

1 A bill to be entitled
 2 An act relating to the deregulation of professions and
 3 occupations; providing a short title; amending s.
 4 20.165, F.S.; renaming the Board of Architecture and
 5 Interior Design as the Board of Architecture within
 6 the Department of Business and Professional
 7 Regulation; deleting a provision establishing the
 8 Florida Board of Auctioneers; amending s. 287.055,
 9 F.S.; conforming provisions to changes made by the
 10 act; amending s. 326.004, F.S.; deleting the
 11 requirement for a yacht broker to maintain a separate
 12 license for each branch office; deleting the
 13 requirement for the division to establish a fee;
 14 amending s. 447.02, F.S.; conforming provisions to
 15 changes made by the act; repealing s. 447.04, F.S.,
 16 relating to licensure and permit requirements for
 17 business agents; repealing s. 447.041, F.S., relating
 18 to hearings for persons or labor organizations denied
 19 licensure as a business agent; repealing s. 447.045,
 20 F.S., relating to confidential information obtained
 21 during the application process; repealing s. 447.06,
 22 F.S., relating to required registration of labor
 23 organizations; amending s. 447.09, F.S.; deleting
 24 certain prohibited actions relating to the right of
 25 franchise of a member of a labor organization;

26 | repealing s. 447.12, F.S., relating to registration
27 | fees; repealing s. 447.16, F.S., relating to
28 | applicability; amending s. 447.305, F.S.; deleting a
29 | provision that requires notification of registrations
30 | and renewals to the department; amending s. 455.213,
31 | F.S.; requiring the Department of Business and
32 | Professional Regulation or a board to seek reciprocal
33 | licensing agreements with other states under certain
34 | circumstances; providing requirements; creating s.
35 | 455.2278, F.S.; providing definitions; prohibiting the
36 | department or a board from suspending or revoking a
37 | person's license solely on the basis of a delinquency
38 | or default in the payment of his or her student loan;
39 | prohibiting the department or a board from suspending
40 | or revoking a person's license solely on the basis of
41 | a default in satisfying the requirements of his or her
42 | work-conditional scholarship; repealing s. 468.381,
43 | F.S., relating to purpose; amending s. 468.382, F.S.;
44 | revising definitions; repealing s. 468.384, F.S.,
45 | relating to the Florida Board of Auctioneers;
46 | repealing s. 468.385, F.S., relating to licensure
47 | requirements for the practice of auctioneering;
48 | repealing s. 468.3851, F.S., relating to licensure
49 | renewal; repealing s. 468.3852, F.S., relating to
50 | license reactivation; repealing s. 468.3855, F.S.,

51 relating to training requirements for auctioneer
52 apprenticeships; repealing s. 468.386, F.S., relating
53 to fees and local licensing requirements; repealing s.
54 468.387, F.S., relating to licensure by endorsement;
55 amending s. 468.388, F.S.; deleting certain
56 requirements relating to auctioneer licenses with
57 regard to the conduct of an auction; amending s.
58 468.389, F.S.; revising prohibited acts and penalties;
59 amending s. 468.391, F.S.; conforming cross-
60 references; repealing ss. 468.392, 468.393, 468.394,
61 468.395, 468.396, 468.397, 468.398, and 458.399, F.S.,
62 relating to the Auctioneer Recovery Fund, surcharges
63 and assessments on license fees, payment of interest
64 earned into the recovery fund, recovery from the
65 recovery fund, claims against a single licensee in
66 excess of a specified dollar limitation and joinder of
67 claims, payment of claims from the recovery fund,
68 suspension of a judgment debtor's license, and the
69 expenditure of excess funds, respectively; amending s.
70 468.401, F.S.; revising definitions; repealing ss.
71 468.402, 468.403, 468.404, and 468.405, F.S., relating
72 to duties and authority of the Department of Business
73 and Professional Regulation with regard to licensure
74 of talent agencies, licensure requirements, license
75 fees and renewals, and qualification for a talent

76 agency license, respectively; amending s. 468.406,
77 F.S.; requiring an owner or operator of a talent
78 agency to post an itemized schedule of fees, charges,
79 and commissions in a specified place; repealing s.
80 468.407, F.S., relating to the form and posting
81 requirements for a license; amending s. 468.408, F.S.;
82 conforming provisions to changes made by the act;
83 prohibiting certain bonds from being issued or renewed
84 by a bonding agency to an owner or operator of a
85 talent agency unless the bonding agency verifies that
86 each owner or operator has not been convicted of
87 specified crimes; amending s. 468.409, F.S.; deleting
88 a requirement for record inspection; amending s.
89 468.410, F.S.; deleting a requirement to include
90 specified information in a contract between a talent
91 agency and applicant; amending s. 468.412, F.S.;
92 deleting recordkeeping and posting requirements;
93 amending s. 468.413, F.S.; revising criminal
94 penalties; conforming provisions to changes made by
95 the act; repealing s. 468.414, F.S., relating to the
96 deposit of certain funds in the Professional
97 Regulation Trust Fund; amending s. 468.415, F.S.;
98 prohibiting any agent, owner, or operator who commits
99 sexual misconduct in the operation of a talent agency
100 from acting as an agent, owner, or operator of a

101 Florida talent agency; amending s. 468.505, F.S.;
102 providing that certain unlicensed persons are not
103 prohibited or restricted from his or her practice,
104 services, or activities in dietetics and nutrition
105 under certain circumstances; amending 468.524, F.S.;
106 deleting specified exemptions from the time
107 restriction for an employee leasing company to reapply
108 for licensure; amending s. 468.603, F.S.; revising a
109 definition; amending s. 468.609, F.S.; revising
110 certain experience requirements for a person to take
111 the examination for certification; revising the time
112 period a provisional certificate is valid; amending s.
113 468.613, F.S.; providing for waiver of specified
114 requirements for certification under certain
115 circumstances; amending s. 468.8314, F.S.; requiring
116 an applicant for a license by endorsement to maintain
117 a specified insurance policy; requiring the department
118 to certify an applicant who holds a specified license
119 issued by another state or territory of the United
120 States under certain circumstances; amending s.
121 469.006, F.S.; providing additional licensure
122 requirements for asbestos abatement consulting or
123 contracting as a partnership, corporation, business
124 trust, or other legal entity; amending s. 469.009,
125 F.S.; conforming provisions to changes made by the

126 act; amending s. 471.015, F.S.; revising licensure
127 requirements for engineers who hold specified licenses
128 in another state; amending s. 473.308, F.S.; deleting
129 continuing education requirements for license by
130 endorsement for certified public accountants; amending
131 s. 474.202, F.S.; revising the definition of the term
132 "limited-service veterinary medical practice" to
133 include certain vaccinations or immunizations;
134 amending s. 474.203, F.S.; providing an exemption for
135 a person whose work is solely confined to microchip
136 implantation in dogs and cats; amending s. 474.207,
137 F.S.; revising education requirements for licensure by
138 examination; amending s. 474.217, F.S.; requiring the
139 Department of Business and Professional Regulation to
140 issue a license by endorsement to certain applicants
141 who successfully complete a specified examination;
142 amending s. 476.114, F.S.; revising training
143 requirements for licensure as a barber; amending s.
144 476.144, F.S.; requiring the department to license an
145 applicant who is licensed to practice barbering in
146 another state; amending s. 477.013, F.S.; revising the
147 definition of the term "hair braiding"; repealing s.
148 477.0132, F.S., relating to registration for hair
149 braiding, hair wrapping, and body wrapping; amending
150 s. 477.0135, F.S.; providing additional exemptions

151 from license or registration requirements for
152 specified occupations or practices; amending s.
153 477.019, F.S.; conforming provisions to changes made
154 by the act; amending s. 477.0201, F.S.; providing
155 requirements for registration as a specialist;
156 amending s. 477.026, F.S.; conforming provisions to
157 changes made by the act; amending s. 477.0263, F.S.;
158 authorizing certain persons to perform specified
159 cosmetology services in a location other than a
160 licensed salon under certain circumstances; amending
161 ss. 477.0265 and 477.029, F.S.; conforming provisions
162 to changes made by the act; amending s. 481.201, F.S.;
163 deleting legislative findings relating to the practice
164 of interior design; amending s. 481.203, F.S.;
165 revising definitions; amending s. 481.205, F.S.;
166 renaming the Board of Architecture and Interior Design
167 as the Board of Architecture; revising membership of
168 the board; conforming provisions; amending ss.
169 481.207, 481.209, and 481.213, F.S.; conforming
170 provisions; amending s. 481.2131, F.S.; requiring
171 certain interior designers to include proof of
172 completed specified examination requirements when
173 submitting documents for the issuance of a building
174 permit; providing that a license or registration is
175 not required for specified persons to practice;

176 amending ss. 481.215 and 481.217, F.S.; conforming
177 provisions to changes made by the act; amending s.
178 481.219, F.S.; deleting provisions permitting the
179 practice of or offer to practice interior design
180 through certain business organizations; deleting
181 provisions requiring certificates of authorization for
182 certain business organizations offering interior
183 design services to the public; requiring a licensee or
184 applicant in the practice of architecture to qualify a
185 business organization; providing requirements;
186 amending 481.221, F.S.; conforming provisions;
187 requiring a registered architect or a qualifying agent
188 for a business organization to display their license
189 number in specified advertisements; providing an
190 exception; amending ss. 481.222 and 481.223, F.S.;
191 conforming provisions; repealing s. 481.2251, F.S.,
192 relating to the practice and regulation of interior
193 design, registration for interior designers, and
194 disciplinary proceedings against registered interior
195 designers; amending ss. 481.229 and 481.231, F.S.;
196 conforming provisions; amending s. 481.303, F.S.;
197 deleting the definition of the term "certificate of
198 authorization"; amending s. 481.310, F.S.; providing
199 that an applicant who holds a specified degree is not
200 required to demonstrate 1 year of practical experience

