspicuous place in each place of business of the
107 agency, and the schedule shall be printed in not less than a 30-
108 point boldfaced type, except that an agency that uses written
109 contracts containing maximum fee schedules need not post such
110 schedules.

111 Section 16. Section 468.407, Florida Statutes, is
112 repealed.

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

115 468.408 Bond required.—

116 (1) A ~~There shall be filed with the department for each~~
117 ~~talent agency shall obtain license~~ a bond in the form of a
118 surety by a reputable company engaged in the bonding business
119 and authorized to do business in this state. The bond shall be
120 for the penal sum of \$5,000, with one or more sureties ~~to be~~

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121 ~~approved by the department,~~ and be conditioned that the talent
122 agency applicant conform to and not violate any of the duties,
123 terms, conditions, provisions, or requirements of this part.

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

133 (b) The bonding company shall notify the talent agency
134 ~~department~~ of any claim against such bond, and a copy of such
135 notice shall be sent to the talent agency against which the
136 claim is made.

137 Section 18. Section 468.409, Florida Statutes, is amended
138 to read:

139 468.409 Records required to be kept.—Each talent agency
140 shall keep on file the application, registration, or contract of
141 each artist. In addition, such file must include the name and
142 address of each artist, the amount of the compensation received,
143 and all attempts to procure engagements for the artist. No such
144 agency or employee thereof shall knowingly make any false entry
145 in applicant files or receipt files. Each card or document in
146 such files shall be preserved for a period of 1 year after the

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147 | ~~date of the last entry thereon. Records required under this~~
148 | ~~section shall be readily available for inspection by the~~
149 | ~~department during reasonable business hours at the talent~~
150 | ~~agency's principal office. A talent agency must provide the~~
151 | ~~department with true copies of the records in the manner~~
152 | ~~prescribed by the department.~~

153 | Section 19. Subsection (3) of section 468.410, Florida
154 | Statutes, is amended to read:

155 | 468.410 Prohibition against registration fees; referral.-

156 | (3) A talent agency shall give each applicant a copy of a
157 | contract, within 24 hours after the contract's execution, which
158 | lists the services to be provided and the fees to be charged.
159 | ~~The contract shall state that the talent agency is regulated by~~
160 | ~~the department and shall list the address and telephone number~~
161 | ~~of the department.~~

162 | Section 20. Section 468.412, Florida Statutes, is amended
163 | to read:

164 | 468.412 Talent agency regulations; prohibited acts.-

165 | (1) A talent agency shall maintain a record sheet for each
166 | booking. This shall be the only required record of placement and
167 | shall be kept for a period of 1 year after the date of the last
168 | entry in the buyer's file.

169 | (2) Each talent agency shall keep records in which shall
170 | be entered:

171 | (a) The name and address of each artist employing such
172 | talent agency;

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

174 (c) The employment in which each such artist is engaged at
175 the time of employing such talent agency and the amount of
176 compensation of the artist in such employment, if any, and the
177 employments subsequently secured by such artist during the term
178 of the contract between the artist and the talent agency and the
179 amount of compensation received by the artist pursuant thereto. +
180 and

181 ~~(d) Other information which the department may require~~
182 ~~from time to time.~~

183 ~~(3) All books, records, and other papers kept pursuant to~~
184 ~~this act by any talent agency shall be open at all reasonable~~
185 ~~hours to the inspection of the department and its agents. Each~~
186 ~~talent agency shall furnish to the department, upon request, a~~
187 ~~true copy of such books, records, and papers, or any portion~~
188 ~~thereof, and shall make such reports as the department may~~
189 ~~prescribe from time to time.~~

190 (3)~~(4)~~ Each talent agency shall post in a conspicuous
191 place in the office of such talent agency a printed copy of this
192 part ~~and of the rules adopted under this part. Such copies shall~~
193 ~~also contain the name and address of the officer charged with~~
194 ~~enforcing this part. The department shall furnish to talent~~
195 ~~agencies printed copies of any statute or rule required to be~~
196 ~~posted under this subsection.~~

197 (4) (a)~~(5) (a)~~ No talent agency may knowingly issue a
198 contract for employment containing any term or condition which,

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199 if complied with, would be in violation of law, or attempt to
200 fill an order for help to be employed in violation of law.

201 (b) A talent agency must advise an artist, in writing,
202 that the artist has a right to rescind a contract for employment
203 within the first 3 business days after the contract's execution.
204 Any engagement procured by the talent agency for the artist
205 during the first 3 business days of the contract remains
206 commissionable to the talent agency.

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

218 ~~(6)(7)~~ No talent agency may send or cause to be sent any
219 person as an employee to any house of ill fame, to any house or
220 place of amusement for immoral purposes, to any place resorted
221 to for the purposes of prostitution, to any place for the
222 modeling or photographing of a minor in the nude in the absence
223 of written permission from the minor's parents or legal

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224 guardians, the character of which places the talent agency could
225 have ascertained upon reasonable inquiry.

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

236 ~~(8)-(9)~~ If a talent agency collects from an artist a fee or
237 expenses for obtaining employment for the artist, and the artist
238 fails to procure such employment, or the artist fails to be paid
239 for such employment if procured, such talent agency shall, upon
240 demand therefor, repay to the artist the fee and expenses so
241 collected. Unless repayment thereof is made within 48 hours
242 after demand therefor, the talent agency shall pay to the artist
243 an additional sum equal to the amount of the fee.

244 ~~(9)-(10)~~ Each talent agency must maintain a permanent
245 office and must maintain regular operating hours at that office.

246 ~~(10)-(11)~~ A talent agency may assign an engagement contract
247 to another talent agency licensed in this state only if the
248 artist agrees in writing to the assignment. The assignment must
249 occur, and written notice of the assignment must be given to the

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250 artist, within 30 days after the artist agrees in writing to the
251 assignment.

