

By the Committee on Commerce and Tourism; and Senators Brandes, Hutson, and Perry

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1 A bill to be entitled
2 An act relating to professional regulation; amending
3 s. 120.565, F.S.; authorizing a person to seek a
4 declaratory statement from an agency as to the effect
5 of the person's criminal background on his or her
6 eligibility for certain licenses, registrations, or
7 certificates; specifying that a person may seek a
8 declaratory statement before meeting any prerequisites
9 for the license, registration, or certification;
10 requiring that an agency's conclusion in the
11 declaratory statement contain certain statements;
12 providing that the agency's conclusion is binding
13 except under certain circumstances; requiring a person
14 seeking a declaratory statement to submit certain
15 items to the agency and pay certain fees and costs;
16 providing requirements for the processing of the
17 fingerprints; requiring the petitioner to pay the
18 actual cost of processing the fingerprints; amending
19 s. 326.004, F.S.; deleting the requirement for a yacht
20 broker to maintain a separate license for each branch
21 office; deleting the requirement for the Division of
22 Florida Condominiums, Timeshares, and Mobile Homes to
23 establish a fee; amending s. 447.02, F.S.; conforming
24 provisions; repealing s. 447.04, F.S., relating to
25 licensure and permit requirements for business agents;
26 repealing s. 447.041, F.S., relating to hearings for
27 persons or labor organizations denied licensure as a
28 business agent; repealing s. 447.045, F.S., relating
29 to confidential information obtained during the

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30 application process; repealing s. 447.06, F.S.,
31 relating to required registration of labor
32 organizations; amending s. 447.09, F.S.; deleting
33 certain prohibited actions relating to the right of
34 franchise of a member of a labor organization;
35 repealing s. 447.12, F.S., relating to registration
36 fees; repealing s. 447.16, F.S., relating to
37 applicability; amending s. 447.305, F.S.; deleting a
38 provision that requires notification of registrations
39 and renewals to the Department of Business and
40 Professional Regulation; amending s. 455.213, F.S.;
41 conforming a cross-reference; requiring the board to
42 use a specified process for the review of an
43 applicant's criminal record to determine the
44 applicant's eligibility for certain licenses;
45 prohibiting the conviction of a crime before a
46 specified date from being grounds for the denial of
47 certain licenses; defining the term "conviction";
48 authorizing a person to apply for a license before his
49 or her lawful release from confinement or supervision;
50 prohibiting additional fees for an applicant confined
51 or under supervision; prohibiting the board from
52 basing a denial of a license application solely on the
53 applicant's current confinement or supervision;
54 authorizing the board to stay the issuance of an
55 approved license under certain circumstances;
56 requiring the board to verify an applicant's release
57 with the Department of Corrections; providing
58 requirements for the appearance of certain applicants

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59 at certain meetings; requiring the board to adopt
60 rules specifying how certain crimes affect an
61 applicant's eligibility for licensure; amending s.
62 464.203, F.S.; prohibiting the conviction of a crime
63 before a specified date from being grounds for the
64 denial of a certification under certain circumstances;
65 prohibiting the conviction of a crime before a
66 specified date from being grounds for the failure of a
67 background screening; defining the term "conviction";
68 authorizing a person to apply for certification before
69 his or her lawful release from confinement or
70 supervision; prohibiting additional fees for an
71 applicant confined or under supervision; prohibiting
72 the board from basing the denial of a certification
73 solely on the applicant's current confinement or
74 supervision; authorizing the board to stay the
75 issuance of an approved certificate under certain
76 circumstances; requiring the board to verify an
77 applicant's release with the Department of
78 Corrections; providing requirements for the appearance
79 of certain applicants at certain meetings; requiring
80 the board to adopt rules specifying how certain crimes
81 may affect an applicant's eligibility for
82 certification; amending s. 400.211, F.S.; conforming a
83 cross-reference; amending s. 469.006, F.S.; revising
84 licensure requirements for asbestos abatement
85 consulting or contracting as a partnership,
86 corporation, business trust, or other legal entity;
87 amending s. 469.009, F.S.; conforming provisions;

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88 amending s. 476.034, F.S.; defining the terms
89 "restricted barber" and "restricted barbering";
90 amending s. 476.114, F.S.; providing requirements for
91 licensure by examination as a restricted barber;
92 amending s. 476.144, F.S.; requiring the department to
93 license an applicant who the board certifies is
94 qualified to practice restricted barbering; amending
95 s. 477.013, F.S.; revising and providing definitions;
96 repealing s. 477.0132, F.S., relating to registration
97 for hair braiding, hair wrapping, and body wrapping;
98 amending s. 477.0135, F.S.; providing that licensure
99 or registration is not required for persons whose
100 occupation or practice is confined solely to hair
101 braiding, hair wrapping, body wrapping, nail
102 polishing, and makeup application; amending s.
103 477.019, F.S.; conforming provisions; amending s.
104 477.0201, F.S.; providing requirements for
105 registration as a nail specialist, facial specialist,
106 or full specialist; amending ss. 477.026, 477.0265,
107 and 477.029, F.S.; conforming provisions; amending s.
108 481.203, F.S.; revising a definition; amending s.
109 481.219, F.S.; revising the process by which a
110 business organization obtains the requisite license to
111 perform architectural services or interior design;
112 requiring that a licensee or an applicant apply to
113 qualify a business organization to practice
114 architecture or interior design; providing application
115 requirements; authorizing the Board of Architecture
116 and Interior Design to deny an application under

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117 certain circumstances; providing notice requirements;
118 prohibiting a business organization from engaging in
119 certain practices until it is qualified by a
120 qualifying agent; authorizing the executive director
121 or the chair of the board to authorize a temporary
122 qualifying agent for a specified timeframe under
123 certain circumstances; requiring the board to allow an
124 applicant to qualify one or more business
125 organizations or to operate using a fictitious name
126 under certain circumstances; deleting a requirement
127 for the administration of disciplinary action against
128 a corporation, limited liability company, or
129 partnership; conforming provisions to changes made by
130 the act; amending s. 481.221, F.S.; requiring a
131 business organization to include the license number of
132 a certain registered architect or interior designer in
133 any advertising; providing an exception; conforming
134 provisions to changes made by the act; amending s.
135 481.229, F.S.; conforming provisions to changes made
136 by the act; amending s. 481.303, F.S.; revising
137 definitions; amending ss. 481.311 and 481.317, F.S.;
138 conforming provisions; amending s. 481.319, F.S.;
139 deleting the requirement for a certificate of
140 authorization; authorizing landscape architects to
141 practice through a corporation or partnership;
142 amending s. 481.321, F.S.; revising requirements
143 related to the display of a certificate number;
144 amending s. 481.329, F.S.; conforming a cross-
145 reference; amending s. 287.055, F.S.; conforming a

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146 provision; amending s. 548.003, F.S.; deleting the
147 requirement that the Florida State Boxing Commission
148 adopt rules relating to a knockdown timekeeper;
149 amending s. 548.017, F.S.; deleting the licensure
150 requirement for a timekeeper or announcer; providing
151 an effective date.

