



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 the
7 definition of the term "department"; repealing s.
8 447.04, F.S., relating to business agents, licenses,
9 and permits; repealing s. 447.041, F.S., relating to a
10 hearing for a denied license, permit, or registration;
11 repealing s. 447.045, F.S., relating to certain
12 confidential information; repealing s. 447.06, F.S.,
13 relating to the required registration of labor
14 organizations; amending s. 447.09, F.S.; deleting
15 prohibitions against specified actions; repealing s.
16 447.12, F.S., relating to registration fees; repealing
17 s. 447.16, F.S., relating to the applicability of ch.
18 447, F.S.; amending s. 468.401, F.S.; deleting
19 definitions; repealing s. 468.402, F.S., relating to
20 the duties of the Department of Business and
21 Professional Regulation; repealing s. 468.403, F.S.,
22 relating to licensure and application requirements for
23 owners and operators of talent agencies; repealing s.
24 468.404, F.S., relating to fees and renewal of talent
25 agency licenses; repealing s. 468.405, F.S., relating
26 to qualification for talent agency licenses; amending



27 | s. 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
32 | contents and posting; amending s. 468.408, F.S.;
33 | revising requirements for talent agency bonds;
34 | deleting a departmental requirement to approve talent
35 | agency bonds; requiring that a bonding company notify
36 | the talent agency, rather than notifying the
37 | department, of certain claims; amending s. 468.409,
38 | F.S.; deleting provisions requiring talent agencies to
39 | make specified records readily available for
40 | inspection by the department; amending s. 468.410,
41 | F.S.; deleting a reference to the department in talent
42 | agency contracts; amending s. 468.412, F.S.; revising
43 | the information that talent agencies must enter in the
44 | talent agency records; deleting requirements relating
45 | to the inspection of talent agency records and the
46 | submission of certain records and reports to the
47 | department; revising the requirements for talent
48 | agencies to post certain laws and rules; revising the
49 | information required in talent agency publications;
50 | amending s. 468.413, F.S.; deleting provisions
51 | relating to criminal violations for failing to obtain
52 | or maintain licensure with the department; deleting



53 provisions authorizing the court to suspend or revoke
54 a license; deleting a provision authorizing the court
55 to take certain actions; revising the department's
56 authority to bring certain actions and impose certain
57 remedies for violations of talent agency regulations;
58 repealing s. 468.414, F.S., relating to collection and
59 deposit of fines, fees, and penalties by the
60 department; amending s. 468.415, F.S.; deleting a
61 provision requiring the department to revoke a
62 license; amending s. 469.006, F.S.; requiring that a
63 license be in the name of a qualifying agent rather
64 than the name of a business organization; requiring
65 the qualifying agent, rather than the business
66 organization, to report certain changes in
67 information; conforming provisions to changes made by
68 the act; amending s. 469.009, F.S.; deleting the
69 authority of the department to reprimand, censure, or
70 impose probation on certain business organizations;
71 amending s. 477.0135, F.S.; providing that a license
72 or registration is not required for a person whose
73 occupation or practice is confined solely to applying
74 polish to nails; amending s. 481.203, F.S.; defining
75 the term "business organization"; deleting the
76 definition of the term "certificate of authorization";
77 amending s. 481.219, F.S.; revising the process by
78 which a business organization obtains the requisite



79 | license to perform architectural services; requiring
80 | that a licensee or an applicant apply to qualify a
81 | business organization under certain circumstances;
82 | specifying application requirements; authorizing the
83 | Board of Architecture and Interior Design to deny an
84 | application under certain circumstances; requiring
85 | that a qualifying agent be a registered architect or a
86 | registered interior designer under certain
87 | circumstances; requiring that a qualifying agent
88 | notify the department when she or he ceases to be
89 | affiliated with a business organization; prohibiting a
90 | business organization from engaging in certain
91 | practices until it is qualified by a qualifying agent;
92 | authorizing the executive director or the chair of the
93 | board to authorize a certain registered architect or
94 | interior designer to temporarily serve as the business
95 | organization's qualifying agent for a specified
96 | timeframe under certain circumstances; requiring the
97 | qualifying agent to give written notice to the
98 | department before engaging in practice under her or
99 | his own name or in affiliation with another business
100 | organization; requiring the board to allow an
101 | applicant to qualify one or more business
102 | organizations or to operate using a fictitious name
103 | under certain circumstances; conforming provisions to
104 | changes made by the act; amending s. 481.221, F.S.;



