

By Senator Passidomo

28-00505-17

2017802__

1 A bill to be entitled
2 An act relating to regulated professions and
3 occupations; amending s. 326.004, F.S.; deleting a
4 requirement that yacht and ship brokers maintain a
5 separate license for each branch office and related
6 fees; amending s. 447.02, F.S.; deleting a definition;
7 repealing s. 447.04, F.S., relating to business
8 agents, licenses, and permits; repealing s. 447.041,
9 F.S., relating to hearings; repealing s. 447.045,
10 F.S., relating to certain confidential information;
11 repealing s. 447.06, F.S., relating to the required
12 registration of labor organizations; amending s.
13 447.09, F.S.; deleting prohibitions against specified
14 actions; repealing s. 447.12, F.S., relating to
15 registration fees; repealing s. 447.16, F.S., relating
16 to the applicability of ch. 447, F.S.; amending s.
17 468.381, F.S.; revising legislative findings and
18 intent; amending s. 468.382, F.S.; deleting
19 definitions; repealing s. 468.384, F.S., relating to
20 the Florida Board of Auctioneers; repealing s.
21 468.385, F.S., relating to required licenses,
22 qualifications, and examination to practice
23 auctioneering; repealing s. 468.3851, F.S., relating
24 to license renewals for auctioneers; repealing s.
25 468.3852, F.S., relating to reactivation of license
26 and fees; repealing s. 468.3855, F.S., relating to
27 apprenticeship training requirements; repealing s.
28 468.386, F.S., relating to fees and local licensing
29 requirements; repealing s. 468.387, F.S., relating to
30 licensing of nonresidents, endorsement, and
31 reciprocity; amending s. 468.388, F.S.; conforming
32 provisions to changes made by the act; amending s.

28-00505-17

2017802__

33 468.389, F.S.; providing for a civil cause of action,
34 rather than disciplinary proceedings, for certain
35 prohibited acts; conforming provisions to changes made
36 by the act; amending s. 468.391, F.S.; conforming
37 cross-references; repealing s. 468.392, F.S., relating
38 to the Auctioneer Recovery Fund; repealing s. 468.393,
39 F.S., relating to a license fee surcharge and
40 assessments; repealing s. 468.394, F.S., relating to
41 credited interest and payment of expenses; repealing
42 s. 468.395, F.S., relating to conditions of recovery
43 and eligibility; repealing s. 468.396, F.S., relating
44 to claims against a single licensee in excess of
45 dollar limitation, joinder of claims, payment, and
46 insufficient funds; repealing s. 468.397, F.S.,
47 relating to payment of claims; repealing s. 468.398,
48 F.S., relating to suspension of a judgment debtor's
49 license, repayment by the licensee, and interest;
50 repealing s. 468.399, F.S., relating to the
51 expenditure of excess funds; amending s. 468.401,
52 F.S.; deleting the definitions of the terms
53 "department," "license," and "licensee"; repealing s.
54 468.402, F.S., relating to the duties of the
55 Department of Business and Professional Regulation;
56 repealing s. 468.403, F.S., relating to licensure and
57 application requirements for owners and operators of
58 talent agencies; repealing s. 468.404, F.S., relating
59 to fees and renewal of talent agency licenses;
60 repealing s. 468.405, F.S., relating to qualification
61 for talent agency licenses; amending s. 468.406, F.S.;

28-00505-17

2017802__

62 deleting the requirement for talent agencies to file
63 with the department an itemized schedule of certain
64 fees and an amended or supplemental schedule under
65 certain circumstances; repealing s. 468.407, F.S.,
66 relating to license contents and posting; amending s.
67 468.408, F.S.; deleting a requirement that a talent
68 agency file a bond for each talent agency license;
69 deleting a departmental requirement to approve talent
70 agency bonds; requiring that a bonding company notify
71 the talent agency, rather than the department, of
72 certain claims; amending s. 468.409, F.S.; deleting
73 provisions requiring talent agencies to make specified
74 records readily available for inspection by the
75 department; amending s. 468.410, F.S.; deleting a
76 reference to the department in talent agency
77 contracts; amending s. 468.412, F.S.; revising the
78 information that talent agencies are required to enter
79 on records; revising the requirements for talent
80 agencies to post certain laws and rules; revising the
81 information required in talent agency publications;
82 amending s. 468.413, F.S.; deleting provisions
83 relating to criminal violations for failing to obtain
84 or maintain licensure with the department; deleting
85 provisions authorizing the court to suspend or revoke
86 a license; deleting a provision authorizing the
87 department to impose a \$5,000 fine under certain
88 circumstances; repealing s. 468.414, F.S., relating to
89 collection and deposit of fines, fees, and penalties
90 by the department; amending s. 468.415, F.S.; deleting

28-00505-17

2017802__

91 a provision authorizing the department to permanently
92 revoke a license; amending s. 469.006, F.S.; requiring
93 an individual applicant to apply for licensure in the
94 name of the business organization that he or she
95 proposes to operate under; requiring that a license be
96 in the name of a qualifying agent rather than the name
97 of a business organization; requiring the qualifying
98 agent, rather than the business organization, to
99 report certain changes in information; conforming
100 provisions to changes made by the act; amending s.
101 469.009, F.S.; deleting the authority of the
102 department to reprimand, censure, or impose probation
103 on certain business organizations; amending s.
104 476.034, F.S.; defining and redefining terms; amending
105 s. 476.114, F.S.; revising requirements for licensure
106 by examination for barbers; providing requirements for
107 licensure by examination to practice restricted
108 barbering; conforming a cross-reference; amending s.
109 476.144, F.S.; conforming a cross-reference; amending
110 s. 477.013, F.S.; revising the definition of the term
111 "specialty"; repealing s. 477.0132, F.S., relating to
112 hair braiding, hair wrapping, and body wrapping
113 registration; amending s. 477.0135, F.S.; exempting
114 from certain licensure and registration requirements
115 persons whose occupation or practice is confined
116 solely to hair braiding, hair wrapping, or body
117 wrapping; amending s. 477.019, F.S.; deleting an
118 exemption from certain continuing education
119 requirements for persons whose occupation or practice

28-00505-17

2017802__

120 is confined solely to hair braiding, hair wrapping, or
121 body wrapping; amending s. 477.0201, F.S.; providing
122 requirements for registration as a specialist in nail
123 specialty practices, facial specialty practices, and
124 full specialty practices; amending s. 477.026, F.S.;
125 conforming a provision to changes made by the act;
126 amending s. 481.203, F.S.; defining the term "business
127 organization"; deleting the definition of the term
128 "certificate of authorization"; amending s. 481.219,
129 F.S.; revising the process by which a business
130 organization obtains the requisite license to perform
131 architectural services; requiring that a licensee or
132 an applicant apply to qualify a business organization
133 under certain circumstances; specifying application
134 requirements; authorizing the Board of Architecture
135 and Interior Design to deny an application under
136 certain circumstances; requiring that a qualifying
137 agent be a registered architect or a registered
138 interior designer under certain circumstances;
139 requiring that a qualifying agent notify the
140 department when she or he ceases to be affiliated with
141 a business organization; prohibiting a business
142 organization from engaging in certain practices until
143 it is qualified by a qualifying agent; authorizing the
144 executive director or the chair of the board to
145 authorize a certain registered architect or interior
146 designer to temporarily serve as the business
147 organization's qualifying agent for a specified
148 timeframe under certain circumstances; requiring the

28-00505-17

2017802__

149 qualifying agent to give written notice to the
150 department before engaging in practice under her or
151 his own name or in affiliation with another business
152 organization; requiring the board to certify an
153 applicant to qualify one or more business
154 organizations or to operate using a fictitious name
155 under certain circumstances; conforming provisions to
156 changes made by the act; amending s. 481.221, F.S.;
157 requiring a business organization to include the
158 license number of a certain registered architect or
159 interior designer in any advertising; providing an
160 exception; conforming provisions to changes made by
161 the act; amending s. 481.229, F.S.; conforming
162 provisions to changes made by the act; reordering and
163 amending s. 481.303, F.S.; defining and redefining
164 terms; amending s. 481.321, F.S.; revising provisions
165 that require persons to display certificate numbers
166 under certain circumstances; conforming provisions to
167 changes made by the act; amending ss. 481.311,
168 481.317, and 481.319, F.S.; conforming provisions to
169 changes made by the act; amending s. 481.329, F.S.;
170 conforming a cross-reference; amending s. 492.111,
171 F.S.; revising requirements for the practice of, or
172 offer to practice, professional geology; deleting a
173 requirement that a firm, corporation, or partnership
174 be issued a specified certificate of authorization;
175 conforming provisions to changes made by the act;
176 amending ss. 492.104, 492.113, and 492.115, F.S.;
177 conforming provisions to changes made by the act;

28-00505-17

2017802__

178 amending s. 548.017, F.S.; revising the persons
179 required to be licensed by the State Boxing
180 Commission; amending s. 548.003, F.S.; conforming a
181 provision to changes made by the act; providing an
182 effective date.

183

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

185

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

188 326.004 Licensing.—

189 (13) Each broker must maintain a principal place of
190 business in this state and may establish branch offices in the
191 state. ~~A separate license must be maintained for each branch
192 office. The division shall establish by rule a fee not to exceed
193 \$100 for each branch office license.~~

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

196 447.02 Definitions.—The following terms, when used in this
197 chapter, shall have the meanings ascribed to them in this
198 section:

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

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

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

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

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

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

206 Florida Statutes, are amended to read:

28-00505-17

2017802__

207 447.09 Right of franchise preserved; penalties.—It shall be
208 unlawful for any person:

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

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

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

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

215 Section 10. Section 468.381, Florida Statutes, is amended
216 to read:

217 468.381 Purpose.—The Legislature finds that dishonest or
218 unscrupulous ~~unqualified~~ auctioneers and ~~apprentices and~~
219 ~~unreliable~~ auction businesses present a significant threat to
220 the public. It is the intent of the Legislature to protect the
221 public by creating civil and criminal causes of action against a
222 ~~board to regulate auctioneers, apprentices, and auction~~
223 ~~businesses and by requiring a license to operate.~~

224 Section 11. Present subsections (6), (7), and (8) of
225 section 468.382, Florida Statutes, are redesignated as
226 subsections (3), (4), and (5), respectively, and subsection (2)
227 and present subsections (3), (4), and (5) of that section are
228 amended, to read:

229 468.382 Definitions.—As used in this act, the term:

230 (2) "Auctioneer" means any person who conducts auctions
231 within the State of Florida licensed pursuant to this part who
232 ~~holds a valid Florida auctioneer license.~~

233 ~~(3) "Apprentice" means any person who is being trained as~~
234 ~~an auctioneer by a licensed auctioneer.~~

235 ~~(4) "Board" means the Florida Board of Auctioneers.~~

28-00505-17

2017802__

236 ~~(5) "Department" means the Department of Business and~~
237 ~~Professional Regulation.~~

238 Section 12. Section 468.384, Florida Statutes, is repealed.

239 Section 13. Section 468.385, Florida Statutes, is repealed.

240 Section 14. Section 468.3851, Florida Statutes, is
241 repealed.

242 Section 15. Section 468.3852, Florida Statutes, is
243 repealed.

244 Section 16. Section 468.3855, Florida Statutes, is
245 repealed.

246 Section 17. Section 468.386, Florida Statutes, is repealed.

247 Section 18. Section 468.387, Florida Statutes, is repealed.

248 Section 19. Section 468.388, Florida Statutes, is amended
249 to read:

250 468.388 Conduct of an auction.—

251 (1) Prior to conducting an auction in this state, an
252 auctioneer or auction business shall execute a written agreement
253 with the owner, or the agent of the owner, of any property to be
254 offered for sale, stating:

255 (a) The name and address of the owner of the property;

256 (b) The name and address of the person employing the
257 auctioneer or auction business, if different from the owner; and

258 (c) The terms or conditions upon which the auctioneer or
259 auction business will receive the property for sale and remit
260 the sales proceeds to the owner.

