

By the Committees on Rules; and Judiciary; and Senator Passidomo

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1 A bill to be entitled
2 An act relating to regulated professions and
3 occupations; amending s. 287.055, F.S.; redefining the
4 term "design-build firm"; amending s. 326.004, F.S.;
5 deleting a requirement that yacht and ship brokers
6 maintain a separate license for each branch office and
7 related fees; amending s. 447.02, F.S.; deleting a
8 definition; repealing s. 447.04, F.S., relating to
9 business agents, licenses, and permits; repealing s.
10 447.041, F.S., relating to hearings; repealing s.
11 447.045, F.S., relating to certain confidential
12 information; repealing s. 447.06, F.S., relating to
13 the required registration of labor organizations;
14 amending s. 447.09, F.S.; deleting prohibitions
15 against specified actions; repealing s. 447.12, F.S.,
16 relating to registration fees; repealing s. 447.16,
17 F.S., relating to the applicability of ch. 447, F.S.;
18 amending s. 468.603, F.S.; redefining the terms
19 "building code administrator," "building official,"
20 and "building code inspector"; amending s. 468.617,
21 F.S.; providing that a county or municipal government,
22 school board, community college board, state
23 university, or state agency is not prohibited from
24 entering into any contract with any person or entity
25 for the provision of building code administrator or
26 building official services; amending s. 469.006, F.S.;
27 requiring an individual applicant to apply for
28 licensure in the name of the business organization
29 that he or she proposes to operate under; requiring

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30 that a license be in the name of a qualifying agent
31 rather than the name of a business organization;
32 requiring the qualifying agent, rather than the
33 business organization, to report certain changes in
34 information; conforming provisions to changes made by
35 the act; amending s. 469.009, F.S.; deleting the
36 authority of the department to reprimand, censure, or
37 impose probation on certain business organizations;
38 amending s. 476.034, F.S.; defining and redefining
39 terms; amending s. 476.114, F.S.; providing
40 requirements for licensure by examination to practice
41 restricted barbering; conforming a provision to
42 changes made by the act; repealing s. 476.144(6),
43 F.S., relating to requirements to apply for a
44 restricted license to practice barbering; amending s.
45 477.013, F.S.; revising the definition of the term
46 "specialty"; repealing s. 477.0132, F.S., relating to
47 hair braiding, hair wrapping, and body wrapping
48 registration; amending s. 477.0135, F.S.; exempting
49 from certain licensure and registration requirements
50 persons whose occupations or practices are confined
51 solely to hair braiding, hair wrapping, or body
52 wrapping; amending s. 477.019, F.S.; deleting an
53 exemption from certain continuing education
54 requirements for persons whose occupations or
55 practices are confined solely to hair braiding, hair
56 wrapping, or body wrapping; amending s. 477.026, F.S.;
57 conforming a provision to changes made by the act;
58 amending s. 481.203, F.S.; defining the term "business

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59 organization"; deleting the definition of the term
60 "certificate of authorization"; amending s. 481.219,
61 F.S.; revising the process by which a business
62 organization obtains the requisite license to perform
63 architectural services; requiring that a licensee or
64 an applicant apply to qualify a business organization
65 under certain circumstances; specifying application
66 requirements; authorizing the Board of Architecture
67 and Interior Design to deny an application under
68 certain circumstances; requiring that a qualifying
69 agent be a registered architect or a registered
70 interior designer under certain circumstances;
71 requiring that a qualifying agent notify the
72 department when she or he ceases to be affiliated with
73 a business organization; prohibiting a business
74 organization from engaging in certain practices until
75 it is qualified by a qualifying agent; authorizing the
76 executive director or the chair of the board to
77 authorize a certain registered architect or interior
78 designer to temporarily serve as the business
79 organization's qualifying agent for a specified
80 timeframe under certain circumstances; requiring the
81 qualifying agent to give written notice to the
82 department before engaging in practice under her or
83 his own name or in affiliation with another business
84 organization; requiring the board to certify an
85 applicant to qualify one or more business
86 organizations or to operate using a fictitious name
87 under certain circumstances; conforming provisions to

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88 changes made by the act; amending s. 481.221, F.S.;

89 requiring a business organization to include the

90 license number of a certain registered architect or

91 interior designer in any advertising; providing an

92 exception; conforming provisions to changes made by

93 the act; amending s. 481.229, F.S.; conforming

94 provisions to changes made by the act; reordering and

95 amending s. 481.303, F.S.; defining and redefining

96 terms; amending s. 481.321, F.S.; revising provisions

97 that require persons to display certificate numbers

98 under certain circumstances; conforming provisions to

99 changes made by the act; amending ss. 481.311,

100 481.317, and 481.319, F.S.; conforming provisions to

101 changes made by the act; amending s. 481.329, F.S.;

102 conforming a cross-reference; amending s. 548.017,

103 F.S.; revising the persons required to be licensed by

104 the State Boxing Commission; amending s. 548.003,

105 F.S.; conforming a provision to changes made by the

106 act; providing an effective date.