201 for licensure; amending s. 481.311, F.S.; requiring
202 the Board of Landscape Architecture to certify an
203 applicant who holds a specified license issued by
204 another state or territory of the United States under
205 certain circumstances; conforming provisions; amending
206 s. 481.313, F.S.; authorizing a landscape architect to
207 receive hour-for-hour credit for certain approved
208 continuing education courses under certain
209 circumstances; 481.317, F.S.; conforming provisions;
210 amending s. 481.319, F.S.; deleting the requirement
211 for a certificate of authorization; authorizing
212 landscape architects to practice through a corporation
213 or partnership; amending s. 481.321, F.S.; requiring a
214 landscape architect to display their certificate
215 number in specified advertisements; amending s.
216 481.329, F.S.; conforming a cross-reference; amending
217 s. 489.103, F.S.; revising certain contract prices for
218 exemption; amending s. 489.111, F.S.; providing that
219 an applicant who is exempt from a specified
220 examination is eligible for licensure; amending s.
221 489.113, F.S.; providing that an applicant holding a
222 specified degree does not have to pass a certain
223 examination; amending s. 489.115, F.S.; requiring the
224 Construction Industry Licensing Board to certify any
225 applicant who holds a specified license to practice

226 contracting issued by another state or territory of
227 the United States under certain circumstances;
228 amending s. 489.511, F.S.; requiring the board to
229 certify as qualified for certification by endorsement
230 any applicant who holds a specified license to
231 practice electrical or alarm system contracting issued
232 by another state or territory of the United States
233 under certain circumstances; amending s. 489.517,
234 F.S.; providing a reduction in certain continuing
235 education hours required for registered contractors;
236 amending s. 489.518, F.S.; requiring a person to have
237 completed a specified amount of training within a
238 certain time period to perform the duties of an alarm
239 system agent; amending s. 492.104, F.S.; conforming
240 provisions to changes made by the act; amending
241 492.108, F.S.; requiring the department to issue a
242 license by endorsement to any applicant who has held a
243 specified license to practice geology in another
244 state, territory, or possession of the United States
245 for a certain period of time; providing that an
246 applicant may take the examination required by the
247 board if they have not met the specified examination
248 requirement; amending s. 492.111, F.S.; deleting the
249 requirements for a certificate of authorization for a
250 professional geologist; amending ss. 492.113 and

251 492.115, F.S.; conforming provisions; amending s.
252 548.003, F.S.; deleting the requirement that the
253 Florida State Boxing Commission adopt rules relating
254 to a knockdown timekeeper; amending s. 548.017, F.S.;
255 deleting the licensure requirement for a timekeeper or
256 announcer; amending s. 553.5141, F.S.; conforming
257 provisions to changes made by the act; amending s.
258 553.74, F.S.; revising the membership and
259 qualifications of the Florida Building Commission;
260 amending ss. 553.79, 558.002, and 559.25, F.S.;
261 conforming provisions to changes made by the act;
262 amending s. 823.15, F.S.; authorizing certain persons
263 to implant dogs and cats with specified microchips
264 under certain circumstances; providing effective
265 dates.

266

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

268

269 Section 1. This act may be cited as the "Occupational
270 Freedom and Opportunity Act."

271 Section 2. Paragraph (a) of subsection (4) of section
272 20.165, Florida Statutes, is amended to read:

273 20.165 Department of Business and Professional
274 Regulation.—There is created a Department of Business and
275 Professional Regulation.

276 (4) (a) The following boards and programs are established
 277 within the Division of Professions:

278 1. Board of Architecture ~~and Interior Design~~, created
 279 under part I of chapter 481.

280 ~~2. Florida Board of Auctioneers, created under part VI of~~
 281 ~~chapter 468.~~

282 2.3. Barbers' Board, created under chapter 476.

283 3.4. Florida Building Code Administrators and Inspectors
 284 Board, created under part XII of chapter 468.

285 4.5. Construction Industry Licensing Board, created under
 286 part I of chapter 489.

287 5.6. Board of Cosmetology, created under chapter 477.

288 6.7. Electrical Contractors' Licensing Board, created
 289 under part II of chapter 489.

290 7.8. Board of Employee Leasing Companies, created under
 291 part XI of chapter 468.

292 8.9. Board of Landscape Architecture, created under part
 293 II of chapter 481.

294 9.10. Board of Pilot Commissioners, created under chapter
 295 310.

296 10.11. Board of Professional Engineers, created under
 297 chapter 471.

298 11.12. Board of Professional Geologists, created under
 299 chapter 492.

300 12.13. Board of Veterinary Medicine, created under chapter

301 474.

302 13.14. Home inspection services licensing program, created
 303 under part XV of chapter 468.

304 14.15. Mold-related services licensing program, created
 305 under part XVI of chapter 468.

306 Section 3. Paragraphs (h) and (k) of subsection (2) of
 307 section 287.055, Florida Statutes, are amended to read:

308 287.055 Acquisition of professional architectural,
 309 engineering, landscape architectural, or surveying and mapping
 310 services; definitions; procedures; contingent fees prohibited;
 311 penalties.—

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

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

315 1. Is certified under s. 489.119 to engage in contracting
 316 through a certified or registered general contractor or a
 317 certified or registered building contractor as the qualifying
 318 agent; or

319 2. Is qualified ~~certified~~ under s. 471.023 to practice or
 320 to offer to practice engineering; qualified ~~certified~~ under s.
 321 481.219 to practice or to offer to practice architecture; or
 322 qualified ~~certified~~ under s. 481.319 to practice or to offer to
 323 practice landscape architecture.

324 (k) A "design criteria professional" means a firm that is
 325 qualified ~~who holds a current certificate of registration~~ under

326 chapter 481 to practice architecture or landscape architecture
 327 or a firm who holds a current certificate as a registered
 328 engineer under chapter 471 to practice engineering and who is
 329 employed by or under contract to the agency for the providing of
 330 professional architect services, landscape architect services,
 331 or engineering services in connection with the preparation of
 332 the design criteria package.

333 Section 4. Subsection (13) of section 326.004, Florida
 334 Statutes, is amended to read:

335 326.004 Licensing.—

336 (13) Each broker must maintain a principal place of
 337 business in this state and may establish branch offices in the
 338 state. ~~A separate license must be maintained for each branch~~
 339 ~~office. The division shall establish by rule a fee not to exceed~~
 340 ~~\$100 for each branch office license.~~

341 Section 5. Subsection (3) of section 447.02, Florida
 342 Statutes, is amended to read:

343 447.02 Definitions.—The following terms, when used in this
 344 chapter, shall have the meanings ascribed to them in this
 345 section:

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

348 Section 6. Section 447.04, Florida Statutes, is repealed.

349 Section 7. Section 447.041, Florida Statutes, is repealed.

350 Section 8. Section 447.045, Florida Statutes, is repealed.

351 Section 9. Section 447.06, Florida Statutes, is repealed.

352 Section 10. Subsections (6) and (8) of section 447.09,
353 Florida Statutes, are amended to read:

354 447.09 Right of franchise preserved; penalties.—It shall
355 be unlawful for any person:

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

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

360 Section 11. Section 447.12, Florida Statutes, is repealed.

361 Section 12. Section 447.16, Florida Statutes, is repealed.

362 Section 13. Subsection (4) of section 447.305, Florida
363 Statutes, is amended to read:

364 447.305 Registration of employee organization.—

365 ~~(4) Notification of registrations and renewals of~~
366 ~~registration shall be furnished at regular intervals by the~~
367 ~~commission to the Department of Business and Professional~~
368 ~~Regulation.~~

369 Section 14. Subsection (14) is added to section 455.213,
370 Florida Statutes, to read:

371 455.213 General licensing provisions.—

372 (14) The department or a board must enter into a
373 reciprocal licensing agreement with other states if the practice
374 act within the purview of this chapter permits such agreement.
375 If a reciprocal licensing agreement exists or if the department

376 or board has determined another state's licensing requirements
377 or examinations to be substantially similar to those under the
378 practice act, the department or board must post on its website
379 which jurisdictions have such reciprocal licensing agreements or
380 substantially similar licenses.

381 Section 15. Section 455.2278, Florida Statutes, is created
382 to read:

383 455.2278 Restriction on disciplinary action for student
384 loan default.—

385 (1) DEFINITIONS.—As used in this section, the term:

386 (a) "Default" means the failure to repay a student loan
387 according to the terms agreed to in the promissory note.

388 (b) "Delinquency" means the failure to make a student loan
389 payment when it is due.

390 (c) "Student loan" means a federal-guaranteed or state-
391 guaranteed loan for the purposes of postsecondary education.

392 (d) "Work-conditional scholarship" means an award of
393 financial aid for a student to further his or her education
394 which imposes an obligation on the student to complete certain
395 work-related requirements to receive or to continue receiving
396 the scholarship.

397 (2) STUDENT LOAN DEFAULT; DELINQUENCY.—The department or a
398 board may not suspend or revoke a license that it has issued to
399 any person who is in default on or delinquent in the payment of
400 his or her student loans solely on the basis of such default or

401 delinquency.

402 (3) WORK-CONDITIONAL SCHOLARSHIP DEFAULT.—The department
403 or a board may not suspend or revoke a license that it has
404 issued to any person who is in default on the satisfaction of
405 the requirements of his or her work-conditional scholarship
406 solely on the basis of such default.

407 Section 16. Section 468.381, Florida Statutes, is
408 repealed.

409 Section 17. Section 468.382, Florida Statutes, is amended
410 to read:

411 468.382 Definitions.—As used in this act, the term:

412 (1)~~(8)~~ "Absolute auction" means an auction that requires
413 no minimum opening bid that limits the sale other than to the
414 highest bidder.

415 (2)~~(7)~~ "Agricultural product" means the natural products
416 from a farm, nursery, grove, orchard, vineyard, garden, or
417 apiary, including livestock, tobacco, and vegetables and
418 includes those agricultural products as defined in chapter 618.

419 (3)~~(1)~~ "Auction business" means a sole proprietorship,
420 partnership, or corporation which in the regular course of
421 business arranges, manages, sponsors, advertises, promotes, or
422 carries out auctions, employs auctioneers to conduct auctions in
423 its facilities, or uses or allows the use of its facilities for
424 auctions.