252 Section 21. Section 468.413, Florida Statutes, is amended
253 to read:

254 468.413 Legal requirements; penalties.—

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

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

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

263 (1)(2) Each of the following acts constitutes a
264 misdemeanor of the second degree, punishable as provided in s.
265 775.082 or s. 775.083:

266 ~~(a) Relocating a business as a talent agency, or operating~~
267 ~~under any name other than that designated on the license, unless~~
268 ~~written notification is given to the department and to the~~
269 ~~surety or sureties on the original bond, and unless the license~~
270 ~~is returned to the department for the recording thereon of such~~
271 ~~changes.~~

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

274 ~~(c) Failing to show on a license application whether or~~
275 ~~not the agency or any owner of the agency is financially~~

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276 ~~interested in any other business of like nature and, if so,~~
277 ~~failing to specify such interest or interests.~~

278 ~~(a)-(d)~~ Failing to maintain the records required by s.
279 468.409 or knowingly making false entries in such records.

280 ~~(b)-(e)~~ Requiring as a condition to registering or
281 obtaining employment or placement for any applicant that the
282 applicant subscribe to, purchase, or attend any publication,
283 postcard service, advertisement, resume service, photography
284 service, school, acting school, workshop, or acting workshop.

285 ~~(c)-(f)~~ Failing to give each applicant a copy of a contract
286 which lists the services to be provided and the fees to be
287 charged ~~by, which states that the talent agency is regulated by~~
288 ~~the department, and which lists the address and telephone number~~
289 ~~of the department.~~

290 ~~(d)-(g)~~ Failing to maintain a record sheet as required by
291 s. 468.412(1).

292 ~~(e)-(h)~~ Knowingly sending or causing to be sent any artist
293 to a prospective employer or place of business, the character or
294 operation of which employer or place of business the talent
295 agency knows to be in violation of the laws of the United States
296 or of this state.

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

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301 ~~(2)(4)~~ In the event that ~~the department or~~ any state
302 attorney shall have probable cause to believe that a talent
303 agency or other person has violated any provision of subsection
304 (1), an action may be brought by ~~the department or~~ any state
305 attorney to enjoin such talent agency or any person from
306 continuing such violation, or engaging therein or doing any acts
307 in furtherance thereof, and for such other relief as to the
308 court seems appropriate. ~~In addition to this remedy, the~~
309 ~~department may assess a penalty against any talent agency or any~~
310 ~~person in an amount not to exceed \$5,000.~~

311 Section 22. Section 468.414, Florida Statutes, is
312 repealed.

313 Section 23. Section 468.415, Florida Statutes, is amended
314 to read:

315 468.415 Sexual misconduct in the operation of a talent
316 agency.—The talent agent-artist relationship is founded on
317 mutual trust. Sexual misconduct in the operation of a talent
318 agency means violation of the talent agent-artist relationship
319 through which the talent agent uses the relationship to induce
320 or attempt to induce the artist to engage or attempt to engage
321 in sexual activity. Sexual misconduct is prohibited in the
322 operation of a talent agency. ~~If~~ Any agent, owner, or operator
323 of a ~~licensed~~ talent agency who commits ~~is found to have~~
324 ~~committed~~ sexual misconduct in the operation of a talent agency,
325 ~~the agency license shall be permanently revoked. Such agent,~~
326 ~~owner, or operator~~ shall be permanently prohibited from acting

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

329 Section 24. Section 468.451, Florida Statutes, is amended
330 to read:

331 468.451 Legislative findings and intent.—The Legislature
332 finds that dishonest or unscrupulous practices by agents who
333 solicit representation of student athletes can cause significant
334 harm to student athletes and the academic institutions for which
335 they play. It is the intent of the Legislature to provide civil
336 and criminal causes of action against athlete agents to protect
337 the interests of student athletes and academic institutions ~~by~~
338 ~~regulating the activities of athlete agents.~~

339 Section 25. Subsections (4) through (7) of section
340 468.452, Florida Statutes, are reordered and amended to read:

341 468.452 Definitions.—For purposes of this part, the term:
342 ~~(4) "Department" means the Department of Business and~~
343 ~~Professional Regulation.~~

344 (4)(6) "Financial services" means the counseling on or the
345 making or execution of investment and other financial decisions
346 by the agent on behalf of the student athlete.

347 (5)(7) "Participation" means practicing, competing, or
348 otherwise representing a college or university in
349 intercollegiate athletics.

350 (6)(5) "Student athlete" means any student who:

351 (a) Resides in Florida, has informed, in writing, a
352 college or university of the student's intent to participate in

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353 that school's intercollegiate athletics, or who does participate
354 in that school's intercollegiate athletics and is eligible to do
355 so; or

356 (b) Does not reside in Florida, but has informed, in
357 writing, a college or university in Florida of the student's
358 intent to participate in that school's intercollegiate
359 athletics, or who does participate in that school's
360 intercollegiate athletics and is eligible to do so.

361 Section 26. Section 468.453, Florida Statutes, is
362 repealed.

363 Section 27. Section 468.4536, Florida Statutes, is
364 repealed.

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

367 468.454 Contracts.—

368 (2) An agent contract must state:

369 (a) The amount and method of calculating the consideration
370 to be paid by the student athlete for services to be provided by
371 the athlete agent and any other consideration the agent has
372 received or will receive from any other source under the
373 contract;

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

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

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379 (d) A description of the services to be provided to the
380 student athlete;

381 (e) The duration of the contract; and

382 (f) The date of execution.

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

385 Section 29. Section 468.456, Florida Statutes, is
386 repealed.

387 Section 30. Section 468.4561, Florida Statutes, is
388 repealed.

389 Section 31. Section 468.45615, Florida Statutes, is
390 amended to read:

391 468.45615 Provision of illegal inducements to athletes
392 ~~prohibited; penalties; license suspension.-~~

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

400 (2) (a) Regardless of whether adjudication is withheld, a
401 any person convicted or found guilty of, or entering a plea of
402 nolo contendere to, the violation described in subsection (1)
403 may shall not employ, utilize, or otherwise collaborate with an
404 a licensed or unlicensed athlete agent in Florida to illegally

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405 recruit or solicit student athletes. A ~~Any~~ person who violates
406 ~~the provisions of this paragraph commits subsection is guilty of~~
407 a felony of the second degree, punishable as provided in s.
408 775.082, s. 775.083, s. 775.084, s. 775.089, or s. 775.091.