107

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

109

110 Section 1. Paragraph (h) of subsection (2) of section

111 287.055, Florida Statutes, is amended to read:

112 287.055 Acquisition of professional architectural,

113 engineering, landscape architectural, or surveying and mapping

114 services; definitions; procedures; contingent fees prohibited;

115 penalties.—

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

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

119 1. Is certified under s. 489.119 to engage in contracting
120 through a certified or registered general contractor or a
121 certified or registered building contractor as the qualifying
122 agent; or

123 2. Is certified under s. 471.023 to practice or to offer to
124 practice engineering; qualified ~~certified~~ under s. 481.219 to
125 practice or to offer to practice architecture; or qualified
126 ~~certified~~ under s. 481.319 to practice or to offer to practice
127 landscape architecture.

128 Section 2. Subsection (13) of section 326.004, Florida
129 Statutes, is amended to read:

130 326.004 Licensing.—

131 (13) Each broker must maintain a principal place of
132 business in this state and may establish branch offices in the
133 state. ~~A separate license must be maintained for each branch
134 office. The division shall establish by rule a fee not to exceed
135 \$100 for each branch office license.~~

136 Section 3. Subsection (3) of section 447.02, Florida
137 Statutes, is amended to read:

138 447.02 Definitions.—The following terms, when used in this
139 chapter, shall have the meanings ascribed to them in this
140 section:

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

143 Section 4. Section 447.04, Florida Statutes, is repealed.

144 Section 5. Section 447.041, Florida Statutes, is repealed.

145 Section 6. Section 447.045, Florida Statutes, is repealed.

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146 Section 7. Section 447.06, Florida Statutes, is repealed.

147 Section 8. Subsections (6) and (8) of section 447.09,
148 Florida Statutes, are amended to read:

149 447.09 Right of franchise preserved; penalties.—It shall be
150 unlawful for any person:

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

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

155 Section 9. Section 447.12, Florida Statutes, is repealed.

156 Section 10. Section 447.16, Florida Statutes, is repealed.

157 Section 11. Subsections (1) and (2) of section 468.603,
158 Florida Statutes, are amended to read:

159 468.603 Definitions.—As used in this part:

160 (1) "Building code administrator" or "building official"
161 means any of those employees of municipal or county governments,
162 or any person contracted by a municipal or county government,
163 who have ~~with~~ building construction regulation responsibilities
164 and who are charged with the responsibility for direct
165 regulatory administration or supervision of plan review,
166 enforcement, or inspection of building construction, erection,
167 repair, addition, remodeling, demolition, or alteration projects
168 that require permitting indicating compliance with building,
169 plumbing, mechanical, electrical, gas, fire prevention, energy,
170 accessibility, and other construction codes as required by state
171 law or municipal or county ordinance. This term is synonymous
172 with "building official" as used in the ~~administrative chapter~~
173 ~~of the Standard Building Code and the South Florida Building~~
174 Code. One person employed or contracted by each municipal or

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175 county government as a building code administrator or building
176 official and who is so certified under this part may be
177 authorized to perform any plan review or inspection for which
178 certification is required by this part.

179 (2) "Building code inspector" means any of those employees
180 of local governments or state agencies, or any person contracted
181 by a local government or state agency, who have ~~with~~ building
182 construction regulation responsibilities and who themselves
183 conduct inspections of building construction, erection, repair,
184 addition, or alteration projects that require permitting
185 indicating compliance with building, plumbing, mechanical,
186 electrical, gas, fire prevention, energy, accessibility, and
187 other construction codes as required by state law or municipal
188 or county ordinance.

189 Section 12. Subsection (3) of section 468.617, Florida
190 Statutes, is amended to read:

191 468.617 Joint building code inspection department; other
192 arrangements.—

193 (3) Nothing in this part shall prohibit any county or
194 municipal government, school board, community college board,
195 state university, or state agency from entering into any
196 contract with any person or entity for the provision of building
197 code administrator, building official, or building code
198 inspection services regulated under this part, and
199 notwithstanding any other statutory provision, such county or
200 municipal governments may enter into contracts.

201 Section 13. Paragraphs (a) and (e) of subsection (2),
202 subsection (3), paragraph (b) of subsection (4), and subsection
203 (6) of section 469.006, Florida Statutes, are amended to read:

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204 469.006 Licensure of business organizations; qualifying
205 agents.—

206 (2) (a) If the applicant proposes to engage in consulting or
207 contracting as a partnership, corporation, business trust, or
208 other legal entity, or in any name other than the applicant's
209 legal name, the ~~legal entity must apply for licensure through a~~
210 ~~qualifying agent or the~~ individual applicant must apply for
211 licensure under the name of the business organization ~~fictitious~~
212 ~~name.~~

213 (e) A ~~The license, when issued upon application of a~~
214 ~~business organization,~~ must be in the name of the qualifying
215 agent ~~business organization,~~ and the name of the business
216 organization ~~qualifying agent~~ must be noted on the license
217 ~~thereon.~~ If there is a change in any information that is
218 required to be stated on the application, the qualifying agent
219 ~~business organization~~ shall, within 45 days after such change
220 occurs, mail the correct information to the department.