261 (2) The auctioneer or auction business shall give the owner
262 one copy of the agreement and shall keep one copy for 2 years
263 after the date of the auction.

264 (3) Each auctioneer or auction business shall maintain a

28-00505-17

2017802__

265 record book of all sales. ~~The record book shall be open to~~
266 ~~inspection by the board at reasonable times.~~

267 ~~(4) Each auction must be conducted by an auctioneer who has~~
268 ~~an active license or by an apprentice who has an active~~
269 ~~apprentice auctioneer license and who has received prior written~~
270 ~~sponsor consent. Each auction must be conducted under the~~
271 ~~auspices of a licensed auction business. Any auctioneer or~~
272 ~~apprentice auctioneer conducting an auction, and any auction~~
273 ~~business under whose auspices such auction is held, shall be~~
274 ~~responsible for determining that any auctioneer, apprentice, or~~
275 ~~auction business with whom they are associated in conducting~~
276 ~~such auction has an active Florida auctioneer, apprentice, or~~
277 ~~auction business license.~~

278 ~~(5) The principal auctioneer shall prominently display at~~
279 ~~the auction site the licenses of the principal auctioneer, the~~
280 ~~auction business, and any other licensed auctioneers or~~
281 ~~apprentices who are actively participating in the auction. If~~
282 ~~such a display is not practicable, then an oral announcement at~~
283 ~~the beginning of the auction or a prominent written announcement~~
284 ~~that these licenses are available for inspection at the auction~~
285 ~~site must be made.~~

286 ~~(4)~~(6) If a buyer premium or any surcharge is a condition
287 to sale at any auction, the amount of the premium or surcharge
288 must be announced at the beginning of the auction and a written
289 notice of this information must be conspicuously displayed or
290 distributed to the public at the auction site.

291 ~~(5)~~(7) At the beginning of an auction must be announced the
292 terms of bidding and sale and whether the sale is with reserve,
293 without reserve, or absolute or if a minimum bid is required. If

28-00505-17

2017802__

294 the sale is absolute and has been announced or advertised as
295 such, an article or lot may not be withdrawn from sale once a
296 bid has been accepted. If no bid is received within a reasonable
297 time, the item or lot may be withdrawn.

298 (6)~~(8)~~ If an auction has been advertised as absolute, no
299 bid shall be accepted from the owner of the property or from
300 someone acting on behalf of the owner unless the right to bid is
301 specifically permitted by law.

302 (7)~~(9)~~ The auction business under which the auction is
303 conducted is responsible for all other aspects of the auction as
304 required by this part ~~board rule~~. The auction business may
305 delegate in whole, or in part, different aspects of the auction
306 only to the extent that such delegation is permitted by law and
307 that such delegation will not impede the principal auctioneer's
308 ability to ensure the proper conduct of his or her independent
309 responsibility for the auction. The auction business under whose
310 auspices the auction is conducted is responsible for ensuring
311 compliance as required by this part ~~board rule~~.

312 (8) (a)~~(10) (a)~~ When settlement is not made immediately after
313 an auction, all sale proceeds received for another person must
314 be deposited in an escrow or trust account in an insured bank or
315 savings and loan association located in this state within 2
316 working days after the auction. A maximum of \$100 may be kept in
317 the escrow account for administrative purposes.

318 (b) Each auction business shall maintain, for not less than
319 2 years, a separate ledger showing the funds held for another
320 person deposited and disbursed by the auction business for each
321 auction. The escrow or trust account must be reconciled monthly
322 with the bank statement. A signed and dated record shall be

28-00505-17

2017802__

323 maintained for a 2-year period ~~and be available for inspection~~
324 ~~by the department or at the request of the board.~~

325 (c) Any interest which accrues to sale proceeds on deposit
326 shall be the property of the seller for whom the funds were
327 received unless the parties have agreed otherwise by written
328 agreement executed prior to the auction.

329 (d) Unless otherwise provided by written agreement executed
330 prior to the auction, funds received by a licensee from the
331 seller or his or her agent for expenses, including advertising,
332 must be expended for the purposes advanced or refunded to the
333 seller at the time of final settlement. Any funds so received
334 shall be maintained in an escrow or trust account in an insured
335 bank or savings and loan association located in this state.
336 However, this does not prohibit advanced payment of a flat fee.

337 ~~(11) (a) All advertising by an auctioneer or auction~~
338 ~~business shall include the name and Florida license number of~~
339 ~~such auctioneer and auction business. The term "advertising"~~
340 ~~shall not include articles of clothing, directional signs, or~~
341 ~~other promotional novelty items.~~

342 (9) (a) (b) ~~A~~ No licensed auctioneer, apprentice, or auction
343 business may not disseminate or cause to be disseminated any
344 advertisement or advertising that ~~which~~ is false, deceptive,
345 misleading, or untruthful. Any advertisement or advertising is
346 ~~shall be~~ deemed to be false, deceptive, misleading, or
347 untruthful if it:

- 348 1. Contains misrepresentations of facts.
- 349 2. Is misleading or deceptive because, in its content or in
350 the context in which it is presented, it makes only a partial
351 disclosure of relevant facts.

28-00505-17

2017802__

352 3. Creates false or unjustified expectations of the
353 services to be performed.

354 4. Contains any representation or claim which the
355 advertising licensee fails to perform.

356 5. Fails to include the name and license number of the
357 principal auctioneer and the auction business.

358 6. Fails to include the name and license number of the
359 sponsor if an apprentice is acting as the principal auctioneer.

360 7. Advertises an auction as absolute without specifying any
361 and all items to be sold with reserve or with minimum bids.

362 8. Fails to include the percentage amount of any buyer's
363 premium or surcharge which is a condition to sale.

364 ~~(b)(c)~~ ~~The provisions of~~ This subsection applies ~~apply~~ to
365 media exposure of any nature, regardless of whether it is in the
366 form of paid advertising.

367 ~~(c)(d)~~ The auction business is ~~shall be~~ responsible for the
368 content of all advertising disseminated in preparation for an
369 auction.

370 Section 20. Section 468.389, Florida Statutes, is amended
371 to read:

372 468.389 Prohibited acts; penalties.—

373 ~~(1)~~ The following acts are ~~shall be~~ grounds for a civil
374 cause of action for damages against the auctioneer, auction
375 business, or any owner or manager thereof, or, in the case of
376 corporate ownership, any substantial stockholder of the
377 corporation owning the auction business ~~the disciplinary~~
378 ~~activities provided in subsections (2) and (3):~~

379 (1)(a) A violation of any law relating to trade or commerce
380 of this state or of the state in which an auction is conducted.

28-00505-17

2017802__

381 (2)~~(b)~~ Misrepresentation of property for sale at auction or
382 making false promises concerning the use, value, or condition of
383 such property by an auctioneer or auction business or by anyone
384 acting as an agent of or with the consent of the auctioneer or
385 auction business.

386 (3)~~(e)~~ Failure to account for or to pay or return, within a
387 reasonable time not to exceed 30 days, money or property
388 belonging to another which has come into the control of an
389 auctioneer or auction business through an auction.

390 (4)~~(d)~~ False, deceptive, misleading, or untruthful
391 advertising.

392 (5)~~(e)~~ Any conduct in connection with a sales transaction
393 which demonstrates bad faith or dishonesty.

394 (6)~~(f)~~ Using or permitting the use of false bidders,
395 cappers, or shells.

396 (7)~~(g)~~ Making any material false statement on a license
397 application.

398 (8)~~(h)~~ Commingling money or property of another person with
399 his or her own. Every auctioneer and auction business shall
400 maintain a separate trust or escrow account in an insured bank
401 or savings and loan association located in this state in which
402 shall be deposited all proceeds received for another person
403 through an auction sale.

404 (9)~~(i)~~ Refusal or neglect of any auctioneer or other
405 receiver of public moneys to pay the moneys so received into the
406 State Treasury at the times and under the regulations prescribed
407 by law.

408 (10)~~(j)~~ Violating a statute ~~or administrative rule~~
409 regulating practice under this part ~~or a lawful disciplinary~~

28-00505-17

2017802__

410 ~~order of the board or the department.~~

411 ~~(k) Having a license to practice a comparable profession~~
412 ~~revoked, suspended, or otherwise acted against by another state,~~
413 ~~territory, or country.~~

414 (11) ~~(1)~~ Being convicted or found guilty, regardless of
415 adjudication, of a crime in any jurisdiction which directly
416 relates to the practice or the ability to practice the
417 profession of auctioneering.

418 ~~(2) When the board finds any person guilty of any of the~~
419 ~~prohibited acts set forth in subsection (1), it may enter an~~
420 ~~order imposing one or more of the following penalties:~~

421 ~~(a) Refusal to certify to the department an application for~~
422 ~~licensure.~~

423 ~~(b) Revocation or suspension of a license.~~

424 ~~(c) Imposition of an administrative fine not to exceed~~
425 ~~\$1,000 for each count or separate offense.~~

426 ~~(d) Issuance of a reprimand.~~

427 ~~(e) Placement of the auctioneer on probation for a period~~
428 ~~of time and subject to conditions as the board may specify,~~
429 ~~including requiring the auctioneer to successfully complete the~~
430 ~~licensure examination.~~

431 ~~(f) Requirement that the person in violation make~~
432 ~~restitution to each consumer affected by that violation. Proof~~
433 ~~of such restitution shall be a signed and notarized release~~
434 ~~executed by the consumer or the consumer's estate.~~

435 ~~(3)(a) Failure to pay a fine within a reasonable time, as~~
436 ~~prescribed by board rule, may be grounds for disciplinary~~
437 ~~action.~~

438 ~~(b) The department may file for an injunction or bring any~~

28-00505-17

2017802__

439 ~~other appropriate civil action against anyone who violates this~~
 440 ~~part.~~

441 Section 21. Section 468.391, Florida Statutes, is amended
 442 to read:

443 468.391 Penalty.—Any auctioneer, ~~apprentice,~~ or auction
 444 business or any owner or manager thereof, or, in the case of
 445 corporate ownership, any substantial stockholder of the
 446 corporation owning the auction business, who ~~operates without an~~
 447 ~~active license or~~ violates s. 468.389 (3), (5), (6), (8) s.
 448 ~~468.389(1)(c), (e), (f), (h), or (9) (i)~~ commits a felony of the
 449 third degree, punishable as provided in s. 775.082 or s.
 450 775.083.

