

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Commerce Committee
 2 Representative Beshears offered the following:

Amendment (with title amendment)

Remove lines 1879-2045 and insert:

6 (2) "Business organization" means any partnership, limited
 7 liability company, corporation, or individual operating under a
 8 fictitious name.

9 (4)-(2) "Department" means the Department of Business and
 10 Professional Regulation.

11 (8)-(3) "Registered landscape architect" means a person who
 12 holds a license to practice landscape architecture in this state
 13 under the authority of this act.

14 (3)-(4) "Certificate of registration" means a license
 15 issued by the department to a natural person to engage in the
 16 practice of landscape architecture.

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

20 (5) ~~(6)~~ "Landscape architecture" means professional
21 services, including, but not limited to, the following:

22 (a) Consultation, investigation, research, planning,
23 design, preparation of drawings, specifications, contract
24 documents and reports, responsible construction supervision, or
25 landscape management in connection with the planning and
26 development of land and incidental water areas, including the
27 use of Florida-friendly landscaping as defined in s. 373.185,
28 where, and to the extent that, the dominant purpose of such
29 services or creative works is the preservation, conservation,
30 enhancement, or determination of proper land uses, natural land
31 features, ground cover and plantings, or naturalistic and
32 aesthetic values;

33 (b) The determination of settings, grounds, and approaches
34 for and the siting of buildings and structures, outdoor areas,
35 or other improvements;

36 (c) The setting of grades, shaping and contouring of land
37 and water forms, determination of drainage, and provision for
38 storm drainage and irrigation systems where such systems are
39 necessary to the purposes outlined herein; and

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

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42 ~~(6)-(7)~~ "Landscape design" means consultation for and
43 preparation of planting plans drawn for compensation, including
44 specifications and installation details for plant materials,
45 soil amendments, mulches, edging, gravel, and other similar
46 materials. Such plans may include only recommendations for the
47 conceptual placement of tangible objects for landscape design
48 projects. Construction documents, details, and specifications
49 for tangible objects and irrigation systems shall be designed or
50 approved by licensed professionals as required by law.

51 (7) "Qualifying agent" means an owner, officer, or
52 director of the corporation, or partner of the partnership, who
53 is responsible for the supervision, direction, and management of
54 projects of the business organization with which she or he is
55 affiliated and for ensuring that responsible supervising control
56 is being exercised.

57 Section 78. Subsection (4) of section 481.311, Florida
58 Statutes, is amended to read:

59 481.311 Licensure.—

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

63 Section 79. Subsection (2) of section 481.317, Florida
64 Statutes, is amended to read:

65 481.317 Temporary certificates.—

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66 ~~(2) Upon approval by the board and payment of the fee set~~
67 ~~in s. 481.307, the department shall grant a temporary~~
68 ~~certificate of authorization for work on one specified project~~
69 ~~in this state for a period not to exceed 1 year to an out-of-~~
70 ~~state corporation, partnership, or firm, provided one of the~~
71 ~~principal officers of the corporation, one of the partners of~~
72 ~~the partnership, or one of the principals in the fictitiously~~
73 ~~named firm has obtained a temporary certificate of registration~~
74 ~~in accordance with subsection (1).~~

75 Section 80. Section 481.319, Florida Statutes, is amended
76 to read:

77 481.319 Corporate and partnership practice of landscape
78 architecture; ~~certificate of authorization.~~-

79 (1) The practice of or offer to practice landscape
80 architecture by registered landscape architects registered under
81 this part through a corporation or partnership offering
82 landscape architectural services to the public, or through a
83 corporation or partnership offering landscape architectural
84 services to the public through individual registered landscape
85 architects as agents, employees, officers, or partners, is
86 permitted, subject to the provisions of this section, if:

87 (a) One or more of the principal officers of the
88 corporation, or partners of the partnership, and all personnel
89 of the corporation or partnership who act in its behalf as

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90 landscape architects in this state are registered landscape
91 architects; and

92 (b) One or more of the officers, one or more of the
93 directors, one or more of the owners of the corporation, or one
94 or more of the partners of the partnership is a registered
95 landscape architect and has applied to be the qualifying agent
96 for the business organization; ~~and~~

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

99 (2) All documents involving the practice of landscape
100 architecture which are prepared for the use of the corporation
101 or partnership shall bear the signature and seal of a registered
102 landscape architect.