221 (3) The qualifying agent must ~~shall~~ be licensed under this
222 chapter in order for the business organization to be qualified
223 ~~licensed~~ in the category of the business conducted for which the
224 qualifying agent is licensed. If any qualifying agent ceases to
225 be affiliated with such business organization, the agent shall
226 so inform the department. In addition, if such qualifying agent
227 is the only licensed individual affiliated with the business
228 organization, the business organization shall notify the
229 department of the termination of the qualifying agent and has
230 ~~shall have~~ 60 days after ~~from~~ the date of termination of the
231 qualifying agent's affiliation with the business organization ~~in~~
232 ~~which~~ to employ another qualifying agent. The business

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233 organization may not engage in consulting or contracting until a
234 qualifying agent is employed, unless the department has granted
235 a temporary nonrenewable license to the financially responsible
236 officer, the president, the sole proprietor, a partner, or, in
237 the case of a limited partnership, the general partner, who
238 assumes all responsibilities of a primary qualifying agent for
239 the entity. This temporary license only allows ~~shall only allow~~
240 the entity to proceed with incomplete contracts.

241 (4)

242 (b) Upon a favorable determination by the department, after
243 investigation of the financial responsibility, credit, and
244 business reputation of the qualifying agent and the new business
245 organization, the department shall issue, without any
246 examination, a new license in the qualifying agent's business
247 ~~organization's~~ name, and the name of the business organization
248 ~~qualifying agent~~ shall be noted thereon.

249 (6) Each qualifying agent shall pay the department an
250 amount equal to the original fee for licensure ~~of a new business~~
251 ~~organization.~~ if the qualifying agent for a business
252 organization desires to qualify additional business
253 organizations. 7 The department shall require the agent to
254 present evidence of supervisory ability and financial
255 responsibility of each such organization. Allowing a licensee to
256 qualify more than one business organization must ~~shall~~ be
257 conditioned upon the licensee showing that the licensee has both
258 the capacity and intent to adequately supervise each business
259 organization. The department may ~~shall~~ not limit the number of
260 business organizations that ~~which~~ the licensee may qualify
261 except upon the licensee's failure to provide such information

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262 as is required under this subsection or upon a finding that the
263 ~~such~~ information or evidence ~~as is~~ supplied is incomplete or
264 unpersuasive in showing the licensee's capacity and intent to
265 comply with the requirements of this subsection. A qualification
266 for an additional business organization may be revoked or
267 suspended upon a finding by the department that the licensee has
268 failed in the licensee's responsibility to adequately supervise
269 the operations of the business organization. Failure to
270 adequately supervise the operations of a business organization
271 is ~~shall be~~ grounds for denial to qualify additional business
272 organizations.

273 Section 14. Subsection (1) of section 469.009, Florida
274 Statutes, is amended to read:

275 469.009 License revocation, suspension, and denial of
276 issuance or renewal.—

277 (1) The department may revoke, suspend, or deny the
278 issuance or renewal of a license; reprimand, censure, or place
279 on probation any contractor, consultant, or financially
280 responsible officer, ~~or business organization~~; require financial
281 restitution to a consumer; impose an administrative fine not to
282 exceed \$5,000 per violation; require continuing education; or
283 assess costs associated with any investigation and prosecution
284 if the contractor or consultant, or business organization or
285 officer or agent thereof, is found guilty of any of the
286 following acts:

287 (a) Willfully or deliberately disregarding or violating the
288 health and safety standards of the Occupational Safety and
289 Health Act of 1970, the Construction Safety Act, the National
290 Emission Standards for Asbestos, the Environmental Protection

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

294 (b) Violating any provision of chapter 455.

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

297 (d) Acting in the capacity of an asbestos contractor or
298 asbestos consultant under any license issued under this chapter
299 except in the name of the licensee as set forth on the issued
300 license.

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

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

304 (g) Being convicted or found guilty of, or entering a plea
305 of nolo contendere to, regardless of adjudication, a crime in
306 any jurisdiction which directly relates to the practice of
307 asbestos consulting or contracting or the ability to practice
308 asbestos consulting or contracting.

309 (h) Knowingly violating any building code, lifesafety code,
310 or county or municipal ordinance relating to the practice of
311 asbestos consulting or contracting.

312 (i) Performing any act which assists a person or entity in
313 engaging in the prohibited unlicensed practice of asbestos
314 consulting or contracting, if the licensee knows or has
315 reasonable grounds to know that the person or entity was
316 unlicensed.

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

319 Financial mismanagement or misconduct occurs when:

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320 1. Valid liens have been recorded against the property of a
321 contractor's customer for supplies or services ordered by the
322 contractor for the customer's job; the contractor has received
323 funds from the customer to pay for the supplies or services; and
324 the contractor has not had the liens removed from the property,
325 by payment or by bond, within 75 days after the date of such
326 liens;

327 2. The contractor has abandoned a customer's job and the
328 percentage of completion is less than the percentage of the
329 total contract price paid to the contractor as of the time of
330 abandonment, unless the contractor is entitled to retain such
331 funds under the terms of the contract or refunds the excess
332 funds within 30 days after the date the job is abandoned; or

333 3. The contractor's job has been completed, and it is shown
334 that the customer has had to pay more for the contracted job
335 than the original contract price, as adjusted for subsequent
336 change orders, unless such increase in cost was the result of
337 circumstances beyond the control of the contractor, was the
338 result of circumstances caused by the customer, or was otherwise
339 permitted by the terms of the contract between the contractor
340 and the customer.