105 requiring a business organization to include the
106 license number of a certain registered architect or
107 interior designer in any advertising; providing an
108 exception; conforming provisions to changes made by
109 the act; amending s. 481.229, F.S.; conforming
110 provisions to changes made by the act; reordering and
111 amending s. 481.303, F.S.; deleting the definition of
112 the term "certificate of authorization"; amending s.
113 481.321, F.S.; revising provisions that require
114 persons to display certificate numbers under certain
115 circumstances; conforming provisions to changes made
116 by the act; amending ss. 481.311, 481.317, and
117 481.319, F.S.; conforming provisions to changes made
118 by the act; amending s. 481.329, F.S.; conforming a
119 cross-reference; amending s. 489.503, F.S.; revising
120 an exemption from regulation for certain persons;
121 exempting a person who installs certain low-voltage
122 landscape lighting from specified requirements;
123 amending s. 489.518, F.S.; exempting certain persons
124 from initial training for burglar alarm system agents;
125 creating s. 550.2416, F.S.; requiring injuries to
126 racing greyhounds to be reported within a certain
127 timeframe on a form adopted by the Division of Pari-
128 mutuel Wagering of the department; requiring such form
129 to be completed and signed under oath or affirmation
130 by certain individuals; providing penalties;



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131 specifying information that must be included in the
132 form; requiring the division to maintain the forms as
133 public records for a specified time; specifying
134 disciplinary action that may be taken against a
135 licensee of the department who fails to report an
136 injury or who makes false statements on an injury
137 form; exempting injuries to certain animals from
138 reporting requirements; requiring the division to
139 adopt rules; providing an effective date.

140

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

142

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

145 326.004 Licensing.—

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

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

153 447.02 Definitions.—The following terms, when used in this
154 chapter, shall have the meanings ascribed to them in this
155 section:

156 ~~(3) The term "department" means the Department of Business~~



157 ~~and Professional Regulation.~~

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

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

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

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

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

163 Florida Statutes, are amended to read:

164 447.09 Right of franchise preserved; penalties.—It shall
165 be unlawful for any person:

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

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

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

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

172 Section 10. Section 468.401, Florida Statutes, is
173 reordered and amended to read:

174 468.401 ~~Regulation of~~ Talent agencies; definitions.—As
175 used in this part, the term ~~or any rule adopted pursuant hereto:~~

176 (1)~~(8)~~ "Artist" means a person performing on the
177 professional stage or in the production of television, radio, or
178 motion pictures; a musician or group of musicians; or a model.

179 (2)~~(7)~~ "Buyer" or "employer" means a person, company,
180 partnership, or corporation that uses the services of a talent
181 agency to provide artists.

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



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

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

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

195 (4) "Engagement" means any employment or placement of an
196 artist, where the artist performs in his or her artistic
197 capacity. However, the term "engagement" shall not apply to
198 procuring opera, music, theater, or dance engagements for any
199 organization defined in s. 501(c)(3) of the Internal Revenue
200 Code or any nonprofit Florida arts organization that has
201 received a grant from the Division of Cultural Affairs of the
202 Department of State or has participated in the state touring
203 program of the Division of Cultural Affairs.

204 (5)~~(6)~~ "Operator" means the person who is or who will be
205 in actual charge of a talent agency.

206 (6)~~(2)~~ "Owner" means any partner in a partnership, member
207 of a firm, or principal officer or officers of a corporation,
208 whose partnership, firm, or corporation owns a talent agency, or



209 any individual who is the sole owner of a talent agency.

210 ~~(7)-(9)~~ "Person" means any individual, company, society,
211 firm, partnership, association, corporation, manager, or any
212 agent or employee of any of the foregoing.

213 ~~(8)-(1)~~ "Talent agency" means any person who, for
214 compensation, engages in the occupation or business of procuring
215 or attempting to procure engagements for an artist.

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

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

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

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

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

227 Section 13. Section 468.404, Florida Statutes, is
228 repealed.

229 Section 14. Section 468.405, Florida Statutes, is
230 repealed.

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

233 468.406 Fees to be charged by talent agencies; rates;
234 display.—



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

247 Section 16. Section 468.407, Florida Statutes, is
 248 repealed.

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

251 468.408 Bond required.—

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

260 (a) If any person is aggrieved by the misconduct of any



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261 talent agency, the person may maintain an action in his or her
262 own name upon the bond of the agency in any court having
263 jurisdiction of the amount claimed. All such claims shall be
264 assignable, and the assignee shall be entitled to the same
265 remedies, upon the bond of the agency or otherwise, as the
266 person aggrieved would have been entitled to if such claim had
267 not been assigned. Any claim or claims so assigned may be
268 enforced in the name of such assignee.

269 (b) The bonding company shall notify the talent agency
270 ~~department~~ of any claim against such bond, and a copy of such
271 notice shall be sent to the talent agency against which the
272 claim is made.