152
153 Be It Enacted by the Legislature of the State of Florida:

154
155 Section 1. Subsection (4) is added to section 120.565,
156 Florida Statutes, to read:

157 120.565 Declaratory statement by agencies.—

158 (4) (a) Any person may seek a declaratory statement
159 regarding an agency's opinion as to the effect of the
160 petitioner's criminal background on his or her eligibility for a
161 specific occupational or professional license, registration, or
162 certificate issued by the agency based on the applicable
163 statutes and rules for the occupation or profession. The
164 petition may include mitigating factors or other information the
165 petitioner believes relevant to establish the petitioner's
166 eligibility, including, but not limited to, the time elapsed
167 since completion of or lawful release from confinement,
168 supervision, or nonmonetary condition imposed by the court for a
169 disqualifying offense, and the petitioner's standing in his or
170 her community. A person may seek a declaratory statement under
171 this subsection before attaining any education, training,
172 experience, or other prerequisites for the license,
173 registration, or certification.

174 (b) The agency's conclusion in the declaratory statement

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175 must indicate whether:

176 1. The petitioner is disqualified from obtaining the
177 license, registration, or certification due to the petitioner's
178 criminal background, regardless of the petitioner's education,
179 training, experience, or other prerequisites required for the
180 license, registration, or certification.

181 2. The petitioner is not eligible for a specified
182 occupational or professional license, registration, or
183 certification because of his or her criminal background, but
184 that the conclusion may be reversed upon the petitioner's
185 presentation of evidence of rehabilitation or mitigation
186 identified by the agency in the declaratory statement at any
187 time subsequent to the issuance of the declaratory statement.

188 3. Federal laws or regulations may impede the petitioner's
189 licensure, registration, or certification in the profession or
190 occupation.

191 4. Conditions or restrictions imposed by the court on the
192 petitioner for a disqualifying offense may impede the
193 petitioner's licensure, registration, or certification in the
194 profession or occupation.

195 (c) The agency's conclusion in the declaratory statement
196 shall be binding on the agency as to the petitioner, unless the
197 petitioner's subsequent criminal history constitutes an
198 independent basis for denial of the petitioner's application for
199 a license, registration, or certification in the profession or
200 occupation. The agency's conclusion is subject to judicial
201 review pursuant to s. 120.68.

202 (d) A person seeking a declaratory statement under this
203 subsection must submit to the agency, in addition to the

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204 petition for a declaratory statement:

205 1. A fee set by the agency not to exceed \$100;

206 2. A certified copy of each criminal judgment rendered
207 against the petitioner; and

208 3. A complete set of electronic fingerprints.

209 (e) The agency shall submit the fingerprints to the
210 Department of Law Enforcement for a state criminal history
211 record check and the Department of Law Enforcement shall forward
212 them to the Federal Bureau of Investigation for a national
213 criminal history record check. The agency shall review the
214 criminal history record results to determine if the petitioner
215 meets licensure, registration, or certification requirements.
216 The petitioner shall pay the actual cost of state and federal
217 processing in addition to the fee in subparagraph (d)1.

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

220 326.004 Licensing.—

221 (13) Each broker must maintain a principal place of
222 business in this state and may establish branch offices in the
223 state. ~~A separate license must be maintained for each branch~~
224 ~~office. The division shall establish by rule a fee not to exceed~~
225 ~~\$100 for each branch office license.~~

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

228 447.02 Definitions.—The following terms, when used in this
229 chapter, shall have the meanings ascribed to them in this
230 section:

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

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233 Section 4. Section 447.04, Florida Statutes, is repealed.
234 Section 5. Section 447.041, Florida Statutes, is repealed.
235 Section 6. Section 447.045, Florida Statutes, is repealed.
236 Section 7. Section 447.06, Florida Statutes, is repealed.
237 Section 8. Subsections (6) and (8) of section 447.09,
238 Florida Statutes, are amended to read:
239 447.09 Right of franchise preserved; penalties.—It shall be
240 unlawful for any person:
241 ~~(6) To act as a business agent without having obtained and~~
242 ~~possessing a valid and subsisting license or permit.~~
243 ~~(8) To make any false statement in an application for a~~
244 ~~license.~~
245 Section 9. Section 447.12, Florida Statutes, is repealed.
246 Section 10. Section 447.16, Florida Statutes, is repealed.
247 Section 11. Subsection (4) of section 447.305, Florida
248 Statutes, is amended to read:
249 447.305 Registration of employee organization.—
250 ~~(4) Notification of registrations and renewals of~~
251 ~~registration shall be furnished at regular intervals by the~~
252 ~~commission to the Department of Business and Professional~~
253 ~~Regulation.~~
254 Section 12. Present subsections (3) through (12) of section
255 455.213, Florida Statutes, are redesignated as subsections (4)
256 through (13), respectively, subsection (2) of that section is
257 amended, and a new subsection (3) is added to that section, to
258 read:
259 455.213 General licensing provisions.—
260 (2) Before the issuance of any license, the department may
261 charge an initial license fee as determined by rule of the

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262 applicable board or, if no such board exists, by rule of the
263 department. Upon receipt of the appropriate license fee, except
264 as provided in subsection (4) ~~(3)~~, the department shall issue a
265 license to any person certified by the appropriate board, or its
266 designee, or the department when there is no board, as having
267 met the applicable requirements imposed by law or rule. However,
268 an applicant who is not otherwise qualified for licensure is not
269 entitled to licensure solely based on a passing score on a
270 required examination. Upon a determination by the department
271 that it erroneously issued a license, or upon the revocation of
272 a license by the applicable board, or by the department when
273 there is no board, the licensee must surrender his or her
274 license to the department.

275 (3) (a) Notwithstanding any other provision of law, the
276 board shall use the process in this subsection for review of an
277 applicant's criminal record to determine his or her eligibility
278 for licensure as a:

279 1. Barber under chapter 476;

280 2. Cosmetologist or cosmetology specialist under chapter
281 477; or

282 3. Any of the following construction professions under
283 chapter 489:

284 a. Air-conditioning contractor;

285 b. Electrical contractor;

286 c. Mechanical contractor;

287 d. Plumbing contractor;

288 e. Pollutant storage systems contractor;

289 f. Roofing contractor;

290 g. Septic tank contractor;

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- 291 h. Sheet metal contractor;
292 i. Solar contractor;
293 j. Swimming pool and spa contractor;
294 k. Underground utility and excavation contractor; and
295 l. Other specialty contractors.

296 (b) A conviction for a crime more than 5 years before the
297 date of the application may not be grounds for denial of a
298 license specified in paragraph (a). For purposes of this
299 paragraph, the term "conviction" means a determination of guilt
300 that is the result of a plea or trial, regardless of whether
301 adjudication is withheld.

302 (c)1. A person may apply for a license before his or her
303 lawful release from confinement or supervision. The department
304 may not charge an applicant an additional fee for being confined
305 or under supervision. The board may not deny an application for
306 a license solely on the basis of the applicant's current
307 confinement or supervision.

308 2. After a license application is approved, the board may
309 stay the issuance of a license until the applicant is lawfully
310 released from confinement or supervision and the applicant
311 notifies the board of such release. The board must verify the
312 applicant's release with the Department of Corrections before it
313 issues a license.

314 3. If an applicant is unable to appear in person due to his
315 or her confinement or supervision, the board must permit the
316 applicant to appear by teleconference or video conference, as
317 appropriate, at any meeting of the board or other hearing by the
318 agency concerning his or her application.

319 4. If an applicant is confined or under supervision, the

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320 Department of Corrections and the board shall cooperate and
321 coordinate to facilitate the appearance of the applicant at a
322 board meeting or agency hearing in person, by teleconference, or
323 by video conference, as appropriate.