425 (4)~~(2)~~ "Auctioneer" means any person who conducts auctions

426 | within the state ~~licensed pursuant to this part who holds a~~
 427 | ~~valid Florida auctioneer license.~~

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

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

431 | ~~(5) "Department" means the Department of Business and~~
 432 | ~~Professional Regulation.~~

433 | (5)(6) "Livestock" means any animal included in the
 434 | definition of "livestock" by s. 585.01 or s. 588.13.

435 | Section 18. Section 468.384, Florida Statutes, is
 436 | repealed.

437 | Section 19. Section 468.385, Florida Statutes, is
 438 | repealed.

439 | Section 20. Section 468.3851, Florida Statutes, is
 440 | repealed.

441 | Section 21. Section 468.3852, Florida Statutes, is
 442 | repealed.

443 | Section 22. Section 468.3855, Florida Statutes, is
 444 | repealed.

445 | Section 23. Section 468.386, Florida Statutes, is
 446 | repealed.

447 | Section 24. Section 468.387, Florida Statutes, is
 448 | repealed.

449 | Section 25. Subsections (6) through (11) of section
 450 | 468.388, Florida Statutes, are renumbered as subsections (4)

451 through (9), respectively, and present subsections (3), (4),
452 (5), (9), (10), and (11) are amended to read:

453 468.388 Conduct of an auction.—

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

457 ~~(4) Each auction must be conducted by an auctioneer who~~
458 ~~has an active license or by an apprentice who has an active~~
459 ~~apprentice auctioneer license and who has received prior written~~
460 ~~sponsor consent. Each auction must be conducted under the~~
461 ~~auspices of a licensed auction business. Any auctioneer or~~
462 ~~apprentice auctioneer conducting an auction, and any auction~~
463 ~~business under whose auspices such auction is held, shall be~~
464 ~~responsible for determining that any auctioneer, apprentice, or~~
465 ~~auction business with whom they are associated in conducting~~
466 ~~such auction has an active Florida auctioneer, apprentice, or~~
467 ~~auction business license.~~

468 ~~(5) The principal auctioneer shall prominently display at~~
469 ~~the auction site the licenses of the principal auctioneer, the~~
470 ~~auction business, and any other licensed auctioneers or~~
471 ~~apprentices who are actively participating in the auction. If~~
472 ~~such a display is not practicable, then an oral announcement at~~
473 ~~the beginning of the auction or a prominent written announcement~~
474 ~~that these licenses are available for inspection at the auction~~
475 ~~site must be made.~~

476 (7)~~(9)~~ The auction business under which the auction is
477 conducted is responsible for all other aspects of the auction as
478 required by this part ~~board rule~~. The auction business may
479 delegate in whole, or in part, different aspects of the auction
480 only to the extent that such delegation is permitted by law and
481 that such delegation will not impede the principal auctioneer's
482 ability to ensure the proper conduct of his or her independent
483 responsibility for the auction. The auction business under whose
484 auspices the auction is conducted is responsible for ensuring
485 compliance as required by this part ~~board rule~~.

486 (8)~~(10)~~(a) When settlement is not made immediately after
487 an auction, all sale proceeds received for another person must
488 be deposited in an escrow or trust account in an insured bank or
489 savings and loan association located in this state within 2
490 working days after the auction. A maximum of \$100 may be kept in
491 the escrow account for administrative purposes.

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

499 (c) Any interest which accrues to sale proceeds on deposit
500 shall be the property of the seller for whom the funds were

501 received unless the parties have agreed otherwise by written
502 agreement executed prior to the auction.

503 (d) Unless otherwise provided by written agreement
504 executed prior to the auction, funds received by an auctioneer
505 or auction business ~~a licensee~~ from the seller or his or her
506 agent for expenses, including advertising, must be expended for
507 the purposes advanced or refunded to the seller at the time of
508 final settlement. Any funds so received shall be maintained in
509 an escrow or trust account in an insured bank or savings and
510 loan association located in this state. However, this does not
511 prohibit advanced payment of a flat fee.

512 ~~(11) (a) All advertising by an auctioneer or auction~~
513 ~~business shall include the name and Florida license number of~~
514 ~~such auctioneer and auction business. The term "advertising"~~
515 ~~shall not include articles of clothing, directional signs, or~~
516 ~~other promotional novelty items.~~

517 (9) (a) ~~(b)~~ No ~~licensed~~ auctioneer, apprentice, or auction
518 business may disseminate or cause to be disseminated any
519 advertisement or advertising which is false, deceptive,
520 misleading, or untruthful. Any advertisement or advertising
521 shall be deemed to be false, deceptive, misleading, or
522 untruthful if it:

- 523 1. Contains misrepresentations of facts.
- 524 2. Is misleading or deceptive because, in its content or
525 in the context in which it is presented, it makes only a partial

526 disclosure of relevant facts.

527 3. Creates false or unjustified expectations of the
528 services to be performed.

529 ~~4. Contains any representation or claim which the~~
530 ~~advertising licensee fails to perform.~~

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

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

535 4.7. Advertises an auction as absolute without specifying
536 any and all items to be sold with reserve or with minimum bids.

537 5.8. Fails to include the percentage amount of any buyer's
538 premium or surcharge which is a condition to sale.

539 (b)-(e) The provisions of this subsection apply to media
540 exposure of any nature, regardless of whether it is in the form
541 of paid advertising.

542 (c)-(d) The auction business shall be responsible for the
543 content of all advertising disseminated in preparation for an
544 auction.

545 Section 26. Section 468.389, Florida Statutes, is amended
546 to read:

547 468.389 Prohibited acts; penalties.—

548 ~~(1)~~ The following acts shall be grounds for a civil cause
549 of action for damages against an auctioneer, auction business,
550 or any owner or manager thereof or, in the case of corporate

551 ownership, any substantial stockholder of the corporation owning
552 the auction business ~~the disciplinary activities provided in~~
553 ~~subsections (2) and (3):~~

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

557 (2)(b) Misrepresentation of property for sale at auction
558 or making false promises concerning the use, value, or condition
559 of such property by an auctioneer or auction business or by
560 anyone acting as an agent of or with the consent of the
561 auctioneer or auction business.

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

566 (4)(d) False, deceptive, misleading, or untruthful
567 advertising.

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

570 (6)(f) Using or permitting the use of false bidders,
571 cappers, or shills.

572 ~~(g) Making any material false statement on a license~~
573 ~~application.~~

574 (7)(h) Commingling money or property of another person
575 with his or her own. Every auctioneer and auction business shall

576 maintain a separate trust or escrow account in an insured bank
 577 or savings and loan association located in this state in which
 578 shall be deposited all proceeds received for another person
 579 through an auction sale.

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

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

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

590 (10)~~(l)~~ Being convicted or found guilty, regardless of
 591 adjudication, of a crime in any jurisdiction which directly
 592 relates to the practice or the ability to practice the
 593 profession of auctioneering.

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

597 ~~(a) Refusal to certify to the department an application~~
 598 ~~for licensure.~~

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

600 ~~(c) Imposition of an administrative fine not to exceed~~

601 ~~\$1,000 for each count or separate offense.~~

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

603 ~~(e) Placement of the auctioneer on probation for a period~~
604 ~~of time and subject to conditions as the board may specify,~~
605 ~~including requiring the auctioneer to successfully complete the~~
606 ~~licensure examination.~~

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

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

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

617 Section 27. Section 468.391, Florida Statutes, is amended
618 to read:

619 468.391 Penalty.—Any auctioneer, ~~apprentice,~~ or auction
620 business or any owner or manager thereof, or, in the case of
621 corporate ownership, any substantial stockholder of the
622 corporation owning the auction business, who ~~operates without an~~
623 ~~active license or violates~~ s. 468.389(3), (5), (6), (7), or (8)
624 ~~s. 468.389(1)(c), (e), (f), (h), or (i)~~ commits a felony of the
625 third degree, punishable as provided in s. 775.082 or s.

626 775.083.

627 Section 28. Section 468.392, Florida Statutes, is
 628 repealed.

629 Section 29. Section 468.393, Florida Statutes, is
 630 repealed.

631 Section 30. Section 468.394, Florida Statutes, is
 632 repealed.

633 Section 31. Section 468.395, Florida Statutes, is
 634 repealed.

635 Section 32. Section 468.396, Florida Statutes, is
 636 repealed.

637 Section 33. Section 468.397, Florida Statutes, is
 638 repealed.

639 Section 34. Section 468.398, Florida Statutes, is
 640 repealed.

641 Section 35. Section 468.399, Florida Statutes, is
 642 repealed.

643 Section 36. Section 468.401, Florida Statutes, is amended
 644 to read:

645 468.401 ~~Regulation of~~ Talent agencies; definitions.—As
 646 used in this part, the term ~~or any rule adopted pursuant hereto:~~

647 (1)(8) "Artist" means a person performing on the
 648 professional stage or in the production of television, radio, or
 649 motion pictures; a musician or group of musicians; or a model.

650 (2)(7) "Buyer" or "employer" means a person, company,

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

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

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

657 (b) Any money received by any person in excess of that
 658 which has been paid out by such person for transportation,
 659 transfer of baggage, or board and lodging for any applicant for
 660 employment; or

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

666 (4) "Engagement" means any employment or placement of an
 667 artist, where the artist performs in his or her artistic
 668 capacity. However, the term "engagement" shall not apply to
 669 procuring opera, music, theater, or dance engagements for any
 670 organization defined in s. 501(c)(3) of the Internal Revenue
 671 Code or any nonprofit Florida arts organization that has
 672 received a grant from the Division of Cultural Affairs of the
 673 Department of State or has participated in the state touring
 674 program of the Division of Cultural Affairs.

675 ~~(5) "Department" means the Department of Business and~~

676 ~~Professional Regulation.~~

677 (5)~~(6)~~ "Operator" means the person who is or who will be
678 in actual charge of a talent agency.

679 (6)~~(2)~~ "Owner" means any partner in a partnership, member
680 of a firm, or principal officer or officers of a corporation,
681 whose partnership, firm, or corporation owns a talent agency, or
682 any individual who is the sole owner of a talent agency.

683 (7)~~(9)~~ "Person" means any individual, company, society,
684 firm, partnership, association, corporation, manager, or any
685 agent or employee of any of the foregoing.