409 (b) Regardless of whether adjudication is withheld, a ~~any~~
410 person who knowingly actively assists in the illegal recruitment
411 or solicitation of student athletes for a person who has been
412 convicted or found guilty of, or entered a plea of nolo
413 contendere to, a violation of this section commits ~~is guilty of~~
414 a felony of the second degree, punishable as provided in s.
415 775.082, s. 775.083, s. 775.084, s. 775.089, or s. 775.091.

416 ~~(3) In addition to any other penalties provided in this~~
417 ~~section, the court may suspend the license of the person pending~~
418 ~~the outcome of any administrative action against the person by~~
419 ~~the department.~~

420 (3)~~(4)~~(a) An athlete agent, with the intent to induce a
421 student athlete to enter into an agent contract, may not:

422 1. Give any materially false or misleading information or
423 make a materially false promise or representation;

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

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

428 (b) An athlete agent may not intentionally:

429 ~~1. Initiate contact with a student athlete unless licensed~~
430 ~~under this part;~~

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431 ~~1.2.~~ Refuse or fail to retain or permit inspection of the
432 records required to be retained by s. 468.4565;

433 ~~3. Provide materially false or misleading information in~~
434 ~~an application for licensure;~~

435 ~~2.4.~~ Predate or postdate an agent contract;

436 ~~3.5.~~ Fail to give notice of the existence of an agent
437 contract as required by s. 468.454(6); or

438 ~~4.6.~~ Fail to notify a student athlete before the student
439 athlete signs or otherwise authenticates an agent contract for a
440 sport that the signing or authentication may make the student
441 athlete ineligible to participate as a student athlete in that
442 sport.

443 (c) An athlete agent who violates this subsection commits
444 a felony of the second degree, punishable as provided in s.
445 775.082, s. 775.083, or s. 775.084.

446 Section 32. Section 468.4565, Florida Statutes, is amended
447 to read:

448 468.4565 Business records requirement.—

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

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

455 ~~(2)(b)~~ Any agent contract entered into by the athlete
456 agent; and

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457 ~~(3)(e)~~ Any direct costs incurred by the athlete agent in
458 the recruitment or solicitation of a student athlete to enter
459 into an agent contract.

460 ~~(2) The department shall have access to and shall have the~~
461 ~~right to inspect and examine the financial or business records~~
462 ~~of an athlete agent during normal business hours. Refusal or~~
463 ~~failure of an athlete agent to provide the department access to~~
464 ~~financial and business records shall be the basis for~~
465 ~~disciplinary action by the department pursuant to s. 455.225.~~
466 ~~The department may exercise its subpoena powers to obtain the~~
467 ~~financial and business records of an athlete agent.~~

468 Section 33. Section 468.457, Florida Statutes, is
469 repealed.

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

473 469.006 Licensure of business organizations; qualifying
474 agents.—

475 (2)(a) If the applicant proposes to engage in consulting
476 or contracting as a partnership, corporation, business trust, or
477 other legal entity, or in any name other than the applicant's
478 legal name, ~~the legal entity must apply for licensure through a~~
479 ~~qualifying agent or the individual applicant must apply for~~
480 licensure under the fictitious name of the business
481 organization.

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482 (e) ~~A~~ The license, ~~when issued upon application of a~~
483 ~~business organization,~~ must be in the name of the qualifying
484 agent business organization, and the name of the business
485 organization ~~qualifying agent~~ must be noted on the license
486 ~~thereon.~~ If there is a change in any information that is
487 required to be stated on the application, the qualifying agent
488 ~~business organization~~ shall, within 45 days after such change
489 occurs, mail the correct information to the department.

490 (3) The qualifying agent must ~~shall~~ be licensed under this
491 chapter in order for the business organization to be qualified
492 ~~licensed~~ in the category of the business conducted for which the
493 qualifying agent is licensed. If any qualifying agent ceases to
494 be affiliated with such business organization, the agent shall
495 so inform the department. In addition, if such qualifying agent
496 is the only licensed individual affiliated with the business
497 organization, the business organization shall notify the
498 department of the termination of the qualifying agent and has
499 ~~shall have~~ 60 days after ~~from~~ the date of termination of the
500 qualifying agent's affiliation with the business organization ~~in~~
501 ~~which~~ to employ another qualifying agent. The business
502 organization may not engage in consulting or contracting until a
503 qualifying agent is employed, unless the department has granted
504 a temporary nonrenewable license to the financially responsible
505 officer, the president, the sole proprietor, a partner, or, in
506 the case of a limited partnership, the general partner, who
507 assumes all responsibilities of a primary qualifying agent for

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508 the entity. This temporary license ~~shall~~ only allows ~~allow~~ the
509 entity to proceed with incomplete contracts.

510 (4)

511 (b) Upon a favorable determination by the department,
512 after investigation of the financial responsibility, credit, and
513 business reputation of the qualifying agent and the new business
514 organization, the department shall issue, without any
515 examination, a new license in the qualifying agent's ~~business~~
516 ~~organization's~~ name, and the name of the business organization
517 ~~qualifying agent~~ shall be noted thereon.

518 (6) Each qualifying agent shall pay the department an
519 amount equal to the original fee for licensure ~~of a new business~~
520 ~~organization.~~ if the qualifying agent for a business
521 organization desires to qualify additional business
522 organizations. 7 The department shall require the agent to
523 present evidence of supervisory ability and financial
524 responsibility of each such organization. Allowing a licensee to
525 qualify more than one business organization must ~~shall~~ be
526 conditioned upon the licensee showing that the licensee has both
527 the capacity and intent to adequately supervise each business
528 organization. The department may ~~shall~~ not limit the number of
529 business organizations that ~~which~~ the licensee may qualify
530 except upon the licensee's failure to provide such information
531 as is required under this subsection or upon a finding that the
532 ~~such~~ information or evidence ~~as is~~ supplied is incomplete or
533 unpersuasive in showing the licensee's capacity and intent to

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534 comply with the requirements of this subsection. A qualification
535 for an additional business organization may be revoked or
536 suspended upon a finding by the department that the licensee has
537 failed in the licensee's responsibility to adequately supervise
538 the operations of the business organization. Failure to
539 adequately supervise the operations of a business organization
540 ~~is shall be~~ grounds for denial to qualify additional business
541 organizations.