451 Section 22. Section 468.392, Florida Statutes, is repealed.

452 Section 23. Section 468.393, Florida Statutes, is repealed.

453 Section 24. Section 468.394, Florida Statutes, is repealed.

454 Section 25. Section 468.395, Florida Statutes, is repealed.

455 Section 26. Section 468.396, Florida Statutes, is repealed.

456 Section 27. Section 468.397, Florida Statutes, is repealed.

457 Section 28. Section 468.398, Florida Statutes, is repealed.

458 Section 29. Section 468.399, Florida Statutes, is repealed.

459 Section 30. Section 468.401, Florida Statutes, is amended
 460 to read:

461 468.401 ~~Regulation of~~ Talent agencies; definitions.—As used
 462 in this part ~~or any rule adopted pursuant hereto:~~

463 (8)(1) "Talent agency" means any person who, for
 464 compensation, engages in the occupation or business of procuring
 465 or attempting to procure engagements for an artist.

466 (6)(2) "Owner" means any partner in a partnership, member
 467 of a firm, or principal officer or officers of a corporation,

28-00505-17

2017802__

468 whose partnership, firm, or corporation owns a talent agency, or
469 any individual who is the sole owner of a talent agency.

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

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

474 (b) Any money received by any person in excess of that
475 which has been paid out by such person for transportation,
476 transfer of baggage, or board and lodging for any applicant for
477 employment; or

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

483 (4) "Engagement" means any employment or placement of an
484 artist, where the artist performs in his or her artistic
485 capacity. However, the term "engagement" shall not apply to
486 procuring opera, music, theater, or dance engagements for any
487 organization defined in s. 501(c)(3) of the Internal Revenue
488 Code or any nonprofit Florida arts organization that has
489 received a grant from the Division of Cultural Affairs of the
490 Department of State or has participated in the state touring
491 program of the Division of Cultural Affairs.

492 ~~(5) "Department" means the Department of Business and
493 Professional Regulation.~~

494 (5)~~(6)~~ "Operator" means the person who is or who will be in
495 actual charge of a talent agency.

496 (2)~~(7)~~ "Buyer" or "employer" means a person, company,

28-00505-17

2017802__

497 partnership, or corporation that uses the services of a talent
498 agency to provide artists.

499 (1)~~(8)~~ "Artist" means a person performing on the
500 professional stage or in the production of television, radio, or
501 motion pictures; a musician or group of musicians; or a model.

502 (7)~~(9)~~ "Person" means any individual, company, society,
503 firm, partnership, association, corporation, manager, or any
504 agent or employee of any of the foregoing.

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

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

510 Section 31. Section 468.402, Florida Statutes, is repealed.

511 Section 32. Section 468.403, Florida Statutes, is repealed.

512 Section 33. Section 468.404, Florida Statutes, is repealed.

513 Section 34. Section 468.405, Florida Statutes, is repealed.

514 Section 35. Subsection (1) of section 468.406, Florida
515 Statutes, is amended to read:

516 468.406 Fees to be charged by talent agencies; rates;
517 display.-

518 (1) Each owner or operator of a talent agency shall post
519 ~~applicant for a license shall file with the application an~~
520 ~~itemized schedule of maximum fees, charges, and commissions that~~
521 ~~which it intends to charge and collect for its services. This~~
522 ~~schedule may thereafter be raised only by filing with the~~
523 ~~department an amended or supplemental schedule at least 30 days~~
524 ~~before the change is to become effective. The schedule shall be~~
525 ~~posted~~ in a conspicuous place in each place of business of the

28-00505-17

2017802__

526 agency, and the schedule shall be printed in not less than a 30-
527 point boldfaced type, except that an agency that uses written
528 contracts containing maximum fee schedules need not post such
529 schedules.

530 Section 36. Section 468.407, Florida Statutes, is repealed.

531 Section 37. Subsection (1) of section 468.408, Florida
532 Statutes, is amended to read:

533 468.408 Bond required.—

534 (1) ~~A There shall be filed with the department for each~~
535 talent agency shall obtain license a bond in the form of a
536 surety by a reputable company engaged in the bonding business
537 and authorized to do business in this state. The bond shall be
538 for the penal sum of \$5,000, with one or more sureties ~~to be~~
539 ~~approved by the department,~~ and be conditioned that the talent
540 agency applicant conform to and not violate any of the duties,
541 terms, conditions, provisions, or requirements of this part.

542 (a) If any person is aggrieved by the misconduct of any
543 talent agency, the person may maintain an action in his or her
544 own name upon the bond of the agency in any court having
545 jurisdiction of the amount claimed. All such claims shall be
546 assignable, and the assignee shall be entitled to the same
547 remedies, upon the bond of the agency or otherwise, as the
548 person aggrieved would have been entitled to if such claim had
549 not been assigned. Any claim or claims so assigned may be
550 enforced in the name of such assignee.

551 (b) The bonding company shall notify the talent agency
552 ~~department~~ of any claim against such bond, and a copy of such
553 notice shall be sent to the talent agency against which the
554 claim is made.

28-00505-17

2017802__

555 Section 38. Section 468.409, Florida Statutes, is amended
556 to read:

557 468.409 Records required to be kept.—Each talent agency
558 shall keep on file the application, registration, or contract of
559 each artist. In addition, such file must include the name and
560 address of each artist, the amount of the compensation received,
561 and all attempts to procure engagements for the artist. No such
562 agency or employee thereof shall knowingly make any false entry
563 in applicant files or receipt files. Each card or document in
564 such files shall be preserved for a period of 1 year after the
565 date of the last entry thereon. ~~Records required under this~~
566 ~~section shall be readily available for inspection by the~~
567 ~~department during reasonable business hours at the talent~~
568 ~~agency's principal office. A talent agency must provide the~~
569 ~~department with true copies of the records in the manner~~
570 ~~prescribed by the department.~~

571 Section 39. Subsection (3) of section 468.410, Florida
572 Statutes, is amended to read:

573 468.410 Prohibition against registration fees; referral.—

574 (3) A talent agency shall give each applicant a copy of a
575 contract, within 24 hours after the contract's execution, which
576 lists the services to be provided and the fees to be charged.
577 ~~The contract shall state that the talent agency is regulated by~~
578 ~~the department and shall list the address and telephone number~~
579 ~~of the department.~~

580 Section 40. Section 468.412, Florida Statutes, is amended
581 to read:

582 468.412 Talent agency regulations; prohibited acts.—

583 (1) A talent agency shall maintain a record sheet for each

28-00505-17

2017802__

584 booking. This shall be the only required record of placement and
585 shall be kept for a period of 1 year after the date of the last
586 entry in the buyer's file.

587 (2) Each talent agency shall keep records in which shall be
588 entered:

589 (a) The name and address of each artist employing such
590 talent agency;

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

592 (c) The employment in which each such artist is engaged at
593 the time of employing such talent agency and the amount of
594 compensation of the artist in such employment, if any, and the
595 employments subsequently secured by such artist during the term
596 of the contract between the artist and the talent agency and the
597 amount of compensation received by the artist pursuant thereto. +
598 and

599 ~~(d) Other information which the department may require from~~
600 ~~time to time.~~

601 ~~(3) All books, records, and other papers kept pursuant to~~
602 ~~this act by any talent agency shall be open at all reasonable~~
603 ~~hours to the inspection of the department and its agents. Each~~
604 ~~talent agency shall furnish to the department, upon request, a~~
605 ~~true copy of such books, records, and papers, or any portion~~
606 ~~thereof, and shall make such reports as the department may~~
607 ~~prescribe from time to time.~~

608 (3)~~(4)~~ Each talent agency shall post in a conspicuous place
609 in the office of such talent agency a printed copy of this part
610 and ~~of the rules adopted under this part. Such copies shall also~~
611 ~~contain the name and address of the officer charged with~~
612 ~~enforcing this part. The department shall furnish to talent~~

28-00505-17

2017802__

613 ~~agencies printed copies of any statute or rule required to be~~
614 ~~posted under this subsection.~~

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

619 (b) A talent agency must advise an artist, in writing, that
620 the artist has a right to rescind a contract for employment
621 within the first 3 business days after the contract's execution.
622 Any engagement procured by the talent agency for the artist
623 during the first 3 business days of the contract remains
624 commissionable to the talent agency.

625 (5) ~~(6)~~ No talent agency may publish or cause to be
626 published any false, fraudulent, or misleading information,
627 representation, notice, or advertisement. All advertisements of
628 a talent agency by means of card, circulars, or signs, and in
629 newspapers and other publications, and all letterheads,
630 receipts, and blanks shall be printed and contain the licensed
631 ~~name, department license number,~~ and address of the talent
632 agency and the words "talent agency." No talent agency may give
633 any false information or make any false promises or
634 representations concerning an engagement or employment to any
635 applicant who applies for an engagement or employment.

636 (6) ~~(7)~~ No talent agency may send or cause to be sent any
637 person as an employee to any house of ill fame, to any house or
638 place of amusement for immoral purposes, to any place resorted
639 to for the purposes of prostitution, to any place for the
640 modeling or photographing of a minor in the nude in the absence
641 of written permission from the minor's parents or legal

28-00505-17

2017802__

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

644 (7)~~(8)~~ No talent agency, without the written consent of the
645 artist, may divide fees with anyone, including, but not limited
646 to, an agent or other employee of an employer, a buyer, a
647 casting director, a producer, a director, or any venue that uses
648 entertainment. For purposes of this subsection, to "divide fees"
649 includes the sharing among two or more persons of those fees
650 charged to an artist for services performed on behalf of that
651 artist, the total amount of which fees exceeds the amount that
652 would have been charged to the artist by the talent agency
653 alone.

654 (8)~~(9)~~ If a talent agency collects from an artist a fee or
655 expenses for obtaining employment for the artist, and the artist
656 fails to procure such employment, or the artist fails to be paid
657 for such employment if procured, such talent agency shall, upon
658 demand therefor, repay to the artist the fee and expenses so
659 collected. Unless repayment thereof is made within 48 hours
660 after demand therefor, the talent agency shall pay to the artist
661 an additional sum equal to the amount of the fee.