273 Section 18. Section 468.409, Florida Statutes, is amended
274 to read:

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



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287 ~~department with true copies of the records in the manner~~
288 ~~prescribed by the department.~~

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

291 468.410 Prohibition against registration fees; referral.-

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

298 Section 20. Section 468.412, Florida Statutes, is amended
299 to read:

300 468.412 Talent agency regulations; prohibited acts.-

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

305 (2) Each talent agency shall keep records in which shall
306 be entered:

307 (a) The name and address of each artist employing such
308 talent agency;

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

310 (c) The employment in which each such artist is engaged at
311 the time of employing such talent agency and the amount of
312 compensation of the artist in such employment, if any, and the



313 employments subsequently secured by such artist during the term
314 of the contract between the artist and the talent agency and the
315 amount of compensation received by the artist pursuant thereto. †
316 and

317 ~~(d) Other information which the department may require~~
318 ~~from time to time.~~

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

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

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

337 (b) A talent agency must advise an artist, in writing,
338 that the artist has a right to rescind a contract for employment



339 within the first 3 business days after the contract's execution.
340 Any engagement procured by the talent agency for the artist
341 during the first 3 business days of the contract remains
342 commissionable to the talent agency.

343 (5)~~(6)~~ No talent agency may publish or cause to be
344 published any false, fraudulent, or misleading information,
345 representation, notice, or advertisement. All advertisements of
346 a talent agency by means of card, circulars, or signs, and in
347 newspapers and other publications, and all letterheads,
348 receipts, and blanks shall be printed and contain the ~~licensed~~
349 ~~name, department license number,~~ and address of the talent
350 agency and the words "talent agency." No talent agency may give
351 any false information or make any false promises or
352 representations concerning an engagement or employment to any
353 applicant who applies for an engagement or employment.

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

362 (7)~~(8)~~ No talent agency, without the written consent of
363 the artist, may divide fees with anyone, including, but not
364 limited to, an agent or other employee of an employer, a buyer,



365 a casting director, a producer, a director, or any venue that
366 uses entertainment. For purposes of this subsection, to "divide
367 fees" includes the sharing among two or more persons of those
368 fees charged to an artist for services performed on behalf of
369 that artist, the total amount of which fees exceeds the amount
370 that would have been charged to the artist by the talent agency
371 alone.

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

380 (9)~~(10)~~ Each talent agency must maintain a permanent
381 office and must maintain regular operating hours at that office.

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

388 Section 21. Section 468.413, Florida Statutes, is amended
389 to read:

390 468.413 Legal requirements; penalties.—



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

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

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

399 (1)(2) Each of the following acts constitutes a
400 misdemeanor of the second degree, punishable as provided in s.
401 775.082 or s. 775.083:

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

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

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

414 (a)(d) Failing to maintain the records required by s.
415 468.409 or knowingly making false entries in such records.

416 (b)(e) Requiring as a condition to registering or



417 obtaining employment or placement for any applicant that the
418 applicant subscribe to, purchase, or attend any publication,
419 postcard service, advertisement, resume service, photography
420 service, school, acting school, workshop, or acting workshop.

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

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

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

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

437 (2)~~(4)~~ In the event that ~~the department or~~ any state
438 attorney shall have probable cause to believe that a talent
439 agency or other person has violated any provision of subsection
440 (1), an action may be brought by ~~the department or~~ any state
441 attorney to enjoin such talent agency or any person from
442 continuing such violation, or engaging therein or doing any acts



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443 in furtherance thereof, and for such other relief as to the
444 court seems appropriate. ~~In addition to this remedy, the~~
445 ~~department may assess a penalty against any talent agency or any~~
446 ~~person in an amount not to exceed \$5,000.~~

447 Section 22. Section 468.414, Florida Statutes, is
448 repealed.

449 Section 23. Section 468.415, Florida Statutes, is amended
450 to read:

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

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

468 469.006 Licensure of business organizations; qualifying



469 agents.—

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

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

485 (3) The qualifying agent must ~~shall~~ be licensed under this
486 chapter in order for the business organization to be qualified
487 ~~licensed~~ in the category of the business conducted for which the
488 qualifying agent is licensed. If any qualifying agent ceases to
489 be affiliated with such business organization, the agent shall
490 so inform the department. In addition, if such qualifying agent
491 is the only licensed individual affiliated with the business
492 organization, the business organization shall notify the
493 department of the termination of the qualifying agent and has
494 ~~shall have~~ 60 days after ~~from~~ the date of termination of the



495 | qualifying agent's affiliation with the business organization ~~in~~
496 | ~~which~~ to employ another qualifying agent. The business
497 | organization may not engage in consulting or contracting until a
498 | qualifying agent is employed, unless the department has granted
499 | a temporary nonrenewable license to the financially responsible
500 | officer, the president, the sole proprietor, a partner, or, in
501 | the case of a limited partnership, the general partner, who
502 | assumes all responsibilities of a primary qualifying agent for
503 | the entity. This temporary license only allows ~~shall only allow~~
504 | the entity to proceed with incomplete contracts.