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

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

691 (8)~~(1)~~ "Talent agency" means any person who, for
692 compensation, engages in the occupation or business of procuring
693 or attempting to procure engagements for an artist.

694 Section 37. Section 468.402, Florida Statutes, is
695 repealed.

696 Section 38. Section 468.403, Florida Statutes, is
697 repealed.

698 Section 39. Section 468.404, Florida Statutes, is
699 repealed.

700 Section 40. Section 468.405, Florida Statutes, is
701 repealed.

702 Section 41. Subsection (1) of section 468.406, Florida
703 Statutes, is amended to read:

704 468.406 Fees to be charged by talent agencies; rates;
705 display.—

706 (1) Each owner or operator of a talent agency shall post
707 in a conspicuous place in each place of business of the agency
708 ~~applicant for a license shall file with the application an~~
709 ~~itemized schedule of maximum fees, charges, and commissions that~~
710 ~~which it intends to charge and collect for its services. The~~
711 ~~This schedule may thereafter be raised only by filing with the~~
712 ~~department an amended or supplemental schedule at least 30 days~~
713 ~~before the change is to become effective. The schedule shall be~~
714 ~~posted in a conspicuous place in each place of business of the~~
715 ~~agency and~~ shall be printed in not less than a 30-point
716 boldfaced type, except that an agency that uses written
717 contracts containing maximum fee schedules need not post such
718 schedules.

719 Section 42. Section 468.407, Florida Statutes, is
720 repealed.

721 Section 43. Subsection (1) of section 468.408, Florida
722 Statutes, is amended to read:

723 468.408 Bond required.—

724 (1) An owner or operator of a ~~There shall be filed with~~

725 ~~the department for each~~ talent agency shall obtain license a
726 bond in the form of a surety by a reputable company engaged in
727 the bonding business and authorized to do business in this
728 state. The bond shall be for the penal sum of \$5,000, with one
729 or more sureties ~~to be approved by the department,~~ and be
730 conditioned that the owner or operator of the talent agency
731 ~~applicant~~ conform to and not violate any of the duties, terms,
732 conditions, provisions, or requirements of this part. Such bond
733 may not be issued or renewed by the bonding agency unless each
734 owner or operator of a talent agency submits fingerprints to the
735 Department of Law Enforcement for a state criminal history
736 record check and to the Federal Bureau of Investigation for a
737 national criminal history record check, and the bonding agency
738 verifies by examination of the criminal history records checks
739 that each owner or operator has not been convicted of a crime
740 that would require registration as a sexual offender, as
741 required in s. 943.0435 or s. 944.607, or as a sexual predator,
742 as required under s. 775.21.

743 (a) If any person is aggrieved by the misconduct of any
744 talent agency, the person may maintain an action in his or her
745 own name upon the bond of the agency in any court having
746 jurisdiction of the amount claimed. All such claims shall be
747 assignable, and the assignee shall be entitled to the same
748 remedies, upon the bond of the agency or otherwise, as the
749 person aggrieved would have been entitled to if such claim had

750 not been assigned. Any claim or claims so assigned may be
751 enforced in the name of such assignee.

752 (b) The bonding company shall notify the talent agency
753 ~~department~~ of any claim against such bond, and a copy of such
754 notice shall be sent to the talent agency against which the
755 claim is made.

756 Section 44. Section 468.409, Florida Statutes, is amended
757 to read:

758 468.409 Records required to be kept.—Each talent agency
759 shall keep on file the application, registration, or contract of
760 each artist. In addition, such file must include the name and
761 address of each artist, the amount of the compensation received,
762 and all attempts to procure engagements for the artist. No such
763 agency or employee thereof shall knowingly make any false entry
764 in applicant files or receipt files. Each card or document in
765 such files shall be preserved for a period of 1 year after the
766 date of the last entry thereon. ~~Records required under this~~
767 ~~section shall be readily available for inspection by the~~
768 ~~department during reasonable business hours at the talent~~
769 ~~agency's principal office. A talent agency must provide the~~
770 ~~department with true copies of the records in the manner~~
771 ~~prescribed by the department.~~

772 Section 45. Subsection (3) of section 468.410, Florida
773 Statutes, is amended to read:

774 468.410 Prohibition against registration fees; referral.—

775 (3) A talent agency shall give each applicant a copy of a
 776 contract, within 24 hours after the contract's execution, which
 777 lists the services to be provided and the fees to be charged.
 778 ~~The contract shall state that the talent agency is regulated by~~
 779 ~~the department and shall list the address and telephone number~~
 780 ~~of the department.~~

781 Section 46. Subsections (4) through (11) of section
 782 468.412, Florida Statutes, are renumbered as subsections (3)
 783 through (10), respectively, and present subsections (2), (3),
 784 (4), (6), and (11) of that section are amended to read:

785 468.412 Talent agency regulations; prohibited acts.-

786 (2) Each talent agency shall keep records in which shall
 787 be entered:

788 (a) The name and address of each artist employing such
 789 talent agency.†

790 (b) The amount of fees received from each such artist.†

791 (c) The employment in which each such artist is engaged at
 792 the time of employing such talent agency and the amount of
 793 compensation of the artist in such employment, if any, and the
 794 employments subsequently secured by such artist during the term
 795 of the contract between the artist and the talent agency and the
 796 amount of compensation received by the artist pursuant thereto.†
 797 and

798 ~~(d) Other information which the department may require~~
 799 ~~from time to time.~~

800 ~~(3) All books, records, and other papers kept pursuant to~~
801 ~~this act by any talent agency shall be open at all reasonable~~
802 ~~hours to the inspection of the department and its agents. Each~~
803 ~~talent agency shall furnish to the department, upon request, a~~
804 ~~true copy of such books, records, and papers, or any portion~~
805 ~~thereof, and shall make such reports as the department may~~
806 ~~prescribe from time to time.~~

807 (3)~~(4)~~ Each talent agency shall post in a conspicuous
808 place in the office of such talent agency a printed copy of this
809 part ~~and of the rules adopted under this part. Such copies shall~~
810 ~~also contain the name and address of the officer charged with~~
811 ~~enforcing this part. The department shall furnish to talent~~
812 ~~agencies printed copies of any statute or rule required to be~~
813 ~~posted under this subsection.~~

814 (5)~~(6)~~ A ~~No~~ talent agency may not publish or cause to be
815 published any false, fraudulent, or misleading information,
816 representation, notice, or advertisement. All advertisements of
817 a talent agency by means of card, circulars, or signs, and in
818 newspapers and other publications, and all letterheads,
819 receipts, and blanks shall be printed and contain the ~~licensed~~
820 ~~name, department license number,~~ and address of the talent
821 agency and the words "talent agency." A ~~No~~ talent agency may not
822 give any false information or make any false promises or
823 representations concerning an engagement or employment to any
824 applicant who applies for an engagement or employment.

825 (10)~~(11)~~ A talent agency may assign an engagement contract
 826 to another talent agency ~~licensed~~ in this state only if the
 827 artist agrees in writing to the assignment. The assignment must
 828 occur, and written notice of the assignment must be given to the
 829 artist, within 30 days after the artist agrees in writing to the
 830 assignment.

831 Section 47. Section 468.413, Florida Statutes, is amended
 832 to read:

833 468.413 Legal requirements; penalties.—

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

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

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

842 (1)~~(2)~~ Each of the following acts constitutes a
 843 misdemeanor of the second degree, punishable as provided in s.
 844 775.082 or s. 775.083:

845 ~~(a) Relocating a business as a talent agency, or operating~~
 846 ~~under any name other than that designated on the license, unless~~
 847 ~~written notification is given to the department and to the~~
 848 ~~surety or sureties on the original bond, and unless the license~~
 849 ~~is returned to the department for the recording thereon of such~~

850 ~~changes.~~

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

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

857 (a)~~(d)~~ Failing to maintain the records required by s.
858 468.409 or knowingly making false entries in such records.

859 (b)~~(e)~~ Requiring as a condition to registering or
860 obtaining employment or placement for any applicant that the
861 applicant subscribe to, purchase, or attend any publication,
862 postcard service, advertisement, resume service, photography
863 service, school, acting school, workshop, or acting workshop.

864 (c)~~(f)~~ Failing to give each applicant a copy of a contract
865 which lists the services to be provided and the fees to be
866 charged by, ~~which states that the talent agency is regulated by~~
867 ~~the department, and which lists the address and telephone number~~
868 ~~of the department.~~

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

871 (e)~~(h)~~ Knowingly sending or causing to be sent any artist
872 to a prospective employer or place of business, the character or
873 operation of which employer or place of business the talent
874 agency knows to be in violation of the laws of the United States

875 or of this state.

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

880 (2)~~(4)~~ In the event that ~~the department or~~ any state
881 attorney shall have probable cause to believe that a talent
882 agency or other person has violated any provision of subsection
883 (1), an action may be brought by ~~the department or~~ any state
884 attorney to enjoin such talent agency or any person from
885 continuing such violation, or engaging therein or doing any acts
886 in furtherance thereof, and for such other relief as to the
887 court seems appropriate. ~~In addition to this remedy, the~~
888 ~~department may assess a penalty against any talent agency or any~~
889 ~~person in an amount not to exceed \$5,000.~~

890 Section 48. Section 468.414, Florida Statutes, is
891 repealed.

892 Section 49. Section 468.415, Florida Statutes, is amended
893 to read:

894 468.415 Sexual misconduct in the operation of a talent
895 agency.—The talent agent-artist relationship is founded on
896 mutual trust. Sexual misconduct in the operation of a talent
897 agency means violation of the talent agent-artist relationship
898 through which the talent agent uses the relationship to induce
899 or attempt to induce the artist to engage or attempt to engage

900 in sexual activity. Sexual misconduct is prohibited in the
901 operation of a talent agency. ~~If Any agent, owner, or operator~~
902 ~~of a licensed talent agency who commits is found to have~~
903 ~~committed~~ sexual misconduct in the operation of a talent agency,
904 ~~the agency license shall be permanently revoked. Such agent,~~
905 ~~owner, or operator~~ shall be permanently prohibited from acting
906 disqualified from present and future licensure as an agent,
907 owner, or operator of a Florida talent agency.