324 (d) The board shall adopt rules specifying the crimes that,
325 if committed, and regardless of adjudication, do not relate to
326 the practice of the profession or the ability to practice the
327 profession and do not constitute grounds for denial of a
328 license.

329 (e) The board shall adopt rules specifying the crimes that,
330 if committed, and regardless of adjudication, relate to the
331 practice of the profession or the ability to practice the
332 profession and may constitute grounds for denial of a license.

333 Section 13. Present subsections (2) through (8) of section
334 464.203, Florida Statutes, are redesignated as subsections (3)
335 through (9), respectively, and a new subsection (2) is added to
336 that section, to read:

337 464.203 Certified nursing assistants; certification
338 requirement.—

339 (2) (a) 1. Except as provided in s. 435.07(4), a conviction
340 for a crime more than 7 years before the date of the application
341 may not be grounds for denial of a certificate to practice as a
342 certified nursing assistant.

343 2. Except as provided in s. 435.07(4), a conviction for a
344 crime more than 7 years before the date of the application may
345 not be grounds for failure of a required background screening.

346 3. For purposes of this paragraph, the term "conviction"
347 means a determination of guilt that is the result of a plea or
348 trial, regardless of whether adjudication is withheld.

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349 (b)1. A person may apply for a certificate to practice as a
350 certified nursing assistant before his or her lawful release
351 from confinement or supervision. The department may not charge
352 an applicant an additional fee for being confined or under
353 supervision. The board may not deny an application for a
354 certificate solely on the basis of the person's current
355 confinement or supervision.

356 2. After a certification application is approved, the board
357 may stay the issuance of a certificate until the applicant
358 notifies the board of his or her lawful release from confinement
359 or supervision. The board must verify the applicant's release
360 with the Department of Corrections before it issues a license.

361 3. If an applicant is unable to appear in person due to his
362 or her confinement or supervision, the board must permit the
363 applicant to appear by teleconference or video conference, as
364 appropriate, at any meeting of the board or other hearing by the
365 agency concerning his or her application.

366 4. If an applicant is confined or under supervision, the
367 Department of Corrections and the board shall cooperate and
368 coordinate to facilitate the appearance of the applicant at a
369 board meeting or agency hearing in person, by teleconference, or
370 by video conference, as appropriate.

371 (d) The board shall adopt rules specifying the crimes that,
372 if committed, and regardless of adjudication, do not relate to
373 the practice of the profession or the ability to practice the
374 profession and do not constitute grounds for denial of a
375 certification.

376 (e) The board shall adopt rules specifying the crimes that,
377 if committed, and regardless of adjudication, relate to the

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378 practice of the profession or the ability to practice the
379 profession and may constitute grounds for denial of a
380 certification.

381 Section 14. Subsection (4) of section 400.211, Florida
382 Statutes, is amended to read:

383 400.211 Persons employed as nursing assistants;
384 certification requirement.—

385 (4) When employed by a nursing home facility for a 12-month
386 period or longer, a nursing assistant, to maintain
387 certification, shall submit to a performance review every 12
388 months and must receive regular inservice education based on the
389 outcome of such reviews. The inservice training must meet all of
390 the following requirements:

391 (a) Be sufficient to ensure the continuing competence of
392 nursing assistants and must meet the standard specified in s.
393 464.203(8). ~~s. 464.203(7);~~

394 (b) Include, at a minimum:

395 1. Techniques for assisting with eating and proper feeding;

396 2. Principles of adequate nutrition and hydration;

397 3. Techniques for assisting and responding to the
398 cognitively impaired resident or the resident with difficult
399 behaviors;

400 4. Techniques for caring for the resident at the end-of-
401 life; and

402 5. Recognizing changes that place a resident at risk for
403 pressure ulcers and falls. ~~;~~ ~~and~~

404 (c) Address areas of weakness as determined in nursing
405 assistant performance reviews and may address the special needs
406 of residents as determined by the nursing home facility staff.

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408 Costs associated with this training may not be reimbursed from
409 additional Medicaid funding through interim rate adjustments.

410 Section 15. Paragraphs (a) and (e) of subsection (2),
411 subsection (3), paragraph (b) of subsection (4), and subsection
412 (6) of section 469.006, Florida Statutes, are amended to read:

413 469.006 Licensure of business organizations; qualifying
414 agents.—

415 (2) (a) If the applicant proposes to engage in consulting or
416 contracting as a partnership, corporation, business trust, or
417 other legal entity, or in any name other than the applicant's
418 legal name, ~~the legal entity must apply for licensure through a~~
419 ~~qualifying agent or the individual applicant must apply for~~
420 licensure under the fictitious name of the business
421 organization.

422 (e) A ~~The license, when issued upon application of a~~
423 ~~business organization,~~ must be in the name of the qualifying
424 agent business organization, and the name of the business
425 organization ~~qualifying agent~~ must be noted on the license
426 ~~thereon~~. If there is a change in any information that is
427 required to be stated on the application, the qualifying agent
428 ~~business organization~~ shall, within 45 days after such change
429 occurs, mail the correct information to the department.

430 (3) The qualifying agent must ~~shall~~ be licensed under this
431 chapter in order for the business organization to be qualified
432 ~~licensed~~ in the category of the business conducted for which the
433 qualifying agent is licensed. If any qualifying agent ceases to
434 be affiliated with such business organization, the agent shall
435 so inform the department. In addition, if such qualifying agent

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436 is the only licensed individual affiliated with the business
437 organization, the business organization shall notify the
438 department of the termination of the qualifying agent and has
439 ~~shall have~~ 60 days after ~~from~~ the date of termination of the
440 qualifying agent's affiliation with the business organization ~~in~~
441 ~~which~~ to employ another qualifying agent. The business
442 organization may not engage in consulting or contracting until a
443 qualifying agent is employed, unless the department has granted
444 a temporary nonrenewable license to the financially responsible
445 officer, the president, the sole proprietor, a partner, or, in
446 the case of a limited partnership, the general partner, who
447 assumes all responsibilities of a primary qualifying agent for
448 the entity. This temporary license only allows ~~shall only allow~~
449 the entity to proceed with incomplete contracts.

450 (4)

451 (b) Upon a favorable determination by the department, after
452 investigation of the financial responsibility, credit, and
453 business reputation of the qualifying agent and the new business
454 organization, the department shall issue, without any
455 examination, a new license in the qualifying agent's business
456 ~~organization's~~ name, and the name of the business organization
457 ~~qualifying agent~~ shall be noted thereon.

458 (6) Each qualifying agent shall pay the department an
459 amount equal to the original fee for licensure ~~of a new business~~
460 ~~organization.~~ if the qualifying agent for a business
461 organization desires to qualify additional business
462 organizations. 7 The department shall require the agent to
463 present evidence of supervisory ability and financial
464 responsibility of each such organization. Allowing a licensee to

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465 qualify more than one business organization must ~~shall~~ be
466 conditioned upon the licensee showing that the licensee has both
467 the capacity and intent to adequately supervise each business
468 organization. The department may ~~shall~~ not limit the number of
469 business organizations that ~~which~~ the licensee may qualify
470 except upon the licensee's failure to provide such information
471 as is required under this subsection or upon a finding that the
472 ~~such~~ information or evidence ~~as is~~ supplied is incomplete or
473 unpersuasive in showing the licensee's capacity and intent to
474 comply with the requirements of this subsection. A qualification
475 for an additional business organization may be revoked or
476 suspended upon a finding by the department that the licensee has
477 failed in the licensee's responsibility to adequately supervise
478 the operations of the business organization. Failure to
479 adequately supervise the operations of a business organization
480 is ~~shall be~~ grounds for denial to qualify additional business
481 organizations.