662 (9)~~(10)~~ Each talent agency must maintain a permanent office
663 and must maintain regular operating hours at that office.

664 (10)~~(11)~~ A talent agency may assign an engagement contract
665 to another talent agency licensed in this state only if the
666 artist agrees in writing to the assignment. The assignment must
667 occur, and written notice of the assignment must be given to the
668 artist, within 30 days after the artist agrees in writing to the
669 assignment.

670 Section 41. Section 468.413, Florida Statutes, is amended

28-00505-17

2017802__

671 to read:

672 468.413 Legal requirements; penalties.-

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

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

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

681 ~~(2) Each of the following acts constitutes a misdemeanor of~~
682 ~~the second degree, punishable as provided in s. 775.082 or s.~~
683 ~~775.083:~~

684 ~~(a) Relocating a business as a talent agency, or operating~~
685 ~~under any name other than that designated on the license, unless~~
686 ~~written notification is given to the department and to the~~
687 ~~surety or sureties on the original bond, and unless the license~~
688 ~~is returned to the department for the recording thereon of such~~
689 ~~changes.~~

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

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

696 (a)~~(d)~~ Failing to maintain the records required by s.
697 468.409 or knowingly making false entries in such records.

698 (b)~~(e)~~ Requiring as a condition to registering or obtaining
699 employment or placement for any applicant that the applicant

28-00505-17

2017802__

700 subscribe to, purchase, or attend any publication, postcard
701 service, advertisement, resume service, photography service,
702 school, acting school, workshop, or acting workshop.

703 (c)~~(f)~~ Failing to give each applicant a copy of a contract
704 which lists the services to be provided and the fees to be
705 charged by, ~~which states that the talent agency is regulated by~~
706 ~~the department, and which lists the address and telephone number~~
707 ~~of the department.~~

708 (d)~~(g)~~ Failing to maintain a record sheet as required by s.
709 468.412(1).

710 (e)~~(h)~~ Knowingly sending or causing to be sent any artist
711 to a prospective employer or place of business, the character or
712 operation of which employer or place of business the talent
713 agency knows to be in violation of the laws of the United States
714 or of this state.

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

719 (2)~~(4)~~ In the event that ~~the department or any state~~
720 ~~attorney shall have probable cause to believe that a talent~~
721 ~~agency or other person has violated any provision of subsection~~
722 ~~(1), an action may be brought by the department or any state~~
723 ~~attorney to enjoin such talent agency or any person from~~
724 ~~continuing such violation, or engaging therein or doing any acts~~
725 ~~in furtherance thereof, and for such other relief as to the~~
726 ~~court seems appropriate. In addition to this remedy, the~~
727 ~~department may assess a penalty against any talent agency or any~~
728 ~~person in an amount not to exceed \$5,000.~~

28-00505-17

2017802__

729 Section 42. Section 468.414, Florida Statutes, is repealed.

730 Section 43. Section 468.415, Florida Statutes, is amended
731 to read:

732 468.415 Sexual misconduct in the operation of a talent
733 agency.—The talent agent-artist relationship is founded on
734 mutual trust. Sexual misconduct in the operation of a talent
735 agency means violation of the talent agent-artist relationship
736 through which the talent agent uses the relationship to induce
737 or attempt to induce the artist to engage or attempt to engage
738 in sexual activity. Sexual misconduct is prohibited in the
739 operation of a talent agency. ~~If Any agent, owner, or operator~~
740 ~~of a licensed talent agency who commits is found to have~~
741 ~~committed sexual misconduct in the operation of a talent agency,~~
742 ~~the agency license shall be permanently revoked. Such agent,~~
743 ~~owner, or operator shall be permanently prohibited from acting~~
744 ~~disqualified from present and future licensure as an agent,~~
745 ~~owner, or operator of a Florida talent agency.~~

746 Section 44. Paragraphs (a) and (e) of subsection (2),
747 subsection (3), paragraph (b) of subsection (4), and subsection
748 (6) of section 469.006, Florida Statutes, are amended to read:

749 469.006 Licensure of business organizations; qualifying
750 agents.—

751 (2) (a) If the applicant proposes to engage in consulting or
752 contracting as a partnership, corporation, business trust, or
753 other legal entity, or in any name other than the applicant's
754 legal name, ~~the legal entity must apply for licensure through a~~
755 ~~qualifying agent or the individual applicant must apply for~~
756 licensure under the name of the business organization ~~fictitious~~
757 ~~name.~~

28-00505-17

2017802__

758 (e) ~~A~~ The license, ~~when issued upon application of a~~
759 ~~business organization,~~ must be in the name of the qualifying
760 agent business organization, and the name of the business
761 organization ~~qualifying agent~~ must be noted on the license
762 ~~thereon~~. If there is a change in any information that is
763 required to be stated on the application, the qualifying agent
764 ~~business organization~~ shall, within 45 days after such change
765 occurs, mail the correct information to the department.

766 (3) The qualifying agent must ~~shall~~ be licensed under this
767 chapter in order for the business organization to be qualified
768 ~~licensed~~ in the category of the business conducted for which the
769 qualifying agent is licensed. If any qualifying agent ceases to
770 be affiliated with such business organization, the agent shall
771 so inform the department. In addition, if such qualifying agent
772 is the only licensed individual affiliated with the business
773 organization, the business organization shall notify the
774 department of the termination of the qualifying agent and has
775 ~~shall have~~ 60 days after ~~from~~ the date of termination of the
776 qualifying agent's affiliation with the business organization ~~in~~
777 ~~which~~ to employ another qualifying agent. The business
778 organization may not engage in consulting or contracting until a
779 qualifying agent is employed, unless the department has granted
780 a temporary nonrenewable license to the financially responsible
781 officer, the president, the sole proprietor, a partner, or, in
782 the case of a limited partnership, the general partner, who
783 assumes all responsibilities of a primary qualifying agent for
784 the entity. This temporary license only allows ~~shall only allow~~
785 the entity to proceed with incomplete contracts.

786 (4)

28-00505-17

2017802__

787 (b) Upon a favorable determination by the department, after
788 investigation of the financial responsibility, credit, and
789 business reputation of the qualifying agent and the new business
790 organization, the department shall issue, without any
791 examination, a new license in the qualifying agent's ~~business~~
792 ~~organization's~~ name, and the name of the business organization
793 ~~qualifying agent~~ shall be noted thereon.

794 (6) Each qualifying agent shall pay the department an
795 amount equal to the original fee for licensure ~~of a new business~~
796 ~~organization~~, if the qualifying agent for a business
797 organization desires to qualify additional business
798 organizations. 7 The department shall require the agent to
799 present evidence of supervisory ability and financial
800 responsibility of each such organization. Allowing a licensee to
801 qualify more than one business organization must ~~shall~~ be
802 conditioned upon the licensee showing that the licensee has both
803 the capacity and intent to adequately supervise each business
804 organization. The department may ~~shall~~ not limit the number of
805 business organizations that ~~which~~ the licensee may qualify
806 except upon the licensee's failure to provide such information
807 as is required under this subsection or upon a finding that the
808 ~~such~~ information or evidence ~~as is~~ supplied is incomplete or
809 unpersuasive in showing the licensee's capacity and intent to
810 comply with the requirements of this subsection. A qualification
811 for an additional business organization may be revoked or
812 suspended upon a finding by the department that the licensee has
813 failed in the licensee's responsibility to adequately supervise
814 the operations of the business organization. Failure to
815 adequately supervise the operations of a business organization

28-00505-17

2017802__

816 is ~~shall be~~ grounds for denial to qualify additional business
817 organizations.

818 Section 45. Subsection (1) of section 469.009, Florida
819 Statutes, is amended to read:

820 469.009 License revocation, suspension, and denial of
821 issuance or renewal.—

822 (1) The department may revoke, suspend, or deny the
823 issuance or renewal of a license; reprimand, censure, or place
824 on probation any contractor, consultant, or financially
825 responsible officer, ~~or business organization~~; require financial
826 restitution to a consumer; impose an administrative fine not to
827 exceed \$5,000 per violation; require continuing education; or
828 assess costs associated with any investigation and prosecution
829 if the contractor or consultant, or business organization or
830 officer or agent thereof, is found guilty of any of the
831 following acts:

832 (a) Willfully or deliberately disregarding or violating the
833 health and safety standards of the Occupational Safety and
834 Health Act of 1970, the Construction Safety Act, the National
835 Emission Standards for Asbestos, the Environmental Protection
836 Agency Asbestos Abatement Projects Worker Protection Rule, the
837 Florida Statutes or rules promulgated thereunder, or any
838 ordinance enacted by a political subdivision of this state.

839 (b) Violating any provision of chapter 455.

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

842 (d) Acting in the capacity of an asbestos contractor or
843 asbestos consultant under any license issued under this chapter
844 except in the name of the licensee as set forth on the issued

28-00505-17

2017802__

845 license.

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

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

849 (g) Being convicted or found guilty of, or entering a plea
850 of nolo contendere to, regardless of adjudication, a crime in
851 any jurisdiction which directly relates to the practice of
852 asbestos consulting or contracting or the ability to practice
853 asbestos consulting or contracting.

854 (h) Knowingly violating any building code, lifesafety code,
855 or county or municipal ordinance relating to the practice of
856 asbestos consulting or contracting.

857 (i) Performing any act which assists a person or entity in
858 engaging in the prohibited unlicensed practice of asbestos
859 consulting or contracting, if the licensee knows or has
860 reasonable grounds to know that the person or entity was
861 unlicensed.

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

865 1. Valid liens have been recorded against the property of a
866 contractor's customer for supplies or services ordered by the
867 contractor for the customer's job; the contractor has received
868 funds from the customer to pay for the supplies or services; and
869 the contractor has not had the liens removed from the property,
870 by payment or by bond, within 75 days after the date of such
871 liens;

872 2. The contractor has abandoned a customer's job and the
873 percentage of completion is less than the percentage of the

28-00505-17

2017802__

874 total contract price paid to the contractor as of the time of
875 abandonment, unless the contractor is entitled to retain such
876 funds under the terms of the contract or refunds the excess
877 funds within 30 days after the date the job is abandoned; or

878 3. The contractor's job has been completed, and it is shown
879 that the customer has had to pay more for the contracted job
880 than the original contract price, as adjusted for subsequent
881 change orders, unless such increase in cost was the result of
882 circumstances beyond the control of the contractor, was the
883 result of circumstances caused by the customer, or was otherwise
884 permitted by the terms of the contract between the contractor
885 and the customer.