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

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

346 (m) Abandoning an asbestos abatement project in which the
347 asbestos contractor is engaged or under contract as a
348 contractor. A project may be presumed abandoned after 20 days if

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349 the contractor terminates the project without just cause and
350 without proper notification to the owner, including the reason
351 for termination; if the contractor fails to reasonably secure
352 the project to safeguard the public while work is stopped; or if
353 the contractor fails to perform work without just cause for 20
354 days.

355 (n) Signing a statement with respect to a project or
356 contract falsely indicating that the work is bonded; falsely
357 indicating that payment has been made for all subcontracted
358 work, labor, and materials which results in a financial loss to
359 the owner, purchaser, or contractor; or falsely indicating that
360 workers' compensation and public liability insurance are
361 provided.

362 (o) Committing fraud or deceit in the practice of asbestos
363 consulting or contracting.

364 (p) Committing incompetency or misconduct in the practice
365 of asbestos consulting or contracting.

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

369 (r) Intimidating, threatening, coercing, or otherwise
370 discouraging the service of a notice to owner under part I of
371 chapter 713 or a notice to contractor under chapter 255 or part
372 I of chapter 713.

373 (s) Failing to satisfy, within a reasonable time, the terms
374 of a civil judgment obtained against the licensee, or the
375 business organization qualified by the licensee, relating to the
376 practice of the licensee's profession.

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

381 Section 15. Subsection (2) of section 476.034, Florida
382 Statutes, is amended, and subsections (6) and (7) are added to
383 that section, to read:

384 476.034 Definitions.—As used in this act:

385 (2) "Barbering" means any of the following practices when
386 done for remuneration and for the public, but not when done for
387 the treatment of disease or physical or mental ailments:
388 shaving, cutting, trimming, coloring, shampooing, arranging,
389 dressing, curling, or waving the hair or beard or applying oils,
390 creams, lotions, or other preparations to the face, scalp, or
391 neck, either by hand or by mechanical appliances, and includes
392 restricted barbering services.

393 (6) "Restricted barber" means a person who is licensed to
394 engage in the practice of restricted barbering in this state
395 under the authority of this chapter and is subject to the same
396 requirements and restrictions as a barber, except as specified
397 in s. 476.114.

398 (7) "Restricted barbering" means any of the following
399 practices when done for remuneration and for the public, but not
400 when done for the treatment of disease or physical or mental
401 ailments: shaving, cutting, trimming, shampooing, arranging,
402 dressing, or curling the hair or beard, including the
403 application of shampoo, hair conditioners, shaving creams, hair
404 tonic, and hair spray to the face, scalp, or neck, either by
405 hand or by mechanical appliances. The term does not include the
406 application of oils, creams, lotions, or other preparations to

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407 the face, scalp, or neck.

408 Section 16. Present subsection (3) of section 476.114,
409 Florida Statutes, is redesignated as subsection (4) and amended,
410 and a new subsection (3) is added to that section, to read:

411 476.114 Examination; prerequisites.—

412 (3) An applicant is eligible for licensure by examination
413 to practice restricted barbering if the applicant:

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

415 (b) Pays the required application fee;

416 (c) Passes a written examination on the laws and rules
417 governing the practice of barbering in Florida, as established
418 by the board; and

419 (d)1. Holds, or has within the previous 5 years held, an
420 active valid license to practice barbering in another state or
421 country, or has held a Florida barbering license which has been
422 declared null and void for failure to renew the license; or

423 2. Has received a minimum of 1,000 hours of training as
424 established by the board, which must include, but is not limited
425 to, the equivalent of completion of services directly related to
426 the practice of restricted barbering at one of the following:

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

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

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

430 (4)~~(3)~~ An applicant who meets the requirements set forth in
431 subparagraphs (2) (c)1. and 2., or subparagraphs (3) (d)1. and 2.,
432 and who fails to pass the examination may take subsequent
433 examinations as many times as necessary to pass, except that the
434 board may specify by rule reasonable timeframes for rescheduling
435 the examination and additional training requirements for

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436 applicants who, after the third attempt, fail to pass the
437 examination. Prior to reexamination, the applicant must file the
438 appropriate form and pay the reexamination fee as required by
439 rule.

440 Section 17. Subsection (6) of section 476.144, Florida
441 Statutes, is repealed.

442 Section 18. Subsection (6) of section 477.013, Florida
443 Statutes, is amended to read:

444 477.013 Definitions.—As used in this chapter:

445 (6) "Specialty" means the practice of one or more of the
446 following:

447 (a) Nail specialty, which includes:

448 1. Manicuring, or the cutting, polishing, tinting,
449 coloring, cleansing, adding, or extending of the nails, and
450 massaging of the hands. This term includes any procedure or
451 process for the affixing of artificial nails, except those nails
452 which may be applied solely by use of a simple adhesive; and—

453 2. ~~(b)~~ Pedicuring, or the shaping, polishing, tinting, or
454 cleansing of the nails of the feet, and massaging or beautifying
455 of the feet.