482 Section 16. Subsection (1) of section 469.009, Florida
483 Statutes, is amended to read:

484 469.009 License revocation, suspension, and denial of
485 issuance or renewal.—

486 (1) The department may revoke, suspend, or deny the
487 issuance or renewal of a license; reprimand, censure, or place
488 on probation any contractor, consultant, or financially
489 responsible officer, ~~or business organization~~; require financial
490 restitution to a consumer; impose an administrative fine not to
491 exceed \$5,000 per violation; require continuing education; or
492 assess costs associated with any investigation and prosecution
493 if the contractor or consultant, or business organization or

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494 officer or agent thereof, is found guilty of any of the
495 following acts:

496 (a) Willfully or deliberately disregarding or violating the
497 health and safety standards of the Occupational Safety and
498 Health Act of 1970, the Construction Safety Act, the National
499 Emission Standards for Asbestos, the Environmental Protection
500 Agency Asbestos Abatement Projects Worker Protection Rule, the
501 Florida Statutes or rules promulgated thereunder, or any
502 ordinance enacted by a political subdivision of this state.

503 (b) Violating any provision of chapter 455.

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

506 (d) Acting in the capacity of an asbestos contractor or
507 asbestos consultant under any license issued under this chapter
508 except in the name of the licensee as set forth on the issued
509 license.

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

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

513 (g) Being convicted or found guilty of, or entering a plea
514 of nolo contendere to, regardless of adjudication, a crime in
515 any jurisdiction which directly relates to the practice of
516 asbestos consulting or contracting or the ability to practice
517 asbestos consulting or contracting.

518 (h) Knowingly violating any building code, lifesafety code,
519 or county or municipal ordinance relating to the practice of
520 asbestos consulting or contracting.

521 (i) Performing any act which assists a person or entity in
522 engaging in the prohibited unlicensed practice of asbestos

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523 consulting or contracting, if the licensee knows or has
524 reasonable grounds to know that the person or entity was
525 unlicensed.

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

528 Financial mismanagement or misconduct occurs when:

529 1. Valid liens have been recorded against the property of a
530 contractor's customer for supplies or services ordered by the
531 contractor for the customer's job; the contractor has received
532 funds from the customer to pay for the supplies or services; and
533 the contractor has not had the liens removed from the property,
534 by payment or by bond, within 75 days after the date of such
535 liens;

536 2. The contractor has abandoned a customer's job and the
537 percentage of completion is less than the percentage of the
538 total contract price paid to the contractor as of the time of
539 abandonment, unless the contractor is entitled to retain such
540 funds under the terms of the contract or refunds the excess
541 funds within 30 days after the date the job is abandoned; or

542 3. The contractor's job has been completed, and it is shown
543 that the customer has had to pay more for the contracted job
544 than the original contract price, as adjusted for subsequent
545 change orders, unless such increase in cost was the result of
546 circumstances beyond the control of the contractor, was the
547 result of circumstances caused by the customer, or was otherwise
548 permitted by the terms of the contract between the contractor
549 and the customer.

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

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

555 (m) Abandoning an asbestos abatement project in which the
556 asbestos contractor is engaged or under contract as a
557 contractor. A project may be presumed abandoned after 20 days if
558 the contractor terminates the project without just cause and
559 without proper notification to the owner, including the reason
560 for termination; if the contractor fails to reasonably secure
561 the project to safeguard the public while work is stopped; or if
562 the contractor fails to perform work without just cause for 20
563 days.

564 (n) Signing a statement with respect to a project or
565 contract falsely indicating that the work is bonded; falsely
566 indicating that payment has been made for all subcontracted
567 work, labor, and materials which results in a financial loss to
568 the owner, purchaser, or contractor; or falsely indicating that
569 workers' compensation and public liability insurance are
570 provided.

571 (o) Committing fraud or deceit in the practice of asbestos
572 consulting or contracting.

573 (p) Committing incompetency or misconduct in the practice
574 of asbestos consulting or contracting.

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

578 (r) Intimidating, threatening, coercing, or otherwise
579 discouraging the service of a notice to owner under part I of
580 chapter 713 or a notice to contractor under chapter 255 or part

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581 I of chapter 713.

582 (s) Failing to satisfy, within a reasonable time, the terms
583 of a civil judgment obtained against the licensee, or the
584 business organization qualified by the licensee, relating to the
585 practice of the licensee's profession.

586

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

590 Section 17. Subsections (2) and (3) of section 476.034,
591 Florida Statutes, are amended, and subsections (6) and (7) are
592 added to that section, to read:

593 476.034 Definitions.—As used in this act:

594 (2) "Barbering" means any of the following practices when
595 done for remuneration and for the public, but not when done for
596 the treatment of disease or physical or mental ailments:
597 shaving, cutting, trimming, coloring, shampooing, arranging,
598 dressing, curling, or waving the hair or beard or applying oils,
599 creams, lotions, or other preparations to the face, scalp, or
600 neck, either by hand or by mechanical appliances, and includes
601 any services defined as restricted barbering.

602 (3) "Barbershop" means any place of business wherein the
603 practice of barbering or restricted barbering is carried on.

604 (6) "Restricted barber" means a person who is licensed to
605 engage in the practice of restricted barbering in this state
606 under the authority of this chapter and is subject to the same
607 requirements and restrictions as a barber, except as
608 specifically provided in s. 476.114.

609 (7) "Restricted barbering" means any of the following

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610 practices when done for remuneration and for the public, but not
 611 when done for the treatment of disease or physical or mental
 612 ailments:

613 (a) Hair cutting and styling, including the application of
 614 hair tonics and hair spray, but not including the application of
 615 other chemical preparations or solutions to the hair;

616 (b) Full facial shaves;

617 (c) Mustache and beard trimming; and

618 (d) Shampooing hair, including the application of shampoos
 619 and conditioners, and blow drying the hair.

620 Section 18. Section 476.114, Florida Statutes, is amended
 621 to read:

622 476.114 Examination; prerequisites.—

623 (1) A person desiring to be licensed as a barber shall
 624 apply to the department for licensure and.

625 ~~(2) An applicant~~ shall be eligible for licensure by
 626 examination to practice barbering if the applicant:

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

628 (b) Pays the required application fee; and

629 (c)1. Holds an active valid license to practice barbering
 630 in another state, has held the license for at least 1 year, and
 631 does not qualify for licensure by endorsement as provided for in
 632 s. 476.144(5); or

633 2. Has received a minimum of 1,200 hours of training as
 634 established by the board, which shall include, but ~~shall~~ not be
 635 limited to, the equivalent of completion of services directly
 636 related to the practice of barbering at one of the following:

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

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

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

640
641 The board shall establish by rule procedures whereby the school
642 or program may certify that a person is qualified to take the
643 required examination after the completion of a minimum of 1,000
644 actual school hours. If the person passes the examination, she
645 or he shall have satisfied this requirement; but if the person
646 fails the examination, she or he shall not be qualified to take
647 the examination again until the completion of the full
648 requirements provided by this section.

