

1 A bill to be entitled
2 An act relating to the deregulation of professions and
3 occupations; amending s. 20.165, F.S.; renaming the
4 Board of Architecture and Interior Design as the Board
5 of Architecture within the Department of Business and
6 Professional Regulation; deleting a provision
7 establishing the Florida Board of Auctioneers;
8 amending s. 326.004, F.S.; deleting the requirement
9 for a yacht broker to maintain a separate license for
10 each branch office; deleting the requirement for the
11 division to establish a fee; amending s. 447.02, F.S.;
12 conforming provisions to changes made by the act;
13 repealing s. 447.04, F.S., relating to licensure and
14 permit requirements for business agents; repealing s.
15 447.041, F.S., relating to hearings for persons or
16 labor organizations denied licensure as a business
17 agent; repealing s. 447.045, F.S., relating to
18 confidential information obtained during the
19 application process; repealing s. 447.06, F.S.,
20 relating to required registration of labor
21 organizations; amending s. 447.09, F.S.; deleting
22 certain prohibited actions relating to the right of
23 franchise of a member of a labor organization;
24 repealing s. 447.12, F.S., relating to registration
25 fees; repealing s. 447.16, F.S., relating to

26 applicability; amending s. 447.305, F.S.; deleting a
27 provision that requires notification of registrations
28 and renewals to the department; amending s. 455.213,
29 F.S.; requiring the Department of Business and
30 Professional Regulation or a board to seek reciprocal
31 licensing agreements with other states under certain
32 circumstances; providing requirements; repealing s.
33 468.381, F.S., relating to purpose; amending s.
34 468.382, F.S.; revising definitions; repealing s.
35 468.384, F.S., relating to the Florida Board of
36 Auctioneers; repealing s. 468.385, F.S., relating to
37 licensure requirements for the practice of
38 auctioneering; repealing s. 468.3851, F.S., relating
39 to licensure renewal; repealing s. 468.3852, F.S.,
40 relating to license reactivation; repealing s.
41 468.3855, F.S., relating to training requirements for
42 auctioneer apprenticeships; repealing s. 468.386,
43 F.S., relating to fees and local licensing
44 requirements; repealing s. 468.387, F.S., relating to
45 licensure by endorsement; amending s. 468.388, F.S.;
46 deleting certain requirements relating to auctioneer
47 licenses with regard to the conduct of an auction;
48 amending s. 468.389, F.S.; revising prohibited acts
49 and penalties; amending s. 468.391, F.S.; conforming
50 cross-references; repealing ss. 468.392, 468.393,

51 468.394, 468.395, 468.396, 468.397, 468.398, and
52 458.399, F.S., relating to the Auctioneer Recovery
53 Fund, surcharges and assessments on license fees,
54 payment of interest earned into the recovery fund,
55 recovery from the recovery fund, claims against a
56 single licensee in excess of a specified dollar
57 limitation and joinder of claims, payment of claims
58 from the recovery fund, suspension of a judgment
59 debtor's license, and the expenditure of excess funds,
60 respectively; amending s. 468.401, F.S.; revising
61 definitions; repealing ss. 468.402, 468.403, 468.404,
62 and 468.405, F.S., relating to duties and authority of
63 the Department of Business and Professional Regulation
64 with regard to licensure of talent agencies, licensure
65 requirements, license fees and renewals, and
66 qualification for a talent agency license,
67 respectively; amending s. 468.406, F.S.; requiring an
68 owner or operator of a talent agency to post an
69 itemized schedule of fees, charges, and commissions in
70 a specified place; repealing s. 468.407, F.S.,
71 relating to the form and posting requirements for a
72 license; amending s. 468.408, F.S.; conforming
73 provisions to changes made by the act; amending s.
74 468.409, F.S.; deleting a requirement for record
75 inspection; amending s. 468.410, F.S.; deleting a

76 requirement to include specified information in a
 77 contract between a talent agency and applicant;
 78 amending s. 468.412, F.S.; deleting recordkeeping and
 79 posting requirements; amending s. 468.413, F.S.;
 80 revising criminal penalties; conforming provisions to
 81 changes made by the act; repealing s. 468.414, F.S.,
 82 relating to the deposit of certain funds in the
 83 Professional Regulation Trust Fund; amending s.
 84 468.415, F.S.; prohibiting any agent, owner, or
 85 operator who commits sexual misconduct in the
 86 operation of a talent agency from acting as an agent,
 87 owner, or operator of a Florida talent agency;
 88 amending 468.524, F.S.; deleting specified exemptions
 89 from the time restriction for an employee leasing
 90 company to reapply for licensure; amending s. 468.613,
 91 F.S.; providing for waiver of specified requirements
 92 for certification under certain circumstances;
 93 amending s. 468.8314, F.S.; requiring an applicant for
 94 a license by endorsement to maintain a specified
 95 insurance policy; requiring the department to certify
 96 an applicant who holds a specified license issued by
 97 another state or territory of the United States under
 98 certain circumstances; amending s. 468.8414, F.S.;
 99 providing additional licensure requirements for mold
 100 remediators; amending s. 469.006, F.S.; providing

101 additional licensure requirements for asbestos
102 abatement consulting or contracting as a partnership,
103 corporation, business trust, or other legal entity;
104 amending s. 469.009, F.S.; conforming provisions to
105 changes made by the act; amending s. 471.005, F.S.;
106 revising definitions; amending s. 471.011, F.S.;
107 conforming a provision to changes made by the act;
108 amending s. 471.015, F.S.; revising licensure
109 requirements for engineers who hold specified licenses
110 in another state; amending s. 471.023, F.S.; providing
111 requirements for qualification of a business
112 organization; providing requirements for a qualifying
113 agent; deleting the administration of disciplinary
114 action against a business organization; amending s.
115 473.308, F.S.; deleting continuing education
116 requirements for license by endorsement for certified
117 public accountants; amending s. 474.202, F.S.;
118 revising the definition of the term "limited-service
119 veterinary medical practice" to include certain
120 vaccinations or immunizations; amending s. 474.207,
121 F.S.; revising education requirements for licensure by
122 examination; amending s. 474.217, F.S.; requiring the
123 Department of Business and Professional Regulation to
124 issue a license by endorsement to certain applicants
125 who successfully complete a specified examination;

126 amending s. 476.114, F.S.; revising training
127 requirements for licensure as a barber; amending s.
128 476.144, F.S.; requiring the department to license an
129 applicant who is licensed to practice barbering in
130 another state; amending s. 477.013, F.S.; revising the
131 definition of the term "hair braiding"; repealing s.
132 477.0132, F.S., relating to registration for hair
133 braiding, hair wrapping, and body wrapping; amending
134 s. 477.0135, F.S.; providing additional exemptions
135 from license or registration requirements for
136 specified occupations or practices; amending s.
137 477.019, F.S.; conforming provisions to changes made
138 by the act; amending s. 477.0201, F.S.; providing
139 requirements for registration as a specialist;
140 amending s. 477.026, F.S.; conforming provisions to
141 changes made by the act; amending s. 477.0263, F.S.;
142 providing certain cosmetology services may be
143 performed in a location other than a licensed salon
144 under certain circumstances; amending ss. 477.0265 and
145 477.029, F.S.; conforming provisions to changes made
146 by the act; amending s. 481.201, F.S.; deleting
147 legislative findings relating to the practice of
148 interior design; amending s. 481.203, F.S.; revising
149 definitions; amending s. 481.205, F.S.; renaming the
150 Board of Architecture and Interior Design as the Board

151 of Architecture; revising membership of the board;
152 conforming provisions; amending ss. 481.207, 481.209,
153 and 481.213, F.S.; conforming provisions; amending s.
154 481.2131, F.S.; requiring certain interior designers
155 to include proof of completed specified examination
156 requirements when submitting documents for the
157 issuance of a building permit; providing that a
158 license or registration is not required for specified
159 persons to practice; amending ss. 481.215 and 481.217,
160 F.S.; conforming provisions to changes made by the
161 act; amending s. 481.219, F.S.; deleting provisions
162 permitting the practice of or offer to practice
163 interior design through certain business
164 organizations; deleting provisions requiring
165 certificates of authorization for certain business
166 organizations offering interior design services to the
167 public; requiring a licensee or applicant in the
168 practice of architecture to qualify a business
169 organization; providing requirements; amending
170 481.221, F.S.; conforming provisions; requiring a
171 registered architect or a qualifying agent for a
172 business organization to display their license number
173 in specified advertisements; providing an exception;
174 amending ss. 481.222 and 481.223, F.S.; conforming
175 provisions; repealing s. 481.2251, F.S., relating to

176 the practice and regulation of interior design,
177 registration for interior designers, and disciplinary
178 proceedings against registered interior designers;
179 amending ss. 481.229 and 481.231, F.S.; conforming
180 provisions; amending s. 481.303, F.S.; deleting the
181 definition of the term "certificate of authorization";
182 amending s. 481.310, F.S.; providing that an applicant
183 who holds a specified degree is not required to
184 demonstrate 1 year of practical experience for
185 licensure; amending s. 481.311, F.S.; requiring the
186 Board of Landscape Architecture to certify an
187 applicant who holds a specified license issued by
188 another state or territory of the United States under
189 certain circumstances; conforming provisions; 481.317,
190 F.S.; conforming provisions; amending s. 481.319,
191 F.S.; deleting the requirement for a certificate of
192 authorization; authorizing landscape architects to
193 practice through a corporation or partnership;
194 amending s. 481.321, F.S.; requiring a landscape
195 architect to display their certificate number in
196 specified advertisements; amending s. 481.329, F.S.;
197 conforming a cross-reference; amending s. 489.103,
198 F.S.; revising certain contract prices for exemption;
199 amending s. 489.111, F.S.; providing that an applicant
200 who is exempt from a specified examination is eligible

201 for licensure; amending s. 489.113, F.S.; providing
202 that an applicant holding a specified degree does not
203 have to pass a certain examination; amending s.
204 489.115, F.S.; requiring the Construction Industry
205 Licensing Board to certify any applicant who holds a
206 specified license to practice contracting issued by
207 another state or territory of the United States under
208 certain circumstances; amending s. 489.511, F.S.;
209 requiring the board to certify as qualified for
210 certification by endorsement any applicant who holds a
211 specified license to practice electrical or alarm
212 system contracting issued by another state or
213 territory of the United States under certain
214 circumstances; amending s. 489.517, F.S.; providing a
215 reduction in certain continuing education hours
216 required for registered contractors; amending s.
217 489.518, F.S.; requiring a person to have completed a
218 specified amount of training within a certain time
219 period to perform the duties of an alarm system agent;
220 amending s. 492.104, F.S.; conforming provisions to
221 changes made by the act; amending 492.108, F.S.;
222 requiring the department to issue a license by
223 endorsement to any applicant who has held a specified
224 license to practice geology in another state,
225 territory, or possession of the United States for a

226 certain period of time; providing that an applicant
 227 may take the examination required by the board if they
 228 have not met the specified examination requirement;
 229 amending s. 492.111, F.S.; deleting the requirements
 230 for a certificate of authorization for a professional
 231 geologist; amending ss. 492.113 and 492.115, F.S.;
 232 conforming provisions; amending s. 548.003, F.S.;
 233 deleting the requirement that the Florida State Boxing
 234 Commission adopt rules relating to a knockdown
 235 timekeeper; amending s. 548.017, F.S.; deleting the
 236 licensure requirement for a timekeeper or announcer;
 237 amending s. 553.5141, F.S.; conforming provisions to
 238 changes made by the act; amending s. 553.74, F.S.;
 239 revising the membership and qualifications of the
 240 Florida Building Commission; amending ss. 553.79,
 241 558.002, 559.25, and 287.055, F.S.; conforming
 242 provisions to changes made by the act; providing an
 243 effective date.

244
 245 Be It Enacted by the Legislature of the State of Florida:
 246

247 Section 1. Paragraph (a) of subsection (4) of section
 248 20.165, Florida Statutes, is amended to read:

249 20.165 Department of Business and Professional
 250 Regulation.—There is created a Department of Business and

251 Professional Regulation.

252 (4) (a) The following boards and programs are established

253 within the Division of Professions:

254 1. Board of Architecture ~~and Interior Design~~, created

255 under part I of chapter 481.

256 ~~2. Florida Board of Auctioneers, created under part VI of~~

257 ~~chapter 468.~~

258 2.3. Barbers' Board, created under chapter 476.

259 3.4. Florida Building Code Administrators and Inspectors

260 Board, created under part XII of chapter 468.

261 4.5. Construction Industry Licensing Board, created under

262 part I of chapter 489.

263 5.6. Board of Cosmetology, created under chapter 477.

264 6.7. Electrical Contractors' Licensing Board, created

265 under part II of chapter 489.

266 7.8. Board of Employee Leasing Companies, created under

267 part XI of chapter 468.

268 8.9. Board of Landscape Architecture, created under part

269 II of chapter 481.

270 9.10. Board of Pilot Commissioners, created under chapter

271 310.

272 10.11. Board of Professional Engineers, created under

273 chapter 471.

274 11.12. Board of Professional Geologists, created under

275 chapter 492.

276 12.13. Board of Veterinary Medicine, created under chapter
277 474.

278 13.14. Home inspection services licensing program, created
279 under part XV of chapter 468.

280 14.15. Mold-related services licensing program, created
281 under part XVI of chapter 468.

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

284 326.004 Licensing.—

285 (13) Each broker must maintain a principal place of
286 business in this state and may establish branch offices in the
287 state. ~~A separate license must be maintained for each branch~~
288 ~~office. The division shall establish by rule a fee not to exceed~~
289 ~~\$100 for each branch office license.~~

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

292 447.02 Definitions.—The following terms, when used in this
293 chapter, shall have the meanings ascribed to them in this
294 section:

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

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

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

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

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

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

303 447.09 Right of franchise preserved; penalties.—It shall
304 be unlawful for any person:

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

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

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

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

311 Section 11. Subsection (4) of section 447.305, Florida
312 Statutes, is amended to read:

313 447.305 Registration of employee organization.—

314 ~~(4) Notification of registrations and renewals of~~
315 ~~registration shall be furnished at regular intervals by the~~
316 ~~commission to the Department of Business and Professional~~
317 ~~Regulation.~~

318 Section 12. Subsection (13) is added to section 455.213,
319 Florida Statutes, to read:

320 455.213 General licensing provisions.—

321 (13) The department or a board must enter into a
322 reciprocal licensing agreement with other states if the practice
323 act within the purview of this chapter permits such agreement.
324 If a reciprocal licensing agreement exists or if the department
325 or board has determined another state's licensing requirements

326 or examinations to be substantially similar to those under the
 327 practice act, the department or board must post on its website
 328 which jurisdictions have such reciprocal licensing agreements or
 329 substantially similar licenses.

330 Section 13. Section 468.381, Florida Statutes, is
 331 repealed.

332 Section 14. Section 468.382, Florida Statutes, is amended
 333 to read:

334 468.382 Definitions.—As used in this act, the term:

335 (1)~~(8)~~ "Absolute auction" means an auction that requires
 336 no minimum opening bid that limits the sale other than to the
 337 highest bidder.

338 (2)~~(7)~~ "Agricultural product" means the natural products
 339 from a farm, nursery, grove, orchard, vineyard, garden, or
 340 apiary, including livestock, tobacco, and vegetables and
 341 includes those agricultural products as defined in chapter 618.

342 (3)~~(1)~~ "Auction business" means a sole proprietorship,
 343 partnership, or corporation which in the regular course of
 344 business arranges, manages, sponsors, advertises, promotes, or
 345 carries out auctions, employs auctioneers to conduct auctions in
 346 its facilities, or uses or allows the use of its facilities for
 347 auctions.

348 (4)~~(2)~~ "Auctioneer" means any person who conducts auctions
 349 within the state ~~licensed pursuant to this part who holds a~~
 350 ~~valid Florida auctioneer license.~~

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

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

354 ~~(5) "Department" means the Department of Business and~~
 355 ~~Professional Regulation.~~

356 (5) ~~(6)~~ "Livestock" means any animal included in the
 357 definition of "livestock" by s. 585.01 or s. 588.13.

358 Section 15. Section 468.384, Florida Statutes, is
 359 repealed.

360 Section 16. Section 468.385, Florida Statutes, is
 361 repealed.

362 Section 17. Section 468.3851, Florida Statutes, is
 363 repealed.

364 Section 18. Section 468.3852, Florida Statutes, is
 365 repealed.

366 Section 19. Section 468.3855, Florida Statutes, is
 367 repealed.

368 Section 20. Section 468.386, Florida Statutes, is
 369 repealed.

370 Section 21. Section 468.387, Florida Statutes, is
 371 repealed.

372 Section 22. Subsections (6) through (11) of section
 373 468.388, Florida Statutes, are renumbered as subsections (4)
 374 through (9), respectively, and present subsections (3), (4),
 375 (5), (9), (10), and (11) are amended to read:

376 468.388 Conduct of an auction.—

377 (3) Each auctioneer or auction business shall maintain a
378 record book of all sales. ~~The record book shall be open to~~
379 ~~inspection by the board at reasonable times.~~

380 ~~(4) Each auction must be conducted by an auctioneer who~~
381 ~~has an active license or by an apprentice who has an active~~
382 ~~apprentice auctioneer license and who has received prior written~~
383 ~~sponsor consent. Each auction must be conducted under the~~
384 ~~auspices of a licensed auction business. Any auctioneer or~~
385 ~~apprentice auctioneer conducting an auction, and any auction~~
386 ~~business under whose auspices such auction is held, shall be~~
387 ~~responsible for determining that any auctioneer, apprentice, or~~
388 ~~auction business with whom they are associated in conducting~~
389 ~~such auction has an active Florida auctioneer, apprentice, or~~
390 ~~auction business license.~~

391 ~~(5) The principal auctioneer shall prominently display at~~
392 ~~the auction site the licenses of the principal auctioneer, the~~
393 ~~auction business, and any other licensed auctioneers or~~
394 ~~apprentices who are actively participating in the auction. If~~
395 ~~such a display is not practicable, then an oral announcement at~~
396 ~~the beginning of the auction or a prominent written announcement~~
397 ~~that these licenses are available for inspection at the auction~~
398 ~~site must be made.~~

399 (7)~~(9)~~ The auction business under which the auction is
400 conducted is responsible for all other aspects of the auction as

401 required by this part ~~board rule~~. The auction business may
402 delegate in whole, or in part, different aspects of the auction
403 only to the extent that such delegation is permitted by law and
404 that such delegation will not impede the principal auctioneer's
405 ability to ensure the proper conduct of his or her independent
406 responsibility for the auction. The auction business under whose
407 auspices the auction is conducted is responsible for ensuring
408 compliance as required by this part ~~board rule~~.

409 (8) ~~(10)~~ (a) When settlement is not made immediately after
410 an auction, all sale proceeds received for another person must
411 be deposited in an escrow or trust account in an insured bank or
412 savings and loan association located in this state within 2
413 working days after the auction. A maximum of \$100 may be kept in
414 the escrow account for administrative purposes.