505 | (4)

506 | (b) Upon a favorable determination by the department,
507 | after investigation of the financial responsibility, credit, and
508 | business reputation of the qualifying agent and the new business
509 | organization, the department shall issue, without any
510 | examination, a new license in the qualifying agent's business
511 | ~~organization's~~ name, and the name of the business organization
512 | ~~qualifying agent~~ shall be noted thereon.

513 | (6) Each qualifying agent shall pay the department an
514 | amount equal to the original fee for licensure ~~of a new business~~
515 | ~~organization.~~ if the qualifying agent for a business
516 | organization desires to qualify additional business
517 | organizations. 7 The department shall require the agent to
518 | present evidence of supervisory ability and financial
519 | responsibility of each such organization. Allowing a licensee to
520 | qualify more than one business organization must ~~shall~~ be



521 conditioned upon the licensee showing that the licensee has both
 522 the capacity and intent to adequately supervise each business
 523 organization. The department may ~~shall~~ not limit the number of
 524 business organizations that ~~which~~ the licensee may qualify
 525 except upon the licensee's failure to provide such information
 526 as is required under this subsection or upon a finding that the
 527 ~~such~~ information or evidence ~~as is~~ supplied is incomplete or
 528 unpersuasive in showing the licensee's capacity and intent to
 529 comply with the requirements of this subsection. A qualification
 530 for an additional business organization may be revoked or
 531 suspended upon a finding by the department that the licensee has
 532 failed in the licensee's responsibility to adequately supervise
 533 the operations of the business organization. Failure to
 534 adequately supervise the operations of a business organization
 535 is ~~shall be~~ grounds for denial to qualify additional business
 536 organizations.

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

539 469.009 License revocation, suspension, and denial of
 540 issuance or renewal.—

541 (1) The department may revoke, suspend, or deny the
 542 issuance or renewal of a license; reprimand, censure, or place
 543 on probation any contractor, consultant, or financially
 544 responsible officer, ~~or business organization~~; require financial
 545 restitution to a consumer; impose an administrative fine not to
 546 exceed \$5,000 per violation; require continuing education; or



547 assess costs associated with any investigation and prosecution
548 if the contractor or consultant, or business organization or
549 officer or agent thereof, is found guilty of any of the
550 following acts:

551 (a) Willfully or deliberately disregarding or violating
552 the health and safety standards of the Occupational Safety and
553 Health Act of 1970, the Construction Safety Act, the National
554 Emission Standards for Asbestos, the Environmental Protection
555 Agency Asbestos Abatement Projects Worker Protection Rule, the
556 Florida Statutes or rules promulgated thereunder, or any
557 ordinance enacted by a political subdivision of this state.

558 (b) Violating any provision of chapter 455.

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

561 (d) Acting in the capacity of an asbestos contractor or
562 asbestos consultant under any license issued under this chapter
563 except in the name of the licensee as set forth on the issued
564 license.

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

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

568 (g) Being convicted or found guilty of, or entering a plea
569 of nolo contendere to, regardless of adjudication, a crime in
570 any jurisdiction which directly relates to the practice of
571 asbestos consulting or contracting or the ability to practice
572 asbestos consulting or contracting.



573 (h) Knowingly violating any building code, lifesafety
574 code, or county or municipal ordinance relating to the practice
575 of asbestos consulting or contracting.

576 (i) Performing any act which assists a person or entity in
577 engaging in the prohibited unlicensed practice of asbestos
578 consulting or contracting, if the licensee knows or has
579 reasonable grounds to know that the person or entity was
580 unlicensed.

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

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

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

597 3. The contractor's job has been completed, and it is
598 shown that the customer has had to pay more for the contracted



599 | job than the original contract price, as adjusted for subsequent
600 | change orders, unless such increase in cost was the result of
601 | circumstances beyond the control of the contractor, was the
602 | result of circumstances caused by the customer, or was otherwise
603 | permitted by the terms of the contract between the contractor
604 | and the customer.

605 | (k) Being disciplined by any municipality or county for an
606 | act or violation of this chapter.

607 | (l) Failing in any material respect to comply with the
608 | provisions of this chapter, or violating a rule or lawful order
609 | of the department.

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

619 | (n) Signing a statement with respect to a project or
620 | contract falsely indicating that the work is bonded; falsely
621 | indicating that payment has been made for all subcontracted
622 | work, labor, and materials which results in a financial loss to
623 | the owner, purchaser, or contractor; or falsely indicating that
624 | workers' compensation and public liability insurance are



625 provided.

626 (o) Committing fraud or deceit in the practice of asbestos
627 consulting or contracting.

628 (p) Committing incompetency or misconduct in the practice
629 of asbestos consulting or contracting.

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

633 (r) Intimidating, threatening, coercing, or otherwise
634 discouraging the service of a notice to owner under part I of
635 chapter 713 or a notice to contractor under chapter 255 or part
636 I of chapter 713.