649 (2) A person desiring to be licensed as a restricted barber
650 shall apply to the department for licensure and shall be
651 eligible for licensure by examination to practice restricted
652 barbering if the applicant:

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

654 (b) Pays the required application fee; and

655 (c)1. Holds an active valid license to practice barbering
656 in another state, has held the license for at least 1 year, and
657 does not qualify for licensure by endorsement as provided for in
658 s. 476.144(5); or

659 2. Has received a minimum of 325 hours of training in
660 sanitation, safety, and laws and rules, as established by the
661 board, which must include, but not be limited to, the equivalent
662 of completion of services directly related to the practice of
663 restricted barbering at one of the following:

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

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

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

667 (3) An applicant who meets the requirements set forth in

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668 subparagraphs (1)(c)1. and 2. ~~subparagraphs (2)(c)1. and 2.~~ who
669 fails to pass the examination may take subsequent examinations
670 as many times as necessary to pass, except that the board may
671 specify by rule reasonable timeframes for rescheduling the
672 examination and additional training requirements for applicants
673 who, after the third attempt, fail to pass the examination.
674 Before ~~Prior to~~ reexamination, the applicant must file the
675 appropriate form and pay the reexamination fee as required by
676 rule.

677 Section 19. Subsections (1) and (6) of section 476.144,
678 Florida Statutes, are amended to read:

679 476.144 Licensure.—

680 (1) The department shall license any applicant who the
681 board certifies is qualified to practice barbering or restricted
682 barbering in this state.

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

686 (a)1. Has successfully completed a restricted barber
687 course, as established by rule of the board, at a school of
688 barbering licensed pursuant to chapter 1005, a barbering program
689 within the public school system, or a government-operated
690 barbering program in this state; or

691 2.a. Holds or has within the previous 5 years held an
692 active valid license to practice barbering in another state or
693 country or has held a Florida barbering license which has been
694 declared null and void for failure to renew the license, and the
695 applicant fulfilled the requirements of s. 476.114(2)(c)2. for
696 initial licensure; and

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

699 (b) Passes a written examination on the laws and rules
700 governing the practice of barbering in Florida, as established
701 by the board.

702

703 ~~The restricted license shall limit the licensee's practice to~~
704 ~~those specific areas in which the applicant has demonstrated~~
705 ~~competence pursuant to rules adopted by the board.~~

706 Section 20. Subsections (6) and (9) of section 477.013,
707 Florida Statutes, are amended to read:

708 477.013 Definitions.—As used in this chapter:

709 (6) "Specialty" means the practice of one or more of the
710 following:

711 (a) "Nail specialty" means manicuring, or the cutting,
712 polishing, tinting, coloring, cleansing, adding, or extending of
713 the nails, and massaging of the hands. This term includes any
714 procedure or process for the affixing of artificial nails,
715 except those nails which may be applied solely by use of a
716 simple adhesive; ~~and—~~

717 ~~(b)~~ pedicuring, or the shaping, polishing, tinting, or
718 cleansing of the nails of the feet, and massaging or beautifying
719 of the feet.

720 ~~(b)~~ ~~(e)~~ "Facial specialty" means facials, or the massaging
721 or treating of the face or scalp with oils, creams, lotions, or
722 other preparations, and skin care services.

723 (c) "Full specialty" means all services within the
724 definition of nail specialty and facial specialty, including
725 manicuring, pedicuring, and facial services.

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726 (9) "Hair braiding" means the weaving or interweaving of
727 natural human hair or commercial hair, including the use of hair
728 extensions or wefts, for compensation without cutting, coloring,
729 permanent waving, relaxing, removing, or chemical treatment ~~and~~
730 ~~does not include the use of hair extensions or wefts.~~

731 Section 21. Section 477.0132, Florida Statutes, is
732 repealed.

733 Section 22. Subsections (7) through (11) are added to
734 section 477.0135, Florida Statutes, to read:

735 477.0135 Exemptions.—

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

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

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

745 (10) A license or registration is not required for a person
746 whose occupation or practice is confined solely to applying
747 polish to fingernails and toenails.

748 (11) A license or registration is not required for a person
749 whose occupation or practice is confined solely to makeup
750 application.

751 Section 23. Paragraph (b) of subsection (7) of section
752 477.019, Florida Statutes, is amended to read:

753 477.019 Cosmetologists; qualifications; licensure;
754 supervised practice; license renewal; endorsement; continuing

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755 education.—

756 (7)

757 ~~(b) Any person whose occupation or practice is confined~~
758 ~~solely to hair braiding, hair wrapping, or body wrapping is~~
759 ~~exempt from the continuing education requirements of this~~
760 ~~subsection.~~

761 Section 24. Present subsections (2) through (6) of section
762 477.0201, Florida Statutes, are redesignated as subsections (4)
763 through (8), respectively, new subsections (2) and (3) are added
764 to that section, and subsection (1) of that section is amended
765 to read:

766 477.0201 Specialty registration; qualifications;
767 registration renewal; endorsement.—

768 (1) Any person is qualified for registration as a
769 specialist in a nail ~~any one or more of the specialty practice~~
770 ~~practices~~ within the practice of cosmetology under this chapter
771 who:

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

774 (b) Has received at least 150 hours of training as
775 established by the board, which must focus primarily on
776 sanitation and safety and must include, but not be limited to,
777 the equivalent of completion of services directly related to the
778 practice of a nail ~~a certificate of completion in a~~ specialty
779 pursuant to s. 477.013(6)(a) ~~477.013(6)~~ from one of the
780 following:

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

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

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

785 4. A specialty division within the Cosmetology Division of
786 the Florida School for the Deaf and the Blind, provided the
787 training programs comply with minimum curriculum requirements
788 established by the board.

789 (2) Any person is qualified for registration as a
790 specialist in a facial specialty practice within the practice of
791 cosmetology under this chapter who:

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

794 (b) Has received at least 165 hours of training as
795 established by the board, which must focus on sanitation and
796 safety and must include, but not be limited to, the equivalent
797 of completion of services directly related to the practice of
798 facial specialty pursuant to s. 477.013(6) (b) from one of the
799 following:

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

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

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

804 4. A specialty division within the Cosmetology Division of
805 the Florida School for the Deaf and the Blind, provided the
806 training programs comply with minimum curriculum requirements
807 established by the board.

808 (3) Any person is qualified for registration as a
809 specialist in a full specialty practice within the practice of
810 cosmetology under this chapter who:

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

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813 (b) Has received at least 300 hours of training as
814 established by the board, which must focus primarily on
815 sanitation and safety and must include, but not be limited to,
816 the equivalent of completion of services directly related to the
817 practice of full specialty pursuant to s. 477.013(6) (c) from one
818 of the following:

- 819 1. A school licensed pursuant to s. 477.023.
820 2. A school licensed pursuant to chapter 1005 or the
821 equivalent licensing authority of another state.
822 3. A specialty program within the public school system.
823 4. A specialty division within the Cosmetology Division of
824 the Florida School for the Deaf and the Blind, provided the
825 training programs comply with minimum curriculum requirements
826 established by the board.

827 Section 25. Paragraph (f) of subsection (1) of section
828 477.026, Florida Statutes, is amended to read:

829 477.026 Fees; disposition.—

830 (1) The board shall set fees according to the following
831 schedule:

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

834 Section 26. Paragraph (f) of subsection (1) of section
835 477.0265, Florida Statutes, is amended to read:

836 477.0265 Prohibited acts.—

837 (1) It is unlawful for any person to:

838 (f) Advertise or imply that skin care services ~~or body~~
839 ~~wrapping~~, as performed under this chapter, have any relationship
840 to the practice of massage therapy as defined in s. 480.033(3),
841 except those practices or activities defined in s. 477.013.