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

544 469.009 License revocation, suspension, and denial of
545 issuance or renewal.—

546 (1) The department may revoke, suspend, or deny the
547 issuance or renewal of a license; reprimand, censure, or place
548 on probation any contractor, consultant, or financially
549 responsible officer, ~~or business organization~~; require financial
550 restitution to a consumer; impose an administrative fine not to
551 exceed \$5,000 per violation; require continuing education; or
552 assess costs associated with any investigation and prosecution
553 if the contractor or consultant, or business organization or
554 officer or agent thereof, is found guilty of any of the
555 following acts:

556 (a) Willfully or deliberately disregarding or violating
557 the health and safety standards of the Occupational Safety and
558 Health Act of 1970, the Construction Safety Act, the National
559 Emission Standards for Asbestos, the Environmental Protection

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560 Agency Asbestos Abatement Projects Worker Protection Rule, the
561 Florida Statutes or rules promulgated thereunder, or any
562 ordinance enacted by a political subdivision of this state.

563 (b) Violating any provision of chapter 455.

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

566 (d) Acting in the capacity of an asbestos contractor or
567 asbestos consultant under any license issued under this chapter
568 except in the name of the licensee as set forth on the issued
569 license.

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

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

573 (g) Being convicted or found guilty of, or entering a plea
574 of nolo contendere to, regardless of adjudication, a crime in
575 any jurisdiction which directly relates to the practice of
576 asbestos consulting or contracting or the ability to practice
577 asbestos consulting or contracting.

578 (h) Knowingly violating any building code, lifesafety
579 code, or county or municipal ordinance relating to the practice
580 of asbestos consulting or contracting.

581 (i) Performing any act which assists a person or entity in
582 engaging in the prohibited unlicensed practice of asbestos
583 consulting or contracting, if the licensee knows or has
584 reasonable grounds to know that the person or entity was
585 unlicensed.

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

588 Financial mismanagement or misconduct occurs when:

589 1. Valid liens have been recorded against the property of
590 a contractor's customer for supplies or services ordered by the
591 contractor for the customer's job; the contractor has received
592 funds from the customer to pay for the supplies or services; and
593 the contractor has not had the liens removed from the property,
594 by payment or by bond, within 75 days after the date of such
595 liens;

596 2. The contractor has abandoned a customer's job and the
597 percentage of completion is less than the percentage of the
598 total contract price paid to the contractor as of the time of
599 abandonment, unless the contractor is entitled to retain such
600 funds under the terms of the contract or refunds the excess
601 funds within 30 days after the date the job is abandoned; or

602 3. The contractor's job has been completed, and it is
603 shown that the customer has had to pay more for the contracted
604 job than the original contract price, as adjusted for subsequent
605 change orders, unless such increase in cost was the result of
606 circumstances beyond the control of the contractor, was the
607 result of circumstances caused by the customer, or was otherwise
608 permitted by the terms of the contract between the contractor
609 and the customer.

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

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

615 (m) Abandoning an asbestos abatement project in which the
616 asbestos contractor is engaged or under contract as a
617 contractor. A project may be presumed abandoned after 20 days if
618 the contractor terminates the project without just cause and
619 without proper notification to the owner, including the reason
620 for termination; if the contractor fails to reasonably secure
621 the project to safeguard the public while work is stopped; or if
622 the contractor fails to perform work without just cause for 20
623 days.

624 (n) Signing a statement with respect to a project or
625 contract falsely indicating that the work is bonded; falsely
626 indicating that payment has been made for all subcontracted
627 work, labor, and materials which results in a financial loss to
628 the owner, purchaser, or contractor; or falsely indicating that
629 workers' compensation and public liability insurance are
630 provided.

631 (o) Committing fraud or deceit in the practice of asbestos
632 consulting or contracting.

633 (p) Committing incompetency or misconduct in the practice
634 of asbestos consulting or contracting.

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

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638 (r) Intimidating, threatening, coercing, or otherwise
639 discouraging the service of a notice to owner under part I of
640 chapter 713 or a notice to contractor under chapter 255 or part
641 I of chapter 713.

642 (s) Failing to satisfy, within a reasonable time, the
643 terms of a civil judgment obtained against the licensee, or the
644 business organization qualified by the licensee, relating to the
645 practice of the licensee's profession.

646

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

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

652 477.0135 Exemptions.—

653 (7) A license or registration is not required for a person
654 whose occupation or practice is confined solely to applying
655 polish to fingernails and toenails.

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

658 481.203 Definitions.—As used in this part:

659 (5) "Business organization" means a partnership, a limited
660 liability company, a corporation, or an individual operating
661 under a fictitious name ~~"Certificate of authorization" means a~~
662 ~~certificate issued by the department to a corporation or~~
663 ~~partnership to practice architecture or interior design.~~

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664 Section 38. Section 481.219, Florida Statutes, is amended
665 to read:

666 481.219 Business organization; qualifying agents
667 ~~Certification of partnerships, limited liability companies, and~~
668 ~~corporations.-~~

669 (1) A licensee may ~~The practice of or the offer to~~
670 ~~practice architecture or interior design by licensees through a~~
671 business organization that offers ~~corporation, limited liability~~
672 ~~company, or partnership offering architectural or interior~~
673 ~~design services to the public, or through by a business~~
674 organization that offers ~~corporation, limited liability company,~~
675 ~~or partnership offering architectural or interior design~~
676 ~~services to the public through such licensees under this part as~~
677 ~~agents, employees, officers, or partners, is permitted, subject~~
678 ~~to the provisions of this section.~~

679 (2) If a licensee or an applicant proposes to engage in
680 the practice of architecture or interior design as a business
681 organization, the licensee or applicant must apply to qualify
682 the business organization ~~For the purposes of this section, a~~
683 ~~certificate of authorization shall be required for a~~
684 ~~corporation, limited liability company, partnership, or person~~
685 ~~practicing under a fictitious name, offering architectural~~
686 ~~services to the public jointly or separately. However, when an~~
687 ~~individual is practicing architecture in her or his own name,~~
688 ~~she or he shall not be required to be certified under this~~
689 ~~section. Certification under this subsection to offer~~

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690 ~~architectural services shall include all the rights and~~
691 ~~privileges of certification under subsection (3) to offer~~
692 ~~interior design services.~~

693 (a) An application to qualify a business organization
694 must:

695 1. If the business is a partnership, state the names of
696 the partnership and its partners.