415 (b) Each auction business shall maintain, for not less
416 than 2 years, a separate ledger showing the funds held for
417 another person deposited and disbursed by the auction business
418 for each auction. The escrow or trust account must be reconciled
419 monthly with the bank statement. A signed and dated record shall
420 be maintained for a 2-year period ~~and be available for~~
421 ~~inspection by the department or at the request of the board.~~

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

426 (d) Unless otherwise provided by written agreement
 427 executed prior to the auction, funds received by an auctioneer
 428 or auction business ~~a licensee~~ from the seller or his or her
 429 agent for expenses, including advertising, must be expended for
 430 the purposes advanced or refunded to the seller at the time of
 431 final settlement. Any funds so received shall be maintained in
 432 an escrow or trust account in an insured bank or savings and
 433 loan association located in this state. However, this does not
 434 prohibit advanced payment of a flat fee.

435 ~~(11) (a) All advertising by an auctioneer or auction~~
 436 ~~business shall include the name and Florida license number of~~
 437 ~~such auctioneer and auction business. The term "advertising"~~
 438 ~~shall not include articles of clothing, directional signs, or~~
 439 ~~other promotional novelty items.~~

440 (9) (a) (b) No licensed auctioneer, apprentice, or auction
 441 business may disseminate or cause to be disseminated any
 442 advertisement or advertising which is false, deceptive,
 443 misleading, or untruthful. Any advertisement or advertising
 444 shall be deemed to be false, deceptive, misleading, or
 445 untruthful if it:

- 446 1. Contains misrepresentations of facts.
- 447 2. Is misleading or deceptive because, in its content or
 448 in the context in which it is presented, it makes only a partial
 449 disclosure of relevant facts.
- 450 3. Creates false or unjustified expectations of the

451 services to be performed.

452 ~~4. Contains any representation or claim which the~~
 453 ~~advertising licensee fails to perform.~~

454 ~~5. Fails to include the name and license number of the~~
 455 ~~principal auctioneer and the auction business.~~

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

458 4.7. Advertises an auction as absolute without specifying
 459 any and all items to be sold with reserve or with minimum bids.

460 ~~5.8.~~ Fails to include the percentage amount of any buyer's
 461 premium or surcharge which is a condition to sale.

462 ~~(b)(e)~~ The provisions of this subsection apply to media
 463 exposure of any nature, regardless of whether it is in the form
 464 of paid advertising.

465 ~~(c)(d)~~ The auction business shall be responsible for the
 466 content of all advertising disseminated in preparation for an
 467 auction.

468 Section 23. Section 468.389, Florida Statutes, is amended
 469 to read:

470 468.389 Prohibited acts; penalties.—

471 ~~(1)~~ The following acts shall be grounds for a civil cause
 472 of action for damages against an auctioneer, auction business,
 473 or any owner or manager thereof or, in the case of corporate
 474 ownership, any substantial stockholder of the corporation owning
 475 the auction business ~~the disciplinary activities provided in~~

476 ~~subsections (2) and (3):~~

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

480 (2)(b) Misrepresentation of property for sale at auction
481 or making false promises concerning the use, value, or condition
482 of such property by an auctioneer or auction business or by
483 anyone acting as an agent of or with the consent of the
484 auctioneer or auction business.

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

489 (4)(d) False, deceptive, misleading, or untruthful
490 advertising.

491 (5)(e) Any conduct in connection with a sales transaction
492 which demonstrates bad faith or dishonesty.

493 (6)(f) Using or permitting the use of false bidders,
494 cappers, or shells.

495 ~~(g) Making any material false statement on a license
496 application.~~

497 (7)(h) Commingling money or property of another person
498 with his or her own. Every auctioneer and auction business shall
499 maintain a separate trust or escrow account in an insured bank
500 or savings and loan association located in this state in which

501 shall be deposited all proceeds received for another person
502 through an auction sale.

503 (8)~~(i)~~ Refusal or neglect of any auctioneer or other
504 receiver of public moneys to pay the moneys so received into the
505 State Treasury at the times and under the regulations prescribed
506 by law.

507 (9)~~(j)~~ Violating a statute ~~or administrative rule~~
508 regulating practice under this part ~~or a lawful disciplinary~~
509 ~~order of the board or the department.~~

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

513 (10)~~(l)~~ Being convicted or found guilty, regardless of
514 adjudication, of a crime in any jurisdiction which directly
515 relates to the practice or the ability to practice the
516 profession of auctioneering.

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

520 ~~(a) Refusal to certify to the department an application~~
521 ~~for licensure.~~

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

523 ~~(c) Imposition of an administrative fine not to exceed~~
524 ~~\$1,000 for each count or separate offense.~~

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

526 ~~(e) Placement of the auctioneer on probation for a period~~
527 ~~of time and subject to conditions as the board may specify,~~
528 ~~including requiring the auctioneer to successfully complete the~~
529 ~~licensure examination.~~

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

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

537 ~~(b) The department may file for an injunction or bring any~~
538 ~~other appropriate civil action against anyone who violates this~~
539 ~~part.~~

540 Section 24. Section 468.391, Florida Statutes, is amended
541 to read:

542 468.391 Penalty.—Any auctioneer, ~~apprentice,~~ or auction
543 business or any owner or manager thereof, or, in the case of
544 corporate ownership, any substantial stockholder of the
545 corporation owning the auction business, who ~~operates without an~~
546 ~~active license or~~ violates s. 468.389(3), (5), (6), (7), or (8)
547 ~~s. 468.389(1)(c), (e), (f), (h), or (i)~~ commits a felony of the
548 third degree, punishable as provided in s. 775.082 or s.
549 775.083.

550 Section 25. Section 468.392, Florida Statutes, is

551 repealed.
 552 Section 26. Section 468.393, Florida Statutes, is
 553 repealed.
 554 Section 27. Section 468.394, Florida Statutes, is
 555 repealed.
 556 Section 28. Section 468.395, Florida Statutes, is
 557 repealed.
 558 Section 29. Section 468.396, Florida Statutes, is
 559 repealed.
 560 Section 30. Section 468.397, Florida Statutes, is
 561 repealed.
 562 Section 31. Section 468.398, Florida Statutes, is
 563 repealed.
 564 Section 32. Section 468.399, Florida Statutes, is
 565 repealed.
 566 Section 33. Section 468.401, Florida Statutes, is amended
 567 to read:
 568 468.401 ~~Regulation of~~ Talent agencies; definitions.—As
 569 used in this part, the term ~~or any rule adopted pursuant hereto:~~
 570 (1)(8) "Artist" means a person performing on the
 571 professional stage or in the production of television, radio, or
 572 motion pictures; a musician or group of musicians; or a model.
 573 (2)(7) "Buyer" or "employer" means a person, company,
 574 partnership, or corporation that uses the services of a talent
 575 agency to provide artists.

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

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

580 (b) Any money received by any person in excess of that
581 which has been paid out by such person for transportation,
582 transfer of baggage, or board and lodging for any applicant for
583 employment; or

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

589 (4) "Engagement" means any employment or placement of an
590 artist, where the artist performs in his or her artistic
591 capacity. However, the term "engagement" shall not apply to
592 procuring opera, music, theater, or dance engagements for any
593 organization defined in s. 501(c)(3) of the Internal Revenue
594 Code or any nonprofit Florida arts organization that has
595 received a grant from the Division of Cultural Affairs of the
596 Department of State or has participated in the state touring
597 program of the Division of Cultural Affairs.

598 ~~(5) "Department" means the Department of Business and~~
599 ~~Professional Regulation.~~

600 (5)~~(6)~~ "Operator" means the person who is or who will be

601 in actual charge of a talent agency.

602 (6)~~(2)~~ "Owner" means any partner in a partnership, member
 603 of a firm, or principal officer or officers of a corporation,
 604 whose partnership, firm, or corporation owns a talent agency, or
 605 any individual who is the sole owner of a talent agency.

606 (7)~~(9)~~ "Person" means any individual, company, society,
 607 firm, partnership, association, corporation, manager, or any
 608 agent or employee of any of the foregoing.

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

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

614 (8)~~(1)~~ "Talent agency" means any person who, for
 615 compensation, engages in the occupation or business of procuring
 616 or attempting to procure engagements for an artist.

617 Section 34. Section 468.402, Florida Statutes, is
 618 repealed.

619 Section 35. Section 468.403, Florida Statutes, is
 620 repealed.

621 Section 36. Section 468.404, Florida Statutes, is
 622 repealed.

623 Section 37. Section 468.405, Florida Statutes, is
 624 repealed.

625 Section 38. Subsection (1) of section 468.406, Florida

626 Statutes, is amended to read:

627 468.406 Fees to be charged by talent agencies; rates;
628 display.-

629 (1) Each owner or operator of a talent agency shall post
630 in a conspicuous place in each place of business of the agency
631 ~~applicant for a license shall file with the application an~~
632 itemized schedule of maximum fees, charges, and commissions that
633 ~~which~~ it intends to charge and collect for ~~its~~ services. The
634 ~~This schedule may thereafter be raised only by filing with the~~
635 ~~department an amended or supplemental schedule at least 30 days~~
636 ~~before the change is to become effective. The schedule shall be~~
637 ~~posted in a conspicuous place in each place of business of the~~
638 ~~agency and~~ shall be printed in not less than a 30-point
639 boldfaced type, except that an agency that uses written
640 contracts containing maximum fee schedules need not post such
641 schedules.

642 Section 39. Section 468.407, Florida Statutes, is
643 repealed.

644 Section 40. Subsection (1) of section 468.408, Florida
645 Statutes, is amended to read:

646 468.408 Bond required.-

647 (1) An owner or operator of a ~~There shall be filed with~~
648 ~~the department for each~~ talent agency shall obtain ~~license~~ a
649 bond in the form of a surety by a reputable company engaged in
650 the bonding business and authorized to do business in this

651 state. The bond shall be for the penal sum of \$5,000, with one
652 or more sureties ~~to be approved by the department~~, and be
653 conditioned that the owner or operator of the talent agency
654 ~~applicant~~ conform to and not violate any of the duties, terms,
655 conditions, provisions, or requirements of this part.

656 (a) If any person is aggrieved by the misconduct of any
657 talent agency, the person may maintain an action in his or her
658 own name upon the bond of the agency in any court having
659 jurisdiction of the amount claimed. All such claims shall be
660 assignable, and the assignee shall be entitled to the same
661 remedies, upon the bond of the agency or otherwise, as the
662 person aggrieved would have been entitled to if such claim had
663 not been assigned. Any claim or claims so assigned may be
664 enforced in the name of such assignee.

665 (b) The bonding company shall notify the talent agency
666 ~~department~~ of any claim against such bond, and a copy of such
667 notice shall be sent to the talent agency against which the
668 claim is made.

669 Section 41. Section 468.409, Florida Statutes, is amended
670 to read:

671 468.409 Records required to be kept.—Each talent agency
672 shall keep on file the application, registration, or contract of
673 each artist. In addition, such file must include the name and
674 address of each artist, the amount of the compensation received,
675 and all attempts to procure engagements for the artist. No such

676 agency or employee thereof shall knowingly make any false entry
677 in applicant files or receipt files. Each card or document in
678 such files shall be preserved for a period of 1 year after the
679 date of the last entry thereon. ~~Records required under this~~
680 ~~section shall be readily available for inspection by the~~
681 ~~department during reasonable business hours at the talent~~
682 ~~agency's principal office. A talent agency must provide the~~
683 ~~department with true copies of the records in the manner~~
684 ~~prescribed by the department.~~

685 Section 42. Subsection (3) of section 468.410, Florida
686 Statutes, is amended to read:

687 468.410 Prohibition against registration fees; referral.-

688 (3) A talent agency shall give each applicant a copy of a
689 contract, within 24 hours after the contract's execution, which
690 lists the services to be provided and the fees to be charged.
691 ~~The contract shall state that the talent agency is regulated by~~
692 ~~the department and shall list the address and telephone number~~
693 ~~of the department.~~

694 Section 43. Subsections (4) through (11) of section
695 468.412, Florida Statutes, are renumbered as subsections (3)
696 through (10), respectively, and present subsections (2), (3),
697 (4), (6), and (11) are amended to read:

698 468.412 Talent agency regulations; prohibited acts.-

699 (2) Each talent agency shall keep records in which shall
700 be entered:

701 (a) The name and address of each artist employing such
 702 talent agency.‡

703 (b) The amount of fees received from each such artist.‡

704 (c) The employment in which each such artist is engaged at
 705 the time of employing such talent agency and the amount of
 706 compensation of the artist in such employment, if any, and the
 707 employments subsequently secured by such artist during the term
 708 of the contract between the artist and the talent agency and the
 709 amount of compensation received by the artist pursuant thereto.‡
 710 and

711 ~~(d) Other information which the department may require~~
 712 ~~from time to time.~~

713 ~~(3) All books, records, and other papers kept pursuant to~~
 714 ~~this act by any talent agency shall be open at all reasonable~~
 715 ~~hours to the inspection of the department and its agents. Each~~
 716 ~~talent agency shall furnish to the department, upon request, a~~
 717 ~~true copy of such books, records, and papers, or any portion~~
 718 ~~thereof, and shall make such reports as the department may~~
 719 ~~prescribe from time to time.~~

720 (3)~~(4)~~ Each talent agency shall post in a conspicuous
 721 place in the office of such talent agency a printed copy of this
 722 part and ~~of the rules adopted under this part. Such copies shall~~
 723 ~~also contain the name and address of the officer charged with~~
 724 ~~enforcing this part. The department shall furnish to talent~~
 725 ~~agencies printed copies of any statute or rule required to be~~

726 ~~posted under this subsection.~~

727 (5)~~(6)~~ A ~~No~~ talent agency may not publish or cause to be
 728 published any false, fraudulent, or misleading information,
 729 representation, notice, or advertisement. All advertisements of
 730 a talent agency by means of card, circulars, or signs, and in
 731 newspapers and other publications, and all letterheads,
 732 receipts, and blanks shall be printed and contain the ~~licensed~~
 733 ~~name, department license number,~~ and address of the talent
 734 agency and the words "talent agency." A ~~No~~ talent agency may not
 735 give any false information or make any false promises or
 736 representations concerning an engagement or employment to any
 737 applicant who applies for an engagement or employment.

738 (10)~~(11)~~ A talent agency may assign an engagement contract
 739 to another talent agency ~~licensed~~ in this state only if the
 740 artist agrees in writing to the assignment. The assignment must
 741 occur, and written notice of the assignment must be given to the
 742 artist, within 30 days after the artist agrees in writing to the
 743 assignment.

744 Section 44. Section 468.413, Florida Statutes, is amended
 745 to read:

746 468.413 Legal requirements; penalties.—

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

750 ~~(a) Owning or operating, or soliciting business as, a~~

751 ~~talent agency in this state without first procuring a license~~
752 ~~from the department.~~

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

755 (1)~~(2)~~ Each of the following acts constitutes a
756 misdemeanor of the second degree, punishable as provided in s.
757 775.082 or s. 775.083:

758 ~~(a) Relocating a business as a talent agency, or operating~~
759 ~~under any name other than that designated on the license, unless~~
760 ~~written notification is given to the department and to the~~
761 ~~surety or sureties on the original bond, and unless the license~~
762 ~~is returned to the department for the recording thereon of such~~
763 ~~changes.~~

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

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

770 (a)~~(d)~~ Failing to maintain the records required by s.
771 468.409 or knowingly making false entries in such records.

772 (b)~~(e)~~ Requiring as a condition to registering or
773 obtaining employment or placement for any applicant that the
774 applicant subscribe to, purchase, or attend any publication,
775 postcard service, advertisement, resume service, photography

776 service, school, acting school, workshop, or acting workshop.

777 (c)~~(f)~~ Failing to give each applicant a copy of a contract
778 which lists the services to be provided and the fees to be
779 charged by, ~~which states that the talent agency is regulated by~~
780 ~~the department, and which lists the address and telephone number~~
781 ~~of the department.~~

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

784 (e)~~(h)~~ Knowingly sending or causing to be sent any artist
785 to a prospective employer or place of business, the character or
786 operation of which employer or place of business the talent
787 agency knows to be in violation of the laws of the United States
788 or of this state.

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

793 (2)~~(4)~~ In the event that ~~the department or~~ any state
794 attorney shall have probable cause to believe that a talent
795 agency or other person has violated any provision of subsection
796 (1), an action may be brought by ~~the department or~~ any state
797 attorney to enjoin such talent agency or any person from
798 continuing such violation, or engaging therein or doing any acts
799 in furtherance thereof, and for such other relief as to the
800 court seems appropriate. ~~In addition to this remedy, the~~

801 ~~department may assess a penalty against any talent agency or any~~
 802 ~~person in an amount not to exceed \$5,000.~~

803 Section 45. Section 468.414, Florida Statutes, is
 804 repealed.

805 Section 46. Section 468.415, Florida Statutes, is amended
 806 to read:

807 468.415 Sexual misconduct in the operation of a talent
 808 agency.—The talent agent-artist relationship is founded on
 809 mutual trust. Sexual misconduct in the operation of a talent
 810 agency means violation of the talent agent-artist relationship
 811 through which the talent agent uses the relationship to induce
 812 or attempt to induce the artist to engage or attempt to engage
 813 in sexual activity. Sexual misconduct is prohibited in the
 814 operation of a talent agency. ~~If~~ Any agent, owner, or operator
 815 of a ~~licensed~~ talent agency who commits ~~is found to have~~
 816 ~~committed~~ sexual misconduct in the operation of a talent agency,
 817 ~~the agency license shall be permanently revoked. Such agent,~~
 818 ~~owner, or operator shall be permanently~~ prohibited from acting
 819 ~~disqualified from present and future licensure as~~ an agent,
 820 owner, or operator of a Florida talent agency.

821 Section 47. Subsection (4) of section 468.524, Florida
 822 Statutes, is amended to read:

823 468.524 Application for license.—

824 (4) ~~A~~ An applicant or licensee is ineligible to reapply
 825 for a license for a period of 1 year following final agency

826 action on the ~~denial or~~ revocation of a license ~~applied for or~~
827 issued under this part. This time restriction does not apply to
828 administrative ~~denials or~~ revocations entered because:

829 (a) The ~~applicant or~~ licensee has made an inadvertent
830 error or omission on the application;

831 (b) The experience documented to the board was
832 insufficient at the time of the previous application; or

833 ~~(c) The department is unable to complete the criminal~~
834 ~~background investigation because of insufficient information~~
835 ~~from the Florida Department of Law Enforcement, the Federal~~
836 ~~Bureau of Investigation, or any other applicable law enforcement~~
837 ~~agency;~~

838 (c) ~~(d)~~ The ~~applicant or~~ licensee has failed to submit
839 required fees. ~~;~~ ~~or~~

840 ~~(e) An applicant or licensed employee leasing company has~~
841 ~~been deemed ineligible for a license because of the lack of good~~
842 ~~moral character of an individual or individuals when such~~
843 ~~individual or individuals are no longer employed in a capacity~~
844 ~~that would require their licensing under this part.~~

845 Section 48. Section 468.613, Florida Statutes, is amended
846 to read:

847 468.613 Certification by endorsement.—The board shall
848 examine other certification or training programs, as applicable,
849 upon submission to the board for its consideration of an
850 application for certification by endorsement. The board shall

851 waive its examination, qualification, education, or training
 852 requirements, to the extent that such examination,
 853 qualification, education, or training requirements of the
 854 applicant are determined by the board to be comparable with
 855 those established by the board. The board shall waive its
 856 examination, qualification, education, or training requirements
 857 if an applicant for certification by endorsement is at least 18
 858 years of age; is of good moral character; has held a valid
 859 building administrator, inspector, plans examiner, or the
 860 equivalent, certification issued by another state or territory
 861 of the United States for at least 10 years before the date of
 862 application; and has successfully passed an applicable
 863 examination administered by the International Codes Council.