637 (s) Failing to satisfy, within a reasonable time, the
638 terms of a civil judgment obtained against the licensee, or the
639 business organization qualified by the licensee, relating to the
640 practice of the licensee's profession.

641
642 For the purposes of this subsection, construction is considered
643 to be commenced when the contract is executed and the contractor
644 has accepted funds from the customer or lender.

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

647 477.0135 Exemptions.—

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



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

653 481.203 Definitions.—As used in this part:

654 (5) "Business organization" means a partnership, a limited
655 liability company, a corporation, or an individual operating
656 under a fictitious name ~~"Certificate of authorization" means a~~
657 ~~certificate issued by the department to a corporation or~~
658 ~~partnership to practice architecture or interior design.~~

659 Section 28. Section 481.219, Florida Statutes, is amended
660 to read:

661 481.219 Business organization; qualifying agents
662 ~~Certification of partnerships, limited liability companies, and~~
663 ~~corporations.—~~

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

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



677 the business organization ~~For the purposes of this section, a~~
678 ~~certificate of authorization shall be required for a~~
679 ~~corporation, limited liability company, partnership, or person~~
680 ~~practicing under a fictitious name, offering architectural~~
681 ~~services to the public jointly or separately. However, when an~~
682 ~~individual is practicing architecture in her or his own name,~~
683 ~~she or he shall not be required to be certified under this~~
684 ~~section. Certification under this subsection to offer~~
685 ~~architectural services shall include all the rights and~~
686 ~~privileges of certification under subsection (3) to offer~~
687 ~~interior design services.~~

688 (a) An application to qualify a business organization
689 must:

690 1. If the business is a partnership, state the names of
691 the partnership and its partners.

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

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

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

700 (b) The board may deny an application to qualify a
701 business organization if the applicant or any person required to
702 be named pursuant to paragraph (a) has been involved in past



703 disciplinary actions or on any grounds for which an individual
704 registration or certification may be denied.

705 (3) (a) A business organization may not engage in the
706 practice of architecture unless its qualifying agent is a
707 registered architect under this part. A business organization
708 may not engage in the practice of interior design unless its
709 qualifying agent is a registered architect or a registered
710 interior designer under this part. A qualifying agent who
711 terminates her or his affiliation with a business organization
712 shall immediately notify the department of such termination. If
713 the qualifying agent who terminates her or his affiliation is
714 the only qualifying agent for a business organization, the
715 business organization must be qualified by another qualifying
716 agent within 60 days after the termination. Except as provided
717 in paragraph (b), such a business organization may not engage in
718 the practice of architecture or interior design until it is
719 qualified by a qualifying agent.

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



729 (c) A qualifying agent shall notify the department in
730 writing before engaging in the practice of architecture or
731 interior design in her or his own name or in affiliation with a
732 different business organization, and she or he or such business
733 organization shall supply the same information to the department
734 as required of applicants under this part ~~For the purposes of~~
735 ~~this section, a certificate of authorization shall be required~~
736 ~~for a corporation, limited liability company, partnership, or~~
737 ~~person operating under a fictitious name, offering interior~~
738 ~~design services to the public jointly or separately. However,~~
739 ~~when an individual is practicing interior design in her or his~~
740 ~~own name, she or he shall not be required to be certified under~~
741 ~~this section.~~

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

751 (5) All drawings, specifications, plans, reports, or other
752 papers or documents prepared or approved for the use of the
753 business organization ~~corporation, limited liability company, or~~
754 ~~partnership~~ by an interior designer in her or his professional



755 capacity and filed for public record within the state must ~~shall~~
756 bear the signature and seal of the licensee who prepared or
757 approved them and the date on which they were sealed.

758 ~~(6) The department shall issue a certificate of~~
759 ~~authorization to any applicant who the board certifies as~~
760 ~~qualified for a certificate of authorization and who has paid~~
761 ~~the fee set in s. 481.207.~~

762 (6)(7) The board shall allow ~~certify~~ an applicant to
763 qualify one or more business organizations as qualified for a
764 ~~certificate of authorization~~ to offer architectural or interior
765 design services, or to use a fictitious name to offer such
766 services, if one of the following criteria is met ~~provided that:~~

767 (a) One or more of the principal officers of the
768 corporation or limited liability company, or one or more
769 partners of the partnership, and all personnel of the
770 corporation, limited liability company, or partnership who act
771 in its behalf in this state as architects, are registered as
772 provided by this part. ~~or~~

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

778 ~~(8) The department shall adopt rules establishing a~~
779 ~~procedure for the biennial renewal of certificates of~~
780 ~~authorization.~~



781 ~~(9) The department shall renew a certificate of~~
782 ~~authorization upon receipt of the renewal application and~~
783 ~~biennial renewal fee.~~