908

909 Section 50. Paragraph (n) is added to subsection (1) of
910 section 468.505, Florida Statutes, to read:

911 468.505 Exemptions; exceptions.—

912 (1) Nothing in this part may be construed as prohibiting
913 or restricting the practice, services, or activities of:

914 (n) A person who provides information, recommendations, or
915 advice concerning nutrition, or who markets food, food
916 materials, or dietary supplements for remuneration, if that
917 person does not represent himself or herself as a dietitian,
918 licensed dietitian, registered dietitian, licensed nutritionist,
919 nutrition counselor, or licensed nutrition counselor, or use any
920 word, letter, symbol, or insignia indicating or implying that he
921 or she is a dietitian, nutritionist, or nutrition counselor.

922 Section 51. Subsection (4) of section 468.524, Florida
923 Statutes, is amended to read:

924 468.524 Application for license.—

925 (4) A ~~An applicant or~~ licensee is ineligible to reapply
926 for a license for a period of 1 year following final agency
927 action on the ~~denial or~~ revocation of a license ~~applied for or~~
928 issued under this part. This time restriction does not apply to
929 administrative ~~denials or~~ revocations entered because:

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

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

934 ~~(c) The department is unable to complete the criminal~~
935 ~~background investigation because of insufficient information~~
936 ~~from the Florida Department of Law Enforcement, the Federal~~
937 ~~Bureau of Investigation, or any other applicable law enforcement~~
938 ~~agency;~~

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

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

946 Section 52. Paragraph (f) of subsection (5) of section
947 468.603, Florida Statutes, is amended to read:

948 468.603 Definitions.—As used in this part:

949 (5) "Categories of building code inspectors" include the

950 following:

951 (f) "Residential ~~One and two family dwelling~~ inspector"
952 means a person who is qualified to inspect and determine that
953 one-family, two-family, or three-family residences not exceeding
954 two habitable stories above no more than one uninhabitable story
955 and accessory use structures in connection therewith ~~one and two~~
956 ~~family dwellings and accessory structures~~ are constructed in
957 accordance with the provisions of the governing building,
958 plumbing, mechanical, accessibility, and electrical codes.

959 Section 53. Paragraph (c) of subsection (2) and paragraph
960 (a) of subsection (7) of section 468.609, Florida Statutes, are
961 amended to read:

962 468.609 Administration of this part; standards for
963 certification; additional categories of certification.—

964 (2) A person may take the examination for certification as
965 a building code inspector or plans examiner pursuant to this
966 part if the person:

967 (c) Meets eligibility requirements according to one of the
968 following criteria:

969 1. Demonstrates 4 ~~5~~ years' combined experience in the
970 field of construction or a related field, building code
971 inspection, or plans review corresponding to the certification
972 category sought;

973 2. Demonstrates a combination of postsecondary education
974 in the field of construction or a related field and experience

975 | which totals 3 4 years, with at least 1 year of such total being
976 | experience in construction, building code inspection, or plans
977 | review;

978 | 3. Demonstrates a combination of technical education in
979 | the field of construction or a related field and experience
980 | which totals 3 4 years, with at least 1 year of such total being
981 | experience in construction, building code inspection, or plans
982 | review;

983 | 4. Currently holds a standard certificate issued by the
984 | board or a firesafety inspector license issued pursuant to
985 | chapter 633, has a minimum of 3 years' verifiable full-time
986 | experience in inspection or plan review, and has satisfactorily
987 | completed a building code inspector or plans examiner training
988 | program that provides at least 100 hours but not more than 200
989 | hours of cross-training in the certification category sought.
990 | The board shall establish by rule criteria for the development
991 | and implementation of the training programs. The board shall
992 | accept all classroom training offered by an approved provider if
993 | the content substantially meets the intent of the classroom
994 | component of the training program;

995 | 5. Demonstrates a combination of the completion of an
996 | approved training program in the field of building code
997 | inspection or plan review and a minimum of 2 years' experience
998 | in the field of building code inspection, plan review, fire code
999 | inspections and fire plans review of new buildings as a

1000 firesafety inspector certified under s. 633.216, or
1001 construction. The approved training portion of this requirement
1002 shall include proof of satisfactory completion of a training
1003 program that provides at least 200 hours but not more than 300
1004 hours of cross-training that is approved by the board in the
1005 chosen category of building code inspection or plan review in
1006 the certification category sought with at least 20 hours but not
1007 more than 30 hours of instruction in state laws, rules, and
1008 ethics relating to professional standards of practice, duties,
1009 and responsibilities of a certificateholder. The board shall
1010 coordinate with the Building Officials Association of Florida,
1011 Inc., to establish by rule the development and implementation of
1012 the training program. However, the board shall accept all
1013 classroom training offered by an approved provider if the
1014 content substantially meets the intent of the classroom
1015 component of the training program;

1016 6. Currently holds a standard certificate issued by the
1017 board or a firesafety inspector license issued pursuant to
1018 chapter 633 and:

1019 a. Has at least 4 ~~5~~ years' verifiable full-time experience
1020 as an inspector or plans examiner in a standard certification
1021 category currently held or has a minimum of 4 ~~5~~ years'
1022 verifiable full-time experience as a firesafety inspector
1023 licensed pursuant to chapter 633.

1024 b. Has satisfactorily completed a building code inspector

1025 or plans examiner classroom training course or program that
 1026 provides at least 200 but not more than 300 hours in the
 1027 certification category sought, except for one-family and two-
 1028 family dwelling training programs, which must provide at least
 1029 500 but not more than 800 hours of training as prescribed by the
 1030 board. The board shall establish by rule criteria for the
 1031 development and implementation of classroom training courses and
 1032 programs in each certification category; or

1033 7.a. Has completed a 4-year internship certification
 1034 program as a building code inspector or plans examiner while
 1035 employed full-time by a municipality, county, or other
 1036 governmental jurisdiction, under the direct supervision of a
 1037 certified building official. Proof of graduation with a related
 1038 vocational degree or college degree or of verifiable work
 1039 experience may be exchanged for the internship experience
 1040 requirement year-for-year, but may reduce the requirement to no
 1041 less than 1 year.

1042 b. Has passed an examination administered by the
 1043 International Code Council in the certification category sought.
 1044 Such examination must be passed before beginning the internship
 1045 certification program.

1046 c. Has passed the principles and practice examination
 1047 before completing the internship certification program.

1048 d. Has passed a board-approved 40-hour code training
 1049 course in the certification category sought before completing

HB 1193

2020

1050 the internship certification program.

1051 e. Has obtained a favorable recommendation from the
1052 supervising building official after completion of the internship
1053 certification program.

1054 (7)(a) The board shall provide for the issuance of
1055 provisional certificates valid for 2 years ~~1 year~~, as specified
1056 by board rule, to any building code inspector or plans examiner
1057 who meets the eligibility requirements described in subsection
1058 (2) and any newly employed or promoted building code
1059 administrator who meets the eligibility requirements described
1060 in subsection (3). The provisional license may be renewed by the
1061 board for just cause; however, a provisional license is not
1062 valid for longer than 3 years.

1063 Section 54. Section 468.613, Florida Statutes, is amended
1064 to read:

1065 468.613 Certification by endorsement.—The board shall
1066 examine other certification or training programs, as applicable,
1067 upon submission to the board for its consideration of an
1068 application for certification by endorsement. The board shall
1069 waive its examination, qualification, education, or training
1070 requirements, to the extent that such examination,
1071 qualification, education, or training requirements of the
1072 applicant are determined by the board to be comparable with
1073 those established by the board. The board shall waive its
1074 examination, qualification, education, or training requirements

1075 if an applicant for certification by endorsement is at least 18
 1076 years of age; is of good moral character; has held a valid
 1077 building administrator, inspector, plans examiner, or the
 1078 equivalent, certification issued by another state or territory
 1079 of the United States for at least 10 years before the date of
 1080 application; and has successfully passed an applicable
 1081 examination administered by the International Codes Council.
 1082 Such application must be submitted to the board while the
 1083 applicant holds a valid license in another state or territory or
 1084 within 2 years after the expiration of such license.

1085 Section 55. Subsection (3) of section 468.8314, Florida
 1086 Statutes, is amended to read:

1087 468.8314 Licensure.—

1088 (3) The department shall certify as qualified for a
 1089 license by endorsement an applicant who is of good moral
 1090 character as determined in s. 468.8313, who maintains an
 1091 insurance policy as required by s. 468.8322, and who:†

1092 (a) Holds a valid license to practice home inspection
 1093 services in another state or territory of the United States,
 1094 whose educational requirements are substantially equivalent to
 1095 those required by this part; and has passed a national,
 1096 regional, state, or territorial licensing examination that is
 1097 substantially equivalent to the examination required by this
 1098 part; or

1099 (b) Has held a valid license to practice home inspection

1100 services issued by another state or territory of the United
 1101 States for at least 10 years before the date of application.
 1102 Such application must be submitted to the department while the
 1103 applicant holds a valid license in another state or territory or
 1104 within 2 years after the expiration of such license.

1105 Section 56. Paragraphs (a) and (e) of subsection (2),
 1106 subsection (3), paragraph (b) of subsection (4), and subsection
 1107 (6) of section 469.006, Florida Statutes, are amended to read:

1108 469.006 Licensure of business organizations; qualifying
 1109 agents.—

1110 (2) (a) If the applicant proposes to engage in consulting
 1111 or contracting as a partnership, corporation, business trust, or
 1112 other legal entity, or in any name other than the applicant's
 1113 legal name, ~~the legal entity must apply for licensure through a~~
 1114 ~~qualifying agent or the individual applicant must~~ qualify ~~apply~~
 1115 ~~for licensure under the~~ business organization ~~fictitious name.~~

1116 (e) ~~A~~ The ~~license, when issued upon application of a~~
 1117 ~~business organization,~~ must be in the name of the qualifying
 1118 agent ~~business organization,~~ and the name of the business
 1119 organization ~~qualifying agent~~ must be noted on the license
 1120 ~~thereon.~~ If there is a change in any information that is
 1121 required to be stated on the application, the qualifying agent
 1122 ~~business organization~~ shall, within 45 days after such change
 1123 occurs, mail the correct information to the department.