864 Section 49. Subsection (3) of section 468.8314, Florida
 865 Statutes, is amended to read:

866 468.8314 Licensure.—

867 (3) The department shall certify as qualified for a
 868 license by endorsement an applicant who is of good moral
 869 character as determined in s. 468.8313, who maintains an
 870 insurance policy as required by s. 468.8322, and who:†

871 (a) Holds a valid license to practice home inspection
 872 services in another state or territory of the United States,
 873 whose educational requirements are substantially equivalent to
 874 those required by this part; and has passed a national,
 875 regional, state, or territorial licensing examination that is

876 substantially equivalent to the examination required by this
 877 part; or

878 (b) Has held a valid license to practice home inspection
 879 services issued by another state or territory of the United
 880 States for at least 10 years before the date of application.

881 Section 50. Subsection (3) of section 468.8414, Florida
 882 Statutes, is amended to read:

883 468.8414 Licensure.—

884 (3) The department shall certify as qualified for a
 885 license by endorsement an applicant who is of good moral
 886 character, who has the insurance coverage required under s.
 887 468.8421, and who:

888 (a) Is qualified to take the examination as set forth in
 889 s. 468.8413 and has passed a certification examination offered
 890 by a nationally recognized organization that certifies persons
 891 in the specialty of mold assessment or mold remediation that has
 892 been approved by the department as substantially equivalent to
 893 the requirements of this part and s. 455.217; ~~or~~

894 (b) Holds a valid license to practice mold assessment or
 895 mold remediation issued by another state or territory of the
 896 United States if the criteria for issuance of the license were
 897 substantially the same as the licensure criteria that is
 898 established by this part as determined by the department; or

899 (c) Has held a valid license to practice as a mold
 900 assessor or a mold remediator issued by another state or

901 territory of the United States for at least 10 years before the
902 date of application.

903 Section 51. Paragraphs (a) and (e) of subsection (2),
904 subsection (3), paragraph (b) of subsection (4), and subsection
905 (6) of section 469.006, Florida Statutes, are amended to read:
906 469.006 Licensure of business organizations; qualifying
907 agents.—

908 (2) (a) If the applicant proposes to engage in consulting
909 or contracting as a partnership, corporation, business trust, or
910 other legal entity, or in any name other than the applicant's
911 legal name, ~~the legal entity must apply for licensure through a~~
912 ~~qualifying agent or the individual applicant must~~ qualify ~~apply~~
913 ~~for licensure under the~~ business organization ~~fictitious name.~~

914 (e) ~~A~~ The license, ~~when issued upon application of a~~
915 ~~business organization,~~ must be in the name of the qualifying
916 agent ~~business organization,~~ and the name of the business
917 organization ~~qualifying agent~~ must be noted on the license
918 ~~thereon.~~ If there is a change in any information that is
919 required to be stated on the application, the qualifying agent
920 ~~business organization~~ shall, within 45 days after such change
921 occurs, mail the correct information to the department.

922 (3) The qualifying agent must ~~shall~~ be licensed under this
923 chapter in order for the business organization to be qualified
924 ~~licensed~~ in the category of the business conducted for which the
925 qualifying agent is licensed. If any qualifying agent ceases to

926 | be affiliated with such business organization, the agent shall
927 | so inform the department. In addition, if such qualifying agent
928 | is the only licensed individual affiliated with the business
929 | organization, the business organization shall notify the
930 | department of the termination of the qualifying agent and has
931 | ~~shall have~~ 60 days after ~~from~~ the date of termination of the
932 | qualifying agent's affiliation with the business organization ~~in~~
933 | ~~which~~ to employ another qualifying agent. The business
934 | organization may not engage in consulting or contracting until a
935 | qualifying agent is employed, unless the department has granted
936 | a temporary nonrenewable license to the financially responsible
937 | officer, the president, the sole proprietor, a partner, or, in
938 | the case of a limited partnership, the general partner, who
939 | assumes all responsibilities of a primary qualifying agent for
940 | the entity. This temporary license only allows ~~shall only allow~~
941 | the entity to proceed with incomplete contracts.

942 | (4)

943 | (b) Upon a favorable determination by the department,
944 | after investigation of the financial responsibility, credit, and
945 | business reputation of the qualifying agent and the new business
946 | organization, the department shall issue, without any
947 | examination, a new license in the qualifying agent's business
948 | ~~organization's~~ name, and the name of the business organization
949 | ~~qualifying agent~~ shall be noted thereon.

950 (6) Each qualifying agent shall pay the department an
 951 amount equal to the original fee for licensure ~~of a new business~~
 952 ~~organization.~~ if the qualifying agent for a business
 953 organization desires to qualify additional business
 954 organizations.7 The department shall require the agent to
 955 present evidence of supervisory ability and financial
 956 responsibility of each such organization. Allowing a licensee to
 957 qualify more than one business organization must ~~shall~~ be
 958 conditioned upon the licensee showing that the licensee has both
 959 the capacity and intent to adequately supervise each business
 960 organization. The department may ~~shall~~ not limit the number of
 961 business organizations that ~~which~~ the licensee may qualify
 962 except upon the licensee's failure to provide such information
 963 as is required under this subsection or upon a finding that the
 964 ~~such~~ information or evidence ~~as is~~ supplied is incomplete or
 965 unpersuasive in showing the licensee's capacity and intent to
 966 comply with the requirements of this subsection. A qualification
 967 for an additional business organization may be revoked or
 968 suspended upon a finding by the department that the licensee has
 969 failed in the licensee's responsibility to adequately supervise
 970 the operations of the business organization. Failure to
 971 adequately supervise the operations of a business organization
 972 is ~~shall be~~ grounds for denial to qualify additional business
 973 organizations.

974 Section 52. Subsection (1) of section 469.009, Florida

975 Statutes, is amended to read:

976 469.009 License revocation, suspension, and denial of
 977 issuance or renewal.—

978 (1) The department may revoke, suspend, or deny the
 979 issuance or renewal of a license; reprimand, censure, or place
 980 on probation any contractor, consultant, or financially
 981 responsible officer, ~~or business organization~~; require financial
 982 restitution to a consumer; impose an administrative fine not to
 983 exceed \$5,000 per violation; require continuing education; or
 984 assess costs associated with any investigation and prosecution
 985 if the contractor or consultant, or business organization or
 986 officer or agent thereof, is found guilty of any of the
 987 following acts:

988 (a) Willfully or deliberately disregarding or violating
 989 the health and safety standards of the Occupational Safety and
 990 Health Act of 1970, the Construction Safety Act, the National
 991 Emission Standards for Asbestos, the Environmental Protection
 992 Agency Asbestos Abatement Projects Worker Protection Rule, the
 993 Florida Statutes or rules promulgated thereunder, or any
 994 ordinance enacted by a political subdivision of this state.

995 (b) Violating any provision of chapter 455.

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

998 (d) Acting in the capacity of an asbestos contractor or
 999 asbestos consultant under any license issued under this chapter

1000 except in the name of the licensee as set forth on the issued
 1001 license.

1002 (e) Proceeding on any job without obtaining all applicable
 1003 approvals, authorizations, permits, and inspections.

1004 (f) Obtaining a license by fraud or misrepresentation.

1005 (g) Being convicted or found guilty of, or entering a plea
 1006 of nolo contendere to, regardless of adjudication, a crime in
 1007 any jurisdiction which directly relates to the practice of
 1008 asbestos consulting or contracting or the ability to practice
 1009 asbestos consulting or contracting.

1010 (h) Knowingly violating any building code, lifesafety
 1011 code, or county or municipal ordinance relating to the practice
 1012 of asbestos consulting or contracting.

1013 (i) Performing any act which assists a person or entity in
 1014 engaging in the prohibited unlicensed practice of asbestos
 1015 consulting or contracting, if the licensee knows or has
 1016 reasonable grounds to know that the person or entity was
 1017 unlicensed.

1018 (j) Committing mismanagement or misconduct in the practice
 1019 of contracting that causes financial harm to a customer.

1020 Financial mismanagement or misconduct occurs when:

- 1021 1. Valid liens have been recorded against the property of
 1022 a contractor's customer for supplies or services ordered by the
 1023 contractor for the customer's job; the contractor has received
 1024 funds from the customer to pay for the supplies or services; and

1025 the contractor has not had the liens removed from the property,
1026 by payment or by bond, within 75 days after the date of such
1027 liens;

1028 2. The contractor has abandoned a customer's job and the
1029 percentage of completion is less than the percentage of the
1030 total contract price paid to the contractor as of the time of
1031 abandonment, unless the contractor is entitled to retain such
1032 funds under the terms of the contract or refunds the excess
1033 funds within 30 days after the date the job is abandoned; or

1034 3. The contractor's job has been completed, and it is
1035 shown that the customer has had to pay more for the contracted
1036 job than the original contract price, as adjusted for subsequent
1037 change orders, unless such increase in cost was the result of
1038 circumstances beyond the control of the contractor, was the
1039 result of circumstances caused by the customer, or was otherwise
1040 permitted by the terms of the contract between the contractor
1041 and the customer.

1042 (k) Being disciplined by any municipality or county for an
1043 act or violation of this chapter.

1044 (l) Failing in any material respect to comply with the
1045 provisions of this chapter, or violating a rule or lawful order
1046 of the department.

1047 (m) Abandoning an asbestos abatement project in which the
1048 asbestos contractor is engaged or under contract as a
1049 contractor. A project may be presumed abandoned after 20 days if

1050 the contractor terminates the project without just cause and
1051 without proper notification to the owner, including the reason
1052 for termination; if the contractor fails to reasonably secure
1053 the project to safeguard the public while work is stopped; or if
1054 the contractor fails to perform work without just cause for 20
1055 days.

1056 (n) Signing a statement with respect to a project or
1057 contract falsely indicating that the work is bonded; falsely
1058 indicating that payment has been made for all subcontracted
1059 work, labor, and materials which results in a financial loss to
1060 the owner, purchaser, or contractor; or falsely indicating that
1061 workers' compensation and public liability insurance are
1062 provided.

1063 (o) Committing fraud or deceit in the practice of asbestos
1064 consulting or contracting.

1065 (p) Committing incompetency or misconduct in the practice
1066 of asbestos consulting or contracting.

1067 (q) Committing gross negligence, repeated negligence, or
1068 negligence resulting in a significant danger to life or property
1069 in the practice of asbestos consulting or contracting.

1070 (r) Intimidating, threatening, coercing, or otherwise
1071 discouraging the service of a notice to owner under part I of
1072 chapter 713 or a notice to contractor under chapter 255 or part
1073 I of chapter 713.

1074 (s) Failing to satisfy, within a reasonable time, the

1075 terms of a civil judgment obtained against the licensee, or the
 1076 business organization qualified by the licensee, relating to the
 1077 practice of the licensee's profession.

1078
 1079 For the purposes of this subsection, construction is considered
 1080 to be commenced when the contract is executed and the contractor
 1081 has accepted funds from the customer or lender.

1082 Section 53. Subsection (13) of section 471.005, Florida
 1083 Statutes, is renumbered as subsection (3), and present
 1084 subsection (3) and subsection (8) of that section are amended to
 1085 read:

1086 471.005 Definitions.—As used in this chapter, the term:

1087 ~~(3) "Certificate of authorization" means a license to~~
 1088 ~~practice engineering issued by the management corporation to a~~
 1089 ~~corporation or partnership.~~

1090 (8) "License" means the licensing of engineers ~~or~~
 1091 ~~certification of businesses~~ to practice engineering in this
 1092 state.

1093 Section 54. Subsection (4) of section 471.011, Florida
 1094 Statutes, is amended to read:

1095 471.011 Fees.—

1096 ~~(4) The fee for a certificate of authorization shall not~~
 1097 ~~exceed \$125.~~

1098 Section 55. Subsection (5) of section 471.015, Florida
 1099 Statutes, is amended to read:

1100 471.015 Licensure.—

1101 (5) (a) The board shall deem that an applicant who seeks
 1102 licensure by endorsement has passed an examination substantially
 1103 equivalent to the fundamentals examination when such applicant
 1104 has held a valid professional engineer's license in another
 1105 state for 10 ~~15~~ years and has had ~~20~~ years of continuous
 1106 ~~professional-level engineering experience.~~

1107 (b) The board shall deem that an applicant who seeks
 1108 licensure by endorsement has passed an examination substantially
 1109 equivalent to the fundamentals examination and the principles
 1110 and practices examination when such applicant has held a valid
 1111 professional engineer's license in another state for 15 ~~25~~ years
 1112 and has had ~~30~~ years of continuous ~~professional-level~~
 1113 ~~engineering experience.~~

1114 Section 56. Section 471.023, Florida Statutes, is amended
 1115 to read:

1116 471.023 Qualification Certification ~~Certification~~ of business
 1117 organizations.—

1118 (1) The practice of, or the offer to practice, engineering
 1119 by licensees or offering engineering services to the public
 1120 through a business organization, including a partnership,
 1121 corporation, business trust, or other legal entity or by a
 1122 business organization, including a corporation, partnership,
 1123 business trust, or other legal entity offering such services to
 1124 the public through licensees under this chapter as agents,

1125 employees, officers, or partners is permitted only if the
1126 business organization is qualified by an engineer licensed under
1127 this chapter ~~possesses a certification issued by the management~~
1128 ~~corporation pursuant to qualification by the board,~~ subject to
1129 the provisions of this chapter. One or more of the principal
1130 officers of the business organization or one or more partners of
1131 the partnership and all personnel of the business organization
1132 who act in its behalf as engineers in this state shall be
1133 licensed as provided by this chapter. All final drawings,
1134 specifications, plans, reports, or documents involving practices
1135 licensed under this chapter which are prepared or approved for
1136 the use of the business organization or for public record within
1137 the state shall be dated and shall bear the signature and seal
1138 of the licensee who prepared or approved them. Nothing in this
1139 section shall be construed to mean that a license to practice
1140 engineering shall be held by a business organization. Nothing
1141 herein prohibits business organizations from joining together to
1142 offer engineering services to the public, if each business
1143 organization otherwise meets the requirements of this section.
1144 No business organization shall be relieved of responsibility for
1145 the conduct or acts of its agents, employees, or officers by
1146 reason of its compliance with this section, nor shall any
1147 individual practicing engineering be relieved of responsibility
1148 for professional services performed by reason of his or her
1149 employment or relationship with a business organization.

1150 (2) For the purposes of this section, a ~~certificate of~~
1151 ~~authorization shall be required for any~~ business organization or
1152 other person practicing under a fictitious name, offering
1153 engineering services to the public must be qualified by an
1154 engineer licensed under this chapter. ~~However, when an~~
1155 ~~individual is practicing engineering in his or her own given~~
1156 ~~name, he or she shall not be required to be licensed under this~~
1157 ~~section.~~

1158 (3) Except as provided in s. 558.0035, the fact that a
1159 licensed engineer practices through a business organization does
1160 not relieve the licensee from personal liability for negligence,
1161 misconduct, or wrongful acts committed by him or her.
1162 Partnerships and all partners shall be jointly and severally
1163 liable for the negligence, misconduct, or wrongful acts
1164 committed by their agents, employees, or partners while acting
1165 in a professional capacity. Any officer, agent, or employee of a
1166 business organization other than a partnership shall be
1167 personally liable and accountable only for negligent acts,
1168 wrongful acts, or misconduct committed by him or her or
1169 committed by any person under his or her direct supervision and
1170 control, while rendering professional services on behalf of the
1171 business organization. The personal liability of a shareholder
1172 or owner of a business organization, in his or her capacity as
1173 shareholder or owner, shall be no greater than that of a
1174 shareholder-employee of a corporation incorporated under chapter

1175 607. The business organization shall be liable up to the full
1176 value of its property for any negligent acts, wrongful acts, or
1177 misconduct committed by any of its officers, agents, or
1178 employees while they are engaged on its behalf in the rendering
1179 of professional services.

1180 ~~(4) Each certification of authorization shall be renewed~~
1181 ~~every 2 years.~~ Each qualifying agent of a business organization
1182 qualified ~~certified~~ under this section must notify the board
1183 within 30 days ~~1 month~~ after any change in the information
1184 contained in the application upon which the certification is
1185 based.

1186 (a) A qualifying agent who terminates an affiliation with
1187 a qualified business organization shall notify the management
1188 corporation of such termination within 24 hours. If such
1189 qualifying agent is the only qualifying agent for that business
1190 organization, the business organization must be qualified by
1191 another qualifying agent within 60 days after the termination.
1192 Except as provided in paragraph (b), the business organization
1193 may not engage in the practice of engineering until it is
1194 qualified by another qualifying agent.

1195 (b) In the event a qualifying agent ceases employment with
1196 a qualified business organization and such qualifying agent is
1197 the only licensed individual affiliated with the business
1198 organization, the executive director of the management
1199 corporation or the chair of the board may authorize another

1200 licensee employed by the business organization to temporarily
 1201 serve as its qualifying agent for a period of no more than 60
 1202 days to proceed with incomplete contracts. The business
 1203 organization is not authorized to operate beyond such period
 1204 under this chapter absent replacement of the qualifying agent.

1205 (c) A qualifying agent shall notify the department in
 1206 writing before engaging in the practice of engineering in the
 1207 licensee's name or in affiliation with a different business
 1208 organization.

1209 ~~(5) Disciplinary action against a business organization~~
 1210 ~~shall be administered in the same manner and on the same grounds~~
 1211 ~~as disciplinary action against a licensed engineer.~~

1212 Section 57. Subsection (7) of section 473.308, Florida
 1213 Statutes, is amended to read:

1214 473.308 Licensure.—

1215 (7) The board shall certify as qualified for a license by
 1216 endorsement an applicant who:

1217 (a)~~1~~. Is not licensed and has not been licensed in another
 1218 state or territory and who has met the requirements of this
 1219 section for education, work experience, and good moral character
 1220 and has passed a national, regional, state, or territorial
 1221 licensing examination that is substantially equivalent to the
 1222 examination required by s. 473.306; or ~~and~~

1223 ~~2. Has completed such continuing education courses as the~~
 1224 ~~board deems appropriate, within the limits for each applicable~~

1225 ~~2-year period as set forth in s. 473.312, but at least such~~
1226 ~~courses as are equivalent to the continuing education~~
1227 ~~requirements for a Florida certified public accountant licensed~~
1228 ~~in this state during the 2 years immediately preceding her or~~
1229 ~~his application for licensure by endorsement; or~~

1230 (b)1.a. Holds a valid license to practice public
1231 accounting issued by another state or territory of the United
1232 States, if the criteria for issuance of such license were
1233 substantially equivalent to the licensure criteria that existed
1234 in this state at the time the license was issued;

1235 2.b. Holds a valid license to practice public accounting
1236 issued by another state or territory of the United States but
1237 the criteria for issuance of such license did not meet the
1238 requirements of sub-subparagraph a.; has met the requirements of
1239 this section for education, work experience, and good moral
1240 character; and has passed a national, regional, state, or
1241 territorial licensing examination that is substantially
1242 equivalent to the examination required by s. 473.306; or

1243 3.c. Has held ~~holds~~ a valid license to practice public
1244 accounting issued by another state or territory of the United
1245 States for at least 10 years before the date of application; has
1246 passed a national, regional, state, or territorial licensing
1247 examination that is substantially equivalent to the examination
1248 required by s. 473.306; and has met the requirements of this
1249 section for good moral character. ~~;~~ and

1250 ~~2. Has completed continuing education courses that are~~
1251 ~~equivalent to the continuing education requirements for a~~
1252 ~~Florida certified public accountant licensed in this state~~
1253 ~~during the 2 years immediately preceding her or his application~~
1254 ~~for licensure by endorsement.~~

1255 Section 58. Subsection (6) of section 474.202, Florida
1256 Statutes, is amended to read:

1257 474.202 Definitions.—As used in this chapter:

1258 (6) "Limited-service veterinary medical practice" means
1259 offering or providing veterinary services at any location that
1260 has a primary purpose other than that of providing veterinary
1261 medical service at a permanent or mobile establishment permitted
1262 by the board; provides veterinary medical services for privately
1263 owned animals that do not reside at that location; operates for
1264 a limited time; and provides limited types of veterinary medical
1265 services, including vaccinations or immunizations against
1266 disease, preventative procedures for parasitic control, and
1267 microchipping.