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

459 (c) Full specialty, which includes manicuring, pedicuring,
460 and facial services, including all services as described in
461 paragraphs (a) and (b).

462 Section 19. Section 477.0132, Florida Statutes, is
463 repealed.

464 Section 20. Subsections (7), (8), and (9) are added to

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465 section 477.0135, Florida Statutes, to read:

466 477.0135 Exemptions.—

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

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

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

476 Section 21. Paragraph (b) of subsection (7) of section
477 477.019, Florida Statutes, is amended to read:

478 477.019 Cosmetologists; qualifications; licensure;
479 supervised practice; license renewal; endorsement; continuing
480 education.—

481 (7)

482 ~~(b) Any person whose occupation or practice is confined~~
483 ~~solely to hair braiding, hair wrapping, or body wrapping is~~
484 ~~exempt from the continuing education requirements of this~~
485 ~~subsection.~~

486 Section 22. Paragraph (f) of subsection (1) of section
487 477.026, Florida Statutes, is amended to read:

488 477.026 Fees; disposition.—

489 (1) The board shall set fees according to the following
490 schedule:

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

493 Section 23. Subsection (5) of section 481.203, Florida

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494 Statutes, is amended to read:

495 481.203 Definitions.—As used in this part:

496 (5) "Business organization" means a partnership, a limited
497 liability company, a corporation, or an individual operating
498 under a fictitious name ~~"Certificate of authorization" means a~~
499 ~~certificate issued by the department to a corporation or~~
500 ~~partnership to practice architecture or interior design.~~

501 Section 24. Section 481.219, Florida Statutes, is amended
502 to read:

503 481.219 Business organization; qualifying agents
504 ~~Certification of partnerships, limited liability companies, and~~
505 ~~corporations.—~~

506 (1) A licensee may ~~The practice of or the offer to practice~~
507 ~~architecture or interior design by licensees through a~~ business
508 organization that offers ~~corporation, limited liability company,~~
509 ~~or partnership offering~~ architectural or interior design
510 services to the public, or through ~~by~~ a business organization
511 that offers ~~corporation, limited liability company, or~~
512 ~~partnership offering~~ architectural or interior design services
513 to the public through such licensees ~~under this part~~ as agents,
514 employees, officers, or partners, ~~is permitted, subject to the~~
515 ~~provisions of this section.~~

516 (2) If a licensee or an applicant proposes to engage in the
517 practice of architecture or interior design as a business
518 organization, the licensee or applicant must apply to qualify
519 the business organization ~~For the purposes of this section, a~~
520 ~~certificate of authorization shall be required for a~~
521 ~~corporation, limited liability company, partnership, or person~~
522 ~~practicing under a fictitious name, offering architectural~~

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523 ~~services to the public jointly or separately. However, when an~~
524 ~~individual is practicing architecture in her or his own name,~~
525 ~~she or he shall not be required to be certified under this~~
526 ~~section. Certification under this subsection to offer~~
527 ~~architectural services shall include all the rights and~~
528 ~~privileges of certification under subsection (3) to offer~~
529 ~~interior design services.~~

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

531 1. If the business is a partnership, state the names of the
532 partnership and its partners.

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

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

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

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

546 (3)(a) A business organization may not engage in the
547 practice of architecture unless its qualifying agent is a
548 registered architect under this part. A business organization
549 may not engage in the practice of interior design unless its
550 qualifying agent is a registered architect or a registered
551 interior designer under this part. A qualifying agent who

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552 terminates her or his affiliation with a business organization
553 shall immediately notify the department of such termination. If
554 the qualifying agent who terminates her or his affiliation is
555 the only qualifying agent for a business organization, the
556 business organization must be qualified by another qualifying
557 agent within 60 days after the termination. Except as provided
558 in paragraph (b), the business organization may not engage in
559 the practice of architecture or interior design until it is
560 qualified by a qualifying agent.

561 (b) In the event a qualifying architect or interior
562 designer ceases employment with the business organization, the
563 executive director or the chair of the board may authorize
564 another registered architect or interior designer employed by
565 the business organization to temporarily serve as its qualifying
566 agent for a period of no more than 60 days. The business
567 organization is not authorized to operate beyond such period
568 under this chapter absent replacement of the qualifying
569 architect or interior designer who has ceased employment.

570 (c) A qualifying agent shall notify the department in
571 writing before engaging in the practice of architecture or
572 interior design in her or his own name or in affiliation with a
573 different business organization, and she or he or such business
574 organization shall supply the same information to the department
575 as required of applicants under this part ~~For the purposes of~~
576 ~~this section, a certificate of authorization shall be required~~
577 ~~for a corporation, limited liability company, partnership, or~~
578 ~~person operating under a fictitious name, offering interior~~
579 ~~design services to the public jointly or separately. However,~~
580 ~~when an individual is practicing interior design in her or his~~

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581 ~~own name, she or he shall not be required to be certified under~~
582 ~~this section.~~

583 (4) All final construction documents and instruments of
584 service which include drawings, specifications, plans, reports,
585 or other papers or documents that involve ~~involving~~ the practice
586 of architecture which are prepared or approved for the use of
587 the business organization ~~corporation, limited liability~~
588 ~~company, or partnership~~ and filed for public record within the
589 state must ~~shall~~ bear the signature and seal of the licensee who
590 prepared or approved them and the date on which they were
591 sealed.