1124 (3) The qualifying agent must ~~shall~~ be licensed under this

1125 chapter in order for the business organization to be qualified
1126 ~~licensed~~ in the category of the business conducted for which the
1127 qualifying agent is licensed. If any qualifying agent ceases to
1128 be affiliated with such business organization, the agent shall
1129 so inform the department. In addition, if such qualifying agent
1130 is the only licensed individual affiliated with the business
1131 organization, the business organization shall notify the
1132 department of the termination of the qualifying agent and has
1133 ~~shall have~~ 60 days after ~~from~~ the date of termination of the
1134 qualifying agent's affiliation with the business organization ~~in~~
1135 ~~which~~ to employ another qualifying agent. The business
1136 organization may not engage in consulting or contracting until a
1137 qualifying agent is employed, unless the department has granted
1138 a temporary nonrenewable license to the financially responsible
1139 officer, the president, the sole proprietor, a partner, or, in
1140 the case of a limited partnership, the general partner, who
1141 assumes all responsibilities of a primary qualifying agent for
1142 the entity. This temporary license only allows ~~shall only allow~~
1143 the entity to proceed with incomplete contracts.

1144 (4)

1145 (b) Upon a favorable determination by the department,
1146 after investigation of the financial responsibility, credit, and
1147 business reputation of the qualifying agent and the new business
1148 organization, the department shall issue, without any
1149 examination, a new license in the qualifying agent's ~~business~~

1150 ~~organization's~~ name, and the name of the business organization
 1151 ~~qualifying agent~~ shall be noted thereon.

1152 (6) Each qualifying agent shall pay the department an
 1153 amount equal to the original fee for licensure ~~of a new business~~
 1154 ~~organization.~~ if the qualifying agent for a business
 1155 organization desires to qualify additional business
 1156 organizations.7 The department shall require the agent to
 1157 present evidence of supervisory ability and financial
 1158 responsibility of each such organization. Allowing a licensee to
 1159 qualify more than one business organization must ~~shall~~ be
 1160 conditioned upon the licensee showing that the licensee has both
 1161 the capacity and intent to adequately supervise each business
 1162 organization. The department may ~~shall~~ not limit the number of
 1163 business organizations that ~~which~~ the licensee may qualify
 1164 except upon the licensee's failure to provide such information
 1165 as is required under this subsection or upon a finding that the
 1166 ~~such~~ information or evidence ~~as is~~ supplied is incomplete or
 1167 unpersuasive in showing the licensee's capacity and intent to
 1168 comply with the requirements of this subsection. A qualification
 1169 for an additional business organization may be revoked or
 1170 suspended upon a finding by the department that the licensee has
 1171 failed in the licensee's responsibility to adequately supervise
 1172 the operations of the business organization. Failure to
 1173 adequately supervise the operations of a business organization

1174 is ~~shall be~~ grounds for denial to qualify additional business
 1175 organizations.

1176 Section 57. Subsection (1) of section 469.009, Florida
 1177 Statutes, is amended to read:

1178 469.009 License revocation, suspension, and denial of
 1179 issuance or renewal.—

1180 (1) The department may revoke, suspend, or deny the
 1181 issuance or renewal of a license; reprimand, censure, or place
 1182 on probation any contractor, consultant, or financially
 1183 responsible officer, ~~or business organization~~; require financial
 1184 restitution to a consumer; impose an administrative fine not to
 1185 exceed \$5,000 per violation; require continuing education; or
 1186 assess costs associated with any investigation and prosecution
 1187 if the contractor or consultant, or business organization or
 1188 officer or agent thereof, is found guilty of any of the
 1189 following acts:

1190 (a) Willfully or deliberately disregarding or violating
 1191 the health and safety standards of the Occupational Safety and
 1192 Health Act of 1970, the Construction Safety Act, the National
 1193 Emission Standards for Asbestos, the Environmental Protection
 1194 Agency Asbestos Abatement Projects Worker Protection Rule, the
 1195 Florida Statutes or rules promulgated thereunder, or any
 1196 ordinance enacted by a political subdivision of this state.

1197 (b) Violating any provision of chapter 455.

1198 (c) Failing in any material respect to comply with the

1199 provisions of this chapter or any rule promulgated hereunder.

1200 (d) Acting in the capacity of an asbestos contractor or
 1201 asbestos consultant under any license issued under this chapter
 1202 except in the name of the licensee as set forth on the issued
 1203 license.

1204 (e) Proceeding on any job without obtaining all applicable
 1205 approvals, authorizations, permits, and inspections.

1206 (f) Obtaining a license by fraud or misrepresentation.

1207 (g) Being convicted or found guilty of, or entering a plea
 1208 of nolo contendere to, regardless of adjudication, a crime in
 1209 any jurisdiction which directly relates to the practice of
 1210 asbestos consulting or contracting or the ability to practice
 1211 asbestos consulting or contracting.

1212 (h) Knowingly violating any building code, lifesafety
 1213 code, or county or municipal ordinance relating to the practice
 1214 of asbestos consulting or contracting.

1215 (i) Performing any act which assists a person or entity in
 1216 engaging in the prohibited unlicensed practice of asbestos
 1217 consulting or contracting, if the licensee knows or has
 1218 reasonable grounds to know that the person or entity was
 1219 unlicensed.

1220 (j) Committing mismanagement or misconduct in the practice
 1221 of contracting that causes financial harm to a customer.

1222 Financial mismanagement or misconduct occurs when:

1223 1. Valid liens have been recorded against the property of

1224 a contractor's customer for supplies or services ordered by the
1225 contractor for the customer's job; the contractor has received
1226 funds from the customer to pay for the supplies or services; and
1227 the contractor has not had the liens removed from the property,
1228 by payment or by bond, within 75 days after the date of such
1229 liens;

1230 2. The contractor has abandoned a customer's job and the
1231 percentage of completion is less than the percentage of the
1232 total contract price paid to the contractor as of the time of
1233 abandonment, unless the contractor is entitled to retain such
1234 funds under the terms of the contract or refunds the excess
1235 funds within 30 days after the date the job is abandoned; or

1236 3. The contractor's job has been completed, and it is
1237 shown that the customer has had to pay more for the contracted
1238 job than the original contract price, as adjusted for subsequent
1239 change orders, unless such increase in cost was the result of
1240 circumstances beyond the control of the contractor, was the
1241 result of circumstances caused by the customer, or was otherwise
1242 permitted by the terms of the contract between the contractor
1243 and the customer.

1244 (k) Being disciplined by any municipality or county for an
1245 act or violation of this chapter.

1246 (l) Failing in any material respect to comply with the
1247 provisions of this chapter, or violating a rule or lawful order
1248 of the department.

1249 (m) Abandoning an asbestos abatement project in which the
1250 asbestos contractor is engaged or under contract as a
1251 contractor. A project may be presumed abandoned after 20 days if
1252 the contractor terminates the project without just cause and
1253 without proper notification to the owner, including the reason
1254 for termination; if the contractor fails to reasonably secure
1255 the project to safeguard the public while work is stopped; or if
1256 the contractor fails to perform work without just cause for 20
1257 days.

1258 (n) Signing a statement with respect to a project or
1259 contract falsely indicating that the work is bonded; falsely
1260 indicating that payment has been made for all subcontracted
1261 work, labor, and materials which results in a financial loss to
1262 the owner, purchaser, or contractor; or falsely indicating that
1263 workers' compensation and public liability insurance are
1264 provided.

1265 (o) Committing fraud or deceit in the practice of asbestos
1266 consulting or contracting.

1267 (p) Committing incompetency or misconduct in the practice
1268 of asbestos consulting or contracting.

1269 (q) Committing gross negligence, repeated negligence, or
1270 negligence resulting in a significant danger to life or property
1271 in the practice of asbestos consulting or contracting.

1272 (r) Intimidating, threatening, coercing, or otherwise
1273 discouraging the service of a notice to owner under part I of

1274 chapter 713 or a notice to contractor under chapter 255 or part
 1275 I of chapter 713.

1276 (s) Failing to satisfy, within a reasonable time, the
 1277 terms of a civil judgment obtained against the licensee, or the
 1278 business organization qualified by the licensee, relating to the
 1279 practice of the licensee's profession.

1280
 1281 For the purposes of this subsection, construction is considered
 1282 to be commenced when the contract is executed and the contractor
 1283 has accepted funds from the customer or lender.

1284 Section 58. Subsection (5) of section 471.015, Florida
 1285 Statutes, is amended to read:

1286 471.015 Licensure.—

1287 (5) (a) The board shall deem that an applicant who seeks
 1288 licensure by endorsement has passed an examination substantially
 1289 equivalent to the fundamentals examination when such applicant
 1290 has held a valid professional engineer's license in another
 1291 state for 10 ~~15~~ years and ~~has had 20 years of continuous~~
 1292 ~~professional-level engineering experience.~~

1293 (b) The board shall deem that an applicant who seeks
 1294 licensure by endorsement has passed an examination substantially
 1295 equivalent to the fundamentals examination and the principles
 1296 and practices examination when such applicant has held a valid
 1297 professional engineer's license in another state for 15 ~~25~~ years
 1298 and ~~has had 30 years of continuous professional-level~~

1299 ~~engineering experience.~~

1300 Section 59. Subsection (7) of section 473.308, Florida
1301 Statutes, is amended to read:

1302 473.308 Licensure.—

1303 (7) The board shall certify as qualified for a license by
1304 endorsement an applicant who:

1305 (a)~~1.~~ Is not licensed and has not been licensed in another
1306 state or territory and who has met the requirements of this
1307 section for education, work experience, and good moral character
1308 and has passed a national, regional, state, or territorial
1309 licensing examination that is substantially equivalent to the
1310 examination required by s. 473.306; or and

1311 ~~2. Has completed such continuing education courses as the~~
1312 ~~board deems appropriate, within the limits for each applicable~~
1313 ~~2-year period as set forth in s. 473.312, but at least such~~
1314 ~~courses as are equivalent to the continuing education~~
1315 ~~requirements for a Florida certified public accountant licensed~~
1316 ~~in this state during the 2 years immediately preceding her or~~
1317 ~~his application for licensure by endorsement; or~~