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

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

891 (m) Abandoning an asbestos abatement project in which the
892 asbestos contractor is engaged or under contract as a
893 contractor. A project may be presumed abandoned after 20 days if
894 the contractor terminates the project without just cause and
895 without proper notification to the owner, including the reason
896 for termination; if the contractor fails to reasonably secure
897 the project to safeguard the public while work is stopped; or if
898 the contractor fails to perform work without just cause for 20
899 days.

900 (n) Signing a statement with respect to a project or
901 contract falsely indicating that the work is bonded; falsely
902 indicating that payment has been made for all subcontracted

28-00505-17

2017802__

903 work, labor, and materials which results in a financial loss to
904 the owner, purchaser, or contractor; or falsely indicating that
905 workers' compensation and public liability insurance are
906 provided.

907 (o) Committing fraud or deceit in the practice of asbestos
908 consulting or contracting.

909 (p) Committing incompetency or misconduct in the practice
910 of asbestos consulting or contracting.

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

914 (r) Intimidating, threatening, coercing, or otherwise
915 discouraging the service of a notice to owner under part I of
916 chapter 713 or a notice to contractor under chapter 255 or part
917 I of chapter 713.

918 (s) Failing to satisfy, within a reasonable time, the terms
919 of a civil judgment obtained against the licensee, or the
920 business organization qualified by the licensee, relating to the
921 practice of the licensee's profession.

922

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

926 Section 46. Subsection (2) of section 476.034, Florida
927 Statutes, is amended, and subsections (6) and (7) are added to
928 that section, to read:

929 476.034 Definitions.—As used in this act:

930 (2) "Barbering" means any of the following practices when
931 done for remuneration and for the public, but not when done for

28-00505-17

2017802__

932 the treatment of disease or physical or mental ailments:
933 shaving, cutting, trimming, coloring, shampooing, arranging,
934 dressing, curling, or waving the hair or beard or applying oils,
935 creams, lotions, or other preparations to the face, scalp, or
936 neck, either by hand or by mechanical appliances, and includes
937 restricted barbering services.

938 (6) "Restricted barber" means a person who is licensed to
939 engage in the practice of restricted barbering in this state
940 under the authority of this chapter and is subject to the same
941 requirements and restrictions as a barber, except as specified
942 in s. 476.114.

943 (7) "Restricted barbering" means any of the following
944 practices when done for remuneration and for the public, but not
945 when done for the treatment of disease or physical or mental
946 ailments: shaving, cutting, trimming, shampooing, arranging,
947 dressing, or curling the hair or beard, including the
948 application of shampoo, hair conditioners, shaving creams, hair
949 tonic, and hair spray to the face, scalp, or neck, either by
950 hand or by mechanical appliances. The term does not include the
951 application of oils, creams, lotions, or other preparations to
952 the face, scalp, or neck.

953 Section 47. Section 476.114, Florida Statutes, is amended
954 to read:

955 476.114 Examination; prerequisites.—

956 (1) A person desiring to be licensed as a barber shall
957 apply to the department for licensure and is—

958 ~~(2) An applicant shall be eligible for licensure by~~
959 ~~examination to practice barbering if he or she ~~the applicant~~:~~

960 (a) Is at least 16 years of age;

28-00505-17

2017802__

- 961 (b) Pays the required application fee; and
- 962 (c)1. Holds an active valid license to practice barbering
- 963 in another state, has held the license for at least 1 year, and
- 964 does not qualify for licensure by endorsement as provided for in
- 965 s. 476.144(5); or
- 966 2. Has received a minimum of 800 ~~1,200~~ hours of training in
- 967 sanitation, safety, and laws and rules, as established by the
- 968 board, which must ~~shall~~ include, but is ~~shall~~ not ~~be~~ limited to,
- 969 the equivalent of completion of services directly related to the
- 970 practice of barbering at one of the following:
- 971 a. A school of barbering licensed pursuant to chapter 1005;
- 972 b. A barbering program within the public school system; or
- 973 c. A government-operated barbering program in this state.
- 974
- 975 ~~The board shall establish by rule procedures whereby the school~~
- 976 ~~or program may certify that a person is qualified to take the~~
- 977 ~~required examination after the completion of a minimum of 1,000~~
- 978 ~~actual school hours. If the person passes the examination, she~~
- 979 ~~or he shall have satisfied this requirement; but if the person~~
- 980 ~~fails the examination, she or he shall not be qualified to take~~
- 981 ~~the examination again until the completion of the full~~
- 982 ~~requirements provided by this section.~~
- 983 (2) An applicant is eligible for licensure by examination
- 984 to practice restricted barbering if he or she:
- 985 (a) Is at least 16 years of age;
- 986 (b) Pays the required application fee; and
- 987 (c)1. Holds an active valid license to practice barbering
- 988 in another state, has held the license for at least 1 year, and
- 989 does not qualify for licensure by endorsement as provided for in

28-00505-17

2017802__

990 s. 476.144(5); or

991 2. Has received a minimum of 525 hours of training in
 992 sanitation, safety, and laws and rules, as established by the
 993 board, which must include, but is not limited to, the equivalent
 994 of completion of services directly related to the practice of
 995 restricted barbering at one of the following:

996 a. A school of barbering licensed pursuant to chapter 1005;

997 b. A barbering program within the public school system; or

998 c. A government-operated barbering program in this state.

999 (3) An applicant who meets the requirements set forth in
 1000 subparagraphs (1)(c)1. and 2. and (2)(c)1. and 2. who fails to
 1001 pass the examination may take subsequent examinations as many
 1002 times as necessary to pass, except that the board may specify by
 1003 rule reasonable timeframes for rescheduling the examination and
 1004 additional training requirements for applicants who, after the
 1005 third attempt, fail to pass the examination. Prior to
 1006 reexamination, the applicant must file the appropriate form and
 1007 pay the reexamination fee as required by rule.

1008 Section 48. Paragraph (a) of subsection (6) of section
 1009 476.144, Florida Statutes, is amended to read:

1010 476.144 Licensure.—

1011 (6) A person may apply for a restricted license to practice
 1012 barbering. The board shall adopt rules specifying procedures for
 1013 an applicant to obtain a restricted license if the applicant:

1014 (a)1. Has successfully completed a restricted barber
 1015 course, as established by rule of the board, at a school of
 1016 barbering licensed pursuant to chapter 1005, a barbering program
 1017 within the public school system, or a government-operated
 1018 barbering program in this state; or

28-00505-17

2017802__

1019 2.a. Holds or has within the previous 5 years held an
1020 active valid license to practice barbering in another state or
1021 country or has held a Florida barbering license which has been
1022 declared null and void for failure to renew the license, and the
1023 applicant fulfilled the requirements of s. 476.114(1)(c)2. ~~s.~~
1024 ~~476.114(2)(e)2.~~ for initial licensure; and

1025 b. Has not been disciplined relating to the practice of
1026 barbering in the previous 5 years; and

1027
1028 The restricted license shall limit the licensee's practice to
1029 those specific areas in which the applicant has demonstrated
1030 competence pursuant to rules adopted by the board.

1031 Section 49. Subsection (6) of section 477.013, Florida
1032 Statutes, is amended to read:

1033 477.013 Definitions.—As used in this chapter:

1034 (6) "Specialty" means the practice of one or more of the
1035 following:

1036 (a) Nail specialty, which includes:

1037 1. Manicuring, or the cutting, polishing, tinting,
1038 coloring, cleansing, adding, or extending of the nails, and
1039 massaging of the hands. This term includes any procedure or
1040 process for the affixing of artificial nails, except those nails
1041 which may be applied solely by use of a simple adhesive; and

1042 2. ~~(b)~~ Pedicuring, or the shaping, polishing, tinting, or
1043 cleansing of the nails of the feet, and massaging or beautifying
1044 of the feet.

1045 ~~(b)(e)~~ Facial specialty, which includes facials, or the
1046 massaging or treating of the face or scalp with oils, creams,
1047 lotions, or other preparations, and skin care services.

28-00505-17

2017802__

1048 (c) Full specialty, which includes manicuring, pedicuring,
 1049 and facial services, including all services as described in
 1050 paragraphs (a) and (b).

1051 Section 50. Section 477.0132, Florida Statutes, is
 1052 repealed.

1053 Section 51. Subsections (7), (8), and (9) are added to
 1054 section 477.0135, Florida Statutes, to read:

1055 477.0135 Exemptions.—

1056 (7) A license or registration is not required for a person
 1057 whose occupation or practice is confined solely to hair braiding
 1058 as defined in s. 477.013(9).

1059 (8) A license or registration is not required for a person
 1060 whose occupation or practice is confined solely to hair wrapping
 1061 as defined in s. 477.013(10).

1062 (9) A license or registration is not required for a person
 1063 whose occupation or practice is confined solely to body wrapping
 1064 as defined in s. 477.013(12).

1065 Section 52. Present paragraph (b) of subsection (7) of
 1066 section 477.019, Florida Statutes, is amended, and paragraph (c)
 1067 of that subsection is redesignated as paragraph (b), to read:

1068 477.019 Cosmetologists; qualifications; licensure;
 1069 supervised practice; license renewal; endorsement; continuing
 1070 education.—

1071 (7)

1072 ~~(b) Any person whose occupation or practice is confined~~
 1073 ~~solely to hair braiding, hair wrapping, or body wrapping is~~
 1074 ~~exempt from the continuing education requirements of this~~
 1075 ~~subsection.~~

1076 Section 53. Subsection (1) of section 477.0201, Florida

28-00505-17

2017802__

1077 Statutes, is amended, present subsections (2) through (6) of
1078 that section are redesignated as subsections (4) through (8),
1079 respectively, and new subsections (2) and (3) are added to that
1080 section, to read:

1081 477.0201 Specialty registration; qualifications;
1082 registration renewal; endorsement.—

1083 (1) A ~~Any~~ person is qualified for registration as a
1084 specialist in nail ~~any one or more of the~~ specialty practices
1085 within the practice of cosmetology under this chapter if he or
1086 she meets both of the following requirements ~~who~~:

1087 (a) Is at least 16 years of age or has received a high
1088 school diploma.

1089 (b) Has received a minimum of 150 hours of training as
1090 established by the board, which must focus primarily on
1091 sanitation and safety and include, but not be limited to, the
1092 equivalent of completion of services directly related to the
1093 practice of a nail certificate of completion in a specialty
1094 pursuant to s. 477.013(6)(a), ~~s. 477.013(6)~~ from one of the
1095 following:

1096 1. A school licensed pursuant to s. 477.023.

1097 2. A school licensed pursuant to chapter 1005 or the
1098 equivalent licensing authority of another state.

1099 3. A specialty program within the public school system.

1100 4. A specialty division within the Cosmetology Division of
1101 the Florida School for the Deaf and the Blind, provided the
1102 training programs comply with minimum curriculum requirements
1103 established by the board.