1268 Section 59. Paragraph (b) of subsection (2) of section
1269 474.207, Florida Statutes, is amended to read:

1270 474.207 Licensure by examination.—

1271 (2) The department shall license each applicant who the
1272 board certifies has:

1273 (b)1. Graduated from a college of veterinary medicine
1274 accredited by the American Veterinary Medical Association

1275 Council on Education; or
 1276 2. Graduated from a college of veterinary medicine listed
 1277 in the American Veterinary Medical Association Roster of
 1278 Veterinary Colleges of the World and obtained a certificate from
 1279 the Education Commission for Foreign Veterinary Graduates or the
 1280 Program for the Assessment of Veterinary Education Equivalence.

1281
 1282 The department shall not issue a license to any applicant who is
 1283 under investigation in any state or territory of the United
 1284 States or in the District of Columbia for an act which would
 1285 constitute a violation of this chapter until the investigation
 1286 is complete and disciplinary proceedings have been terminated,
 1287 at which time the provisions of s. 474.214 shall apply.

1288 Section 60. Subsection (1) of section 474.217, Florida
 1289 Statutes, is amended to read:

1290 474.217 Licensure by endorsement.—

1291 (1) The department shall issue a license by endorsement to
 1292 any applicant who, upon applying to the department and remitting
 1293 a fee set by the board, demonstrates to the board that she or
 1294 he:

1295 (a) Has demonstrated, in a manner designated by rule of
 1296 the board, knowledge of the laws and rules governing the
 1297 practice of veterinary medicine in this state; and

1298 (b)1. ~~Either~~ Holds, and has held for the 3 years
 1299 immediately preceding the application for licensure, a valid,

1300 active license to practice veterinary medicine in another state
 1301 of the United States, the District of Columbia, or a territory
 1302 of the United States, provided that the applicant has
 1303 successfully completed a state, regional, national, or other
 1304 examination that is equivalent to or more stringent than the
 1305 examination required by the board ~~requirements for licensure in~~
 1306 ~~the issuing state, district, or territory are equivalent to or~~
 1307 ~~more stringent than the requirements of this chapter; or~~

1308 2. Meets the qualifications of s. 474.207(2)(b) and has
 1309 successfully completed a state, regional, national, or other
 1310 examination which is equivalent to or more stringent than the
 1311 examination given by the department and has passed the board's
 1312 clinical competency examination or another clinical competency
 1313 examination specified by rule of the board.

1314 Section 61. Subsection (2) of section 476.114, Florida
 1315 Statutes, is amended to read:

1316 476.114 Examination; prerequisites.—

1317 (2) An applicant shall be eligible for licensure by
 1318 examination to practice barbering if the applicant:

1319 (a) Is at least 16 years of age;

1320 (b) Pays the required application fee; and

1321 (c)1. Holds an active valid license to practice barbering
 1322 in another state, has held the license for at least 1 year, and
 1323 does not qualify for licensure by endorsement as provided for in
 1324 s. 476.144(5); or

1325 2. Has received a minimum of 600 ~~1,200~~ hours of training
 1326 in sanitation, safety, and laws and rules, as established by the
 1327 board, which shall include, but shall not be limited to, the
 1328 equivalent of completion of services directly related to the
 1329 practice of barbering at one of the following:

- 1330 a. A school of barbering licensed pursuant to chapter
- 1331 1005;
- 1332 b. A barbering program within the public school system; or
- 1333 c. A government-operated barbering program in this state.

1334
 1335 The board shall establish by rule procedures whereby the school
 1336 or program may certify that a person is qualified to take the
 1337 required examination after the completion of a minimum of 325
 1338 ~~1,000~~ actual school hours. If the person passes the examination,
 1339 she or he shall have satisfied this requirement; but if the
 1340 person fails the examination, she or he shall not be qualified
 1341 to take the examination again until the completion of the full
 1342 requirements provided by this section.

1343 Section 62. Subsection (5) of section 476.144, Florida
 1344 Statutes, is amended to read:

1345 476.144 Licensure.—

1346 (5) The board shall certify as qualified for licensure by
 1347 endorsement as a barber in this state an applicant who holds a
 1348 current active license to practice barbering in another state.
 1349 The board shall adopt rules specifying procedures for the

1350 licensure by endorsement of practitioners desiring to be
 1351 licensed in this state who hold a current active license in
 1352 another ~~state or~~ country and who have met qualifications
 1353 substantially similar to, equivalent to, or greater than the
 1354 qualifications required of applicants from this state.

1355 Section 63. Subsection (9) of section 477.013, Florida
 1356 Statutes, is amended to read:

1357 477.013 Definitions.—As used in this chapter:

1358 (9) "Hair braiding" means the weaving or interweaving of
 1359 natural human hair or commercial hair, including the use of hair
 1360 extensions or wefts, for compensation without cutting, coloring,
 1361 permanent waving, relaxing, removing, or chemical treatment ~~and~~
 1362 ~~does not include the use of hair extensions or wefts.~~

1363 Section 64. Section 477.0132, Florida Statutes, is
 1364 repealed.

1365 Section 65. Subsections (7) through (11) are added to
 1366 section 477.0135, Florida Statutes, to read:

1367 477.0135 Exemptions.—

1368 (7) A license or registration is not required for a person
 1369 whose occupation or practice is confined solely to hair braiding
 1370 as defined in s. 477.013(9).

1371 (8) A license or registration is not required for a person
 1372 whose occupation or practice is confined solely to hair wrapping
 1373 as defined in s. 477.013(10).

1374 (9) A license or registration is not required for a person
 1375 whose occupation or practice is confined solely to body wrapping
 1376 as defined in s. 477.013(12).

1377 (10) A license or registration is not required for a
 1378 person whose occupation or practice is confined solely to
 1379 applying polish to fingernails and toenails.

1380 (11) A license or registration is not required for a
 1381 person whose occupation or practice is confined solely to makeup
 1382 application.

1383 Section 66. Subsections (6) and (7) of section 477.019,
 1384 Florida Statutes, are amended to read:

1385 477.019 Cosmetologists; qualifications; licensure;
 1386 supervised practice; license renewal; endorsement; continuing
 1387 education.—

1388 (6) The board shall certify as qualified for licensure by
 1389 endorsement as a cosmetologist in this state an applicant who
 1390 holds a current active license to practice cosmetology in
 1391 another state. ~~The board may not require proof of educational~~
 1392 ~~hours if the license was issued in a state that requires 1,200~~
 1393 ~~or more hours of prelicensure education and passage of a written~~
 1394 ~~examination. This subsection does not apply to applicants who~~
 1395 ~~received their license in another state through an~~
 1396 ~~apprenticeship program.~~

1397 (7) (a) The board shall prescribe by rule continuing
 1398 education requirements intended to ensure protection of the

1399 public through updated training of licensees and registered
1400 specialists, not to exceed 10 ~~16~~ hours biennially, as a
1401 condition for renewal of a license or registration as a
1402 specialist under this chapter. Continuing education courses
1403 shall include, but not be limited to, the following subjects as
1404 they relate to the practice of cosmetology: human
1405 immunodeficiency virus and acquired immune deficiency syndrome;
1406 Occupational Safety and Health Administration regulations;
1407 workers' compensation issues; state and federal laws and rules
1408 as they pertain to cosmetologists, cosmetology, salons,
1409 specialists, specialty salons, and booth renters; chemical
1410 makeup as it pertains to hair, skin, and nails; and
1411 environmental issues. Courses given at cosmetology conferences
1412 may be counted toward the number of continuing education hours
1413 required if approved by the board.

1414 ~~(b) Any person whose occupation or practice is confined~~
1415 ~~solely to hair braiding, hair wrapping, or body wrapping is~~
1416 ~~exempt from the continuing education requirements of this~~
1417 ~~subsection.~~

1418 (b)(e) The board may, by rule, require any licensee in
1419 violation of a continuing education requirement to take a
1420 refresher course or refresher course and examination in addition
1421 to any other penalty. The number of hours for the refresher
1422 course may not exceed 48 hours.

1423 Section 67. Subsection (1) of section 477.0201, Florida
 1424 Statutes, is amended to read:

1425 477.0201 Specialty registration; qualifications;
 1426 registration renewal; endorsement.—

1427 (1) Any person is qualified for registration as a
 1428 specialist in any ~~one or more of the~~ specialty practice
 1429 ~~practices~~ within the practice of cosmetology under this chapter
 1430 who:

1431 (a) Is at least 16 years of age or has received a high
 1432 school diploma.

1433 (b) Has received a certificate of completion for: ~~in a~~

1434 1. 150 hours of training, as established by the board,
 1435 which shall focus primarily on sanitation and safety, to
 1436 practice specialties as defined in s. 477.013(6) (a) and (b);
 1437 ~~specialty pursuant to s. 477.013(6)~~

1438 2. 165 hours of training, as established by the board,
 1439 which shall focus primarily on sanitation and safety, to
 1440 practice the specialty as defined in s. 477.013(6) (c); or

1441 3. 300 hours of training, as established by the board,
 1442 which shall focus primarily on sanitation and safety, to
 1443 practice the specialties as defined in s. 477.013(6) (a)-(c).

1444 (c) The certificate of completion specified in paragraph
 1445 (b) must be from one of the following:

1446 1. A school licensed pursuant to s. 477.023.

1447 2. A school licensed pursuant to chapter 1005 or the

1448 equivalent licensing authority of another state.

1449 3. A specialty program within the public school system.

1450 4. A specialty division within the Cosmetology Division of
 1451 the Florida School for the Deaf and the Blind, provided the
 1452 training programs comply with minimum curriculum requirements
 1453 established by the board.

1454 Section 68. Paragraph (f) of subsection (1) of section
 1455 477.026, Florida Statutes, is amended to read:

1456 477.026 Fees; disposition.—

1457 (1) The board shall set fees according to the following
 1458 schedule:

1459 ~~(f) For hair braiders, hair wrappers, and body wrappers,~~
 1460 ~~fees for registration shall not exceed \$25.~~

1461 Section 69. Subsection (4) of section 477.0263, Florida
 1462 Statutes, is amended, and subsection (5) is added to that
 1463 section, to read:

1464 477.0263 Cosmetology services to be performed in licensed
 1465 salon; exceptions.—

1466 (4) Pursuant to rules adopted by the board, any
 1467 cosmetology or specialty service may be performed in a location
 1468 other than a licensed salon when the service is performed in
 1469 connection with a special event and is performed by a person ~~who~~
 1470 ~~is employed by a licensed salon and~~ who holds the proper license
 1471 or specialty registration. ~~An appointment for the performance of~~
 1472 ~~any such service in a location other than a licensed salon must~~

1473 ~~be made through a licensed salon.~~

1474 (5) Hair shampooing, hair cutting, and hair arranging may
 1475 be performed in a location other than a licensed salon when the
 1476 service is performed by a person who holds the proper license.

1477 Section 70. Paragraph (f) of subsection (1) of section
 1478 477.0265, Florida Statutes, is amended to read:

1479 477.0265 Prohibited acts.—

1480 (1) It is unlawful for any person to:

1481 (f) Advertise or imply that skin care services ~~or body~~
 1482 ~~wrapping~~, as performed under this chapter, have any relationship
 1483 to the practice of massage therapy as defined in s. 480.033(3),
 1484 except those practices or activities defined in s. 477.013.

1485 Section 71. Paragraph (a) of subsection (1) of section
 1486 477.029, Florida Statutes, is amended to read:

1487 477.029 Penalty.—

1488 (1) It is unlawful for any person to:

1489 (a) Hold himself or herself out as a cosmetologist or
 1490 ~~specialist, hair wrapper, hair braider, or body wrapper~~ unless
 1491 duly licensed or registered, or otherwise authorized, as
 1492 provided in this chapter.

1493 Section 72. Section 481.201, Florida Statutes, is amended
 1494 to read:

1495 481.201 Purpose.—The primary legislative purpose for
 1496 enacting this part is to ensure that every architect practicing
 1497 in this state meets minimum requirements for safe practice. It

1498 is the legislative intent that architects who fall below minimum
 1499 competency or who otherwise present a danger to the public shall
 1500 be prohibited from practicing in this state. ~~The Legislature~~
 1501 ~~further finds that it is in the interest of the public to limit~~
 1502 ~~the practice of interior design to interior designers or~~
 1503 ~~architects who have the design education and training required~~
 1504 ~~by this part or to persons who are exempted from the provisions~~
 1505 ~~of this part.~~

1506 Section 73. Section 481.203, Florida Statutes, is amended
 1507 to read:

1508 481.203 Definitions.—As used in this part, the term:

1509 (1)~~(3)~~ "Architect" or "registered architect" means a
 1510 natural person who is licensed under this part to engage in the
 1511 practice of architecture.

1512 (2)~~(6)~~ "Architecture" means the rendering or offering to
 1513 render services in connection with the design and construction
 1514 of a structure or group of structures which have as their
 1515 principal purpose human habitation or use, and the utilization
 1516 of space within and surrounding such structures. These services
 1517 include planning, providing preliminary study designs, drawings
 1518 and specifications, job-site inspection, and administration of
 1519 construction contracts.

1520 (3)~~(1)~~ "Board" means the Board of Architecture ~~and~~
 1521 ~~Interior Design.~~

1522 (4)-(5) "Business organization" means a partnership, a
 1523 limited liability company, a corporation, or an individual
 1524 operating under a fictitious name ~~"Certificate of authorization"~~
 1525 ~~means a certificate issued by the department to a corporation or~~
 1526 ~~partnership to practice architecture or interior design.~~

1527 (5)-(4) "Certificate of registration" means a license
 1528 issued by the department to a natural person to engage in the
 1529 practice of architecture or interior design.

1530 (6)-(13) "Common area" means an area that is held out for
 1531 use by all tenants or owners in a multiple-unit dwelling,
 1532 including, but not limited to, a lobby, elevator, hallway,
 1533 laundry room, clubhouse, or swimming pool.

1534 (7)-(2) "Department" means the Department of Business and
 1535 Professional Regulation.

1536 (8)-(14) "Diversified interior design experience" means
 1537 experience which substantially encompasses the various elements
 1538 of interior design services set forth under the definition of
 1539 "interior design" in subsection (10)-(8).

1540 (9)-(15) "Interior decorator services" includes the
 1541 selection or assistance in selection of surface materials,
 1542 window treatments, wallcoverings, paint, floor coverings,
 1543 surface-mounted lighting, surface-mounted fixtures, and loose
 1544 furnishings not subject to regulation under applicable building
 1545 codes.

1546 (10)~~(8)~~ "Interior design" means designs, consultations,
1547 studies, drawings, specifications, and administration of design
1548 construction contracts relating to nonstructural interior
1549 elements of a building or structure. "Interior design" includes,
1550 but is not limited to, reflected ceiling plans, space planning,
1551 furnishings, and the fabrication of nonstructural elements
1552 within and surrounding interior spaces of buildings. "Interior
1553 design" specifically excludes the design of or the
1554 responsibility for architectural and engineering work, except
1555 for specification of fixtures and their location within interior
1556 spaces. As used in this subsection, "architectural and
1557 engineering interior construction relating to the building
1558 systems" includes, but is not limited to, construction of
1559 structural, mechanical, plumbing, heating, air-conditioning,
1560 ventilating, electrical, or vertical transportation systems, or
1561 construction which materially affects lifesafety systems
1562 pertaining to firesafety protection such as fire-rated
1563 separations between interior spaces, fire-rated vertical shafts
1564 in multistory structures, fire-rated protection of structural
1565 elements, smoke evacuation and compartmentalization, emergency
1566 ingress or egress systems, and emergency alarm systems.

1567 ~~(9) "Registered interior designer" or "interior designer"~~
1568 ~~means a natural person who is licensed under this part.~~

1569 (11)~~(10)~~ "Nonstructural element" means an element which
1570 does not require structural bracing and which is something other

1571 than a load-bearing wall, load-bearing column, or other load-
 1572 bearing element of a building or structure which is essential to
 1573 the structural integrity of the building.

1574 (12)~~(11)~~ "Reflected ceiling plan" means a ceiling design
 1575 plan which is laid out as if it were projected downward and
 1576 which may include lighting and other elements.

1577 (13)~~(16)~~ "Responsible supervising control" means the
 1578 exercise of direct personal supervision and control throughout
 1579 the preparation of documents, instruments of service, or any
 1580 other work requiring the seal and signature of a licensee under
 1581 this part.

1582 (14)~~(12)~~ "Space planning" means the analysis, programming,
 1583 or design of spatial requirements, including preliminary space
 1584 layouts and final planning.

1585 (15)~~(7)~~ "Townhouse" is a single-family dwelling unit not
 1586 exceeding three stories in height which is constructed in a
 1587 series or group of attached units with property lines separating
 1588 such units. Each townhouse shall be considered a separate
 1589 building and shall be separated from adjoining townhouses by the
 1590 use of separate exterior walls meeting the requirements for zero
 1591 clearance from property lines as required by the type of
 1592 construction and fire protection requirements; or shall be
 1593 separated by a party wall; or may be separated by a single wall
 1594 meeting the following requirements:

1595 (a) Such wall shall provide not less than 2 hours of fire
 1596 resistance. Plumbing, piping, ducts, or electrical or other
 1597 building services shall not be installed within or through the
 1598 2-hour wall unless such materials and methods of penetration
 1599 have been tested in accordance with the Standard Building Code.

1600 (b) Such wall shall extend from the foundation to the
 1601 underside of the roof sheathing, and the underside of the roof
 1602 shall have at least 1 hour of fire resistance for a width not
 1603 less than 4 feet on each side of the wall.

1604 (c) Each dwelling unit sharing such wall shall be designed
 1605 and constructed to maintain its structural integrity independent
 1606 of the unit on the opposite side of the wall.