784 (7)(10) Each qualifying agent approved to qualify a
785 business organization partnership, limited liability company,
786 ~~and corporation certified~~ under this section shall notify the
787 department within 30 days after ~~of~~ any change in the information
788 contained in the application upon which the qualification
789 ~~certification~~ is based. Any registered architect or interior
790 designer who qualifies the business organization shall ensure
791 ~~corporation, limited liability company, or partnership as~~
792 ~~provided in subsection (7)~~ shall be responsible for ensuring
793 responsible supervising control of projects of the business
794 organization entity and shall notify the department of the upon
795 termination of her or his employment with a business
796 organization qualified partnership, limited liability company,
797 ~~or corporation certified~~ under this section shall notify the
798 ~~department of the termination~~ within 30 days after such
799 termination.

800 (8)(11) A business organization is not ~~No corporation,~~
801 ~~limited liability company, or partnership shall be relieved of~~
802 responsibility for the conduct or acts of its agents, employees,
803 or officers by reason of its compliance with this section.
804 However, except as provided in s. 558.0035, the architect who
805 signs and seals the construction documents and instruments of
806 service is ~~shall be~~ liable for the professional services



807 performed, and the interior designer who signs and seals the
 808 interior design drawings, plans, or specifications is ~~shall be~~
 809 liable for the professional services performed.

810 ~~(12) Disciplinary action against a corporation, limited~~
 811 ~~liability company, or partnership shall be administered in the~~
 812 ~~same manner and on the same grounds as disciplinary action~~
 813 ~~against a registered architect or interior designer,~~
 814 ~~respectively.~~

815 ~~(9)-(13)~~ Nothing in This section may not ~~shall~~ be construed
 816 to mean that a certificate of registration to practice
 817 architecture or interior design must ~~shall~~ be held by a business
 818 organization ~~corporation, limited liability company, or~~
 819 ~~partnership. Nothing in This section does not prohibit a~~
 820 business organization from offering ~~prohibits corporations,~~
 821 ~~limited liability companies, and partnerships from joining~~
 822 ~~together to offer~~ architectural, engineering, interior design,
 823 surveying and mapping, and landscape architectural services, or
 824 any combination of such services, to the public if the business
 825 organization, ~~provided that each corporation, limited liability~~
 826 ~~company, or partnership~~ otherwise meets the requirements of law.

827 ~~(10)-(14)~~ A business organization that is qualified by a
 828 registered architect may ~~Corporations, limited liability~~
 829 ~~companies, or partnerships holding a valid certificate of~~
 830 ~~authorization to practice architecture shall be permitted to use~~
 831 ~~in their title~~ the term "interior designer" or "registered
 832 interior designer-" in its title.



833 Section 29. Subsection (10) of section 481.221, Florida
 834 Statutes, is amended to read:

835 481.221 Seals; display of license ~~certificate~~ number.—

836 (10) Each registered architect or interior designer must,
 837 ~~and each corporation, limited liability company, or partnership~~
 838 ~~holding a certificate of authorization, shall include her or his~~
 839 license ~~its certificate~~ number in any newspaper, telephone
 840 directory, or other advertising medium used by the registered
 841 licensee architect, interior designer, corporation, limited
 842 liability company, or partnership. Each business organization
 843 must include the license number of the registered architect or
 844 interior designer who serves as the qualifying agent for that
 845 business organization in any newspaper, telephone directory, or
 846 other advertising medium used by the business organization but
 847 is not required to display the license numbers of other
 848 registered architects or interior designers employed by the
 849 business organization ~~A corporation, limited liability company,~~
 850 ~~or partnership is not required to display the certificate number~~
 851 ~~of individual registered architects or interior designers~~
 852 ~~employed by or working within the corporation, limited liability~~
 853 ~~company, or partnership.~~

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

856 481.229 Exceptions; exemptions from licensure.—

857 (5) (a) ~~Nothing contained in~~ This part does not prohibit
 858 ~~shall prevent~~ a registered architect or a qualified business



859 ~~organization partnership, limited liability company, or~~
860 ~~corporation holding a valid certificate of authorization to~~
861 ~~provide architectural services~~ from performing any interior
862 design service or from using the title "interior designer" or
863 "registered interior designer."

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

879 Section 31. Section 481.303, Florida Statutes, is
880 reordered and amended to read:

881 481.303 Definitions.—As used in this chapter, the term:

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

883 (2)-(4) "Certificate of registration" means a license
884 issued by the department to a natural person to engage in the



885 practice of landscape architecture.

886 (3)~~(2)~~ "Department" means the Department of Business and
887 Professional Regulation.