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

599 ~~(6) The department shall issue a certificate of~~
600 ~~authorization to any applicant who the board certifies as~~
601 ~~qualified for a certificate of authorization and who has paid~~
602 ~~the fee set in s. 481.207.~~

603 (6) ~~(7)~~ The board shall allow ~~certify~~ an applicant to
604 qualify one or more business organizations ~~as qualified for a~~
605 ~~certificate of authorization~~ to offer architectural or interior
606 design services, or to use a fictitious name to offer such
607 services, if one of the following criteria is met ~~provided that:~~

608 (a) One or more of the principal officers of the
609 corporation or limited liability company, or one or more

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610 partners of the partnership, and all personnel of the
611 corporation, limited liability company, or partnership who act
612 in its behalf in this state as architects, are registered as
613 provided by this part. ~~or~~

614 (b) One or more of the principal officers of the
615 corporation or one or more partners of the partnership, and all
616 personnel of the corporation, limited liability company, or
617 partnership who act in its behalf in this state as interior
618 designers, are registered as provided by this part.

619 ~~(8) The department shall adopt rules establishing a
620 procedure for the biennial renewal of certificates of
621 authorization.~~

622 ~~(9) The department shall renew a certificate of
623 authorization upon receipt of the renewal application and
624 biennial renewal fee.~~

625 ~~(7)(10)~~ Each qualifying agent approved to qualify a
626 business organization partnership, limited liability company,
627 and corporation certified under this section shall notify the
628 department within 30 days after ~~of~~ any change in the information
629 contained in the application upon which the qualification
630 ~~certification~~ is based. Any registered architect or interior
631 designer who qualifies the business organization shall ensure
632 ~~corporation, limited liability company, or partnership as~~
633 ~~provided in subsection (7)~~ shall be responsible for ensuring
634 responsible supervising control of projects of the business
635 organization entity and shall notify the department of the ~~upon~~
636 termination of her or his employment with a business
637 organization qualified partnership, limited liability company,
638 ~~or corporation certified~~ under this section shall notify the

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639 ~~department of the termination~~ within 30 days after such
640 termination.

641 ~~(8)(11) A business organization is not No corporation,~~
642 ~~limited liability company, or partnership shall be~~ relieved of
643 responsibility for the conduct or acts of its agents, employees,
644 or officers by reason of its compliance with this section.
645 However, except as provided in s. 558.0035, the architect who
646 signs and seals the construction documents and instruments of
647 service is ~~shall be~~ liable for the professional services
648 performed, and the interior designer who signs and seals the
649 interior design drawings, plans, or specifications is ~~shall be~~
650 liable for the professional services performed.

651 ~~(12) Disciplinary action against a corporation, limited~~
652 ~~liability company, or partnership shall be administered in the~~
653 ~~same manner and on the same grounds as disciplinary action~~
654 ~~against a registered architect or interior designer,~~
655 ~~respectively.~~

656 ~~(9)(13) Nothing in~~ This section may not ~~shall~~ be construed
657 to mean that a certificate of registration to practice
658 architecture or interior design must ~~shall~~ be held by a business
659 organization ~~corporation, limited liability company, or~~
660 ~~partnership. Nothing in~~ This section does not prohibit a
661 business organization from offering ~~prohibits corporations,~~
662 ~~limited liability companies, and partnerships from joining~~
663 ~~together to offer~~ architectural, engineering, interior design,
664 surveying and mapping, and landscape architectural services, or
665 any combination of such services, to the public if the business
666 organization, ~~provided that each corporation, limited liability~~
667 ~~company, or partnership~~ otherwise meets the requirements of law.

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668 (10)~~(14)~~ A business organization that is qualified by a
669 registered architect may ~~Corporations, limited liability~~
670 ~~companies, or partnerships holding a valid certificate of~~
671 ~~authorization to practice architecture shall be permitted to use~~
672 ~~in their title~~ the term "interior designer" or "registered
673 interior designer" in its title. ~~designer."~~

674 Section 25. Subsection (10) of section 481.221, Florida
675 Statutes, is amended to read:

676 481.221 Seals; display of certificate number.—

677 (10) Each registered architect or interior designer must,
678 ~~and each corporation, limited liability company, or partnership~~
679 ~~holding a certificate of authorization, shall include her or his~~
680 license its certificate number in any newspaper, telephone
681 directory, or other advertising medium used by the registered
682 licensee architect, interior designer, corporation, limited
683 liability company, or partnership. Each business organization
684 must include the license number of the registered architect or
685 interior designer who serves as the qualifying agent for that
686 business organization in any newspaper, telephone directory, or
687 other advertising medium used by the business organization, but
688 is not required to display the license numbers of other
689 registered architects or interior designers employed by the
690 business organization ~~A corporation, limited liability company,~~
691 ~~or partnership is not required to display the certificate number~~
692 ~~of individual registered architects or interior designers~~
693 ~~employed by or working within the corporation, limited liability~~
694 ~~company, or partnership.~~

695 Section 26. Paragraphs (a) and (c) of subsection (5) of
696 section 481.229, Florida Statutes, are amended to read:

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697 481.229 Exceptions; exemptions from licensure.—

698 (5) (a) ~~Nothing contained in~~ This part does not prohibit
699 ~~shall prevent~~ a registered architect or a qualified business
700 organization partnership, limited liability company, or
701 ~~corporation holding a valid certificate of authorization to~~
702 ~~provide architectural services~~ from performing any interior
703 design service or from using the title "interior designer" or
704 "registered interior designer."