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

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

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

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

710 (3)(a) A business organization may not engage in the
711 practice of architecture unless its qualifying agent is a
712 registered architect under this part. A business organization
713 may not engage in the practice of interior design unless its
714 qualifying agent is a registered architect or a registered
715 interior designer under this part. A qualifying agent who

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716 terminates her or his affiliation with a business organization
717 shall immediately notify the department of such termination. If
718 the qualifying agent who terminates her or his affiliation is
719 the only qualifying agent for a business organization, the
720 business organization must be qualified by another qualifying
721 agent within 60 days after the termination. Except as provided
722 in paragraph (b), such a business organization may not engage in
723 the practice of architecture or interior design until it is
724 qualified by a qualifying agent.

725 (b) In the event a qualifying architect or interior
726 designer ceases employment with the business organization, the
727 executive director or the chair of the board may authorize
728 another registered architect or interior designer employed by
729 the business organization to temporarily serve as its qualifying
730 agent for no more than 60 days. The business organization is not
731 authorized to operate beyond such period under this chapter
732 absent replacement of the qualifying architect or interior
733 designer who has ceased employment.

734 (c) A qualifying agent shall notify the department in
735 writing before engaging in the practice of architecture or
736 interior design in her or his own name or in affiliation with a
737 different business organization, and she or he or such business
738 organization shall supply the same information to the department
739 as required of applicants under this part ~~For the purposes of~~
740 ~~this section, a certificate of authorization shall be required~~
741 ~~for a corporation, limited liability company, partnership, or~~

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742 ~~person operating under a fictitious name, offering interior~~
743 ~~design services to the public jointly or separately. However,~~
744 ~~when an individual is practicing interior design in her or his~~
745 ~~own name, she or he shall not be required to be certified under~~
746 ~~this section.~~

747 (4) All final construction documents and instruments of
748 service which include drawings, specifications, plans, reports,
749 or other papers or documents that involve ~~involving~~ the practice
750 of architecture which are prepared or approved for the use of
751 the business organization ~~corporation, limited liability~~
752 ~~company, or partnership~~ and filed for public record within the
753 state must ~~shall~~ bear the signature and seal of the licensee who
754 prepared or approved them and the date on which they were
755 sealed.

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

763 ~~(6) The department shall issue a certificate of~~
764 ~~authorization to any applicant who the board certifies as~~
765 ~~qualified for a certificate of authorization and who has paid~~
766 ~~the fee set in s. 481.207.~~

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767 ~~(6)-(7)~~ The board shall allow ~~certify~~ an applicant to
768 qualify one or more business organizations ~~as qualified for a~~
769 ~~certificate of authorization~~ to offer architectural or interior
770 design services, or to use a fictitious name to offer such
771 services, if one of the following criteria is met ~~provided that:~~

772 (a) One or more of the principal officers of the
773 corporation or limited liability company, or one or more
774 partners of the partnership, and all personnel of the
775 corporation, limited liability company, or partnership who act
776 in its behalf in this state as architects, are registered as
777 provided by this part. ~~or~~

778 (b) One or more of the principal officers of the
779 corporation or one or more partners of the partnership, and all
780 personnel of the corporation, limited liability company, or
781 partnership who act in its behalf in this state as interior
782 designers, are registered as provided by this part.

783 ~~(8) The department shall adopt rules establishing a~~
784 ~~procedure for the biennial renewal of certificates of~~
785 ~~authorization.~~

786 ~~(9) The department shall renew a certificate of~~
787 ~~authorization upon receipt of the renewal application and~~
788 ~~biennial renewal fee.~~

789 ~~(7)-(10)~~ Each qualifying agent approved to qualify a
790 business organization ~~partnership, limited liability company,~~
791 ~~and corporation certified~~ under this section shall notify the
792 department within 30 days after ~~of~~ any change in the information

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793 contained in the application upon which the qualification
794 ~~certification~~ is based. Any registered architect or interior
795 designer who qualifies the business organization shall ensure
796 ~~corporation, limited liability company, or partnership as~~
797 ~~provided in subsection (7) shall be responsible for ensuring~~
798 responsible supervising control of projects of the business
799 organization entity and shall notify the department of the upon
800 termination of her or his employment with a business
801 organization qualified partnership, limited liability company,
802 ~~or corporation certified~~ under this section ~~shall notify the~~
803 ~~department of the termination~~ within 30 days after such
804 termination.

805 ~~(8)-(11)~~ A business organization is not ~~No corporation,~~
806 ~~limited liability company, or partnership shall be~~ relieved of
807 responsibility for the conduct or acts of its agents, employees,
808 or officers by reason of its compliance with this section.
809 However, except as provided in s. 558.0035, the architect who
810 signs and seals the construction documents and instruments of
811 service is ~~shall be~~ liable for the professional services
812 performed, and the interior designer who signs and seals the
813 interior design drawings, plans, or specifications is ~~shall be~~
814 liable for the professional services performed.

815 ~~(12)~~ ~~Disciplinary action against a corporation, limited~~
816 ~~liability company, or partnership shall be administered in the~~
817 ~~same manner and on the same grounds as disciplinary action~~

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818 ~~against a registered architect or interior designer,~~
819 ~~respectively.~~

820 ~~(9)(13) Nothing in~~ This section ~~may not shall~~ be construed
821 to mean that a certificate of registration to practice
822 architecture or interior design ~~must shall~~ be held by a business
823 organization ~~corporation, limited liability company, or~~
824 ~~partnership. Nothing in~~ This section ~~does not prohibit a~~
825 business organization from offering ~~prohibits corporations,~~
826 ~~limited liability companies, and partnerships from joining~~
827 ~~together to offer~~ architectural, engineering, interior design,
828 surveying and mapping, and landscape architectural services, or
829 any combination of such services, to the public if the business
830 organization, ~~provided that each corporation, limited liability~~
831 ~~company, or partnership~~ otherwise meets the requirements of law.