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

891 (4)~~(6)~~ "Landscape architecture" means professional
892 services, including, but not limited to, the following:

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

904 (b) The determination of settings, grounds, and approaches
905 for and the siting of buildings and structures, outdoor areas,
906 or other improvements;

907 (c) The setting of grades, shaping and contouring of land
908 and water forms, determination of drainage, and provision for
909 storm drainage and irrigation systems where such systems are
910 necessary to the purposes outlined herein; and



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

913 (5)~~(7)~~ "Landscape design" means consultation for and
 914 preparation of planting plans drawn for compensation, including
 915 specifications and installation details for plant materials,
 916 soil amendments, mulches, edging, gravel, and other similar
 917 materials. Such plans may include only recommendations for the
 918 conceptual placement of tangible objects for landscape design
 919 projects. Construction documents, details, and specifications
 920 for tangible objects and irrigation systems shall be designed or
 921 approved by licensed professionals as required by law.

922 (6)~~(3)~~ "Registered landscape architect" means a person who
 923 holds a license to practice landscape architecture in this state
 924 under the authority of this act.

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

927 481.321 Seals; display of certificate number.—

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



937 practicing with the corporation or partnership.

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

940 481.311 Licensure.—

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

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

946 481.317 Temporary certificates.—

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

956 Section 35. Section 481.319, Florida Statutes, is amended
957 to read:

958 481.319 Corporate and partnership practice of landscape
959 architecture; ~~certificate of authorization.~~—

960 (1) The practice of or offer to practice landscape
961 architecture by registered landscape architects registered under
962 this part through a corporation or partnership offering



963 | landscape architectural services to the public, or through a
964 | corporation or partnership offering landscape architectural
965 | services to the public through individual registered landscape
966 | architects as agents, employees, officers, or partners, is
967 | permitted, subject to the provisions of this section, if:

968 | (a) One or more of the principal officers of the
969 | corporation, or partners of the partnership, and all personnel
970 | of the corporation or partnership who act in its behalf as
971 | landscape architects in this state are registered landscape
972 | architects; and

973 | (b) One or more of the officers, one or more of the
974 | directors, one or more of the owners of the corporation, or one
975 | or more of the partners of the partnership is a registered
976 | landscape architect; ~~and~~

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

979 | (2) All documents involving the practice of landscape
980 | architecture which are prepared for the use of the corporation
981 | or partnership shall bear the signature and seal of a registered
982 | landscape architect.

983 | (3) A landscape architect applying to practice in the name
984 | of a ~~An applicant~~ corporation must ~~shall~~ file with the
985 | department the names and addresses of all officers and board
986 | members of the corporation, including the principal officer or
987 | officers, duly registered to practice landscape architecture in
988 | this state and, also, of all individuals duly registered to



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

1000 | (4) Each landscape architect qualifying a partnership or
 1001 | ~~and~~ corporation ~~licensed~~ under this part must ~~shall~~ notify the
 1002 | department within 1 month after ~~of~~ any change in the information
 1003 | contained in the application upon which the license is based.
 1004 | Any landscape architect who terminates her or his ~~or her~~
 1005 | employment with a partnership or corporation licensed under this
 1006 | part shall notify the department of the termination within 1
 1007 | month after such termination.

1008 | ~~(5) Disciplinary action against a corporation or~~
 1009 | ~~partnership shall be administered in the same manner and on the~~
 1010 | ~~same grounds as disciplinary action against a registered~~
 1011 | ~~landscape architect.~~

1012 | (5) ~~(6)~~ Except as provided in s. 558.0035, the fact that a
 1013 | registered landscape architect practices landscape architecture
 1014 | through a corporation or partnership as provided in this section



1015 | does not relieve the landscape architect from personal liability
 1016 | for her or his ~~or her~~ professional acts.

1017 | Section 36. Subsection (5) of section 481.329, Florida
 1018 | Statutes, is amended to read:

1019 | 481.329 Exceptions; exemptions from licensure.—

1020 | (5) This part does not prohibit any person from engaging
 1021 | in the practice of landscape design, as defined in s. 481.303(5)
 1022 | ~~481.303(7)~~, or from submitting for approval to a governmental
 1023 | agency planting plans that are independent of, or a component
 1024 | of, construction documents that are prepared by a Florida-
 1025 | registered professional. Persons providing landscape design
 1026 | services shall not use the title, term, or designation
 1027 | "landscape architect," "landscape architectural," "landscape
 1028 | architecture," "L.A.," "landscape engineering," or any
 1029 | description tending to convey the impression that she or he is a
 1030 | landscape architect unless she or he is registered as provided
 1031 | in this part.