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842 Section 27. Paragraph (a) of subsection (1) of section
843 477.029, Florida Statutes, is amended to read:

844 477.029 Penalty.—

845 (1) It is unlawful for any person to:

846 (a) Hold himself or herself out as a cosmetologist or
847 ~~specialist, hair wrapper, hair braider, or body wrapper~~ unless
848 duly licensed or registered, or otherwise authorized, as
849 provided in this chapter.

850 Section 28. Subsection (5) of section 481.203, Florida
851 Statutes, is amended to read:

852 481.203 Definitions.—As used in this part:

853 (5) “Business organization” means a partnership, a limited
854 liability company, a corporation, or an individual operating
855 under a fictitious name ~~“Certificate of authorization” means a~~
856 ~~certificate issued by the department to a corporation or~~
857 ~~partnership to practice architecture or interior design.~~

858 Section 29. Section 481.219, Florida Statutes, is amended
859 to read:

860 481.219 Business organization; qualifying agents
861 ~~Certification of partnerships, limited liability companies, and~~
862 ~~corporations.—~~

863 (1) A licensee may ~~The practice of or the offer to practice~~
864 ~~architecture or interior design by licensees~~ through a business
865 organization that offers ~~corporation, limited liability company,~~
866 ~~or partnership offering~~ architectural or interior design
867 services to the public, or through ~~by~~ a business organization
868 that offers ~~corporation, limited liability company, or~~
869 ~~partnership offering~~ architectural or interior design services
870 to the public through such licensees ~~under this part~~ as agents,

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871 employees, officers, or partners, ~~is permitted, subject to the~~
872 ~~provisions of this section.~~

873 (2) If a licensee or an applicant proposes to engage in the
874 practice of architecture or interior design as a business
875 organization, the licensee or applicant must apply to qualify
876 the business organization ~~For the purposes of this section, a~~
877 ~~certificate of authorization shall be required for a~~
878 ~~corporation, limited liability company, partnership, or person~~
879 ~~practicing under a fictitious name, offering architectural~~
880 ~~services to the public jointly or separately. However, when an~~
881 ~~individual is practicing architecture in her or his own name,~~
882 ~~she or he shall not be required to be certified under this~~
883 ~~section. Certification under this subsection to offer~~
884 ~~architectural services shall include all the rights and~~
885 ~~privileges of certification under subsection (3) to offer~~
886 ~~interior design services.~~

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

888 1. If the business is a partnership, state the names of the
889 partnership and its partners.

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

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

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

898 (b) The board may deny an application to qualify a business
899 organization if the applicant or any person required to be named

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900 pursuant to paragraph (a) has been involved in past disciplinary
901 actions or on any grounds for which an individual registration
902 may be denied.

903 (3) (a) A business organization may not engage in the
904 practice of architecture unless its qualifying agent is a
905 registered architect under this part. A business organization
906 may not engage in the practice of interior design unless its
907 qualifying agent is a registered architect or a registered
908 interior designer under this part. A qualifying agent who
909 terminates her or his affiliation with a business organization
910 shall immediately notify the department of such termination. If
911 the qualifying agent who terminates her or his affiliation is
912 the only qualifying agent for a business organization, the
913 business organization must be qualified by another qualifying
914 agent within 60 days after the termination. Except as provided
915 in paragraph (b), the business organization may not engage in
916 the practice of architecture or interior design until it is
917 qualified by a qualifying agent.

918 (b) In the event a qualifying architect or interior
919 designer ceases employment with the business organization, the
920 executive director or the chair of the board may authorize
921 another registered architect or interior designer employed by
922 the business organization to temporarily serve as its qualifying
923 agent for a period of no more than 60 days. The business
924 organization is not authorized to operate beyond such period
925 under this chapter absent replacement of the qualifying
926 architect or interior designer who has ceased employment.

927 (c) A qualifying agent shall notify the department in
928 writing before engaging in the practice of architecture or

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929 interior design in her or his own name or in affiliation with a
930 different business organization, and she or he or such business
931 organization shall supply the same information to the department
932 as required of applicants under this part ~~For the purposes of~~
933 ~~this section, a certificate of authorization shall be required~~
934 ~~for a corporation, limited liability company, partnership, or~~
935 ~~person operating under a fictitious name, offering interior~~
936 ~~design services to the public jointly or separately. However,~~
937 ~~when an individual is practicing interior design in her or his~~
938 ~~own name, she or he shall not be required to be certified under~~
939 ~~this section.~~

940 (4) All final construction documents and instruments of
941 service which include drawings, specifications, plans, reports,
942 or other papers or documents that involve ~~involving~~ the practice
943 of architecture which are prepared or approved for the use of
944 the business organization ~~corporation, limited liability~~
945 ~~company, or partnership~~ and filed for public record within the
946 state must ~~shall~~ bear the signature and seal of the licensee who
947 prepared or approved them and the date on which they were
948 sealed.

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

956 ~~(6) The department shall issue a certificate of~~
957 ~~authorization to any applicant who the board certifies as~~

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958 ~~qualified for a certificate of authorization and who has paid~~
959 ~~the fee set in s. 481.207.~~

960 (6)~~(7)~~ The board shall allow ~~certify~~ an applicant to
961 qualify one or more business organizations ~~as qualified for a~~
962 ~~certificate of authorization~~ to offer architectural or interior
963 design services, or to use a fictitious name to offer such
964 services, if provided that:

965 (a) One or more of the principal officers of the
966 corporation or limited liability company, or one or more
967 partners of the partnership, and all personnel of the
968 corporation, limited liability company, or partnership who act
969 in its behalf in this state as architects, are registered as
970 provided by this part; or

971 (b) One or more of the principal officers of the
972 corporation or one or more partners of the partnership, and all
973 personnel of the corporation, limited liability company, or
974 partnership who act in its behalf in this state as interior
975 designers, are registered as provided by this part.

976 ~~(8) The department shall adopt rules establishing a~~
977 ~~procedure for the biennial renewal of certificates of~~
978 ~~authorization.~~

979 ~~(9) The department shall renew a certificate of~~
980 ~~authorization upon receipt of the renewal application and~~
981 ~~biennial renewal fee.~~

982 (7)~~(10)~~ Each qualifying agent approved to qualify a
983 business organization ~~partnership, limited liability company,~~
984 ~~and corporation certified~~ under this section shall notify the
985 department within 30 days after ~~of~~ any change in the information
986 contained in the application upon which the qualification

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987 ~~certification~~ is based. Any registered architect or interior
988 designer who qualifies the business organization shall ensure
989 ~~corporation, limited liability company, or partnership as~~
990 ~~provided in subsection (7)~~ shall be responsible for ensuring
991 responsible supervising control of projects of the business
992 organization entity and shall notify the department of the ~~upon~~
993 termination of her or his employment with a business
994 organization qualified ~~partnership, limited liability company,~~
995 ~~or corporation~~ certified under this section shall notify the
996 ~~department of the termination~~ within 30 days after such
997 termination.

998 ~~(8)-(11)~~ A business organization is not ~~No corporation,~~
999 ~~limited liability company, or partnership~~ shall be relieved of
1000 responsibility for the conduct or acts of its agents, employees,
1001 or officers by reason of its compliance with this section.
1002 However, except as provided in s. 558.0035, the architect who
1003 signs and seals the construction documents and instruments of
1004 service is ~~shall be~~ liable for the professional services
1005 performed, and the interior designer who signs and seals the
1006 interior design drawings, plans, or specifications is ~~shall be~~
1007 liable for the professional services performed.