1318 (b)1.~~a.~~ Holds a valid license to practice public
1319 accounting issued by another state or territory of the United
1320 States, if the criteria for issuance of such license were
1321 substantially equivalent to the licensure criteria that existed
1322 in this state at the time the license was issued;

1323 2.b. Holds a valid license to practice public accounting

1324 issued by another state or territory of the United States but
 1325 the criteria for issuance of such license did not meet the
 1326 requirements of subparagraph 1. ~~sub-subparagraph a.~~; has met the
 1327 requirements of this section for education, work experience, and
 1328 good moral character; and has passed a national, regional,
 1329 state, or territorial licensing examination that is
 1330 substantially equivalent to the examination required by s.
 1331 473.306; or

1332 3.e. Holds a valid license to practice public accounting
 1333 issued by another state or territory of the United States for at
 1334 least 10 years before the date of application; has passed a
 1335 national, regional, state, or territorial licensing examination
 1336 that is substantially equivalent to the examination required by
 1337 s. 473.306; and has met the requirements of this section for
 1338 good moral character.~~;~~ ~~and~~

1339 ~~2. Has completed continuing education courses that are~~
 1340 ~~equivalent to the continuing education requirements for a~~
 1341 ~~Florida certified public accountant licensed in this state~~
 1342 ~~during the 2 years immediately preceding her or his application~~
 1343 ~~for licensure by endorsement.~~

1344 Section 60. Subsection (6) of section 474.202, Florida
 1345 Statutes, is amended to read:

1346 474.202 Definitions.—As used in this chapter:

1347 (6) "Limited-service veterinary medical practice" means
 1348 offering or providing veterinary services at any location that

1349 has a primary purpose other than that of providing veterinary
 1350 medical service at a permanent or mobile establishment permitted
 1351 by the board; provides veterinary medical services for privately
 1352 owned animals that do not reside at that location; operates for
 1353 a limited time; and provides limited types of veterinary medical
 1354 services, including vaccinations or immunizations against
 1355 disease, preventative procedures for parasitic control, and
 1356 microchip implantation.

1357 Section 61. Subsection (9) is added to section 474.203,
 1358 Florida Statutes, to read:

1359 474.203 Exemptions.—This chapter does not apply to:

1360 (9) An employee, agent, or contractor of a public or
 1361 private animal shelter, humane organization, or animal control
 1362 agency operated by a humane organization or by a county,
 1363 municipality, or other incorporated political subdivision whose
 1364 work is confined solely to microchip implantation for dogs and
 1365 cats in accordance with s. 823.15.

1366
 1367 For the purposes of chapters 465 and 893, persons exempt
 1368 pursuant to subsection (1), subsection (2), or subsection (4)
 1369 are deemed to be duly licensed practitioners authorized by the
 1370 laws of this state to prescribe drugs or medicinal supplies.

1371 Section 62. Paragraph (b) of subsection (2) of section
 1372 474.207, Florida Statutes, is amended to read:

1373 474.207 Licensure by examination.—

1374 (2) The department shall license each applicant who the
 1375 board certifies has:

1376 (b)1. Graduated from a college of veterinary medicine
 1377 accredited by the American Veterinary Medical Association
 1378 Council on Education; or

1379 2. Graduated from a college of veterinary medicine listed
 1380 in the American Veterinary Medical Association Roster of
 1381 Veterinary Colleges of the World and obtained a certificate from
 1382 the Education Commission for Foreign Veterinary Graduates or the
 1383 Program for the Assessment of Veterinary Education Equivalence.
 1384

1385 The department shall not issue a license to any applicant who is
 1386 under investigation in any state or territory of the United
 1387 States or in the District of Columbia for an act which would
 1388 constitute a violation of this chapter until the investigation
 1389 is complete and disciplinary proceedings have been terminated,
 1390 at which time the provisions of s. 474.214 shall apply.

1391 Section 63. Subsection (1) of section 474.217, Florida
 1392 Statutes, is amended to read:

1393 474.217 Licensure by endorsement.—

1394 (1) The department shall issue a license by endorsement to
 1395 any applicant who, upon applying to the department and remitting
 1396 a fee set by the board, demonstrates to the board that she or
 1397 he:

1398 (a) Has demonstrated, in a manner designated by rule of

1399 | the board, knowledge of the laws and rules governing the
 1400 | practice of veterinary medicine in this state; and
 1401 | (b)1. ~~Either~~ Holds, and has held for the 3 years
 1402 | immediately preceding the application for licensure, a valid,
 1403 | active license to practice veterinary medicine in another state
 1404 | of the United States, the District of Columbia, or a territory
 1405 | of the United States, provided that the applicant has
 1406 | successfully completed a state, regional, national, or other
 1407 | examination that is equivalent to or more stringent than the
 1408 | examination required by the board ~~requirements for licensure in~~
 1409 | ~~the issuing state, district, or territory are equivalent to or~~
 1410 | ~~more stringent than the requirements of this chapter; or~~
 1411 | 2. Meets the qualifications of s. 474.207(2)(b) and has
 1412 | successfully completed a state, regional, national, or other
 1413 | examination which is equivalent to or more stringent than the
 1414 | examination given by the department and has passed the board's
 1415 | clinical competency examination or another clinical competency
 1416 | examination specified by rule of the board.
 1417 | Section 64. Subsection (2) of section 476.114, Florida
 1418 | Statutes, is amended to read:
 1419 | 476.114 Examination; prerequisites.—
 1420 | (2) An applicant shall be eligible for licensure by
 1421 | examination to practice barbering if the applicant:
 1422 | (a) Is at least 16 years of age;
 1423 | (b) Pays the required application fee; and

1424 (c)1. Holds an active valid license to practice barbering
 1425 in another state, has held the license for at least 1 year, and
 1426 does not qualify for licensure by endorsement as provided for in
 1427 s. 476.144(5); or

1428 2. Has received a minimum of 600 ~~1,200~~ hours of training
 1429 in sanitation, safety, and laws and rules, as established by the
 1430 board, which shall include, but shall not be limited to, the
 1431 equivalent of completion of services directly related to the
 1432 practice of barbering at one of the following:

- 1433 a. A school of barbering licensed pursuant to chapter
- 1434 1005;
- 1435 b. A barbering program within the public school system; or
- 1436 c. A government-operated barbering program in this state.

1437
 1438 The board shall establish by rule procedures whereby the school
 1439 or program may certify that a person is qualified to take the
 1440 required examination after the completion of a minimum of 400
 1441 ~~1,000~~ actual school hours. If the person passes the examination,
 1442 she or he shall have satisfied this requirement; but if the
 1443 person fails the examination, she or he shall not be qualified
 1444 to take the examination again until the completion of the full
 1445 requirements provided by this section.

1446 Section 65. Subsection (5) of section 476.144, Florida
 1447 Statutes, is amended to read:

1448 476.144 Licensure.—

1449 (5) The board shall certify as qualified for licensure by
1450 endorsement as a barber in this state an applicant who holds a
1451 current active license to practice barbering in another state.

1452 The board shall adopt rules specifying procedures for the
1453 licensure by endorsement of practitioners desiring to be
1454 licensed in this state who hold a current active license in
1455 another ~~state or~~ country and who have met qualifications
1456 substantially similar to, equivalent to, or greater than the
1457 qualifications required of applicants from this state.

1458 Section 66. Subsection (9) of section 477.013, Florida
1459 Statutes, is amended to read:

1460 477.013 Definitions.—As used in this chapter:

1461 (9) "Hair braiding" means the weaving or interweaving of
1462 natural human hair or commercial hair, including the use of hair
1463 extensions or wefts, for compensation without cutting, coloring,
1464 permanent waving, relaxing, removing, or chemical treatment ~~and~~
1465 ~~does not include the use of hair extensions or wefts.~~

1466 Section 67. Section 477.0132, Florida Statutes, is
1467 repealed.

1468 Section 68. Subsections (7) through (11) are added to
1469 section 477.0135, Florida Statutes, to read:

1470 477.0135 Exemptions.—

1471 (7) A license or registration is not required for a person
1472 whose occupation or practice is confined solely to hair braiding
1473 as defined in s. 477.013(9).

1474 (8) A license or registration is not required for a person
 1475 whose occupation or practice is confined solely to hair wrapping
 1476 as defined in s. 477.013(10).

1477 (9) A license or registration is not required for a person
 1478 whose occupation or practice is confined solely to body wrapping
 1479 as defined in s. 477.013(12).

1480 (10) A license or registration is not required for a
 1481 person whose occupation or practice is confined solely to
 1482 applying polish to fingernails and toenails.

1483 (11) A license or registration is not required for a
 1484 person whose occupation or practice is confined solely to makeup
 1485 application.

1486 Section 69. Subsections (6) and (7) of section 477.019,
 1487 Florida Statutes, are amended to read:

1488 477.019 Cosmetologists; qualifications; licensure;
 1489 supervised practice; license renewal; endorsement; continuing
 1490 education.—

1491 (6) The board shall certify as qualified for licensure by
 1492 endorsement as a cosmetologist in this state an applicant who
 1493 holds a current active license to practice cosmetology in
 1494 another state. ~~The board may not require proof of educational~~
 1495 ~~hours if the license was issued in a state that requires 1,200~~
 1496 ~~or more hours of prelicensure education and passage of a written~~
 1497 ~~examination. This subsection does not apply to applicants who~~
 1498 ~~received their license in another state through an~~

1499 ~~apprenticeship program.~~

1500 (7) (a) The board shall prescribe by rule continuing
 1501 education requirements intended to ensure protection of the
 1502 public through updated training of licensees and registered
 1503 specialists, not to exceed 10 ~~16~~ hours biennially, as a
 1504 condition for renewal of a license or registration as a
 1505 specialist under this chapter. Continuing education courses
 1506 shall include, but not be limited to, the following subjects as
 1507 they relate to the practice of cosmetology: human
 1508 immunodeficiency virus and acquired immune deficiency syndrome;
 1509 Occupational Safety and Health Administration regulations;
 1510 workers' compensation issues; state and federal laws and rules
 1511 as they pertain to cosmetologists, cosmetology, salons,
 1512 specialists, specialty salons, and booth renters; chemical
 1513 makeup as it pertains to hair, skin, and nails; and
 1514 environmental issues. Courses given at cosmetology conferences
 1515 may be counted toward the number of continuing education hours
 1516 required if approved by the board.