1104 (2) A person is qualified for registration as a specialist
1105 in facial specialty practices within the practice of cosmetology

28-00505-17

2017802__

1106 under this chapter if he or she meets both of the following
1107 requirements:

1108 (a) Is at least 16 years of age or has received a high
1109 school diploma.

1110 (b) Has received a minimum of 165 hours of training as
1111 established by the board, which must focus on sanitation and
1112 safety and include, but not be limited to, the equivalent of
1113 completion of services directly related to the practice of
1114 facial specialty pursuant to s. 477.013(6)(b), from one of the
1115 following:

1116 1. A school licensed pursuant to s. 477.023.

1117 2. A school licensed pursuant to chapter 1005 or the
1118 equivalent licensing authority of another state.

1119 3. A specialty program within the public school system.

1120 4. A specialty division within the Cosmetology Division of
1121 the Florida School for the Deaf and the Blind, provided the
1122 training programs comply with minimum curriculum requirements
1123 established by the board.

1124 (3) A person is qualified for registration as a specialist
1125 in full specialty practices within the practice of cosmetology
1126 under this chapter if he or she meets both of the following
1127 requirements:

1128 (a) Is at least 16 years of age or has received a high
1129 school diploma.

1130 (b) Has received a minimum of 300 hours of training as
1131 established by the board, which must focus primarily on
1132 sanitation and safety and include, but not be limited to, the
1133 equivalent of completion of services directly related to the
1134 practice of full specialty pursuant to s. 477.013(6)(c), from

28-00505-17

2017802__

1135 one of the following:

1136 1. A school licensed pursuant to s. 477.023.

1137 2. A school licensed pursuant to chapter 1005 or the
 1138 equivalent licensing authority of another state.

1139 3. A specialty program within the public school system.

1140 4. A specialty division within the Cosmetology Division of
 1141 the Florida School for the Deaf and the Blind, provided the
 1142 training programs comply with minimum curriculum requirements
 1143 established by the board.

1144 Section 54. Paragraph (f) of subsection (1) of section
 1145 477.026, Florida Statutes, is amended to read:

1146 477.026 Fees; disposition.—

1147 (1) The board shall set fees according to the following
 1148 schedule:

1149 ~~(f) For hair braiders, hair wrappers, and body wrappers,~~
 1150 ~~fees for registration shall not exceed \$25.~~

1151 Section 55. Subsection (5) of section 481.203, Florida
 1152 Statutes, is amended to read:

1153 481.203 Definitions.—As used in this part:

1154 (5) "Business organization" means a partnership, a limited
 1155 liability company, a corporation, or an individual operating
 1156 under a fictitious name ~~"Certificate of authorization" means a~~
 1157 ~~certificate issued by the department to a corporation or~~
 1158 ~~partnership to practice architecture or interior design.~~

1159 Section 56. Section 481.219, Florida Statutes, is amended
 1160 to read:

1161 481.219 Business organization; qualifying agents
 1162 ~~Certification of partnerships, limited liability companies, and~~
 1163 ~~corporations.—~~

28-00505-17

2017802__

1164 (1) A licensee may ~~The practice of or the offer to practice~~
1165 ~~architecture or interior design by licensees through a~~ business
1166 organization that offers ~~corporation, limited liability company,~~
1167 ~~or partnership offering~~ architectural or interior design
1168 services to the public, or through ~~by~~ a business organization
1169 that offers ~~corporation, limited liability company, or~~
1170 ~~partnership offering~~ architectural or interior design services
1171 to the public through such licensees ~~under this part~~ as agents,
1172 employees, officers, or partners, ~~is permitted, subject to the~~
1173 ~~provisions of this section.~~

1174 (2) If a licensee or an applicant proposes to engage in the
1175 practice of architecture or interior design as a business
1176 organization, the licensee or applicant must apply to qualify
1177 the business organization ~~For the purposes of this section, a~~
1178 ~~certificate of authorization shall be required for a~~
1179 ~~corporation, limited liability company, partnership, or person~~
1180 ~~practicing under a fictitious name, offering architectural~~
1181 ~~services to the public jointly or separately. However, when an~~
1182 ~~individual is practicing architecture in her or his own name,~~
1183 ~~she or he shall not be required to be certified under this~~
1184 ~~section. Certification under this subsection to offer~~
1185 ~~architectural services shall include all the rights and~~
1186 ~~privileges of certification under subsection (3) to offer~~
1187 ~~interior design services.~~

1188 (a) An application to qualify a business organization must:

1189 1. If the business is a partnership, state the names of the
1190 partnership and its partners.

1191 2. If the business is a corporation, state the names of the
1192 corporation and its officers and directors and the name of each

28-00505-17

2017802__

1193 of its stockholders who is also an officer or a director.

1194 3. If the business is operating under a fictitious name,
1195 state the fictitious name under which it is doing business.

1196 4. If the business is not a partnership, a corporation, or
1197 operating under a fictitious name, state the name of such other
1198 legal entity and its members.

1199 (b) The board may deny an application to qualify a business
1200 organization if the applicant or any person required to be named
1201 pursuant to paragraph (a) has been involved in past disciplinary
1202 actions or on any grounds for which an individual registration
1203 or certification may be denied.

1204 (3)(a) A business organization may not engage in the
1205 practice of architecture unless its qualifying agent is a
1206 registered architect under this part. A business organization
1207 may not engage in the practice of interior design unless its
1208 qualifying agent is a registered architect or a registered
1209 interior designer under this part. A qualifying agent who
1210 terminates her or his affiliation with a business organization
1211 shall immediately notify the department of such termination. If
1212 the qualifying agent who terminates her or his affiliation is
1213 the only qualifying agent for a business organization, the
1214 business organization must be qualified by another qualifying
1215 agent within 60 days after the termination. Except as provided
1216 in paragraph (b), the business organization may not engage in
1217 the practice of architecture or interior design until it is
1218 qualified by a qualifying agent.

1219 (b) In the event a qualifying architect or interior
1220 designer ceases employment with the business organization, the
1221 executive director or the chair of the board may authorize

28-00505-17

2017802__

1222 another registered architect or interior designer employed by
1223 the business organization to temporarily serve as its qualifying
1224 agent for a period of no more than 60 days. The business
1225 organization is not authorized to operate beyond such period
1226 under this chapter absent replacement of the qualifying
1227 architect or interior designer who has ceased employment.

1228 (c) A qualifying agent shall notify the department in
1229 writing before engaging in the practice of architecture or
1230 interior design in her or his own name or in affiliation with a
1231 different business organization, and she or he or such business
1232 organization shall supply the same information to the department
1233 as required of applicants under this part ~~For the purposes of~~
1234 ~~this section, a certificate of authorization shall be required~~
1235 ~~for a corporation, limited liability company, partnership, or~~
1236 ~~person operating under a fictitious name, offering interior~~
1237 ~~design services to the public jointly or separately. However,~~
1238 ~~when an individual is practicing interior design in her or his~~
1239 ~~own name, she or he shall not be required to be certified under~~
1240 ~~this section.~~

1241 (4) All final construction documents and instruments of
1242 service which include drawings, specifications, plans, reports,
1243 or other papers or documents that involve ~~involving~~ the practice
1244 of architecture which are prepared or approved for the use of
1245 the business organization ~~corporation, limited liability~~
1246 ~~company, or partnership~~ and filed for public record within the
1247 state must ~~shall~~ bear the signature and seal of the licensee who
1248 prepared or approved them and the date on which they were
1249 sealed.

1250 (5) All drawings, specifications, plans, reports, or other

28-00505-17

2017802__

1251 papers or documents prepared or approved for the use of the
 1252 business organization ~~corporation, limited liability company, or~~
 1253 ~~partnership~~ by an interior designer in her or his professional
 1254 capacity and filed for public record within the state must ~~shall~~
 1255 bear the signature and seal of the licensee who prepared or
 1256 approved them and the date on which they were sealed.

1257 ~~(6) The department shall issue a certificate of~~
 1258 ~~authorization to any applicant who the board certifies as~~
 1259 ~~qualified for a certificate of authorization and who has paid~~
 1260 ~~the fee set in s. 481.207.~~

1261 (6) ~~(7)~~ The board shall allow ~~certify~~ an applicant to
 1262 qualify one or more business organizations ~~as qualified for a~~
 1263 ~~certificate of authorization~~ to offer architectural or interior
 1264 design services, or to use a fictitious name to offer such
 1265 services, if one of the following criteria is met ~~provided that:~~

1266 (a) One or more of the principal officers of the
 1267 corporation or limited liability company, or one or more
 1268 partners of the partnership, and all personnel of the
 1269 corporation, limited liability company, or partnership who act
 1270 in its behalf in this state as architects, are registered as
 1271 provided by this part. ~~7-07~~

1272 (b) One or more of the principal officers of the
 1273 corporation or one or more partners of the partnership, and all
 1274 personnel of the corporation, limited liability company, or
 1275 partnership who act in its behalf in this state as interior
 1276 designers, are registered as provided by this part.

1277 ~~(8) The department shall adopt rules establishing a~~
 1278 ~~procedure for the biennial renewal of certificates of~~
 1279 ~~authorization.~~

28-00505-17

2017802__

1280 ~~(9) The department shall renew a certificate of~~
1281 ~~authorization upon receipt of the renewal application and~~
1282 ~~biennial renewal fee.~~

1283 (7)~~(10)~~ Each qualifying agent approved to qualify a
1284 business organization ~~partnership, limited liability company,~~
1285 ~~and corporation certified~~ under this section shall notify the
1286 department within 30 days after ~~of~~ any change in the information
1287 contained in the application upon which the qualification
1288 ~~certification~~ is based. Any registered architect or interior
1289 designer who qualifies the business organization shall ensure
1290 ~~corporation, limited liability company, or partnership as~~
1291 ~~provided in subsection (7)~~ shall be responsible for ensuring
1292 responsible supervising control of projects of the business
1293 organization entity and shall notify the department of the ~~upon~~
1294 termination of her or his employment with a business
1295 organization ~~qualified partnership, limited liability company,~~
1296 ~~or corporation certified~~ under this section shall notify the
1297 department of the termination within 30 days after such
1298 termination.

1299 (8)~~(11)~~ A business organization is not ~~No corporation,~~
1300 ~~limited liability company, or partnership~~ shall be relieved of
1301 responsibility for the conduct or acts of its agents, employees,
1302 or officers by reason of its compliance with this section.
1303 However, except as provided in s. 558.0035, the architect who
1304 signs and seals the construction documents and instruments of
1305 service is ~~shall be~~ liable for the professional services
1306 performed, and the interior designer who signs and seals the
1307 interior design drawings, plans, or specifications is ~~shall be~~
1308 liable for the professional services performed.