1008 ~~(12)~~ ~~Disciplinary action against a corporation, limited~~
1009 ~~liability company, or partnership shall be administered in the~~
1010 ~~same manner and on the same grounds as disciplinary action~~
1011 ~~against a registered architect or interior designer,~~
1012 ~~respectively.~~

1013 ~~(9)-(13)~~ ~~Nothing in~~ This section may not ~~shall~~ be construed
1014 to mean that a certificate of registration to practice
1015 architecture or interior design must ~~shall~~ be held by a business

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1016 ~~organization corporation, limited liability company, or~~
 1017 ~~partnership. Nothing in This section does not prohibit a~~
 1018 ~~business organization from offering prohibits corporations,~~
 1019 ~~limited liability companies, and partnerships from joining~~
 1020 ~~together to offer~~ architectural, engineering, interior design,
 1021 surveying and mapping, and landscape architectural services, or
 1022 any combination of such services, to the public if the business
 1023 organization, ~~provided that each corporation, limited liability~~
 1024 ~~company, or partnership~~ otherwise meets the requirements of law.

1025 ~~(10)-(14)~~ A business organization that is qualified by a
 1026 registered architect may use Corporations, limited liability
 1027 ~~companies, or partnerships holding a valid certificate of~~
 1028 ~~authorization to practice architecture shall be permitted to use~~
 1029 ~~in their title the term "interior designer" or "registered~~
 1030 ~~interior designer" in its title. designer."~~

1031 Section 30. Subsection (10) of section 481.221, Florida
 1032 Statutes, is amended to read:

1033 481.221 Seals; display of certificate number.—

1034 (10) Each registered architect or interior designer must,
 1035 ~~and each corporation, limited liability company, or partnership~~
 1036 ~~holding a certificate of authorization, shall include her or his~~
 1037 license its certificate number in any newspaper, telephone
 1038 directory, or other advertising medium used by the registered
 1039 licensee. Each business organization must include the license
 1040 number of the registered architect or interior designer who
 1041 serves as the qualifying agent for that business organization in
 1042 any newspaper, telephone directory, or other advertising medium
 1043 used by the business organization, but is not required to
 1044 display the license numbers of other registered architects or

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1045 interior designers employed by the business organization
1046 ~~architect, interior designer, corporation, limited liability~~
1047 ~~company, or partnership. A corporation, limited liability~~
1048 ~~company, or partnership is not required to display the~~
1049 ~~certificate number of individual registered architects or~~
1050 ~~interior designers employed by or working within the~~
1051 ~~corporation, limited liability company, or partnership.~~

1052 Section 31. Paragraphs (a) and (c) of subsection (5) of
1053 section 481.229, Florida Statutes, are amended to read:

1054 481.229 Exceptions; exemptions from licensure.-

1055 (5) (a) ~~Nothing contained in~~ This part does not prohibit
1056 ~~shall prevent~~ a registered architect or a qualified business
1057 organization ~~partnership, limited liability company, or~~
1058 ~~corporation holding a valid certificate of authorization to~~
1059 ~~provide architectural services from performing any interior~~
1060 ~~design service or from using the title "interior designer" or~~
1061 ~~"registered interior designer."~~

1062 (c) Notwithstanding any other provision of this part, a
1063 registered architect or business organization qualified any
1064 ~~corporation, partnership, or person operating under a fictitious~~
1065 ~~name which holds a certificate of authorization to provide~~
1066 ~~architectural services~~ must shall be qualified, without fee, ~~for~~
1067 ~~a certificate of authorization to provide interior design~~
1068 ~~services upon submission of a completed application for~~
1069 qualification ~~therefor. For corporations, partnerships, and~~
1070 ~~persons operating under a fictitious name which hold a~~
1071 ~~certificate of authorization to provide interior design~~
1072 ~~services, satisfaction of the requirements for renewal of the~~
1073 ~~certificate of authorization to provide architectural services~~

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1074 under s. 481.219 shall be deemed to satisfy the requirements for
1075 renewal of the certificate of authorization to provide interior
1076 design services under that section.

1077 Section 32. Section 481.303, Florida Statutes, is reordered
1078 and amended to read:

1079 481.303 Definitions.—As used in this chapter, the term:

1080 (1) "Board" means the Board of Landscape Architecture.

1081 (2) "Business organization" means any partnership, limited
1082 liability company, corporation, or individual operating under a
1083 fictitious name.

1084 (4)-(2) "Department" means the Department of Business and
1085 Professional Regulation.

1086 (7)-(3) "Registered landscape architect" means a person who
1087 holds a license to practice landscape architecture in this state
1088 under the authority of this act.

1089 (3)-(4) "Certificate of registration" means a license issued
1090 by the department to a natural person to engage in the practice
1091 of landscape architecture.

1092 ~~(5) "Certificate of authorization" means a license issued~~
1093 ~~by the department to a corporation or partnership to engage in~~
1094 ~~the practice of landscape architecture.~~

1095 (5)-(6) "Landscape architecture" means professional
1096 services, including, but not limited to, the following:

1097 (a) Consultation, investigation, research, planning,
1098 design, preparation of drawings, specifications, contract
1099 documents and reports, responsible construction supervision, or
1100 landscape management in connection with the planning and
1101 development of land and incidental water areas, including the
1102 use of Florida-friendly landscaping as defined in s. 373.185,

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1103 where, and to the extent that, the dominant purpose of such
1104 services or creative works is the preservation, conservation,
1105 enhancement, or determination of proper land uses, natural land
1106 features, ground cover and plantings, or naturalistic and
1107 aesthetic values;

1108 (b) The determination of settings, grounds, and approaches
1109 for and the siting of buildings and structures, outdoor areas,
1110 or other improvements;

1111 (c) The setting of grades, shaping and contouring of land
1112 and water forms, determination of drainage, and provision for
1113 storm drainage and irrigation systems where such systems are
1114 necessary to the purposes outlined herein; and

1115 (d) The design of such tangible objects and features as are
1116 necessary to the purpose outlined herein.

1117 (6)~~(7)~~ "Landscape design" means consultation for and
1118 preparation of planting plans drawn for compensation, including
1119 specifications and installation details for plant materials,
1120 soil amendments, mulches, edging, gravel, and other similar
1121 materials. Such plans may include only recommendations for the
1122 conceptual placement of tangible objects for landscape design
1123 projects. Construction documents, details, and specifications
1124 for tangible objects and irrigation systems shall be designed or
1125 approved by licensed professionals as required by law.