832 ~~(10)(14) A business organization that is qualified by a~~
833 registered architect may ~~Corporations, limited liability~~
834 ~~companies, or partnerships holding a valid certificate of~~
835 ~~authorization to practice architecture shall be permitted to use~~
836 ~~in their title~~ the term "interior designer" or "registered
837 interior designer-" in its title.

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

840 481.221 Seals; display of certificate number.-

841 (10) Each registered architect or interior designer must,
842 ~~and each corporation, limited liability company, or partnership~~
843 ~~holding a certificate of authorization, shall include~~ her or his

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844 license ~~its certificate~~ number in any newspaper, telephone
845 directory, or other advertising medium used by the registered
846 licensee architect, interior designer, corporation, limited
847 liability company, or partnership. Each business organization
848 must include the license number of the registered architect or
849 interior designer who serves as the qualifying agent for that
850 business organization in any newspaper, telephone directory, or
851 other advertising medium used by the business organization but
852 is not required to display the license numbers of other
853 registered architects or interior designers employed by the
854 business organization ~~A corporation, limited liability company,~~
855 ~~or partnership is not required to display the certificate number~~
856 ~~of individual registered architects or interior designers~~
857 ~~employed by or working within the corporation, limited liability~~
858 ~~company, or partnership.~~

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

861 481.229 Exceptions; exemptions from licensure.—

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

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

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

886 481.303 Definitions.—As used in this chapter, the term:

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

888 (2)-(4) "Certificate of registration" means a license
889 issued by the department to a natural person to engage in the
890 practice of landscape architecture.

891 (3)-(2) "Department" means the Department of Business and
892 Professional Regulation.

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

896 (4)~~(6)~~ "Landscape architecture" means professional
897 services, including, but not limited to, the following:

898 (a) Consultation, investigation, research, planning,
899 design, preparation of drawings, specifications, contract
900 documents and reports, responsible construction supervision, or
901 landscape management in connection with the planning and
902 development of land and incidental water areas, including the
903 use of Florida-friendly landscaping as defined in s. 373.185,
904 where, and to the extent that, the dominant purpose of such
905 services or creative works is the preservation, conservation,
906 enhancement, or determination of proper land uses, natural land
907 features, ground cover and plantings, or naturalistic and
908 aesthetic values;

909 (b) The determination of settings, grounds, and approaches
910 for and the siting of buildings and structures, outdoor areas,
911 or other improvements;

912 (c) The setting of grades, shaping and contouring of land
913 and water forms, determination of drainage, and provision for
914 storm drainage and irrigation systems where such systems are
915 necessary to the purposes outlined herein; and

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

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918 (5)~~(7)~~ "Landscape design" means consultation for and
919 preparation of planting plans drawn for compensation, including
920 specifications and installation details for plant materials,
921 soil amendments, mulches, edging, gravel, and other similar
922 materials. Such plans may include only recommendations for the
923 conceptual placement of tangible objects for landscape design
924 projects. Construction documents, details, and specifications
925 for tangible objects and irrigation systems shall be designed or
926 approved by licensed professionals as required by law.

927 (6)~~(3)~~ "Registered landscape architect" means a person who
928 holds a license to practice landscape architecture in this state
929 under the authority of this act.

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

932 481.321 Seals; display of certificate number.—

933 (5) Each registered landscape architect must ~~and each~~
934 ~~corporation or partnership holding a certificate of~~
935 ~~authorization shall~~ include her or his ~~its~~ certificate number in
936 any newspaper, telephone directory, or other advertising medium
937 used by the registered landscape architect, corporation, or
938 partnership. A corporation or partnership must ~~is not required~~
939 ~~to~~ display the certificate number ~~numbers~~ of at least one
940 officer, director, owner, or partner who is a individual
941 registered landscape architect ~~architects~~ employed by or
942 practicing with the corporation or partnership.

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

945 481.311 Licensure.—

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

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

951 481.317 Temporary certificates.—

952 ~~(2) Upon approval by the board and payment of the fee set~~
953 ~~in s. 481.307, the department shall grant a temporary~~
954 ~~certificate of authorization for work on one specified project~~
955 ~~in this state for a period not to exceed 1 year to an out-of-~~
956 ~~state corporation, partnership, or firm, provided one of the~~
957 ~~principal officers of the corporation, one of the partners of~~
958 ~~the partnership, or one of the principals in the fictitiously~~
959 ~~named firm has obtained a temporary certificate of registration~~
960 ~~in accordance with subsection (1).~~

961 Section 45. Section 481.319, Florida Statutes, is amended
962 to read:

963 481.319 Corporate and partnership practice of landscape
964 architecture; ~~certificate of authorization.~~—

965 (1) The practice of or offer to practice landscape
966 architecture by registered landscape architects registered under
967 this part through a corporation or partnership offering
968 landscape architectural services to the public, or through a

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969 corporation or partnership offering landscape architectural
970 services to the public through individual registered landscape
971 architects as agents, employees, officers, or partners, is
972 permitted, subject to the provisions of this section, if:

973 (a) One or more of the principal officers of the
974 corporation, or partners of the partnership, and all personnel
975 of the corporation or partnership who act in its behalf as
976 landscape architects in this state are registered landscape
977 architects; and

978 (b) One or more of the officers, one or more of the
979 directors, one or more of the owners of the corporation, or one
980 or more of the partners of the partnership is a registered
981 landscape architect; ~~and~~

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

984 (2) All documents involving the practice of landscape
985 architecture which are prepared for the use of the corporation
986 or partnership shall bear the signature and seal of a registered
987 landscape architect.