1607 Section 74. Subsection (1) and paragraph (a) of subsection
 1608 (3) of section 481.205, Florida Statutes, are amended to read:

1609 481.205 Board of Architecture ~~and Interior Design~~.—

1610 (1) The Board of Architecture ~~and Interior Design~~ is
 1611 created within the Department of Business and Professional
 1612 Regulation. The board shall consist of seven ~~11~~ members. Five
 1613 members must be registered architects who have been engaged in
 1614 the practice of architecture for at least 5 years; ~~three members~~
 1615 ~~must be registered interior designers who have been offering~~
 1616 ~~interior design services for at least 5 years and who are not~~
 1617 ~~also registered architects;~~ and two ~~three~~ members must be
 1618 laypersons who are not, and have never been, architects,
 1619 ~~interior designers,~~ or members of any closely related profession

1620 or occupation. At least one member of the board must be 60 years
1621 of age or older.

1622 (3) (a) Notwithstanding the provisions of ss. 455.225,
1623 455.228, and 455.32, the duties and authority of the department
1624 to receive complaints and investigate and discipline persons
1625 licensed under this part, including the ability to determine
1626 legal sufficiency and probable cause; to initiate proceedings
1627 and issue final orders for summary suspension or restriction of
1628 a license pursuant to s. 120.60(6); to issue notices of
1629 noncompliance, notices to cease and desist, subpoenas, and
1630 citations; to retain legal counsel, investigators, or
1631 prosecutorial staff in connection with the licensed practice of
1632 architecture ~~and interior design~~; and to investigate and deter
1633 the unlicensed practice of architecture ~~and interior design~~ as
1634 provided in s. 455.228 are delegated to the board. All
1635 complaints and any information obtained pursuant to an
1636 investigation authorized by the board are confidential and
1637 exempt from s. 119.07(1) as provided in s. 455.225(2) and (10).

1638 Section 75. Section 481.207, Florida Statutes, is amended
1639 to read:

1640 481.207 Fees.—The board, by rule, may establish separate
1641 fees for architects ~~and interior designers~~, to be paid for
1642 applications, examination, reexamination, licensing and renewal,
1643 delinquency, reinstatement, and recordmaking and recordkeeping.
1644 The examination fee shall be in an amount that covers the cost

1645 of obtaining and administering the examination and shall be
1646 refunded if the applicant is found ineligible to sit for the
1647 examination. The application fee is nonrefundable. The fee for
1648 initial application and examination for architects ~~and interior~~
1649 ~~designers~~ may not exceed \$775 plus the actual per applicant cost
1650 to the department for purchase of the examination from the
1651 National Council of Architectural Registration Boards ~~or the~~
1652 ~~National Council of Interior Design Qualifications,~~
1653 ~~respectively,~~ or similar national organizations. The biennial
1654 renewal fee for architects may not exceed \$200. ~~The biennial~~
1655 ~~renewal fee for interior designers may not exceed \$500.~~ The
1656 delinquency fee may not exceed the biennial renewal fee
1657 established by the board for an active license. The board shall
1658 establish fees that are adequate to ensure the continued
1659 operation of the board and to fund the proportionate expenses
1660 incurred by the department which are allocated to the regulation
1661 of architects ~~and interior designers~~. Fees shall be based on
1662 department estimates of the revenue required to implement this
1663 part and the provisions of law with respect to the regulation of
1664 architects ~~and interior designers~~.

1665 Section 76. Section 481.209, Florida Statutes, is amended
1666 to read:

1667 481.209 Examinations.—

1668 ~~(1)~~ A person desiring to be licensed as a registered
1669 architect by initial examination shall apply to the department,

1670 complete the application form, and remit a nonrefundable
 1671 application fee. The department shall license any applicant who
 1672 the board certifies:

1673 ~~(a)~~ has passed the licensure examination prescribed by
 1674 board rule; and

1675 ~~(b)~~ is a graduate of a school or college of architecture
 1676 with a program accredited by the National Architectural
 1677 Accreditation Board.

1678 ~~(2) A person desiring to be licensed as a registered~~
 1679 ~~interior designer shall apply to the department for licensure.~~
 1680 ~~The department shall administer the licensure examination for~~
 1681 ~~interior designers to each applicant who has completed the~~
 1682 ~~application form and remitted the application and examination~~
 1683 ~~fees specified in s. 481.207 and who the board certifies:~~

1684 ~~(a) Is a graduate from an interior design program of 5~~
 1685 ~~years or more and has completed 1 year of diversified interior~~
 1686 ~~design experience;~~

1687 ~~(b) Is a graduate from an interior design program of 4~~
 1688 ~~years or more and has completed 2 years of diversified interior~~
 1689 ~~design experience;~~

1690 ~~(c) Has completed at least 3 years in an interior design~~
 1691 ~~curriculum and has completed 3 years of diversified interior~~
 1692 ~~design experience; or~~

1693 ~~(d) Is a graduate from an interior design program of at~~
 1694 ~~least 2 years and has completed 4 years of diversified interior~~

1695 ~~design experience.~~
1696 ~~Subsequent to October 1, 2000, for the purpose of having the~~
1697 ~~educational qualification required under this subsection~~
1698 ~~accepted by the board, the applicant must complete his or her~~
1699 ~~education at a program, school, or college of interior design~~
1700 ~~whose curriculum has been approved by the board as of the time~~
1701 ~~of completion. Subsequent to October 1, 2003, all of the~~
1702 ~~required amount of educational credits shall have been obtained~~
1703 ~~in a program, school, or college of interior design whose~~
1704 ~~curriculum has been approved by the board, as of the time each~~
1705 ~~educational credit is gained. The board shall adopt rules~~
1706 ~~providing for the review and approval of programs, schools, and~~
1707 ~~colleges of interior design and courses of interior design study~~
1708 ~~based on a review and inspection by the board of the curriculum~~
1709 ~~of programs, schools, and colleges of interior design in the~~
1710 ~~United States, including those programs, schools, and colleges~~
1711 ~~accredited by the Foundation for Interior Design Education~~
1712 ~~Research. The board shall adopt rules providing for the review~~
1713 ~~and approval of diversified interior design experience required~~
1714 ~~by this subsection.~~

1715 Section 77. Subsections (1) through (4) of section
1716 481.213, Florida Statutes, are amended to read:

1717 481.213 Licensure.—

1718 (1) The department shall license any applicant who the
1719 board certifies is qualified for licensure and who has paid the

1720 initial licensure fee. ~~Licensure as an architect under this~~
1721 ~~section shall be deemed to include all the rights and privileges~~
1722 ~~of licensure as an interior designer under this section.~~

1723 (2) The board shall certify for licensure by examination
1724 any applicant who passes the prescribed licensure examination
1725 and satisfies the requirements of ss. 481.209 and 481.211, ~~for~~
1726 ~~architects, or the requirements of s. 481.209, for interior~~
1727 ~~designers.~~

1728 (3) The board shall certify as qualified for a license by
1729 endorsement as an architect ~~or as an interior designer~~ an
1730 applicant who:

1731 (a) Qualifies to take the prescribed licensure
1732 examination, and has passed the prescribed licensure examination
1733 or a substantially equivalent examination in another
1734 jurisdiction, as set forth in s. 481.209 for architects ~~or~~
1735 ~~interior designers, as applicable,~~ and has satisfied the
1736 internship requirements set forth in s. 481.211 for architects;

1737 (b) Holds a valid license to practice architecture ~~or~~
1738 ~~interior design~~ issued by another jurisdiction of the United
1739 States, if the criteria for issuance of such license were
1740 substantially equivalent to the licensure criteria that existed
1741 in this state at the time the license was issued; ~~provided,~~
1742 ~~however, that an applicant who has been licensed for use of the~~
1743 ~~title "interior design" rather than licensed to practice~~
1744 ~~interior design shall not qualify hereunder; or~~

1745 (c) Has passed the prescribed licensure examination and
 1746 holds a valid certificate issued by the National Council of
 1747 Architectural Registration Boards, and holds a valid license to
 1748 practice architecture issued by another state or jurisdiction of
 1749 the United States.

1750 (4) The board may refuse to certify any applicant who has
 1751 violated any of the provisions of s. 481.223, or s. 481.225, ~~or~~
 1752 ~~s. 481.2251~~, as applicable.

1753 Section 78. Section 481.2131, Florida Statutes, is amended
 1754 to read:

1755 481.2131 Interior design; practice requirements; ~~disclosure of compensation for professional services.~~

1757 (1) ~~A registered interior designer is authorized to~~
 1758 ~~perform "interior design" as defined in s. 481.203. Interior~~
 1759 ~~design documents prepared by a registered interior designer~~
 1760 ~~shall contain a statement that the document is not an~~
 1761 ~~architectural or engineering study, drawing, specification, or~~
 1762 ~~design and is not to be used for construction of any load-~~
 1763 ~~bearing columns, load-bearing framing or walls of structures, or~~
 1764 ~~issuance of any building permit, except as otherwise provided by~~
 1765 ~~law.~~ Interior design documents that are prepared ~~and sealed~~ by
 1766 an a registered interior designer ~~must~~ may, if required by a
 1767 permitting body, be accepted by the permitting body ~~be submitted~~
 1768 for the issuance of a building permit for interior construction
 1769 excluding design of any structural, mechanical, plumbing,

1770 heating, air-conditioning, ventilating, electrical, or vertical
1771 transportation systems or that materially affect lifesafety
1772 systems pertaining to firesafety protection such as fire-rated
1773 separations between interior spaces, fire-rated vertical shafts
1774 in multistory structures, fire-rated protection of structural
1775 elements, smoke evacuation and compartmentalization, emergency
1776 ingress or egress systems, and emergency alarm systems. Interior
1777 design documents submitted for the issuance of a building permit
1778 by an individual performing interior design services who is not
1779 a licensed architect must include written proof that such
1780 individual has successfully passed the qualification examination
1781 prescribed by either the National Council for Interior Design
1782 Qualifications or the California Council for Interior Design
1783 Certification. All drawings, plans, specifications, or reports
1784 prepared or issued by the interior designer and filed for public
1785 record shall bear the signature of the interior designer who
1786 prepared or approved the document and the date on which they
1787 were signed. The signature and date shall be evidence of the
1788 authenticity of that to which they are affixed. Final plans,
1789 specifications, or reports prepared or issued by an interior
1790 designer may be transmitted electronically and may be
1791 electronically signed by the interior designer.

1792 (2) A license or registration is not required for a person
1793 whose occupation or practice is confined to interior design or
1794 interior decorator services ~~An interior designer shall, before~~

1795 ~~entering into a contract, verbal or written, clearly determine~~
1796 ~~the scope and nature of the project and the method or methods of~~
1797 ~~compensation. The interior designer may offer professional~~
1798 ~~services to the client as a consultant, specifier, or supplier~~
1799 ~~on the basis of a fee, percentage, or markup. The interior~~
1800 ~~designer shall have the responsibility of fully disclosing to~~
1801 ~~the client the manner in which all compensation is to be paid.~~
1802 ~~Unless the client knows and agrees, the interior designer shall~~
1803 ~~not accept any form of compensation from a supplier of goods and~~
1804 ~~services in cash or in kind.~~

1805 Section 79. Subsections (3) and (5) of section 481.215,
1806 Florida Statutes, are amended to read:

1807 481.215 Renewal of license.—

1808 (3) A ~~No~~ license renewal may not ~~shall~~ be issued to an
1809 architect ~~or an interior designer~~ by the department until the
1810 licensee submits proof satisfactory to the department that,
1811 during the 2 years before ~~prior to~~ application for renewal, the
1812 licensee participated per biennium in not less than 20 hours of
1813 at least 50 minutes each per biennium of continuing education
1814 approved by the board. The board shall approve only continuing
1815 education that builds upon the basic knowledge of architecture
1816 ~~or interior design~~. The board may make exception from the
1817 requirements of continuing education in emergency or hardship
1818 cases.

1819 ~~(5) The board shall require, by rule adopted pursuant to~~
 1820 ~~ss. 120.536(1) and 120.54, a specified number of hours in~~
 1821 ~~specialized or advanced courses, approved by the Florida~~
 1822 ~~Building Commission, on any portion of the Florida Building~~
 1823 ~~Code, adopted pursuant to part IV of chapter 553, relating to~~
 1824 ~~the licensee's respective area of practice.~~

1825 Section 80. Subsection (1) of section 481.217, Florida
 1826 Statutes, is amended to read:

1827 481.217 Inactive status.—

1828 (1) The board may prescribe by rule continuing education
 1829 requirements as a condition of reactivating a license. The rules
 1830 may not require more than one renewal cycle of continuing
 1831 education to reactivate a license for a registered architect ~~or~~
 1832 ~~interior designer. For interior design, the board may approve~~
 1833 ~~only continuing education that builds upon the basic knowledge~~
 1834 ~~of interior design.~~

1835 Section 81. Section 481.219, Florida Statutes, is amended
 1836 to read:

1837 481.219 Qualification of business organizations
 1838 ~~certification of partnerships, limited liability companies, and~~
 1839 ~~corporations.—~~

1840 (1) A licensee may ~~The practice of or the offer to~~
 1841 ~~practice architecture or interior design by licensees through a~~
 1842 qualified business organization that offers ~~corporation, limited~~
 1843 ~~liability company, or partnership offering architectural or~~

1844 ~~interior design services to the public, or by a corporation,~~
1845 ~~limited liability company, or partnership offering architectural~~
1846 ~~or interior design services to the public through licensees~~
1847 ~~under this part as agents, employees, officers, or partners, is~~
1848 ~~permitted, subject to the provisions of this section.~~

1849 (2) If a licensee or an applicant proposes to engage in
1850 the practice of architecture as a business organization, the
1851 licensee or applicant shall qualify the business organization
1852 upon approval of the board ~~For the purposes of this section, a~~
1853 ~~certificate of authorization shall be required for a~~
1854 ~~corporation, limited liability company, partnership, or person~~
1855 ~~practicing under a fictitious name, offering architectural~~
1856 ~~services to the public jointly or separately. However, when an~~
1857 ~~individual is practicing architecture in her or his own name,~~
1858 ~~she or he shall not be required to be certified under this~~
1859 ~~section. Certification under this subsection to offer~~
1860 ~~architectural services shall include all the rights and~~
1861 ~~privileges of certification under subsection (3) to offer~~
1862 ~~interior design services.~~

1863 (3) (a) A business organization may not engage in the
1864 practice of architecture unless its qualifying agent is a
1865 registered architect under this part. A qualifying agent who
1866 terminates an affiliation with a qualified business organization
1867 shall immediately notify the department of such termination. If
1868 such qualifying agent is the only qualifying agent for that

1869 business organization, the business organization must be
1870 qualified by another qualifying agent within 60 days after the
1871 termination. Except as provided in paragraph (b), the business
1872 organization may not engage in the practice of architecture
1873 until it is qualified by another qualifying agent.

1874 (b) In the event a qualifying agent ceases employment with
1875 a qualified business organization, the executive director or the
1876 chair of the board may authorize another registered architect
1877 employed by the business organization to temporarily serve as
1878 its qualifying agent for a period of no more than 60 days. The
1879 business organization is not authorized to operate beyond such
1880 period under this chapter absent replacement of the qualifying
1881 agent who has ceased employment.

1882 (c) A qualifying agent shall notify the department in
1883 writing before engaging in the practice of architecture in her
1884 or his own name or in affiliation with a different business
1885 organization, and she or he or such business organization shall
1886 supply the same information to the department as required of
1887 applicants under this part.

1888 ~~(3) For the purposes of this section, a certificate of~~
1889 ~~authorization shall be required for a corporation, limited~~
1890 ~~liability company, partnership, or person operating under a~~
1891 ~~fictitious name, offering interior design services to the public~~
1892 ~~jointly or separately. However, when an individual is practicing~~
1893 ~~interior design in her or his own name, she or he shall not be~~

1894 ~~required to be certified under this section.~~

1895 (4) All final construction documents and instruments of
1896 service which include drawings, specifications, plans, reports,
1897 or other papers or documents that involve ~~involving~~ the practice
1898 of architecture which are prepared or approved for the use of
1899 the business organization ~~corporation, limited liability~~
1900 ~~company, or partnership~~ and filed for public record within the
1901 state must ~~shall~~ bear the signature and seal of the licensee who
1902 prepared or approved them and the date on which they were
1903 sealed.

1904 ~~(5) All drawings, specifications, plans, reports, or other~~
1905 ~~papers or documents prepared or approved for the use of the~~
1906 ~~corporation, limited liability company, or partnership by an~~
1907 ~~interior designer in her or his professional capacity and filed~~
1908 ~~for public record within the state shall bear the signature and~~
1909 ~~seal of the licensee who prepared or approved them and the date~~
1910 ~~on which they were sealed.~~

1911 ~~(6) The department shall issue a certificate of~~
1912 ~~authorization to any applicant who the board certifies as~~
1913 ~~qualified for a certificate of authorization and who has paid~~
1914 ~~the fee set in s. 481.207.~~

1915 (5)(7) The board shall allow a licensee or ~~certify~~ an
1916 applicant to qualify one or more business organizations as
1917 ~~qualified for a certificate of authorization~~ to offer
1918 architectural ~~or interior design~~ services, or to use a

1919 fictitious name to offer such services, if provided that:
 1920 ~~(a) one or more of the principal officers of the~~
 1921 ~~corporation or limited liability company, or one or more~~
 1922 ~~partners of the partnership, and all personnel of the~~
 1923 ~~corporation, limited liability company, or partnership who act~~
 1924 ~~in its behalf in this state as architects, are registered as~~
 1925 ~~provided by this part.~~~~or~~
 1926 ~~(b) One or more of the principal officers of the~~
 1927 ~~corporation or one or more partners of the partnership, and all~~
 1928 ~~personnel of the corporation, limited liability company, or~~
 1929 ~~partnership who act in its behalf in this state as interior~~
 1930 ~~designers, are registered as provided by this part.~~
 1931 ~~(8) The department shall adopt rules establishing a~~
 1932 ~~procedure for the biennial renewal of certificates of~~
 1933 ~~authorization.~~
 1934 ~~(9) The department shall renew a certificate of~~
 1935 ~~authorization upon receipt of the renewal application and~~
 1936 ~~biennial renewal fee.~~
 1937 ~~(6)~~~~(10)~~ Each qualifying agent who qualifies a business
 1938 organization ~~partnership, limited liability company, and~~
 1939 ~~corporation certified~~ under this section shall notify the
 1940 department within 30 days after ~~of~~ any change in the information
 1941 contained in the application upon which the qualification
 1942 ~~certification~~ is based. Any registered architect ~~or interior~~
 1943 ~~designer~~ who qualifies the business organization shall ensure

HB 27

2019

1944 ~~corporation, limited liability company, or partnership as~~
1945 ~~provided in subsection (7) shall be responsible for ensuring~~
1946 ~~responsible supervising control of projects of the business~~
1947 ~~organization entity and shall notify the department of the upon~~
1948 ~~termination of her or his employment with a business~~
1949 ~~organization qualified partnership, limited liability company,~~
1950 ~~or corporation certified under this section shall notify the~~
1951 ~~department of the termination within 30 days after such~~
1952 ~~termination.~~

1953 ~~(7)(11) A business organization is not ~~No corporation,~~~~
1954 ~~limited liability company, or partnership shall be relieved of~~
1955 ~~responsibility for the conduct or acts of its agents, employees,~~
1956 ~~or officers by reason of its compliance with this section.~~
1957 ~~However, except as provided in s. 558.0035, the architect who~~
1958 ~~signs and seals the construction documents and instruments of~~
1959 ~~service is ~~shall be~~ liable for the professional services~~
1960 ~~performed, and the interior designer who signs and seals the~~
1961 ~~interior design drawings, plans, or specifications shall be~~
1962 ~~liable for the professional services performed.~~

1963 ~~(12) Disciplinary action against a corporation, limited~~
1964 ~~liability company, or partnership shall be administered in the~~
1965 ~~same manner and on the same grounds as disciplinary action~~
1966 ~~against a registered architect or interior designer,~~
1967 ~~respectively.~~

1968 ~~(8)(13) Nothing in This section may not shall be construed~~

1969 | to mean that a certificate of registration to practice
 1970 | architecture ~~or interior design~~ must ~~shall~~ be held by a business
 1971 | organization ~~corporation, limited liability company, or~~
 1972 | ~~partnership~~. ~~Nothing in This section~~ does not prohibit a
 1973 | business organization from offering ~~prohibits corporations,~~
 1974 | ~~limited liability companies, and partnerships from joining~~
 1975 | ~~together to offer architectural~~ or, ~~engineering, interior~~
 1976 | ~~design, surveying and mapping, and landscape architectural~~
 1977 | ~~services, or any combination of such services, to the public~~ if
 1978 | the business organization, ~~provided that each corporation,~~
 1979 | ~~limited liability company, or partnership~~ otherwise meets the
 1980 | requirements of law.