1126 Section 33. Subsection (4) of section 481.311, Florida
1127 Statutes, is amended to read:

1128 481.311 Licensure.—

1129 ~~(4) The board shall certify as qualified for a certificate~~
1130 ~~of authorization any applicant corporation or partnership who~~
1131 ~~satisfies the requirements of s. 481.319.~~

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1132 Section 34. Subsection (2) of section 481.317, Florida
1133 Statutes, is amended to read:

1134 481.317 Temporary certificates.—

1135 ~~(2) Upon approval by the board and payment of the fee set~~
1136 ~~in s. 481.307, the department shall grant a temporary~~
1137 ~~certificate of authorization for work on one specified project~~
1138 ~~in this state for a period not to exceed 1 year to an out-of-~~
1139 ~~state corporation, partnership, or firm, provided one of the~~
1140 ~~principal officers of the corporation, one of the partners of~~
1141 ~~the partnership, or one of the principals in the fictitiously~~
1142 ~~named firm has obtained a temporary certificate of registration~~
1143 ~~in accordance with subsection (1).~~

1144 Section 35. Section 481.319, Florida Statutes, is amended
1145 to read:

1146 481.319 Corporate and partnership practice of landscape
1147 architecture; ~~certificate of authorization.~~—

1148 (1) The practice of or offer to practice landscape
1149 architecture by registered landscape architects registered under
1150 this part through a corporation or partnership offering
1151 landscape architectural services to the public, or through a
1152 corporation or partnership offering landscape architectural
1153 services to the public through individual registered landscape
1154 architects as agents, employees, officers, or partners, is
1155 permitted, subject to the provisions of this section, if:

1156 (a) One or more of the principal officers of the
1157 corporation, or partners of the partnership, and all personnel
1158 of the corporation or partnership who act in its behalf as
1159 landscape architects in this state are registered landscape
1160 architects; and

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1161 (b) One or more of the officers, one or more of the
1162 directors, one or more of the owners of the corporation, or one
1163 or more of the partners of the partnership is a registered
1164 landscape architect and has applied to be the qualifying agent
1165 for the business organization; ~~and~~

1166 ~~(c) The corporation or partnership has been issued a~~
1167 ~~certificate of authorization by the board as provided herein.~~

1168 (2) All documents involving the practice of landscape
1169 architecture which are prepared for the use of the corporation
1170 or partnership shall bear the signature and seal of a registered
1171 landscape architect.

1172 (3) A landscape architect applying to practice in the name
1173 of a ~~An applicant~~ corporation must shall file with the
1174 department the names and addresses of all officers and board
1175 members of the corporation, including the principal officer or
1176 officers, duly registered to practice landscape architecture in
1177 this state and, also, of all individuals duly registered to
1178 practice landscape architecture in this state who shall be in
1179 responsible charge of the practice of landscape architecture by
1180 the corporation in this state. A landscape architect applying to
1181 practice in the name of a ~~An applicant~~ partnership must shall
1182 file with the department the names and addresses of all partners
1183 of the partnership, including the partner or partners duly
1184 registered to practice landscape architecture in this state and,
1185 also, of an individual or individuals duly registered to
1186 practice landscape architecture in this state who shall be in
1187 responsible charge of the practice of landscape architecture by
1188 said partnership in this state.

1189 (4) Each landscape architect qualifying a partnership or

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1190 and corporation ~~licensed~~ under this part must ~~shall~~ notify the
1191 department within 1 month after ~~of~~ any change in the information
1192 contained in the application upon which the license is based.
1193 Any landscape architect who terminates her or his ~~or her~~
1194 employment with a partnership or corporation licensed under this
1195 part shall notify the department of the termination within 1
1196 month after such termination.

1197 ~~(5) Disciplinary action against a corporation or~~
1198 ~~partnership shall be administered in the same manner and on the~~
1199 ~~same grounds as disciplinary action against a registered~~
1200 ~~landscape architect.~~

1201 ~~(5)(6)~~ Except as provided in s. 558.0035, the fact that a
1202 registered landscape architect practices landscape architecture
1203 through a corporation or partnership as provided in this section
1204 does not relieve the landscape architect from personal liability
1205 for her or his ~~or her~~ professional acts.

1206 Section 36. Subsection (5) of section 481.321, Florida
1207 Statutes, is amended to read:

1208 481.321 Seals; display of certificate number.—

1209 (5) Each registered landscape architect must ~~and each~~
1210 ~~corporation or partnership holding a certificate of~~
1211 ~~authorization shall~~ include her or his ~~its~~ certificate number in
1212 any newspaper, telephone directory, or other advertising medium
1213 used by the registered landscape architect, corporation, or
1214 partnership. A corporation or partnership must ~~is not required~~
1215 ~~to~~ display the certificate number ~~numbers~~ of at least one
1216 officer, director, owner, or partner who is a individual
1217 registered landscape architect ~~architects~~ employed by or
1218 practicing with the corporation or partnership.

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1219 Section 37. Subsection (5) of section 481.329, Florida
1220 Statutes, is amended to read:

1221 481.329 Exceptions; exemptions from licensure.—

1222 (5) This part does not prohibit any person from engaging in
1223 the practice of landscape design, as defined in s. 481.303(6)
1224 ~~481.303(7)~~, or from submitting for approval to a governmental
1225 agency planting plans that are independent of, or a component
1226 of, construction documents that are prepared by a Florida-
1227 registered professional. Persons providing landscape design
1228 services may ~~shall~~ not use the title, term, or designation
1229 "landscape architect," "landscape architectural," "landscape
1230 architecture," "L.A.," "landscape engineering," or any
1231 description tending to convey the impression that she or he is a
1232 landscape architect unless she or he is registered as provided
1233 in this part.

1234 Section 38. Paragraph (h) of subsection (2) of section
1235 287.055, Florida Statutes, is amended to read:

1236 287.055 Acquisition of professional architectural,
1237 engineering, landscape architectural, or surveying and mapping
1238 services; definitions; procedures; contingent fees prohibited;
1239 penalties.—

1240 (2) DEFINITIONS.—For purposes of this section:

1241 (h) A "design-build firm" means a partnership, corporation,
1242 or other legal entity that:

1243 1. Is certified under s. 489.119 to engage in contracting
1244 through a certified or registered general contractor or a
1245 certified or registered building contractor as the qualifying
1246 agent; or

1247 2. Is certified under s. 471.023 to practice or to offer to

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1248 practice engineering; qualified ~~certified~~ under s. 481.219 to
 1249 practice or to offer to practice architecture; or qualified
 1250 ~~certified~~ under s. 481.319 to practice or to offer to practice
 1251 landscape architecture.

1252 Section 39. Present paragraphs (j) and (k) of subsection
 1253 (2) of section 548.003, Florida Statutes, are redesignated as
 1254 paragraphs (i) and (j), respectively, and present paragraph (i)
 1255 of that subsection is amended, to read:

1256 548.003 Florida State Boxing Commission.—

1257 (2) The Florida State Boxing Commission, as created by
 1258 subsection (1), shall administer the provisions of this chapter.
 1259 The commission has authority to adopt rules pursuant to ss.
 1260 120.536(1) and 120.54 to implement the provisions of this
 1261 chapter and to implement each of the duties and responsibilities
 1262 conferred upon the commission, including, but not limited to:

1263 ~~(i) Designation and duties of a knockdown timekeeper.~~

1264 Section 40. Subsection (1) of section 548.017, Florida
 1265 Statutes, is amended to read:

1266 548.017 Participants, managers, and other persons required
 1267 to have licenses.—

1268 (1) A participant, manager, trainer, second, ~~timekeeper,~~
 1269 referee, judge, ~~announcer,~~ physician, matchmaker, or promoter
 1270 must be licensed before directly or indirectly acting in such
 1271 capacity in connection with any match involving a participant. A
 1272 physician approved by the commission must be licensed pursuant
 1273 to chapter 458 or chapter 459, must maintain an unencumbered
 1274 license in good standing, and must demonstrate satisfactory
 1275 medical training or experience in boxing, or a combination of
 1276 both, to the executive director before working as the ringside

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1277 physician.

1278 Section 41. This act shall take effect July 1, 2018.