988 (3) A landscape architect applying to practice in the name
989 of a ~~An applicant~~ corporation must ~~shall~~ file with the
990 department the names and addresses of all officers and board
991 members of the corporation, including the principal officer or
992 officers, duly registered to practice landscape architecture in
993 this state and, also, of all individuals duly registered to
994 practice landscape architecture in this state who shall be in

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995 responsible charge of the practice of landscape architecture by
996 the corporation in this state. A landscape architect applying to
997 practice in the name of a ~~An applicant~~ partnership must shall
998 file with the department the names and addresses of all partners
999 of the partnership, including the partner or partners duly
1000 registered to practice landscape architecture in this state and,
1001 also, of an individual or individuals duly registered to
1002 practice landscape architecture in this state who shall be in
1003 responsible charge of the practice of landscape architecture by
1004 said partnership in this state.

1005 (4) Each landscape architect qualifying a partnership or
1006 ~~and corporation licensed~~ under this part must shall notify the
1007 department within 1 month after ~~of~~ any change in the information
1008 contained in the application upon which the license is based.
1009 Any landscape architect who terminates her or his ~~or her~~
1010 employment with a partnership or corporation licensed under this
1011 part shall notify the department of the termination within 1
1012 month after such termination.

1013 ~~(5) Disciplinary action against a corporation or~~
1014 ~~partnership shall be administered in the same manner and on the~~
1015 ~~same grounds as disciplinary action against a registered~~
1016 ~~landscape architect.~~

1017 (5)-(6) Except as provided in s. 558.0035, the fact that a
1018 registered landscape architect practices landscape architecture
1019 through a corporation or partnership as provided in this section

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1020 does not relieve the landscape architect from personal liability
1021 for her or his ~~or her~~ professional acts.

1022 Section 46. Subsection (5) of section 481.329, Florida
1023 Statutes, is amended to read:

1024 481.329 Exceptions; exemptions from licensure.—

1025 (5) This part does not prohibit any person from engaging
1026 in the practice of landscape design, as defined in s. 481.303(5)
1027 ~~481.303(7)~~, or from submitting for approval to a governmental
1028 agency planting plans that are independent of, or a component
1029 of, construction documents that are prepared by a Florida-
1030 registered professional. Persons providing landscape design
1031 services shall not use the title, term, or designation
1032 "landscape architect," "landscape architectural," "landscape
1033 architecture," "L.A.," "landscape engineering," or any
1034 description tending to convey the impression that she or he is a
1035 landscape architect unless she or he is registered as provided
1036 in this part.

1037 Section 47. Subsection (14) of section 489.503, Florida
1038 Statutes, is amended, and subsection (24) is added to that
1039 section, to read:

1040 489.503 Exemptions.—This part does not apply to:

1041 (14) The sale of, installation of, repair of, alteration
1042 of, addition to, or design of electrical wiring, fixtures,
1043 appliances, thermostats, apparatus, raceways, computers,
1044 customer premises equipment, customer premises wiring, and
1045 conduit, or any part thereof, ~~by an employee, contractor,~~

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1046 ~~subcontractor, or affiliate of a company operating under a~~
1047 ~~certificate issued under chapter 364 or chapter 610, or under a~~
1048 ~~local franchise or right-of-way agreement,~~ if those items are
1049 for the purpose of transmitting data, voice, video, or other
1050 communications, or commands as part of a cable television,
1051 community antenna television, radio distribution,
1052 communications, or telecommunications system. An employee,
1053 subcontractor, contractor, or affiliate of a company that
1054 operates under a certificate issued under chapter 364 or chapter
1055 610, or under a local franchise or right-of-way agreement, is
1056 not subject to any local ordinance that requires a permit for
1057 work related to low-voltage electrical work, including related
1058 technical codes, regulations, and licensure. The scope of this
1059 exemption is limited to electrical circuits and equipment
1060 governed by the applicable provisions of Articles 725 (Classes 2
1061 and 3 circuits only), 770, 800, 810, and 820 of the National
1062 Electrical Code, current edition, or 47 C.F.R. part 68, ~~and~~
1063 ~~employees, contractors, and subcontractors of companies, and~~
1064 ~~affiliates thereof, operating under a certificate issued under~~
1065 ~~chapter 364 or chapter 610 or under a local franchise or right-~~
1066 ~~of-way agreement.~~ This subsection does not relieve any person
1067 from licensure as an alarm system contractor.

1068 (24) A person who installs low-voltage landscape lighting
1069 that contains a factory-installed electrical cord with a plug
1070 and does not require installation, wiring, or a modification to
1071 the electrical wiring in a structure.

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1072 Section 48. Paragraphs (a) through (e) of subsection (2)
1073 of section 489.518, Florida Statutes, are redesignated as
1074 paragraphs (b) through (f), respectively, and a new paragraph
1075 (a) is added to that subsection to read:

1076 489.518 Alarm system agents.—

1077 (2) (a) A person who performs only sales or installations
1078 of wireless alarm systems, other than fire alarm systems, in a
1079 single-family residence is not required to complete the initial
1080 training required for burglar alarm system agents.

1081 Section 49. This act shall take effect July 1, 2016.

1082 -----
1083
T I T L E A M E N D M E N T

1084 Remove everything before the enacting clause and insert:

1085 A bill to be entitled

1086 An act relating to regulated professions and
1087 occupations; amending s. 326.004, F.S.; deleting a
1088 requirement that yacht and ship brokers maintain a
1089 separate license for each branch office and related
1090 fees; amending s. 447.02, F.S.; deleting a definition;
1091 repealing s. 447.04, F.S., relating to business
1092 agents, licenses, and permits; repealing s. 447.041,
1093 F.S., relating to hearings; repealing s. 447.045,
1094 F.S., relating to certain confidential information;
1095 repealing s. 447.06, F.S., relating to the required
1096 registration of labor organizations; amending s.
1097