705 (c) Notwithstanding any other provision of this part, a
706 registered architect or qualified business organization
707 certified any corporation, partnership, or person operating
708 ~~under a fictitious name which holds a certificate of~~
709 ~~authorization to provide architectural services~~ must ~~shall~~ be
710 qualified, without fee, ~~for a certificate of authorization to~~
711 provide interior design services upon submission of a completed
712 application for qualification ~~therefor. For corporations,~~
713 ~~partnerships, and persons operating under a fictitious name~~
714 ~~which hold a certificate of authorization to provide interior~~
715 ~~design services, satisfaction of the requirements for renewal of~~
716 ~~the certificate of authorization to provide architectural~~
717 ~~services under s. 481.219 shall be deemed to satisfy the~~
718 ~~requirements for renewal of the certificate of authorization to~~
719 ~~provide interior design services under that section.~~

720 Section 27. Section 481.303, Florida Statutes, is reordered
721 and amended to read:

722 481.303 Definitions.—As used in this chapter, the term:

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

724 (2) "Business organization" means any partnership, limited
725 liability company, corporation, or individual operating under a

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726 fictitious name.

727 (4)~~(2)~~ "Department" means the Department of Business and
728 Professional Regulation.

729 (8)~~(3)~~ "Registered landscape architect" means a person who
730 holds a license to practice landscape architecture in this state
731 under the authority of this act.

732 (3)~~(4)~~ "Certificate of registration" means a license issued
733 by the department to a natural person to engage in the practice
734 of landscape architecture.

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

738 (5)~~(6)~~ "Landscape architecture" means professional
739 services, including, but not limited to, the following:

740 (a) Consultation, investigation, research, planning,
741 design, preparation of drawings, specifications, contract
742 documents and reports, responsible construction supervision, or
743 landscape management in connection with the planning and
744 development of land and incidental water areas, including the
745 use of Florida-friendly landscaping as defined in s. 373.185,
746 where, and to the extent that, the dominant purpose of such
747 services or creative works is the preservation, conservation,
748 enhancement, or determination of proper land uses, natural land
749 features, ground cover and plantings, or naturalistic and
750 aesthetic values;

751 (b) The determination of settings, grounds, and approaches
752 for and the siting of buildings and structures, outdoor areas,
753 or other improvements;

754 (c) The setting of grades, shaping and contouring of land

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755 and water forms, determination of drainage, and provision for
756 storm drainage and irrigation systems where such systems are
757 necessary to the purposes outlined herein; and

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

760 (6)~~(7)~~ "Landscape design" means consultation for and
761 preparation of planting plans drawn for compensation, including
762 specifications and installation details for plant materials,
763 soil amendments, mulches, edging, gravel, and other similar
764 materials. Such plans may include only recommendations for the
765 conceptual placement of tangible objects for landscape design
766 projects. Construction documents, details, and specifications
767 for tangible objects and irrigation systems shall be designed or
768 approved by licensed professionals as required by law.

769 (7) "Qualifying agent" means an owner, officer, or director
770 of the corporation, or partner of the partnership, who is
771 responsible for the supervision, direction, and management of
772 projects of the business organization with which she or he is
773 affiliated and for ensuring that responsible supervising control
774 is being exercised.

775 Section 28. Subsection (5) of section 481.321, Florida
776 Statutes, is amended to read:

777 481.321 Seals; display of certificate number.—

778 (5) Each registered landscape architect must ~~and each~~
779 ~~corporation or partnership holding a certificate of~~
780 ~~authorization shall include~~ her or his ~~its~~ certificate number in
781 any newspaper, telephone directory, or other advertising medium
782 used by the registered landscape architect, corporation, or
783 partnership. A corporation or partnership must ~~is not required~~

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784 ~~to~~ display the certificate number ~~numbers~~ of at least one
785 officer, director, owner, or partner who is a individual
786 registered landscape architect ~~architects~~ employed by or
787 practicing with the corporation or partnership.