1981 | ~~(14) Corporations, limited liability companies, or~~
 1982 | ~~partnerships holding a valid certificate of authorization to~~
 1983 | ~~practice architecture shall be permitted to use in their title~~
 1984 | ~~the term "interior designer" or "registered interior designer."~~

1985 | Section 82. Subsections (4), (6), (8), (10), (11), and
 1986 | (12) of section 481.221, Florida Statutes, are renumbered as
 1987 | subsections (3), (4), (5), (6), (7), and (8), respectively, and
 1988 | present subsections (3), (5), (7), (9), (10), (11), and (12) of
 1989 | that section are amended to read:

1990 | 481.221 Seals; display of certificate number; permitting
 1991 | requirements.-

1992 | ~~(3) The board shall adopt a rule prescribing the~~
 1993 | ~~distinctly different seals to be used by registered interior~~

1994 ~~designers holding valid certificates of registration. Each~~
1995 ~~registered interior designer shall obtain a seal as prescribed~~
1996 ~~by the board, and all drawings, plans, specifications, or~~
1997 ~~reports prepared or issued by the registered interior designer~~
1998 ~~and being filed for public record shall bear the signature and~~
1999 ~~seal of the registered interior designer who prepared or~~
2000 ~~approved the document and the date on which they were sealed.~~
2001 ~~The signature, date, and seal shall be evidence of the~~
2002 ~~authenticity of that to which they are affixed. Final plans,~~
2003 ~~specifications, or reports prepared or issued by a registered~~
2004 ~~interior designer may be transmitted electronically and may be~~
2005 ~~signed by the registered interior designer, dated, and sealed~~
2006 ~~electronically with the seal in accordance with ss. 668.001-~~
2007 ~~668.006.~~

2008 ~~(5) No registered interior designer shall affix, or permit~~
2009 ~~to be affixed, her or his seal or signature to any plan,~~
2010 ~~specification, drawing, or other document which depicts work~~
2011 ~~which she or he is not competent or licensed to perform.~~

2012 ~~(7) No registered interior designer shall affix her or his~~
2013 ~~signature or seal to any plans, specifications, or other~~
2014 ~~documents which were not prepared by her or him or under her or~~
2015 ~~his responsible supervising control or by another registered~~
2016 ~~interior designer and reviewed, approved, or modified and~~
2017 ~~adopted by her or him as her or his own work according to rules~~
2018 ~~adopted by the board.~~

2019 ~~(9) Studies, drawings, specifications, and other related~~
2020 ~~documents prepared by a registered interior designer in~~
2021 ~~providing interior design services shall be of a sufficiently~~
2022 ~~high standard to clearly and accurately indicate all essential~~
2023 ~~parts of the work to which they refer.~~

2024 ~~(6)-(10)~~ Each registered architect must ~~or interior~~
2025 ~~designer, and each corporation, limited liability company, or~~
2026 ~~partnership holding a certificate of authorization, shall~~
2027 ~~include her or his license~~ its certificate number in any
2028 newspaper, telephone directory, or other advertising medium used
2029 by the registered licensee architect, interior designer,
2030 ~~corporation, limited liability company, or partnership. Each~~
2031 business organization must include the license number of the
2032 registered architect who serves as the qualifying agent for that
2033 business organization in any newspaper, telephone directory, or
2034 other advertising medium used by the business organization. A
2035 business organization is not required to display the license
2036 numbers of other registered architects employed by the business
2037 organization ~~A corporation, limited liability company, or~~
2038 ~~partnership is not required to display the certificate number of~~
2039 ~~individual registered architects or interior designers employed~~
2040 ~~by or working within the corporation, limited liability company,~~
2041 ~~or partnership.~~

2042 ~~(7)-(11)~~ When the certificate of registration of a
2043 registered architect ~~or interior designer~~ has been revoked or

HB 27

2019

2044 suspended by the board, the registered architect ~~or interior~~
2045 ~~designer~~ shall surrender her or his seal to the secretary of the
2046 board within a period of 30 days after the revocation or
2047 suspension has become effective. If the certificate of the
2048 registered architect ~~or interior designer~~ has been suspended for
2049 a period of time, her or his seal shall be returned to her or
2050 him upon expiration of the suspension period.

2051 (8)~~(12)~~ A person may not sign and seal by any means any
2052 final plan, specification, or report after her or his
2053 certificate of registration has expired or is suspended or
2054 revoked. A registered architect ~~or interior designer~~ whose
2055 certificate of registration is suspended or revoked shall,
2056 within 30 days after the effective date of the suspension or
2057 revocation, surrender her or his seal to the executive director
2058 of the board and confirm in writing to the executive director
2059 the cancellation of the registered architect's ~~or interior~~
2060 ~~designer's~~ electronic signature in accordance with ss. 668.001-
2061 668.006. When a registered architect's ~~or interior designer's~~
2062 certificate of registration is suspended for a period of time,
2063 her or his seal shall be returned upon expiration of the period
2064 of suspension.

2065 Section 83. Section 481.222, Florida Statutes, is amended
2066 to read:

2067 481.222 Architects performing building code inspection
2068 services.—Notwithstanding any other provision of law, a person

2069 | who is currently licensed to practice as an architect under this
2070 | part may provide building code inspection services described in
2071 | s. 468.603(5) and (8) to a local government or state agency upon
2072 | its request, without being certified by the Florida Building
2073 | Code Administrators and Inspectors Board under part XII of
2074 | chapter 468. With respect to the performance of such building
2075 | code inspection services, the architect is subject to the
2076 | disciplinary guidelines of this part and s. 468.621(1)(c)-(h).
2077 | Any complaint processing, investigation, and discipline that
2078 | arise out of an architect's performance of building code
2079 | inspection services shall be conducted by the Board of
2080 | Architecture ~~and Interior Design~~ rather than the Florida
2081 | Building Code Administrators and Inspectors Board. An architect
2082 | may not perform plans review as an employee of a local
2083 | government upon any job that the architect or the architect's
2084 | company designed.

2085 | Section 84. Section 481.223, Florida Statutes, is amended
2086 | to read:

2087 | 481.223 Prohibitions; penalties; injunctive relief.—

2088 | (1) A person may not knowingly:

2089 | (a) Practice architecture unless the person is an
2090 | architect or a registered architect; however, a licensed
2091 | architect who has been licensed by the board and who chooses to
2092 | relinquish or not to renew his or her license may use the title
2093 | "Architect, Retired" but may not otherwise render any

2094 architectural services.

2095 ~~(b) Practice interior design unless the person is a~~
 2096 ~~registered interior designer unless otherwise exempted herein;~~
 2097 ~~however, an interior designer who has been licensed by the board~~
 2098 ~~and who chooses to relinquish or not to renew his or her license~~
 2099 ~~may use the title "Interior Designer, Retired" but may not~~
 2100 ~~otherwise render any interior design services.~~

2101 (b)(e) Use the name or title "architect," ~~or~~ "registered
 2102 architect," ~~or "interior designer" or "registered interior~~
 2103 ~~designer,"~~ or words to that effect, when the person is not then
 2104 the holder of a valid license issued pursuant to this part.

2105 (c)(d) Present as his or her own the license of another.

2106 (d)(e) Give false or forged evidence to the board or a
 2107 member thereof.

2108 (e)(f) Use or attempt to use an architect ~~or interior~~
 2109 ~~designer~~ license that has been suspended, revoked, or placed on
 2110 inactive or delinquent status.

2111 (f)(g) Employ unlicensed persons to practice architecture
 2112 ~~or interior design.~~

2113 (g)(h) Conceal information relative to violations of this
 2114 part.

2115 (2) Any person who violates any provision of subsection
 2116 (1) commits a misdemeanor of the first degree, punishable as
 2117 provided in s. 775.082 or s. 775.083.

2118 (3) (a) Notwithstanding chapter 455 or any other law to the

2119 | contrary, an affected person may maintain an action for
 2120 | injunctive relief to restrain or prevent a person from violating
 2121 | paragraph (1) (a) or, paragraph (1) (b), ~~or paragraph (1) (c)~~. The
 2122 | prevailing party is entitled to actual costs and attorney's
 2123 | fees.

2124 | (b) For purposes of this subsection, the term "affected
 2125 | person" means a person directly affected by the actions of a
 2126 | person suspected of violating paragraph (1) (a) or, paragraph
 2127 | (1) (b), ~~or paragraph (1) (c)~~ and includes, but is not limited to,
 2128 | the department, any person who received services from the
 2129 | alleged violator, or any private association composed primarily
 2130 | of members of the profession the alleged violator is practicing
 2131 | or offering to practice or holding himself or herself out as
 2132 | qualified to practice.

2133 | Section 85. Section 481.2251, Florida Statutes, is
 2134 | repealed.

2135 | Section 86. Subsections (5) through (8) of section
 2136 | 481.229, Florida Statutes, are amended to read:

2137 | 481.229 Exceptions; exemptions from licensure.—

2138 | ~~(5) (a) Nothing contained in this part shall prevent a~~
 2139 | ~~registered architect or a partnership, limited liability~~
 2140 | ~~company, or corporation holding a valid certificate of~~
 2141 | ~~authorization to provide architectural services from performing~~
 2142 | ~~any interior design service or from using the title "interior~~
 2143 | ~~designer" or "registered interior designer."~~

2144 ~~(b) Notwithstanding any other provision of this part, all~~
2145 ~~persons licensed as architects under this part shall be~~
2146 ~~qualified for interior design licensure upon submission of a~~
2147 ~~completed application for such license and a fee not to exceed~~
2148 ~~\$30. Such persons shall be exempt from the requirements of s.~~
2149 ~~481.209(2). For architects licensed as interior designers,~~
2150 ~~satisfaction of the requirements for renewal of licensure as an~~
2151 ~~architect under s. 481.215 shall be deemed to satisfy the~~
2152 ~~requirements for renewal of licensure as an interior designer~~
2153 ~~under that section. Complaint processing, investigation, or~~
2154 ~~other discipline-related legal costs related to persons licensed~~
2155 ~~as interior designers under this paragraph shall be assessed~~
2156 ~~against the architects' account of the Regulatory Trust Fund.~~

2157 ~~(c) Notwithstanding any other provision of this part, any~~
2158 ~~corporation, partnership, or person operating under a fictitious~~
2159 ~~name which holds a certificate of authorization to provide~~
2160 ~~architectural services shall be qualified, without fee, for a~~
2161 ~~certificate of authorization to provide interior design services~~
2162 ~~upon submission of a completed application therefor. For~~
2163 ~~corporations, partnerships, and persons operating under a~~
2164 ~~fictitious name which hold a certificate of authorization to~~
2165 ~~provide interior design services, satisfaction of the~~
2166 ~~requirements for renewal of the certificate of authorization to~~
2167 ~~provide architectural services under s. 481.219 shall be deemed~~
2168 ~~to satisfy the requirements for renewal of the certificate of~~

2169 ~~authorization to provide interior design services under that~~
2170 ~~section.~~

2171 ~~(6) This part shall not apply to:~~

2172 ~~(a) A person who performs interior design services or~~
2173 ~~interior decorator services for any residential application,~~
2174 ~~provided that such person does not advertise as, or represent~~
2175 ~~himself or herself as, an interior designer. For purposes of~~
2176 ~~this paragraph, "residential applications" includes all types of~~
2177 ~~residences, including, but not limited to, residence buildings,~~
2178 ~~single-family homes, multifamily homes, townhouses, apartments,~~
2179 ~~condominiums, and domestic outbuildings appurtenant to one-~~
2180 ~~family or two-family residences. However, "residential~~
2181 ~~applications" does not include common areas associated with~~
2182 ~~instances of multiple-unit dwelling applications.~~

2183 ~~(b) An employee of a retail establishment providing~~
2184 ~~"interior decorator services" on the premises of the retail~~
2185 ~~establishment or in the furtherance of a retail sale or~~
2186 ~~prospective retail sale, provided that such employee does not~~
2187 ~~advertise as, or represent himself or herself as, an interior~~
2188 ~~designer.~~

2189 ~~(7) Nothing in this part shall be construed as authorizing~~
2190 ~~or permitting an interior designer to engage in the business of,~~
2191 ~~or to act as, a contractor within the meaning of chapter 489,~~
2192 ~~unless registered or certified as a contractor pursuant to~~
2193 ~~chapter 489.~~

2194 (5)~~(8)~~ A manufacturer of commercial food service equipment
 2195 or the manufacturer's representative, distributor, or dealer or
 2196 an employee thereof, who prepares designs, specifications, or
 2197 layouts for the sale or installation of such equipment is exempt
 2198 from licensure as an architect ~~or interior designer~~, if:

2199 (a) The designs, specifications, or layouts are not used
 2200 for construction or installation that may affect structural,
 2201 mechanical, plumbing, heating, air conditioning, ventilating,
 2202 electrical, or vertical transportation systems.

2203 (b) The designs, specifications, or layouts do not
 2204 materially affect lifesafety systems pertaining to firesafety
 2205 protection, smoke evacuation and compartmentalization, and
 2206 emergency ingress or egress systems.

2207 (c) Each design, specification, or layout document
 2208 prepared by a person or entity exempt under this subsection
 2209 contains a statement on each page of the document that the
 2210 designs, specifications, or layouts are not architectural,
 2211 ~~interior design~~, or engineering designs, specifications, or
 2212 layouts and not used for construction unless reviewed and
 2213 approved by a licensed architect or engineer.

2214 Section 87. Subsection (1) of section 481.231, Florida
 2215 Statutes, is amended to read:

2216 481.231 Effect of part locally.—

2217 (1) ~~Nothing in~~ This part does not ~~shall be construed to~~
 2218 repeal, amend, limit, or otherwise affect any specific provision

2219 of any local building code or zoning law or ordinance that has
 2220 been duly adopted, now or hereafter enacted, which is more
 2221 restrictive, with respect to the services of registered
 2222 architects ~~or registered interior designers,~~ than the provisions
 2223 of this part; ~~provided, however, that a licensed architect shall~~
 2224 ~~be deemed licensed as an interior designer for purposes of~~
 2225 ~~offering or rendering interior design services to a county,~~
 2226 ~~municipality, or other local government or political~~
 2227 ~~subdivision.~~

2228 Section 88. Section 481.303, Florida Statutes, is amended
 2229 to read:

2230 481.303 Definitions.—As used in this chapter, the term:

2231 (1) "Board" means the Board of Landscape Architecture.

2232 (2) ~~(4)~~ "Certificate of registration" means a license
 2233 issued by the department to a natural person to engage in the
 2234 practice of landscape architecture.

2235 (3) ~~(2)~~ "Department" means the Department of Business and
 2236 Professional Regulation.

2237 ~~(5)~~ ~~"Certificate of authorization" means a license issued~~
 2238 ~~by the department to a corporation or partnership to engage in~~
 2239 ~~the practice of landscape architecture.~~

2240 (4) ~~(6)~~ "Landscape architecture" means professional
 2241 services, including, but not limited to, the following:

2242 (a) Consultation, investigation, research, planning,
 2243 design, preparation of drawings, specifications, contract

2244 documents and reports, responsible construction supervision, or
 2245 landscape management in connection with the planning and
 2246 development of land and incidental water areas, including the
 2247 use of Florida-friendly landscaping as defined in s. 373.185,
 2248 where, and to the extent that, the dominant purpose of such
 2249 services or creative works is the preservation, conservation,
 2250 enhancement, or determination of proper land uses, natural land
 2251 features, ground cover and plantings, or naturalistic and
 2252 aesthetic values;

2253 (b) The determination of settings, grounds, and approaches
 2254 for and the siting of buildings and structures, outdoor areas,
 2255 or other improvements;

2256 (c) The setting of grades, shaping and contouring of land
 2257 and water forms, determination of drainage, and provision for
 2258 storm drainage and irrigation systems where such systems are
 2259 necessary to the purposes outlined herein; and

2260 (d) The design of such tangible objects and features as
 2261 are necessary to the purpose outlined herein.

2262 (5)~~(7)~~ "Landscape design" means consultation for and
 2263 preparation of planting plans drawn for compensation, including
 2264 specifications and installation details for plant materials,
 2265 soil amendments, mulches, edging, gravel, and other similar
 2266 materials. Such plans may include only recommendations for the
 2267 conceptual placement of tangible objects for landscape design
 2268 projects. Construction documents, details, and specifications

2269 for tangible objects and irrigation systems shall be designed or
 2270 approved by licensed professionals as required by law.

2271 ~~(6)-(3)~~ "Registered landscape architect" means a person who
 2272 holds a license to practice landscape architecture in this state
 2273 under the authority of this act.

2274 Section 89. Section 481.310, Florida Statutes, is amended
 2275 to read:

2276 481.310 Practical experience requirement.—Beginning
 2277 October 1, 1990, every applicant for licensure as a registered
 2278 landscape architect shall demonstrate, prior to licensure, 1
 2279 year of practical experience in landscape architectural work. An
 2280 applicant who holds a master of landscape architecture degree is
 2281 not required to demonstrate 1 year of practical experience in
 2282 landscape architectural work to obtain licensure. The board
 2283 shall adopt rules providing standards for the required
 2284 experience. An applicant who qualifies for examination pursuant
 2285 to s. 481.309(1)(b)1. may obtain the practical experience after
 2286 completing the required professional degree. Experience used to
 2287 qualify for examination pursuant to s. 481.309(1)(b)2. may not
 2288 be used to satisfy the practical experience requirement under
 2289 this section.

2290 Section 90. Subsections (5) and (6) of section 481.311,
 2291 Florida Statutes, are renumbered as subsections (4) and (5),
 2292 respectively, and subsection (3) and present subsection (4) of
 2293 that section are amended, to read:

2294 481.311 Licensure.—

2295 (3) The board shall certify as qualified for a license by
2296 endorsement an applicant who:

2297 (a) Qualifies to take the examination as set forth in s.
2298 481.309; and has passed a national, regional, state, or
2299 territorial licensing examination which is substantially
2300 equivalent to the examination required by s. 481.309; ~~or~~

2301 (b) Holds a valid license to practice landscape
2302 architecture issued by another state or territory of the United
2303 States, if the criteria for issuance of such license were
2304 substantially identical to the licensure criteria which existed
2305 in this state at the time the license was issued; ~~or—~~

2306 (c) Has held a valid license to practice landscape
2307 architecture in another state or territory of the United States
2308 for at least 10 years before the date of application and has
2309 successfully completed a state, regional, national, or other
2310 examination that is equivalent to or more stringent than the
2311 examination required by the board, subject to subsection (5). An
2312 applicant who has met the requirements to be qualified for a
2313 license by endorsement except for successful completion of an
2314 examination that is equivalent to or more stringent than the
2315 examination required by the board may take the examination
2316 required by the board without completing additional education
2317 requirements.