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1098 447.09, F.S.; deleting prohibitions against specified
1099 actions; repealing s. 447.12, F.S., relating to
1100 registration fees; repealing s. 447.16, F.S., relating
1101 to the applicability of ch. 447, F.S.; amending s.
1102 468.401, F.S.; deleting definitions; repealing s.
1103 468.402, F.S., relating to the duties of the
1104 Department of Business and Professional Regulation;
1105 repealing s. 468.403, F.S., relating to licensure and
1106 application requirements for owners and operators of
1107 talent agencies; repealing s. 468.404, F.S., relating
1108 to fees and renewal of talent agency licenses;
1109 repealing s. 468.405, F.S., relating to qualification
1110 for talent agency licenses; amending s. 468.406, F.S.;
1111 deleting the requirement for talent agencies to file
1112 with the department an itemized schedule of certain
1113 fees and an amended or supplemental schedule under
1114 certain circumstances; repealing s. 468.407, F.S.,
1115 relating to license contents and posting; amending s.
1116 468.408, F.S.; deleting a requirement that a talent
1117 agency file a bond for each talent agency license;
1118 deleting a departmental requirement to approve talent
1119 agency bonds; requiring that a bonding company notify
1120 the talent agency, rather than notifying the
1121 department, of certain claims; amending s. 468.409,
1122 F.S.; deleting provisions requiring talent agencies to
1123 make specified records readily available for

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1124 inspection by the department; amending s. 468.410,
1125 F.S.; deleting a reference to the department in talent
1126 agency contracts; amending s. 468.412, F.S.; revising
1127 the information that talent agencies must enter in the
1128 talent agency records; deleting requirements relating
1129 to the inspection of talent agency records and the
1130 submission of certain records and reports to the
1131 department; revising the requirements for talent
1132 agencies to post certain laws and rules; revising the
1133 information required in talent agency publications;
1134 amending s. 468.413, F.S.; deleting provisions
1135 relating to criminal violations for failing to obtain
1136 or maintain licensure with the department; deleting
1137 provisions authorizing the court to suspend or revoke
1138 a license; deleting a provision authorizing the court
1139 to take certain actions; revising the department's
1140 authority to bring certain actions and impose certain
1141 remedies for violations of talent agency regulations;
1142 repealing s. 468.414, F.S., relating to collection and
1143 deposit of fines, fees, and penalties collected by the
1144 department; amending s. 468.415, F.S.; deleting a
1145 provision requiring the department to revoke a
1146 license; amending s. 468.451, F.S.; revising
1147 legislative intent related to the regulation of
1148 athlete agents; reordering and amending s. 468.452,
1149 F.S.; deleting a definition; repealing s. 468.453,

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1150 F.S., relating to the licensure of athlete agents;
1151 repealing s. 468.4536, F.S., relating to renewal of
1152 such licenses; amending s. 468.454, F.S.; revising the
1153 information that must be stated in agent contracts;
1154 deleting a condition under which an agent contract is
1155 void and unenforceable; repealing s. 468.456, F.S.,
1156 relating to prohibited acts for athlete agents;
1157 repealing s. 468.4561, F.S., relating to unlicensed
1158 activity and penalties for violations; amending s.
1159 468.45615, F.S.; conforming provisions to changes made
1160 by the act; amending s. 468.4565, F.S.; deleting
1161 provisions authorizing the department to access and
1162 inspect certain records of athlete agents and related
1163 disciplinary actions and subpoena powers; repealing s.
1164 468.457, F.S., relating to rulemaking authority;
1165 amending s. 469.006, F.S.; requiring that a license be
1166 in the name of a qualifying agent rather than the name
1167 of a business organization; requiring the qualifying
1168 agent, rather than the business organization, to
1169 report certain changes in information; conforming
1170 provisions to changes made by the act; amending s.
1171 469.009, F.S.; deleting the authority of the
1172 department to reprimand, censure, or impose probation
1173 on certain business organizations; amending s.
1174 477.0135, F.S.; providing that a license or
1175 registration is not required for a person whose

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1176 occupation or practice is confined solely to applying
1177 polish to nails; amending s. 481.203, F.S.; defining
1178 the term "business organization"; deleting the
1179 definition of the term "certificate of authorization";
1180 amending s. 481.219, F.S.; revising the process by
1181 which a business organization obtains the requisite
1182 license to perform architectural services; requiring
1183 that a licensee or an applicant apply to qualify a
1184 business organization under certain circumstances;
1185 specifying application requirements; authorizing the
1186 Board of Architecture and Interior Design to deny an
1187 application under certain circumstances; requiring
1188 that a qualifying agent be a registered architect or a
1189 registered interior designer under certain
1190 circumstances; requiring that a qualifying agent
1191 notify the department when she or he ceases to be
1192 affiliated with a business organization; prohibiting a
1193 business organization from engaging in certain
1194 practices until it is qualified by a qualifying agent;
1195 authorizing the executive director or the chair of the
1196 board to authorize a certain registered architect or
1197 interior designer to temporarily serve as the business
1198 organization's qualifying agent for a specified
1199 timeframe under certain circumstances; requiring the
1200 qualifying agent to give written notice to the
1201 department before engaging in practice under her or

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1202 his own name or in affiliation with another business
1203 organization; requiring the board to allow an
1204 applicant to qualify one or more business
1205 organizations or to operate using a fictitious name
1206 under certain circumstances; conforming provisions to
1207 changes made by the act; amending s. 481.221, F.S.;
1208 requiring a business organization to include the
1209 license number of a certain registered architect or
1210 interior designer in any advertising; providing an
1211 exception; conforming provisions to changes made by
1212 the act; amending s. 481.229, F.S.; conforming
1213 provisions to changes made by the act; reordering and
1214 amending s. 481.303, F.S.; deleting a definition;
1215 amending s. 481.321, F.S.; revising provisions that
1216 require persons to display certificate numbers under
1217 certain circumstances; conforming provisions to
1218 changes made by the act; amending ss. 481.311,
1219 481.317, and 481.319, F.S.; conforming provisions to
1220 changes made by the act; amending s. 481.329, F.S.;
1221 conforming a cross-reference; amending s. 489.503,
1222 F.S.; revising an exemption from regulation for
1223 certain persons; exempting a person who installs
1224 certain low-voltage landscape lighting from specified
1225 requirements; amending s. 489.518, F.S.; exempting
1226 certain persons from initial training for burglar
1227 alarm system agents; providing an effective date.

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