28-00505-17

2017802__

1309 ~~(12) Disciplinary action against a corporation, limited~~
 1310 ~~liability company, or partnership shall be administered in the~~
 1311 ~~same manner and on the same grounds as disciplinary action~~
 1312 ~~against a registered architect or interior designer,~~
 1313 ~~respectively.~~

1314 ~~(9)~~ (13) ~~Nothing in~~ This section may not ~~shall~~ be construed
 1315 to mean that a certificate of registration to practice
 1316 architecture or interior design must ~~shall~~ be held by a business
 1317 organization ~~corporation, limited liability company, or~~
 1318 ~~partnership. Nothing in~~ This section does not prohibit a
 1319 business organization from offering ~~prohibits corporations,~~
 1320 ~~limited liability companies, and partnerships from joining~~
 1321 ~~together to offer~~ architectural, engineering, interior design,
 1322 surveying and mapping, and landscape architectural services, or
 1323 any combination of such services, to the public if the business
 1324 organization, ~~provided that each corporation, limited liability~~
 1325 ~~company, or partnership~~ otherwise meets the requirements of law.

1326 ~~(10)~~ (14) A business organization that is qualified by a
 1327 registered architect may ~~Corporations, limited liability~~
 1328 ~~companies, or partnerships holding a valid certificate of~~
 1329 ~~authorization to practice architecture shall be permitted to use~~
 1330 ~~in their title~~ the term "interior designer" or "registered
 1331 interior designer" in its title. ~~designer."~~

1332 Section 57. Subsection (10) of section 481.221, Florida
 1333 Statutes, is amended to read:

1334 481.221 Seals; display of certificate number.—

1335 (10) Each registered architect or interior designer must,
 1336 ~~and each corporation, limited liability company, or partnership~~
 1337 ~~holding a certificate of authorization, shall~~ include her or his

28-00505-17

2017802__

1338 ~~license its certificate~~ number in any newspaper, telephone
 1339 directory, or other advertising medium used by the registered
 1340 ~~licensee architect, interior designer, corporation, limited~~
 1341 ~~liability company, or partnership.~~ Each business organization
 1342 must include the license number of the registered architect or
 1343 interior designer who serves as the qualifying agent for that
 1344 business organization in any newspaper, telephone directory, or
 1345 other advertising medium used by the business organization, but
 1346 is not required to display the license numbers of other
 1347 registered architects or interior designers employed by the
 1348 business organization ~~A corporation, limited liability company,~~
 1349 ~~or partnership is not required to display the certificate number~~
 1350 ~~of individual registered architects or interior designers~~
 1351 ~~employed by or working within the corporation, limited liability~~
 1352 ~~company, or partnership.~~

1353 Section 58. Paragraphs (a) and (c) of subsection (5) of
 1354 section 481.229, Florida Statutes, are amended to read:

1355 481.229 Exceptions; exemptions from licensure.—

1356 (5) (a) ~~Nothing contained in This part~~ does not prohibit
 1357 ~~shall prevent~~ a registered architect or a qualified business
 1358 organization ~~partnership, limited liability company, or~~
 1359 ~~corporation holding a valid certificate of authorization to~~
 1360 ~~provide architectural services~~ from performing any interior
 1361 design service or from using the title "interior designer" or
 1362 "registered interior designer."

1363 (c) Notwithstanding any other provision of this part, a
 1364 registered architect or qualified business organization
 1365 certified ~~any corporation, partnership, or person operating~~
 1366 ~~under a fictitious name which holds a certificate of~~

28-00505-17

2017802__

1367 authorization to provide architectural services must ~~shall~~ be
1368 qualified, without fee, ~~for a certificate of authorization to~~
1369 provide interior design services upon submission of a completed
1370 application for qualification ~~therefor~~. ~~For corporations,~~
1371 ~~partnerships, and persons operating under a fictitious name~~
1372 ~~which hold a certificate of authorization to provide interior~~
1373 ~~design services, satisfaction of the requirements for renewal of~~
1374 ~~the certificate of authorization to provide architectural~~
1375 ~~services under s. 481.219 shall be deemed to satisfy the~~
1376 ~~requirements for renewal of the certificate of authorization to~~
1377 ~~provide interior design services under that section.~~

1378 Section 59. Section 481.303, Florida Statutes, is reordered
1379 and amended to read:

1380 481.303 Definitions.—As used in this chapter, the term:

1381 (1) "Board" means the Board of Landscape Architecture.

1382 (2) "Business organization" means any partnership, limited
1383 liability company, corporation, or individual operating under a
1384 fictitious name.

1385 (4)~~(2)~~ "Department" means the Department of Business and
1386 Professional Regulation.

1387 (8)~~(3)~~ "Registered landscape architect" means a person who
1388 holds a license to practice landscape architecture in this state
1389 under the authority of this act.

1390 (3)~~(4)~~ "Certificate of registration" means a license issued
1391 by the department to a natural person to engage in the practice
1392 of landscape architecture.

1393 ~~(5) "Certificate of authorization" means a license issued~~
1394 ~~by the department to a corporation or partnership to engage in~~
1395 ~~the practice of landscape architecture.~~

28-00505-17

2017802__

1396 (5)~~(6)~~ "Landscape architecture" means professional
1397 services, including, but not limited to, the following:

1398 (a) Consultation, investigation, research, planning,
1399 design, preparation of drawings, specifications, contract
1400 documents and reports, responsible construction supervision, or
1401 landscape management in connection with the planning and
1402 development of land and incidental water areas, including the
1403 use of Florida-friendly landscaping as defined in s. 373.185,
1404 where, and to the extent that, the dominant purpose of such
1405 services or creative works is the preservation, conservation,
1406 enhancement, or determination of proper land uses, natural land
1407 features, ground cover and plantings, or naturalistic and
1408 aesthetic values;

1409 (b) The determination of settings, grounds, and approaches
1410 for and the siting of buildings and structures, outdoor areas,
1411 or other improvements;

1412 (c) The setting of grades, shaping and contouring of land
1413 and water forms, determination of drainage, and provision for
1414 storm drainage and irrigation systems where such systems are
1415 necessary to the purposes outlined herein; and

1416 (d) The design of such tangible objects and features as are
1417 necessary to the purpose outlined herein.

1418 (6)~~(7)~~ "Landscape design" means consultation for and
1419 preparation of planting plans drawn for compensation, including
1420 specifications and installation details for plant materials,
1421 soil amendments, mulches, edging, gravel, and other similar
1422 materials. Such plans may include only recommendations for the
1423 conceptual placement of tangible objects for landscape design
1424 projects. Construction documents, details, and specifications

28-00505-17

2017802__

1425 for tangible objects and irrigation systems shall be designed or
1426 approved by licensed professionals as required by law.

1427 (7) "Qualifying agent" means an owner, officer, or director
1428 of the corporation, or partner of the partnership, who is
1429 responsible for the supervision, direction, and management of
1430 projects of the business organization with which she or he is
1431 affiliated and for ensuring that responsible supervising control
1432 is being exercised.

1433 Section 60. Subsection (5) of section 481.321, Florida
1434 Statutes, is amended to read:

1435 481.321 Seals; display of certificate number.—

1436 (5) Each registered landscape architect must ~~and each~~
1437 ~~corporation or partnership holding a certificate of~~
1438 ~~authorization shall include her or his its~~ certificate number in
1439 any newspaper, telephone directory, or other advertising medium
1440 used by the registered landscape architect, corporation, or
1441 partnership. A corporation or partnership must ~~is not required~~
1442 ~~to~~ display the certificate number ~~numbers~~ of at least one
1443 officer, director, owner, or partner who is a individual
1444 registered landscape architect ~~architects~~ employed by or
1445 practicing with the corporation or partnership.

1446 Section 61. Subsection (4) of section 481.311, Florida
1447 Statutes, is amended to read:

1448 481.311 Licensure.—

1449 ~~(4) The board shall certify as qualified for a certificate~~
1450 ~~of authorization any applicant corporation or partnership who~~
1451 ~~satisfies the requirements of s. 481.319.~~

1452 Section 62. Subsection (2) of section 481.317, Florida
1453 Statutes, is amended to read:

28-00505-17

2017802__

1454 481.317 Temporary certificates.-

1455 ~~(2) Upon approval by the board and payment of the fee set~~
1456 ~~in s. 481.307, the department shall grant a temporary~~
1457 ~~certificate of authorization for work on one specified project~~
1458 ~~in this state for a period not to exceed 1 year to an out-of-~~
1459 ~~state corporation, partnership, or firm, provided one of the~~
1460 ~~principal officers of the corporation, one of the partners of~~
1461 ~~the partnership, or one of the principals in the fictitiously~~
1462 ~~named firm has obtained a temporary certificate of registration~~
1463 ~~in accordance with subsection (1).~~

1464 Section 63. Section 481.319, Florida Statutes, is amended
1465 to read:

1466 481.319 Corporate and partnership practice of landscape
1467 architecture; ~~certificate of authorization.-~~

1468 (1) The practice of or offer to practice landscape
1469 architecture by registered landscape architects registered under
1470 this part through a corporation or partnership offering
1471 landscape architectural services to the public, or through a
1472 corporation or partnership offering landscape architectural
1473 services to the public through individual registered landscape
1474 architects as agents, employees, officers, or partners, is
1475 permitted, subject to the provisions of this section, if:

1476 (a) One or more of the principal officers of the
1477 corporation, or partners of the partnership, and all personnel
1478 of the corporation or partnership who act in its behalf as
1479 landscape architects in this state are registered landscape
1480 architects; and

1481 (b) One or more of the officers, one or more of the
1482 directors, one or more of the owners of the corporation, or one

28-00505-17

2017802__

1483 or more of the partners of the partnership is a registered
1484 landscape architect and has applied to be the qualifying agent
1485 for the business organization; ~~and~~

1486 ~~(c) The corporation or partnership has been issued a~~
1487 ~~certificate of authorization by the board as provided herein.~~

1488 (2) All documents involving the practice of landscape
1489 architecture which are prepared for the use of the corporation
1490 or partnership must ~~shall~~ bear the signature and seal of a
1491 registered landscape architect.

1492 (3) A landscape architect applying to practice in the name
1493 of a ~~An applicant~~ corporation must ~~shall~~ file with the
1494 department the names and addresses of all officers and board
1495 members of the corporation, including the principal officer or
1496 officers, duly registered to practice landscape architecture in
1497 this state and, also, of all individuals duly registered to
1498 practice landscape architecture in this state who shall be in
1499 responsible charge of the practice of landscape architecture by
1500 the corporation in this state. A landscape architect applying to
1501 practice in the name of a ~~An applicant~~ partnership must ~~shall~~
1502 file with the department the names and addresses of all partners
1503 of the partnership, including the partner or partners duly
1504 registered to practice landscape architecture in this state and,
1505 also, of an individual or individuals duly registered to
1506 practice landscape architecture in this state who shall be in
1507 responsible charge of the practice of landscape architecture by
1508 said partnership in this state.