2318 ~~(4) The board shall certify as qualified for a certificate~~
 2319 ~~of authorization any applicant corporation or partnership who~~
 2320 ~~satisfies the requirements of s. 481.319.~~

2321 Section 91. Subsection (2) of section 481.317, Florida
 2322 Statutes, is amended to read:

2323 481.317 Temporary certificates.—

2324 ~~(2) Upon approval by the board and payment of the fee set~~
 2325 ~~in s. 481.307, the department shall grant a temporary~~
 2326 ~~certificate of authorization for work on one specified project~~
 2327 ~~in this state for a period not to exceed 1 year to an out-of-~~
 2328 ~~state corporation, partnership, or firm, provided one of the~~
 2329 ~~principal officers of the corporation, one of the partners of~~
 2330 ~~the partnership, or one of the principals in the fictitiously~~
 2331 ~~named firm has obtained a temporary certificate of registration~~
 2332 ~~in accordance with subsection (1).~~

2333 Section 92. Section 481.319, Florida Statutes, is amended
 2334 to read:

2335 481.319 Corporate and partnership practice of landscape
 2336 architecture; ~~certificate of authorization.~~—

2337 (1) The practice of or offer to practice landscape
 2338 architecture by registered landscape architects registered under
 2339 this part through a corporation or partnership offering
 2340 landscape architectural services to the public, or through a
 2341 corporation or partnership offering landscape architectural
 2342 services to the public through individual registered landscape

2343 architects as agents, employees, officers, or partners, is
2344 permitted, subject to the provisions of this section, if:

2345 (a) One or more of the principal officers of the
2346 corporation, or partners of the partnership, and all personnel
2347 of the corporation or partnership who act in its behalf as
2348 landscape architects in this state are registered landscape
2349 architects; and

2350 (b) One or more of the officers, one or more of the
2351 directors, one or more of the owners of the corporation, or one
2352 or more of the partners of the partnership is a registered
2353 landscape architect; ~~and~~

2354 ~~(c) The corporation or partnership has been issued a~~
2355 ~~certificate of authorization by the board as provided herein.~~

2356 (2) All documents involving the practice of landscape
2357 architecture which are prepared for the use of the corporation
2358 or partnership shall bear the signature and seal of a registered
2359 landscape architect.

2360 (3) A landscape architect applying to practice in the name
2361 of a ~~An applicant~~ corporation must ~~shall~~ file with the
2362 department the names and addresses of all officers and board
2363 members of the corporation, including the principal officer or
2364 officers, duly registered to practice landscape architecture in
2365 this state and, also, of all individuals duly registered to
2366 practice landscape architecture in this state who shall be in
2367 responsible charge of the practice of landscape architecture by

2368 | the corporation in this state. A landscape architect applying to
2369 | practice in the name of a ~~An applicant~~ partnership must ~~shall~~
2370 | file with the department the names and addresses of all partners
2371 | of the partnership, including the partner or partners duly
2372 | registered to practice landscape architecture in this state and,
2373 | also, of an individual or individuals duly registered to
2374 | practice landscape architecture in this state who shall be in
2375 | responsible charge of the practice of landscape architecture by
2376 | said partnership in this state.

2377 | (4) Each landscape architect qualifying a partnership or
2378 | ~~and~~ corporation ~~licensed~~ under this part must ~~shall~~ notify the
2379 | department within 1 month after ~~of~~ any change in the information
2380 | contained in the application upon which the license is based.
2381 | Any landscape architect who terminates her or his ~~or her~~
2382 | employment with a partnership or corporation licensed under this
2383 | part shall notify the department of the termination within 1
2384 | month after such termination.

2385 | ~~(5) Disciplinary action against a corporation or~~
2386 | ~~partnership shall be administered in the same manner and on the~~
2387 | ~~same grounds as disciplinary action against a registered~~
2388 | ~~landscape architect.~~

2389 | (5)(6) Except as provided in s. 558.0035, the fact that a
2390 | registered landscape architect practices landscape architecture
2391 | through a corporation or partnership as provided in this section

2392 | does not relieve the landscape architect from personal liability
 2393 | for her or his ~~or her~~ professional acts.

2394 | Section 93. Subsection (5) of section 481.321, Florida
 2395 | Statutes, is amended to read:

2396 | 481.321 Seals; display of certificate number.—

2397 | (5) Each registered landscape architect must ~~and each~~
 2398 | ~~corporation or partnership holding a certificate of~~
 2399 | ~~authorization shall~~ include her or his ~~its~~ certificate number in
 2400 | any newspaper, telephone directory, or other advertising medium
 2401 | used by the registered landscape architect, corporation, or
 2402 | partnership. A corporation or partnership must ~~is not required~~
 2403 | ~~to~~ display the certificate number ~~numbers~~ of at least one
 2404 | officer, director, owner, or partner who is a individual
 2405 | registered landscape architect ~~architects~~ employed by or
 2406 | practicing with the corporation or partnership.

2407 | Section 94. Subsection (5) of section 481.329, Florida
 2408 | Statutes, is amended to read:

2409 | 481.329 Exceptions; exemptions from licensure.—

2410 | (5) This part does not prohibit any person from engaging
 2411 | in the practice of landscape design, as defined in s. 481.303
 2412 | ~~481.303(7)~~, or from submitting for approval to a governmental
 2413 | agency planting plans that are independent of, or a component
 2414 | of, construction documents that are prepared by a Florida-
 2415 | registered professional. Persons providing landscape design
 2416 | services shall not use the title, term, or designation

2417 "landscape architect," "landscape architectural," "landscape
 2418 architecture," "L.A.," "landscape engineering," or any
 2419 description tending to convey the impression that she or he is a
 2420 landscape architect unless she or he is registered as provided
 2421 in this part.

2422 Section 95. Subsection (9) of section 489.103, Florida
 2423 Statutes, is amended to read:

2424 489.103 Exemptions.—This part does not apply to:

2425 (9) Any work or operation of a casual, minor, or
 2426 inconsequential nature in which the aggregate contract price for
 2427 labor, materials, and all other items is less than \$2,500
 2428 ~~\$1,000~~, but this exemption does not apply:

2429 (a) If the construction, repair, remodeling, or
 2430 improvement is a part of a larger or major operation, whether
 2431 undertaken by the same or a different contractor, or in which a
 2432 division of the operation is made in contracts of amounts less
 2433 than \$2,500 ~~\$1,000~~ for the purpose of evading this part or
 2434 otherwise.

2435 (b) To a person who advertises that he or she is a
 2436 contractor or otherwise represents that he or she is qualified
 2437 to engage in contracting.

2438 Section 96. Subsection (2) of section 489.111, Florida
 2439 Statutes, is amended to read:

2440 489.111 Licensure by examination.—

2441 (2) A person shall be eligible for licensure by

2442 examination if the person:

2443 (a) Is 18 years of age;

2444 (b) Is of good moral character; and

2445 (c) Meets eligibility requirements according to one of the
2446 following criteria:

2447 1. Has received a baccalaureate degree from an accredited
2448 4-year college in the appropriate field of engineering,
2449 architecture, or building construction and has 1 year of proven
2450 experience in the category in which the person seeks to qualify.
2451 For the purpose of this part, a minimum of 2,000 person-hours
2452 shall be used in determining full-time equivalency. An applicant
2453 who is exempt from passing an examination as provided in s.
2454 489.113(1) is eligible for a license under this section.

2455 2. Has a total of at least 4 years of active experience as
2456 a worker who has learned the trade by serving an apprenticeship
2457 as a skilled worker who is able to command the rate of a
2458 mechanic in the particular trade or as a foreman who is in
2459 charge of a group of workers and usually is responsible to a
2460 superintendent or a contractor or his or her equivalent,
2461 provided, however, that at least 1 year of active experience
2462 shall be as a foreman.

2463 3. Has a combination of not less than 1 year of experience
2464 as a foreman and not less than 3 years of credits for any
2465 accredited college-level courses; has a combination of not less
2466 than 1 year of experience as a skilled worker, 1 year of

2467 experience as a foreman, and not less than 2 years of credits
2468 for any accredited college-level courses; or has a combination
2469 of not less than 2 years of experience as a skilled worker, 1
2470 year of experience as a foreman, and not less than 1 year of
2471 credits for any accredited college-level courses. All junior
2472 college or community college-level courses shall be considered
2473 accredited college-level courses.

2474 4.a. An active certified residential contractor is
2475 eligible to receive a certified building contractor license
2476 after passing or having previously passed ~~take~~ the building
2477 contractors' examination if he or she possesses a minimum of 3
2478 years of proven experience in the classification in which he or
2479 she is certified.

2480 b. An active certified residential contractor is eligible
2481 to receive a certified general contractor license after passing
2482 or having previously passed ~~take~~ the general contractors'
2483 examination if he or she possesses a minimum of 4 years of
2484 proven experience in the classification in which he or she is
2485 certified.

2486 c. An active certified building contractor is eligible to
2487 receive a certified general contractor license after passing or
2488 having previously passed ~~take~~ the general contractors'
2489 examination if he or she possesses a minimum of 4 years of
2490 proven experience in the classification in which he or she is
2491 certified.

2492 5.a. An active certified air-conditioning Class C
2493 contractor is eligible to receive a certified air conditioning
2494 Class B contractor license after passing or having previously
2495 passed ~~take~~ the air-conditioning Class B contractors'
2496 examination if he or she possesses a minimum of 3 years of
2497 proven experience in the classification in which he or she is
2498 certified.

2499 b. An active certified air-conditioning Class C contractor
2500 is eligible to receive a certified air conditioning Class A
2501 contractor license after passing or having previously passed
2502 ~~take~~ the air-conditioning Class A contractors' examination if he
2503 or she possesses a minimum of 4 years of proven experience in
2504 the classification in which he or she is certified.

2505 c. An active certified air-conditioning Class B contractor
2506 is eligible to receive a certified air conditioning Class A
2507 contractor license after passing or having previously passed
2508 ~~take~~ the air-conditioning Class A contractors' examination if he
2509 or she possesses a minimum of 1 year of proven experience in the
2510 classification in which he or she is certified.

2511 6.a. An active certified swimming pool servicing
2512 contractor is eligible to receive a certified residential
2513 swimming pool contractor license after passing or having
2514 previously passed ~~take~~ the residential swimming pool
2515 contractors' examination if he or she possesses a minimum of 3
2516 years of proven experience in the classification in which he or

2517 she is certified.

2518 b. An active certified swimming pool servicing contractor
2519 is eligible to receive a certified commercial swimming pool
2520 contractor license after passing or having previously passed
2521 ~~take~~ the swimming pool commercial contractors' examination if he
2522 or she possesses a minimum of 4 years of proven experience in
2523 the classification in which he or she is certified.

2524 c. An active certified residential swimming pool
2525 contractor is eligible to receive a certified commercial
2526 swimming pool contractor license after passing or having
2527 previously passed ~~take~~ the commercial swimming pool contractors'
2528 examination if he or she possesses a minimum of 1 year of proven
2529 experience in the classification in which he or she is
2530 certified.

2531 d. An applicant is eligible to receive a certified
2532 swimming pool/spa servicing contractor license after passing or
2533 having previously passed ~~take~~ the swimming pool/spa servicing
2534 contractors' examination if he or she has satisfactorily
2535 completed 60 hours of instruction in courses related to the
2536 scope of work covered by that license and approved by the
2537 Construction Industry Licensing Board by rule and has at least 1
2538 year of proven experience related to the scope of work of such a
2539 contractor.

2540 Section 97. Subsection (1) of section 489.113, Florida
2541 Statutes, is amended to read:

2542 489.113 Qualifications for practice; restrictions.—
 2543 (1) Any person who desires to engage in contracting on a
 2544 statewide basis shall, as a prerequisite thereto, establish his
 2545 or her competency and qualifications to be certified pursuant to
 2546 this part. To establish competency, a person shall pass the
 2547 appropriate examination approved by the board and certified by
 2548 the department. If an applicant has received a baccalaureate
 2549 degree from an accredited 4-year college in building
 2550 construction, or a related degree as approved by the board by
 2551 rule, such applicant is not required to pass such examination.
 2552 Any person who desires to engage in contracting on other than a
 2553 statewide basis shall, as a prerequisite thereto, be registered
 2554 pursuant to this part, unless exempted by this part.
 2555 Section 98. Subsection (3) of section 489.115, Florida
 2556 Statutes, is amended to read:
 2557 489.115 Certification and registration; endorsement;
 2558 reciprocity; renewals; continuing education.—
 2559 (3) The board shall certify as qualified for certification
 2560 by endorsement any applicant who:
 2561 (a) Meets the requirements for certification as set forth
 2562 in this section; has passed a national, regional, state, or
 2563 United States territorial licensing examination that is
 2564 substantially equivalent to the examination required by this
 2565 part; and has satisfied the requirements set forth in s.
 2566 489.111;

2567 (b) Holds a valid license to practice contracting issued
 2568 by another state or territory of the United States, if the
 2569 criteria for issuance of such license were substantially
 2570 equivalent to Florida's current certification criteria; ~~or~~

2571 (c) Holds a valid, current license to practice contracting
 2572 issued by another state or territory of the United States, if
 2573 the state or territory has entered into a reciprocal agreement
 2574 with the board for the recognition of contractor licenses issued
 2575 in that state, based on criteria for the issuance of such
 2576 licenses that are substantially equivalent to the criteria for
 2577 certification in this state; or

2578 (d) Has held a valid, current license to practice
 2579 contracting issued by another state or territory for at least 10
 2580 years before the date of application and is applying for the
 2581 same or similar license in this state, subject to subsections
 2582 (5) - (9).

2583 Section 99. Subsection (5) of section 489.511, Florida
 2584 Statutes, is amended to read:

2585 489.511 Certification; application; examinations;
 2586 endorsement.—

2587 (5) The board shall certify as qualified for certification
 2588 by endorsement any individual applying for certification who:

2589 (a) Meets the requirements for certification as set forth
 2590 in this section; has passed a national, regional, state, or
 2591 United States territorial licensing examination that is

2592 substantially equivalent to the examination required by this
 2593 part; and has satisfied the requirements set forth in s.
 2594 489.521; ~~or~~

2595 (b) Holds a valid license to practice electrical or alarm
 2596 system contracting issued by another state or territory of the
 2597 United States, if the criteria for issuance of such license was
 2598 substantially equivalent to the certification criteria that
 2599 existed in this state at the time the certificate was issued; or

2600 (c) Has held a valid, current license to practice
 2601 electrical or alarm system contracting issued by another state
 2602 or territory for at least 10 years before the date of
 2603 application and is applying for the same or similar license in
 2604 this state, subject to ss. 489.510 and 489.521(3)(a), and
 2605 subparagraph (1)(b)1.

2606 Section 100. Subsection (3) and paragraph (b) of
 2607 subsection (4) of section 489.517, Florida Statutes, are amended
 2608 to read:

2609 489.517 Renewal of certificate or registration; continuing
 2610 education.—

2611 (3) Each certificateholder or registrant shall provide
 2612 proof, in a form established by rule of the board, that the
 2613 certificateholder or registrant has completed at least 7 ~~14~~
 2614 classroom hours of at least 50 minutes each of continuing
 2615 education courses during each biennium since the issuance or
 2616 renewal of the certificate or registration. The board shall by

2617 rule establish criteria for the approval of continuing education
 2618 courses and providers and may by rule establish criteria for
 2619 accepting alternative nonclassroom continuing education on an
 2620 hour-for-hour basis.

2621 (4)

2622 (b) Of the 7 ~~14~~ classroom hours of continuing education
 2623 required, at least 1 hour ~~7 hours~~ must be on technical subjects,
 2624 1 hour on workers' compensation, 1 hour on workplace safety, 1
 2625 hour on business practices, and for alarm system contractors and
 2626 electrical contractors engaged in alarm system contracting, 2
 2627 hours on false alarm prevention.

2628 Section 101. Paragraph (b) of subsection (1) of section
 2629 489.518, Florida Statutes, is amended to read:

2630 489.518 Alarm system agents.—

2631 (1) A licensed electrical or alarm system contractor may
 2632 not employ a person to perform the duties of a burglar alarm
 2633 system agent unless the person:

2634 (b) Has successfully completed a minimum of 14 hours of
 2635 training within 90 days after employment, to include basic alarm
 2636 system electronics in addition to related training including
 2637 CCTV and access control training, with at least 2 hours of
 2638 training in the prevention of false alarms. Such training shall
 2639 be from a board-approved provider, and the employee or applicant
 2640 for employment shall provide proof of successful completion to
 2641 the licensed employer. The board shall by rule establish

2642 criteria for the approval of training courses and providers and
 2643 may by rule establish criteria for accepting alternative
 2644 nonclassroom education on an hour-for-hour basis. The board
 2645 shall approve providers that conduct training in other than the
 2646 English language. The board shall establish a fee for the
 2647 approval of training providers or courses, not to exceed \$60.
 2648 Qualified employers may conduct training classes for their
 2649 employees, with board approval.

2650 Section 102. Section 492.104, Florida Statutes, is
 2651 amended, to read:

2652 492.104 Rulemaking authority.—The Board of Professional
 2653 Geologists has authority to adopt rules pursuant to ss.
 2654 120.536(1) and 120.54 to implement this chapter. Every licensee
 2655 shall be governed and controlled by this chapter and the rules
 2656 adopted by the board. The board is authorized to set, by rule,
 2657 fees for application, examination, ~~certificate of authorization,~~
 2658 late renewal, initial licensure, and license renewal. These fees
 2659 may ~~should~~ not exceed the cost of implementing the application,
 2660 examination, initial licensure, and license renewal or other
 2661 administrative process and shall be established as follows:

2662 (1) The application fee shall not exceed \$150 and shall be
 2663 nonrefundable.

2664 (2) The examination fee shall not exceed \$250, and the fee
 2665 may be apportioned to each part of a multipart examination. The
 2666 examination fee shall be refundable in whole or part if the

2667 applicant is found to be ineligible to take any portion of the
 2668 licensure examination.

2669 (3) The initial license fee shall not exceed \$100.

2670 (4) The biennial renewal fee shall not exceed \$150.

2671 ~~(5) The fee for a certificate of authorization shall not~~
 2672 ~~exceed \$350 and the fee for renewal of the certificate shall not~~
 2673 ~~exceed \$350.~~

2674 (5)~~(6)~~ The fee for reactivation of an inactive license may
 2675 ~~shall~~ not exceed \$50.

2676 (6)~~(7)~~ The fee for a provisional license may ~~shall~~ not
 2677 exceed \$400.

2678 (7)~~(8)~~ The fee for application, examination, and licensure
 2679 for a license by endorsement is ~~shall be~~ as provided in this
 2680 section for licenses in general.