1032 | Section 37. Subsection (14) of section 489.503, Florida
 1033 | Statutes, is amended, and subsection (24) is added to that
 1034 | section, to read:

1035 | 489.503 Exemptions.—This part does not apply to:

1036 | (14) The sale of, installation of, repair of, alteration
 1037 | of, addition to, or design of electrical wiring, fixtures,
 1038 | appliances, thermostats, apparatus, raceways, computers,
 1039 | customer premises equipment, customer premises wiring, and
 1040 | conduit, or any part thereof, ~~by an employee, contractor,~~



1041 ~~subcontractor, or affiliate of a company operating under a~~
1042 ~~certificate issued under chapter 364 or chapter 610, or under a~~
1043 ~~local franchise or right-of-way agreement,~~ if those items are
1044 for the purpose of transmitting data, voice, video, or other
1045 communications, or commands as part of a cable television,
1046 community antenna television, radio distribution,
1047 communications, or telecommunications system. An employee,
1048 subcontractor, contractor, or affiliate of a company that
1049 operates under a certificate issued under chapter 364 or chapter
1050 610, or under a local franchise or right-of-way agreement, is
1051 not subject to any local ordinance that requires a permit for
1052 work related to low-voltage electrical work, including related
1053 technical codes, regulations, and licensure. The scope of this
1054 exemption is limited to electrical circuits and equipment
1055 governed by the applicable provisions of Articles 725 (Classes 2
1056 and 3 circuits only), 770, 800, 810, and 820 of the National
1057 Electrical Code, current edition, or 47 C.F.R. part 68, ~~and~~
1058 ~~employees, contractors, and subcontractors of companies, and~~
1059 ~~affiliates thereof, operating under a certificate issued under~~
1060 ~~chapter 364 or chapter 610 or under a local franchise or right-~~
1061 ~~of-way agreement.~~ This subsection does not relieve any person
1062 from licensure as an alarm system contractor.

1063 (24) A person who installs low-voltage landscape lighting
1064 that contains a factory-installed electrical cord with a plug
1065 and does not require installation, wiring, or a modification to
1066 the electrical wiring in a structure.



1067 Section 38. Paragraphs (a) through (e) of subsection (2)
1068 of section 489.518, Florida Statutes, are redesignated as
1069 paragraphs (b) through (f), respectively, and a new paragraph
1070 (a) is added to that subsection to read:

1071 489.518 Alarm system agents.—

1072 (2) (a) A person who performs only sales or installations
1073 of wireless alarm systems, other than fire alarm systems, in a
1074 single-family residence is not required to complete the initial
1075 training required for burglar alarm system agents.

1076 Section 39. Section 550.2416, Florida Statutes, is created
1077 to read:

1078 550.2416 Reporting of racing greyhound injuries.—

1079 (1) An injury to a racing greyhound which occurs while the
1080 greyhound is located in this state must be reported on a form
1081 adopted by the division within 7 days after the date on which
1082 the injury occurred or is believed to have occurred. The
1083 presence of cocaine found in a racing greyhound is considered an
1084 injury under this section. The division may adopt rules defining
1085 the term "injury."

1086 (2) The form shall be completed and signed under oath or
1087 affirmation by the:

1088 (a) Racetrack veterinarian or director of racing, if the
1089 injury occurred at the racetrack facility; or

1090 (b) Owner, trainer, or kennel operator who had knowledge
1091 of the injury, if the injury occurred at a location other than
1092 the racetrack facility, including during transportation.



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1093 (3) The division shall fine, suspend, or revoke the
1094 license of any individual who knowingly violates this section or
1095 who intentionally causes an injury to a racing greyhound.

1096 (4) The form must include the following:

1097 (a) The greyhound's registered name, right-ear and left-
1098 ear tattoo numbers, and, if any, the microchip manufacturer and
1099 number.

1100 (b) The names, business addresses, and telephone numbers
1101 of the greyhound's owner, trainer, and kennel operator.

1102 (c) The color, weight, and sex of the greyhound.

1103 (d) The specific type and bodily location of the injury,
1104 the cause of the injury, and the estimated recovery time from
1105 the injury.

1106 (e) If the injury occurred when the greyhound was racing:

1107 1. The racetrack where the injury occurred;

1108 2. The distance, grade, race, and post position of the
1109 greyhound when the injury occurred; and

1110 3. The weather conditions, time, and track conditions when
1111 the injury occurred.

1112 (f) If the injury occurred when the greyhound was not
1113 racing:

1114 1. The location where the injury occurred; and

1115 2. The circumstances surrounding the injury.

1116 (g) Other information that the division determines is
1117 necessary to identify injuries to racing greyhounds in this
1118 state.



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1119 (5) An injury form created pursuant to this section must
1120 be maintained as a public record by the division for at least 7
1121 years after the date it was received.

1122 (6) A licensee of the department who knowingly makes a
1123 false statement concerning an injury or fails to report an
1124 injury is subject to disciplinary action under this chapter or
1125 chapters 455 and 474.

1126 (7) This section does not apply to injuries to a service
1127 animal, personal pet, or greyhound that has been adopted as a
1128 pet.

1129 (8) The division shall adopt rules to implement this
1130 section.

1131 Section 40. This act shall take effect July 1, 2016.