788 Section 29. Subsection (4) of section 481.311, Florida
789 Statutes, is amended to read:

790 481.311 Licensure.—

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

794 Section 30. Subsection (2) of section 481.317, Florida
795 Statutes, is amended to read:

796 481.317 Temporary certificates.—

797 ~~(2) Upon approval by the board and payment of the fee set~~
798 ~~in s. 481.307, the department shall grant a temporary~~
799 ~~certificate of authorization for work on one specified project~~
800 ~~in this state for a period not to exceed 1 year to an out-of-~~
801 ~~state corporation, partnership, or firm, provided one of the~~
802 ~~principal officers of the corporation, one of the partners of~~
803 ~~the partnership, or one of the principals in the fictitiously~~
804 ~~named firm has obtained a temporary certificate of registration~~
805 ~~in accordance with subsection (1).~~

806 Section 31. Section 481.319, Florida Statutes, is amended
807 to read:

808 481.319 Corporate and partnership practice of landscape
809 architecture; ~~certificate of authorization.~~—

810 (1) The practice of or offer to practice landscape
811 architecture by registered landscape architects registered under
812 this part through a corporation or partnership offering

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813 landscape architectural services to the public, or through a
814 corporation or partnership offering landscape architectural
815 services to the public through individual registered landscape
816 architects as agents, employees, officers, or partners, is
817 permitted, subject to the provisions of this section, if:

818 (a) One or more of the principal officers of the
819 corporation, or partners of the partnership, and all personnel
820 of the corporation or partnership who act in its behalf as
821 landscape architects in this state are registered landscape
822 architects; and

823 (b) One or more of the officers, one or more of the
824 directors, one or more of the owners of the corporation, or one
825 or more of the partners of the partnership is a registered
826 landscape architect and has applied to be the qualifying agent
827 for the business organization; ~~and~~

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

830 (2) All documents involving the practice of landscape
831 architecture which are prepared for the use of the corporation
832 or partnership must ~~shall~~ bear the signature and seal of a
833 registered landscape architect.

834 (3) A landscape architect applying to practice in the name
835 of a ~~An applicant~~ corporation must ~~shall~~ file with the
836 department the names and addresses of all officers and board
837 members of the corporation, including the principal officer or
838 officers, duly registered to practice landscape architecture in
839 this state and, also, of all individuals duly registered to
840 practice landscape architecture in this state who shall be in
841 responsible charge of the practice of landscape architecture by

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842 the corporation in this state. A landscape architect applying to
843 practice in the name of a ~~An applicant~~ partnership must ~~shall~~
844 file with the department the names and addresses of all partners
845 of the partnership, including the partner or partners duly
846 registered to practice landscape architecture in this state and,
847 also, of an individual or individuals duly registered to
848 practice landscape architecture in this state who shall be in
849 responsible charge of the practice of landscape architecture by
850 said partnership in this state.

851 (4) Each landscape architect qualifying a partnership or
852 ~~and~~ corporation ~~licensed~~ under this part must ~~shall~~ notify the
853 department within 1 month of any change in the information
854 contained in the application upon which the license is based.
855 Any landscape architect who terminates her or his ~~or her~~
856 employment with a partnership or corporation licensed under this
857 part shall notify the department of the termination within 1
858 month.

859 ~~(5) Disciplinary action against a corporation or~~
860 ~~partnership shall be administered in the same manner and on the~~
861 ~~same grounds as disciplinary action against a registered~~
862 ~~landscape architect.~~

863 (5) ~~(6)~~ Except as provided in s. 558.0035, the fact that a
864 registered landscape architect practices landscape architecture
865 through a corporation or partnership as provided in this section
866 does not relieve the landscape architect from personal liability
867 for her or his ~~or her~~ professional acts.

868 Section 32. Subsection (5) of section 481.329, Florida
869 Statutes, is amended to read:

870 481.329 Exceptions; exemptions from licensure.—

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871 (5) This part does not prohibit any person from engaging in
872 the practice of landscape design, as defined in s. 481.303(6) ~~s.~~
873 ~~481.303(7)~~, or from submitting for approval to a governmental
874 agency planting plans that are independent of, or a component
875 of, construction documents that are prepared by a Florida-
876 registered professional. Persons providing landscape design
877 services shall not use the title, term, or designation
878 "landscape architect," "landscape architectural," "landscape
879 architecture," "L.A.," "landscape engineering," or any
880 description tending to convey the impression that she or he is a
881 landscape architect unless she or he is registered as provided
882 in this part.

883 Section 33. Subsection (1) of section 548.017, Florida
884 Statutes, is amended to read:

885 548.017 Participants, managers, and other persons required
886 to have licenses.—

887 (1) A participant, manager, trainer, second, ~~timekeeper,~~
888 referee, judge, ~~announcer,~~ physician, matchmaker, or promoter
889 must be licensed before directly or indirectly acting in such
890 capacity in connection with any match involving a participant. A
891 physician approved by the commission must be licensed pursuant
892 to chapter 458 or chapter 459, must maintain an unencumbered
893 license in good standing, and must demonstrate satisfactory
894 medical training or experience in boxing, or a combination of
895 both, to the executive director before working as the ringside
896 physician.

897 Section 34. Paragraph (i) of subsection (2) of section
898 548.003, Florida Statutes, is amended to read:

899 548.003 Florida State Boxing Commission.—

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900 (2) The Florida State Boxing Commission, as created by
901 subsection (1), shall administer the provisions of this chapter.
902 The commission has authority to adopt rules pursuant to ss.
903 120.536(1) and 120.54 to implement the provisions of this
904 chapter and to implement each of the duties and responsibilities
905 conferred upon the commission, including, but not limited to:
906 ~~(i) Designation and duties of a knockdown timekeeper.~~
907 Section 35. This act shall take effect October 1, 2017.