2681 Section 103. Subsection (1) of section 492.108, Florida
 2682 Statutes, is amended to read:

2683 492.108 Licensure by endorsement; requirements; fees.—

2684 (1) The department shall issue a license by endorsement to
 2685 any applicant who, upon applying to the department and remitting
 2686 an application fee, has been certified by the board that he or
 2687 she:

2688 (a) Has met the qualifications for licensure in s.
 2689 492.105(1)(b)-(e) and:-

2690 1.~~(b)~~ Is the holder of an active license in good standing
 2691 in a state, trust, territory, or possession of the United

2692 States.

2693 2.~~(e)~~ Was licensed through written examination in at least
2694 one state, trust, territory, or possession of the United States,
2695 the examination requirements of which have been approved by the
2696 board as substantially equivalent to or more stringent than
2697 those of this state, and has received a score on such
2698 examination which is equal to or greater than the score required
2699 by this state for licensure by examination.

2700 3.~~(d)~~ Has taken and successfully passed the laws and rules
2701 portion of the examination required for licensure as a
2702 professional geologist in this state.

2703 (b) Has held a valid license to practice geology in
2704 another state, trust, territory, or possession of the United
2705 States for at least 10 years before the date of application and
2706 has successfully completed a state, regional, national, or other
2707 examination that is equivalent to or more stringent than the
2708 examination required by the department. If such applicant has
2709 met the requirements for a license by endorsement except
2710 successful completion of an examination that is equivalent to or
2711 more stringent than the examination required by the board, such
2712 applicant may take the examination required by the board.

2713 Section 104. Section 492.111, Florida Statutes, is amended
2714 to read:

2715 492.111 Practice of professional geology by a firm,
2716 corporation, or partnership; ~~certificate of authorization.~~—The

2717 | practice of, or offer to practice, professional geology by
2718 | individual professional geologists licensed under the provisions
2719 | of this chapter through a firm, corporation, or partnership
2720 | offering geological services to the public through individually
2721 | licensed professional geologists as agents, employees, officers,
2722 | or partners thereof is permitted subject to the provisions of
2723 | this chapter, if ~~provided that~~:

2724 | (1) At all times that it offers geological services to the
2725 | public, the firm, corporation, or partnership is qualified by
2726 | ~~has on file with the department the name and license number of~~
2727 | one or more individuals who hold a current, active license as a
2728 | professional geologist in the state and are serving as a
2729 | geologist of record for the firm, corporation, or partnership. A
2730 | geologist of record may be any principal officer or employee of
2731 | such firm or corporation, or any partner or employee of such
2732 | partnership, who holds a current, active license as a
2733 | professional geologist in this state, or any other Florida-
2734 | licensed professional geologist with whom the firm, corporation,
2735 | or partnership has entered into a long-term, ongoing
2736 | relationship, as defined by rule of the board, to serve as one
2737 | of its geologists of record. ~~It shall be the responsibility of~~
2738 | ~~the firm, corporation, or partnership and~~ The geologist of
2739 | record shall ~~to~~ notify the department of any changes in the
2740 | relationship or identity of that geologist of record within 30
2741 | days after such change.

2742 ~~(2) The firm, corporation, or partnership has been issued~~
2743 ~~a certificate of authorization by the department as provided in~~
2744 ~~this chapter. For purposes of this section, a certificate of~~
2745 ~~authorization shall be required of any firm, corporation,~~
2746 ~~partnership, association, or person practicing under a~~
2747 ~~fictitious name and offering geological services to the public;~~
2748 ~~except that, when an individual is practicing professional~~
2749 ~~geology in her or his own name, she or he shall not be required~~
2750 ~~to obtain a certificate of authorization under this section.~~
2751 ~~Such certificate of authorization shall be renewed every 2~~
2752 ~~years.~~

2753 (2)~~(3)~~ All final geological papers or documents involving
2754 the practice of the profession of geology which have been
2755 prepared or approved for the use of such firm, corporation, or
2756 partnership, for delivery to any person for public record with
2757 the state, shall be dated and bear the signature and seal of the
2758 professional geologist or professional geologists who prepared
2759 or approved them.

2760 (3)~~(4)~~ Except as provided in s. 558.0035, the fact that a
2761 licensed professional geologist practices through a corporation
2762 or partnership does not relieve the registrant from personal
2763 liability for negligence, misconduct, or wrongful acts committed
2764 by her or him. The partnership and all partners are jointly and
2765 severally liable for the negligence, misconduct, or wrongful
2766 acts committed by their agents, employees, or partners while

2767 acting in a professional capacity. Any officer, agent, or
2768 employee of a corporation is personally liable and accountable
2769 only for negligent acts, wrongful acts, or misconduct committed
2770 by her or him or committed by any person under her or his direct
2771 supervision and control, while rendering professional services
2772 on behalf of the corporation. The personal liability of a
2773 shareholder of a corporation, in her or his capacity as
2774 shareholder, may be no greater than that of a shareholder-
2775 employee of a corporation incorporated under chapter 607. The
2776 corporation is liable up to the full value of its property for
2777 any negligent acts, wrongful acts, or misconduct committed by
2778 any of its officers, agents, or employees while they are engaged
2779 on behalf of the corporation in the rendering of professional
2780 services.

2781 ~~(5) The firm, corporation, or partnership desiring a~~
2782 ~~certificate of authorization shall file with the department an~~
2783 ~~application therefor, upon a form to be prescribed by the~~
2784 ~~department, accompanied by the required application fee.~~

2785 ~~(6) The department may refuse to issue a certificate of~~
2786 ~~authorization if any facts exist which would entitle the~~
2787 ~~department to suspend or revoke an existing certificate of~~
2788 ~~authorization or if the department, after giving persons~~
2789 ~~involved a full and fair hearing, determines that any of the~~
2790 ~~officers or directors of said firm or corporation, or partners~~
2791 ~~of said partnership, have violated the provisions of s. 492.113.~~

HB 27

2019

2792 Section 105. Subsection (4) of section 492.113, Florida
 2793 Statutes, is amended to read:

2794 492.113 Disciplinary proceedings.—

2795 (4) The department shall reissue the license of a
 2796 disciplined professional geologist ~~or business~~ upon
 2797 certification by the board that the disciplined person has
 2798 complied with ~~all of~~ the terms and conditions set forth in the
 2799 final order.

2800 Section 106. Section 492.115, Florida Statutes, is amended
 2801 to read:

2802 492.115 Roster of licensed professional geologists.—A
 2803 roster showing the names and places of business or residence of
 2804 all licensed professional geologists and all properly qualified
 2805 firms, corporations, or partnerships practicing ~~holding~~
 2806 ~~certificates of authorization to practice~~ professional geology
 2807 in the state shall be prepared annually by the department. A
 2808 copy of this roster must be made available to ~~shall be~~
 2809 ~~obtainable by~~ each licensed professional geologist and each
 2810 firm, corporation, or partnership qualified by a professional
 2811 geologist ~~holding a certificate of authorization~~, and copies
 2812 thereof shall be placed on file with the department.

2813 Section 107. Paragraph (i) of subsection (2) of section
 2814 548.003, Florida Statutes, is amended to read:

2815 548.003 Florida State Boxing Commission.—

2816 (2) The Florida State Boxing Commission, as created by

2817 subsection (1), shall administer the provisions of this chapter.
2818 The commission has authority to adopt rules pursuant to ss.
2819 120.536(1) and 120.54 to implement the provisions of this
2820 chapter and to implement each of the duties and responsibilities
2821 conferred upon the commission, including, but not limited to:

2822 ~~(i) Designation and duties of a knockdown timekeeper.~~

2823 Section 108. Subsection (1) of section 548.017, Florida
2824 Statutes, is amended to read:

2825 548.017 Participants, managers, and other persons required
2826 to have licenses.—

2827 (1) A participant, manager, trainer, second, ~~timekeeper,~~
2828 referee, judge, ~~announcer,~~ physician, matchmaker, or promoter
2829 must be licensed before directly or indirectly acting in such
2830 capacity in connection with any match involving a participant. A
2831 physician approved by the commission must be licensed pursuant
2832 to chapter 458 or chapter 459, must maintain an unencumbered
2833 license in good standing, and must demonstrate satisfactory
2834 medical training or experience in boxing, or a combination of
2835 both, to the executive director before working as the ringside
2836 physician.

2837 Section 109. Paragraph (d) of subsection (1) of section
2838 553.5141, Florida Statutes, is amended to read:

2839 553.5141 Certifications of conformity and remediation
2840 plans.—

2841 (1) For purposes of this section:

2842 (d) "Qualified expert" means:

2843 1. An engineer licensed pursuant to chapter 471.

2844 2. A certified general contractor licensed pursuant to

2845 chapter 489.

2846 3. A certified building contractor licensed pursuant to

2847 chapter 489.

2848 4. A building code administrator licensed pursuant to

2849 chapter 468.

2850 5. A building inspector licensed pursuant to chapter 468.

2851 6. A plans examiner licensed pursuant to chapter 468.

2852 7. An interior designer who has passed the qualification

2853 examination prescribed by either the National Council for

2854 Interior Design Qualifications or the California Council for

2855 Interior Design Certification ~~licensed pursuant to chapter 481.~~

2856 8. An architect licensed pursuant to chapter 481.

2857 9. A landscape architect licensed pursuant to chapter 481.

2858 10. Any person who has prepared a remediation plan related

2859 to a claim under Title III of the Americans with Disabilities

2860 Act, 42 U.S.C. s. 12182, that has been accepted by a federal

2861 court in a settlement agreement or court proceeding, or who has

2862 been qualified as an expert in Title III of the Americans with

2863 Disabilities Act, 42 U.S.C. s. 12182, by a federal court.

2864 Section 110. Subsection (1) of section 553.74, Florida

2865 Statutes, is amended to read:

2866 553.74 Florida Building Commission.—

2867 (1) The Florida Building Commission is created and located
2868 within the Department of Business and Professional Regulation
2869 for administrative purposes. Members are appointed by the
2870 Governor subject to confirmation by the Senate. The commission
2871 is composed of 17 ~~27~~ members, consisting of the following
2872 members:

2873 (a) One architect licensed pursuant to chapter 481 with at
2874 least 5 years of experience in the design and construction of
2875 buildings containing Florida Building Code designated Group R
2876 occupancy at or above 210 feet in height above the elevation of
2877 the lowest level of emergency services access ~~registered to~~
2878 ~~practice in this state and actively engaged in the profession.~~
2879 ~~The American Institute of Architects, Florida Section, is~~
2880 ~~encouraged to recommend a list of candidates for consideration.~~

2881 (b) One structural engineer registered to practice in this
2882 state and actively engaged in the profession. The Florida
2883 Engineering Society is encouraged to recommend a list of
2884 candidates for consideration.

2885 (c) One air-conditioning or mechanical contractor
2886 certified to do business in this state and actively engaged in
2887 the profession. The Florida Air Conditioning Contractors
2888 Association, the Florida Refrigeration and Air Conditioning
2889 Contractors Association, and the Mechanical Contractors
2890 Association of Florida are encouraged to recommend a list of
2891 candidates for consideration.

2892 (d) One electrical contractor or electrical engineer
 2893 certified to do business in this state and actively engaged in
 2894 the profession. The Florida Association of Electrical
 2895 Contractors and the National Electrical Contractors Association,
 2896 Florida Chapter, are encouraged to recommend a list of
 2897 candidates for consideration.

2898 ~~(e) One member from fire protection engineering or~~
 2899 ~~technology who is actively engaged in the profession. The~~
 2900 ~~Florida Chapter of the Society of Fire Protection Engineers and~~
 2901 ~~the Florida Fire Marshals and Inspectors Association are~~
 2902 ~~encouraged to recommend a list of candidates for consideration.~~

2903 (e)~~(f)~~ One certified general contractor or one certified
 2904 building contractor certified to do business in this state and
 2905 actively engaged in the profession. The Associated Builders and
 2906 Contractors of Florida, the Florida Associated General
 2907 Contractors Council, the Florida Home Builders Association, and
 2908 the Union Contractors Association are encouraged to recommend a
 2909 list of candidates for consideration.

2910 (f)~~(g)~~ One plumbing contractor licensed to do business in
 2911 this state and actively engaged in the profession. The Florida
 2912 Association of Plumbing, Heating, and Cooling Contractors is
 2913 encouraged to recommend a list of candidates for consideration.

2914 (g)~~(h)~~ One roofing or sheet metal contractor certified to
 2915 do business in this state and actively engaged in the
 2916 profession. The Florida Roofing, Sheet Metal, and Air

2917 Conditioning Contractors Association and the Sheet Metal and Air
 2918 Conditioning Contractors' National Association are encouraged to
 2919 recommend a list of candidates for consideration.

2920 (h)~~(i)~~ One certified residential contractor licensed to do
 2921 business in this state and actively engaged in the profession.
 2922 The Florida Home Builders Association is encouraged to recommend
 2923 a list of candidates for consideration.

2924 (i)~~(j)~~ Three members who are municipal, county, or
 2925 district codes enforcement officials, one of whom is also a fire
 2926 official. The Building Officials Association of Florida and the
 2927 Florida Fire Marshals and Inspectors Association are encouraged
 2928 to recommend a list of candidates for consideration.

2929 ~~(k) One member who represents the Department of Financial
 2930 Services.~~

2931 ~~(l) One member who is a county codes enforcement official.
 2932 The Building Officials Association of Florida is encouraged to
 2933 recommend a list of candidates for consideration.~~

2934 (j)~~(m)~~ One member of a Florida-based organization of
 2935 persons with disabilities or a nationally chartered organization
 2936 of persons with disabilities with chapters in this state which
 2937 complies with or is certified to be compliant with the
 2938 requirements of the Americans with Disability Act of 1990, as
 2939 amended.

2940 (k)~~(n)~~ One member of the manufactured buildings industry
 2941 who is licensed to do business in this state and is actively

2942 engaged in the industry. The Florida Manufactured Housing
2943 Association is encouraged to recommend a list of candidates for
2944 consideration.

2945 ~~(o) One mechanical or electrical engineer registered to~~
2946 ~~practice in this state and actively engaged in the profession.~~
2947 ~~The Florida Engineering Society is encouraged to recommend a~~
2948 ~~list of candidates for consideration.~~

2949 ~~(p) One member who is a representative of a municipality~~
2950 ~~or a charter county. The Florida League of Cities and the~~
2951 ~~Florida Association of Counties are encouraged to recommend a~~
2952 ~~list of candidates for consideration.~~

2953 (l) ~~(q)~~ One member of the building products manufacturing
2954 industry who is authorized to do business in this state and is
2955 actively engaged in the industry. The Florida Building Material
2956 Association, the Florida Concrete and Products Association, and
2957 the Fenestration Manufacturers Association are encouraged to
2958 recommend a list of candidates for consideration.

2959 ~~(r) One member who is a representative of the building~~
2960 ~~owners and managers industry who is actively engaged in~~
2961 ~~commercial building ownership or management. The Building Owners~~
2962 ~~and Managers Association is encouraged to recommend a list of~~
2963 ~~candidates for consideration.~~

2964 (m) ~~(s)~~ One member who is a representative of the insurance
2965 industry. The Florida Insurance Council is encouraged to
2966 recommend a list of candidates for consideration.

2967 ~~(t) One member who is a representative of public~~
2968 ~~education.~~

2969 (n)~~(u)~~ One member who is a swimming pool contractor
2970 licensed to do business in this state and actively engaged in
2971 the profession. The Florida Swimming Pool Association and the
2972 United Pool and Spa Association are encouraged to recommend a
2973 list of candidates for consideration.

2974 ~~(v) One member who is a representative of the green~~
2975 ~~building industry and who is a third-party commission agent, a~~
2976 ~~Florida board member of the United States Green Building Council~~
2977 ~~or Green Building Initiative, a professional who is accredited~~
2978 ~~under the International Green Construction Code (IGCC), or a~~
2979 ~~professional who is accredited under Leadership in Energy and~~
2980 ~~Environmental Design (LEED).~~

2981 (o)~~(w)~~ One member who is a representative of a natural gas
2982 distribution system and who is actively engaged in the
2983 distribution of natural gas in this state. The Florida Natural
2984 Gas Association is encouraged to recommend a list of candidates
2985 for consideration.

2986 ~~(x) One member who is a representative of the Department~~
2987 ~~of Agriculture and Consumer Services' Office of Energy. The~~
2988 ~~Commissioner of Agriculture is encouraged to recommend a list of~~
2989 ~~candidates for consideration.~~

2990 ~~(y) One member who shall be the chair.~~

2991 Section 111. Paragraph (c) of subsection (5) of section
 2992 553.79, Florida Statutes, is amended to read:

2993 553.79 Permits; applications; issuance; inspections.-
 2994 (5)

2995 (c) The architect or engineer of record may act as the
 2996 special inspector provided she or he is on the Board of
 2997 Professional Engineers' or the Board of Architecture's
 2998 ~~Architecture and Interior Design's~~ list of persons qualified to
 2999 be special inspectors. School boards may utilize employees as
 3000 special inspectors provided such employees are on one of the
 3001 professional licensing board's list of persons qualified to be
 3002 special inspectors.

3003 Section 112. Subsection (7) of section 558.002, Florida
 3004 Statutes, is amended to read:

3005 558.002 Definitions.—As used in this chapter, the term:

3006 (7) "Design professional" means a person, as defined in s.
 3007 1.01, who is licensed in this state as an architect, interior
 3008 ~~designer,~~ a landscape architect, an engineer, a surveyor, or a
 3009 geologist.

3010 Section 113. Subsection (3) of section 559.25, Florida
 3011 Statutes, is amended to read:

3012 559.25 Exemptions.—The provisions of this part shall not
 3013 apply to or affect the following persons:

3014 ~~(3) Duly licensed auctioneers, selling at auction.~~

3015 Section 114. Paragraphs (h) and (k) of subsection (2) of

3016 | section 287.055, Florida Statutes, are amended to read:
 3017 | 287.055 Acquisition of professional architectural,
 3018 | engineering, landscape architectural, or surveying and mapping
 3019 | services; definitions; procedures; contingent fees prohibited;
 3020 | penalties.—
 3021 | (2) DEFINITIONS.—For purposes of this section:
 3022 | (h) A "design-build firm" means a partnership,
 3023 | corporation, or other legal entity that:
 3024 | 1. Is certified under s. 489.119 to engage in contracting
 3025 | through a certified or registered general contractor or a
 3026 | certified or registered building contractor as the qualifying
 3027 | agent; or
 3028 | 2. Is qualified ~~certified~~ under s. 471.023 to practice or
 3029 | to offer to practice engineering; qualified ~~certified~~ under s.
 3030 | 481.219 to practice or to offer to practice architecture; or
 3031 | qualified ~~certified~~ under s. 481.319 to practice or to offer to
 3032 | practice landscape architecture.
 3033 | (k) A "design criteria professional" means a firm that is
 3034 | qualified ~~who holds a current certificate of registration~~ under
 3035 | chapter 481 to practice architecture or landscape architecture
 3036 | or a firm who holds a current certificate as a registered
 3037 | engineer under chapter 471 to practice engineering and who is
 3038 | employed by or under contract to the agency for the providing of
 3039 | professional architect services, landscape architect services,
 3040 | or engineering services in connection with the preparation of

HB 27

2019

3041 | the design criteria package.

3042 | Section 115. This act shall take effect July 1, 2019.