1509 (4) Each landscape architect qualifying a partnership or
1510 ~~and~~ corporation ~~licensed~~ under this part must ~~shall~~ notify the
1511 department within 1 month of any change in the information

28-00505-17

2017802__

1512 contained in the application upon which the license is based.
1513 Any landscape architect who terminates her or his ~~or her~~
1514 employment with a partnership or corporation licensed under this
1515 part shall notify the department of the termination within 1
1516 month.

1517 ~~(5) Disciplinary action against a corporation or~~
1518 ~~partnership shall be administered in the same manner and on the~~
1519 ~~same grounds as disciplinary action against a registered~~
1520 ~~landscape architect.~~

1521 (5)~~(6)~~ Except as provided in s. 558.0035, the fact that a
1522 registered landscape architect practices landscape architecture
1523 through a corporation or partnership as provided in this section
1524 does not relieve the landscape architect from personal liability
1525 for her or his ~~or her~~ professional acts.

1526 Section 64. Subsection (5) of section 481.329, Florida
1527 Statutes, is amended to read:

1528 481.329 Exceptions; exemptions from licensure.—

1529 (5) This part does not prohibit any person from engaging in
1530 the practice of landscape design, as defined in s. 481.303(6) ~~s.~~
1531 ~~481.303(7)~~, or from submitting for approval to a governmental
1532 agency planting plans that are independent of, or a component
1533 of, construction documents that are prepared by a Florida-
1534 registered professional. Persons providing landscape design
1535 services shall not use the title, term, or designation
1536 "landscape architect," "landscape architectural," "landscape
1537 architecture," "L.A.," "landscape engineering," or any
1538 description tending to convey the impression that she or he is a
1539 landscape architect unless she or he is registered as provided
1540 in this part.

28-00505-17

2017802__

1541 Section 65. Section 492.111, Florida Statutes, is amended
1542 to read:

1543 492.111 Practice of professional geology by a firm,
1544 corporation, or partnership; ~~certificate of authorization.~~—The
1545 practice of, or offer to practice, professional geology by
1546 individual professional geologists licensed under the provisions
1547 of this chapter through a firm, corporation, or partnership
1548 offering geological services to the public through individually
1549 licensed professional geologists as agents, employees, officers,
1550 or partners thereof is permitted subject to the provisions of
1551 this chapter, if ~~provided that~~:

1552 (1) At all times that it offers geological services to the
1553 public, the firm, corporation, or partnership is qualified by
1554 ~~has on file with the department the name and license number of~~
1555 one or more individuals who hold a current, active license as a
1556 professional geologist in the state and are serving as a
1557 geologist of record for the firm, corporation, or partnership. A
1558 geologist of record may be any principal officer or employee of
1559 such firm or corporation, or any partner or employee of such
1560 partnership, who holds a current, active license as a
1561 professional geologist in this state, or any other Florida-
1562 licensed professional geologist with whom the firm, corporation,
1563 or partnership has entered into a long-term, ongoing
1564 relationship, as defined by rule of the board, to serve as one
1565 of its geologists of record. ~~It shall be the responsibility of~~
1566 ~~the firm, corporation, or partnership and~~ The geologist of
1567 record shall ~~to~~ notify the department of any changes in the
1568 relationship or identity of that geologist of record within 30
1569 days after such change.

28-00505-17

2017802__

1570 ~~(2) The firm, corporation, or partnership has been issued a~~
1571 ~~certificate of authorization by the department as provided in~~
1572 ~~this chapter. For purposes of this section, a certificate of~~
1573 ~~authorization shall be required of any firm, corporation,~~
1574 ~~partnership, association, or person practicing under a~~
1575 ~~fictitious name and offering geological services to the public;~~
1576 ~~except that, when an individual is practicing professional~~
1577 ~~geology in her or his own name, she or he shall not be required~~
1578 ~~to obtain a certificate of authorization under this section.~~
1579 ~~Such certificate of authorization shall be renewed every 2~~
1580 ~~years.~~

1581 ~~(3)~~ All final geological papers or documents involving the
1582 practice of the profession of geology which have been prepared
1583 or approved for the use of such firm, corporation, or
1584 partnership, for delivery to any person for public record with
1585 the state, shall be dated and bear the signature and seal of the
1586 professional geologist or professional geologists who prepared
1587 or approved them.

1588 (3)~~(4)~~ Except as provided in s. 558.0035, the fact that a
1589 licensed professional geologist practices through a corporation
1590 or partnership does not relieve the registrant from personal
1591 liability for negligence, misconduct, or wrongful acts committed
1592 by her or him. The partnership and all partners are jointly and
1593 severally liable for the negligence, misconduct, or wrongful
1594 acts committed by their agents, employees, or partners while
1595 acting in a professional capacity. Any officer, agent, or
1596 employee of a corporation is personally liable and accountable
1597 only for negligent acts, wrongful acts, or misconduct committed
1598 by her or him or committed by any person under her or his direct

28-00505-17

2017802__

1599 supervision and control, while rendering professional services
1600 on behalf of the corporation. The personal liability of a
1601 shareholder of a corporation, in her or his capacity as
1602 shareholder, may be no greater than that of a shareholder-
1603 employee of a corporation incorporated under chapter 607. The
1604 corporation is liable up to the full value of its property for
1605 any negligent acts, wrongful acts, or misconduct committed by
1606 any of its officers, agents, or employees while they are engaged
1607 on behalf of the corporation in the rendering of professional
1608 services.

1609 ~~(5) The firm, corporation, or partnership desiring a~~
1610 ~~certificate of authorization shall file with the department an~~
1611 ~~application therefor, upon a form to be prescribed by the~~
1612 ~~department, accompanied by the required application fee.~~

1613 ~~(6) The department may refuse to issue a certificate of~~
1614 ~~authorization if any facts exist which would entitle the~~
1615 ~~department to suspend or revoke an existing certificate of~~
1616 ~~authorization or if the department, after giving persons~~
1617 ~~involved a full and fair hearing, determines that any of the~~
1618 ~~officers or directors of said firm or corporation, or partners~~
1619 ~~of said partnership, have violated the provisions of s. 492.113.~~

1620 Section 66. Section 492.104, Florida Statutes, is amended
1621 to read:

1622 492.104 Rulemaking authority.—The Board of Professional
1623 Geologists may ~~has authority to~~ adopt rules pursuant to ss.
1624 120.536(1) and 120.54 to implement this chapter. Every licensee
1625 shall be governed and controlled by this chapter and the rules
1626 adopted by the board. The board may establish ~~is authorized to~~
1627 ~~set~~, by rule, fees for application, examination, ~~certificate of~~

28-00505-17

2017802__

1628 ~~authorization,~~ late renewal, initial licensure, and license
1629 renewal. These fees may ~~should~~ not exceed the cost of
1630 implementing the application, examination, initial licensure,
1631 and license renewal or other administrative process and are
1632 ~~shall be~~ established as follows:

1633 (1) The application fee may ~~shall~~ not exceed \$150 and is
1634 ~~shall be~~ nonrefundable.

1635 (2) The examination fee may ~~shall~~ not exceed \$250, and the
1636 fee may be apportioned to each part of a multipart examination.
1637 The examination fee is ~~shall be~~ refundable in whole or part if
1638 the applicant is found to be ineligible to take any portion of
1639 the licensure examination.

1640 (3) The initial license fee may ~~shall~~ not exceed \$100.

1641 (4) The biennial renewal fee may ~~shall~~ not exceed \$150.

1642 (5) ~~The fee for a certificate of authorization shall not~~
1643 ~~exceed \$350 and the fee for renewal of the certificate shall not~~
1644 ~~exceed \$350.~~

1645 ~~(6)~~ The fee for reactivation of an inactive license may
1646 ~~shall~~ not exceed \$50.

1647 ~~(6)~~ ~~(7)~~ The fee for a provisional license may ~~shall~~ not
1648 exceed \$400.

1649 ~~(7)~~ ~~(8)~~ The fee for application, examination, and licensure
1650 for a license by endorsement is ~~shall be~~ as provided in this
1651 section for licenses in general.

1652 Section 67. Subsection (4) of section 492.113, Florida
1653 Statutes, is amended to read:

1654 492.113 Disciplinary proceedings.—

1655 (4) The department shall reissue the license of a
1656 disciplined professional geologist ~~or business~~ upon

28-00505-17

2017802__

1657 certification by the board that the disciplined person has
1658 complied with ~~all of~~ the terms and conditions set forth in the
1659 final order.

1660 Section 68. Section 492.115, Florida Statutes, is amended
1661 to read:

1662 492.115 Roster of licensed professional geologists.—A
1663 roster showing the names and places of business or residence of
1664 all licensed professional geologists and all properly qualified
1665 firms, corporations, or partnerships practicing holding
1666 ~~certificates of authorization to practice~~ professional geology
1667 in the state shall be prepared annually by the department. A
1668 copy of this roster must be made available to ~~shall be~~
1669 ~~obtainable by~~ each licensed professional geologist and each
1670 firm, corporation, or partnership qualified by a professional
1671 geologist holding a certificate of authorization, and copies
1672 thereof shall be placed on file with the department.

1673 Section 69. Subsection (1) of section 548.017, Florida
1674 Statutes, is amended to read:

1675 548.017 Participants, managers, and other persons required
1676 to have licenses.—

1677 (1) A participant, manager, trainer, second, ~~timekeeper,~~
1678 referee, judge, ~~announcer,~~ physician, matchmaker, or promoter
1679 must be licensed before directly or indirectly acting in such
1680 capacity in connection with any match involving a participant. A
1681 physician approved by the commission must be licensed pursuant
1682 to chapter 458 or chapter 459, must maintain an unencumbered
1683 license in good standing, and must demonstrate satisfactory
1684 medical training or experience in boxing, or a combination of
1685 both, to the executive director before working as the ringside

28-00505-17

2017802__

1686 physician.

1687 Section 70. Paragraph (i) of subsection (2) of section
1688 548.003, Florida Statutes, is amended to read:

1689 548.003 Florida State Boxing Commission.—

1690 (2) The Florida State Boxing Commission, as created by
1691 subsection (1), shall administer the provisions of this chapter.
1692 The commission has authority to adopt rules pursuant to ss.
1693 120.536(1) and 120.54 to implement the provisions of this
1694 chapter and to implement each of the duties and responsibilities
1695 conferred upon the commission, including, but not limited to:

1696 ~~(i) Designation and duties of a knockdown timekeeper.~~

1697 Section 71. This act shall take effect October 1, 2017.