103 (3) A landscape architect applying to practice in the name
104 of a An applicant corporation must shall file with the
105 department the names and addresses of all officers and board
106 members of the corporation, including the principal officer or
107 officers, duly registered to practice landscape architecture in
108 this state and, also, of all individuals duly registered to
109 practice landscape architecture in this state who shall be in
110 responsible charge of the practice of landscape architecture by
111 the corporation in this state. A landscape architect applying to
112 practice in the name of a An applicant partnership must shall
113 file with the department the names and addresses of all partners
114 of the partnership, including the partner or partners duly

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115 registered to practice landscape architecture in this state and,
116 also, of an individual or individuals duly registered to
117 practice landscape architecture in this state who shall be in
118 responsible charge of the practice of landscape architecture by
119 said partnership in this state.

120 (4) Each landscape architect qualifying a partnership or
121 ~~and corporation licensed~~ under this part must ~~shall~~ notify the
122 department within 1 month after ~~of~~ any change in the information
123 contained in the application upon which the license is based.
124 Any landscape architect who terminates her or his ~~or her~~
125 employment with a partnership or corporation licensed under this
126 part shall notify the department of the termination within 1
127 month after such termination.

128 ~~(5) Disciplinary action against a corporation or~~
129 ~~partnership shall be administered in the same manner and on the~~
130 ~~same grounds as disciplinary action against a registered~~
131 ~~landscape architect.~~

132 (5)(6) Except as provided in s. 558.0035, the fact that a
133 registered landscape architect practices landscape architecture
134 through a corporation or partnership as provided in this section
135 does not relieve the landscape architect from personal liability
136 for her or his ~~or her~~ professional acts.

137 Section 81. Subsection (5) of section 481.321, Florida
138 Statutes, is amended to read:

139 481.321 Seals; display of certificate number.—

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140 (5) Each registered landscape architect must ~~and each~~
141 ~~corporation or partnership holding a certificate of~~
142 ~~authorization shall~~ include her or his ~~its~~ certificate number in
143 any newspaper, telephone directory, or other advertising medium
144 used by the registered landscape architect, corporation, or
145 partnership. A corporation or partnership must ~~is not required~~
146 ~~to~~ display the certificate number ~~numbers~~ of at least one
147 officer, director, owner, or partner who is a individual
148 registered landscape architect ~~architects~~ employed by or
149 practicing with the corporation or partnership.

150 Section 82. Subsection (5) of section 481.329, Florida
151 Statutes, is amended to read:

152 481.329 Exceptions; exemptions from licensure.-

153 (5) This part does not prohibit any person from engaging
154 in the practice of landscape design, as defined in s. 481.303(6)
155 ~~481.303(7)~~, or from submitting for approval to a governmental
156 agency planting plans that are independent of, or a component
157 of, construction documents that are prepared by a Florida-
158 registered professional. Persons providing landscape design
159 services shall not use the title, term, or designation
160 "landscape architect," "landscape architectural," "landscape
161 architecture," "L.A.," "landscape engineering," or any
162 description tending to convey the impression that she or he is a
163 landscape architect unless she or he is registered as provided
164 in this part.

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165 Section 83. Paragraph (h) of subsection (2) of section
166 287.055, Florida Statutes, is amended to read:

167 287.055 Acquisition of professional architectural,
168 engineering, landscape architectural, or surveying and mapping
169 services; definitions; procedures; contingent fees prohibited;
170 penalties.—

171 (2) DEFINITIONS.—For purposes of this section:

172 (h) A "design-build firm" means a partnership,
173 corporation, or other legal entity that:

174 1. Is certified under s. 489.119 to engage in contracting
175 through a certified or registered general contractor or a
176 certified or registered building contractor as the qualifying
177 agent; or

178 2. Is certified under s. 471.023 to practice or to offer
179 to practice engineering; qualified ~~certified~~ under s. 481.219 to
180 practice or to offer to practice architecture; or qualified
181 ~~certified~~ under s. 481.319 to practice or to offer to practice
182 landscape architecture.

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T I T L E A M E N D M E N T

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Remove line 132 and insert:

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Bill No. HB 7047 (2017)

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189 authorization" and adding definitions for "business
190 organization" and "qualifying agent"; amending ss. 481.311 and
191 481.317,