1517 ~~(b) Any person whose occupation or practice is confined~~
 1518 ~~solely to hair braiding, hair wrapping, or body wrapping is~~
 1519 ~~exempt from the continuing education requirements of this~~
 1520 ~~subsection.~~

1521 (b)(e) The board may, by rule, require any licensee in
 1522 violation of a continuing education requirement to take a
 1523 refresher course or refresher course and examination in addition

1524 to any other penalty. The number of hours for the refresher
 1525 course may not exceed 48 hours.

1526 Section 70. Subsection (1) of section 477.0201, Florida
 1527 Statutes, is amended to read:

1528 477.0201 Specialty registration; qualifications;
 1529 registration renewal; endorsement.—

1530 (1) Any person is qualified for registration as a
 1531 specialist in any ~~one or more of the specialty practice~~
 1532 ~~practices~~ within the practice of cosmetology under this chapter
 1533 who:

1534 (a) Is at least 16 years of age or has received a high
 1535 school diploma.

1536 (b) Has received a certificate of completion ~~for:—in a~~

1537 1. 150 hours of training, as established by the board,
 1538 which shall focus primarily on sanitation and safety, to
 1539 practice specialties as defined in s. 477.013(6) (a) and (b);
 1540 specialty pursuant to s. 477.013(6)

1541 2. 165 hours of training, as established by the board,
 1542 which shall focus primarily on sanitation and safety, to
 1543 practice the specialty as defined in s. 477.013(6) (c); or

1544 3. 300 hours of training, as established by the board,
 1545 which shall focus primarily on sanitation and safety, to
 1546 practice the specialties as defined in s. 477.013(6) (a)-(c).

1547 (c) The certificate of completion specified in paragraph
 1548 (b) must be from one of the following:

- 1549 1. A school licensed pursuant to s. 477.023.
 1550 2. A school licensed pursuant to chapter 1005 or the
 1551 equivalent licensing authority of another state.
 1552 3. A specialty program within the public school system.
 1553 4. A specialty division within the Cosmetology Division of
 1554 the Florida School for the Deaf and the Blind, provided the
 1555 training programs comply with minimum curriculum requirements
 1556 established by the board.

1557 Section 71. Paragraph (f) of subsection (1) of section
 1558 477.026, Florida Statutes, is amended to read:

1559 477.026 Fees; disposition.—

1560 (1) The board shall set fees according to the following
 1561 schedule:

1562 ~~(f) For hair braiders, hair wrappers, and body wrappers,~~
 1563 ~~fees for registration shall not exceed \$25.~~

1564 Section 72. Subsection (4) of section 477.0263, Florida
 1565 Statutes, is amended, and subsection (5) is added to that
 1566 section, to read:

1567 477.0263 Cosmetology services to be performed in licensed
 1568 salon; exceptions.—

1569 (4) Pursuant to rules adopted by the board, any
 1570 cosmetology or specialty service may be performed in a location
 1571 other than a licensed salon when the service is performed in
 1572 connection with a special event and is performed by a person ~~who~~
 1573 ~~is employed by a licensed salon and~~ who holds the proper license

1574 or specialty registration. ~~An appointment for the performance of~~
 1575 ~~any such service in a location other than a licensed salon must~~
 1576 ~~be made through a licensed salon.~~

1577 (5) Any person who holds the proper license may perform
 1578 hair shampooing, hair cutting, hair arranging, nail polish
 1579 removal, nail filing, nail buffing, and nail cleansing services
 1580 in a location other than a licensed salon.

1581 Section 73. Paragraph (f) of subsection (1) of section
 1582 477.0265, Florida Statutes, is amended to read:

1583 477.0265 Prohibited acts.—

1584 (1) It is unlawful for any person to:

1585 (f) Advertise or imply that skin care services ~~or body~~
 1586 ~~wrapping~~, as performed under this chapter, have any relationship
 1587 to the practice of massage therapy as defined in s. 480.033(3),
 1588 except those practices or activities defined in s. 477.013.

1589 Section 74. Paragraph (a) of subsection (1) of section
 1590 477.029, Florida Statutes, is amended to read:

1591 477.029 Penalty.—

1592 (1) It is unlawful for any person to:

1593 (a) Hold himself or herself out as a cosmetologist or
 1594 ~~specialist, hair wrapper, hair braider, or body wrapper~~ unless
 1595 duly licensed or registered, or otherwise authorized, as
 1596 provided in this chapter.

1597 Section 75. Section 481.201, Florida Statutes, is amended
 1598 to read:

1599 481.201 Purpose.—The primary legislative purpose for
 1600 enacting this part is to ensure that every architect practicing
 1601 in this state meets minimum requirements for safe practice. It
 1602 is the legislative intent that architects who fall below minimum
 1603 competency or who otherwise present a danger to the public shall
 1604 be prohibited from practicing in this state. ~~The Legislature~~
 1605 ~~further finds that it is in the interest of the public to limit~~
 1606 ~~the practice of interior design to interior designers or~~
 1607 ~~architects who have the design education and training required~~
 1608 ~~by this part or to persons who are exempted from the provisions~~
 1609 ~~of this part.~~

1610 Section 76. Section 481.203, Florida Statutes, is amended
 1611 to read:

1612 481.203 Definitions.—As used in this part, the term:

1613 (1)~~(3)~~ "Architect" or "registered architect" means a
 1614 natural person who is licensed under this part to engage in the
 1615 practice of architecture.

1616 (2)~~(6)~~ "Architecture" means the rendering or offering to
 1617 render services in connection with the design and construction
 1618 of a structure or group of structures which have as their
 1619 principal purpose human habitation or use, and the utilization
 1620 of space within and surrounding such structures. These services
 1621 include planning, providing preliminary study designs, drawings
 1622 and specifications, job-site inspection, and administration of
 1623 construction contracts.

1624 (3)~~(1)~~ "Board" means the Board of Architecture ~~and~~
1625 Interior Design.

1626 (4)~~(5)~~ "Business organization" means a partnership, a
1627 limited liability company, a corporation, or an individual
1628 operating under a fictitious name "~~Certificate of authorization~~"
1629 ~~means a certificate issued by the department to a corporation or~~
1630 ~~partnership to practice architecture or interior design.~~

1631 (5)~~(4)~~ "Certificate of registration" means a license
1632 issued by the department to a natural person to engage in the
1633 practice of architecture or interior design.

1634 (6)~~(13)~~ "Common area" means an area that is held out for
1635 use by all tenants or owners in a multiple-unit dwelling,
1636 including, but not limited to, a lobby, elevator, hallway,
1637 laundry room, clubhouse, or swimming pool.

1638 (7)~~(2)~~ "Department" means the Department of Business and
1639 Professional Regulation.

1640 (8)~~(14)~~ "Diversified interior design experience" means
1641 experience which substantially encompasses the various elements
1642 of interior design services set forth under the definition of
1643 "interior design" in subsection (10)~~(8)~~.

1644 (9)~~(15)~~ "Interior decorator services" includes the
1645 selection or assistance in selection of surface materials,
1646 window treatments, wallcoverings, paint, floor coverings,
1647 surface-mounted lighting, surface-mounted fixtures, and loose

1648 furnishings not subject to regulation under applicable building
1649 codes.

1650 (10)~~(8)~~ "Interior design" means designs, consultations,
1651 studies, drawings, specifications, and administration of design
1652 construction contracts relating to nonstructural interior
1653 elements of a building or structure. "Interior design" includes,
1654 but is not limited to, reflected ceiling plans, space planning,
1655 furnishings, and the fabrication of nonstructural elements
1656 within and surrounding interior spaces of buildings. "Interior
1657 design" specifically excludes the design of or the
1658 responsibility for architectural and engineering work, except
1659 for specification of fixtures and their location within interior
1660 spaces. As used in this subsection, "architectural and
1661 engineering interior construction relating to the building
1662 systems" includes, but is not limited to, construction of
1663 structural, mechanical, plumbing, heating, air-conditioning,
1664 ventilating, electrical, or vertical transportation systems, or
1665 construction which materially affects lifesafety systems
1666 pertaining to firesafety protection such as fire-rated
1667 separations between interior spaces, fire-rated vertical shafts
1668 in multistory structures, fire-rated protection of structural
1669 elements, smoke evacuation and compartmentalization, emergency
1670 ingress or egress systems, and emergency alarm systems.

1671 ~~(9) "Registered interior designer" or "interior designer"~~
1672 ~~means a natural person who is licensed under this part.~~

1673 (11)~~(10)~~ "Nonstructural element" means an element which
1674 does not require structural bracing and which is something other
1675 than a load-bearing wall, load-bearing column, or other load-
1676 bearing element of a building or structure which is essential to
1677 the structural integrity of the building.

1678 (12)~~(11)~~ "Reflected ceiling plan" means a ceiling design
1679 plan which is laid out as if it were projected downward and
1680 which may include lighting and other elements.

1681 (13)~~(16)~~ "Responsible supervising control" means the
1682 exercise of direct personal supervision and control throughout
1683 the preparation of documents, instruments of service, or any
1684 other work requiring the seal and signature of a licensee under
1685 this part.

1686 (14)~~(12)~~ "Space planning" means the analysis, programming,
1687 or design of spatial requirements, including preliminary space
1688 layouts and final planning.

1689 (15)~~(7)~~ "Townhouse" is a single-family dwelling unit not
1690 exceeding three stories in height which is constructed in a
1691 series or group of attached units with property lines separating
1692 such units. Each townhouse shall be considered a separate
1693 building and shall be separated from adjoining townhouses by the
1694 use of separate exterior walls meeting the requirements for zero
1695 clearance from property lines as required by the type of
1696 construction and fire protection requirements; or shall be

1697 separated by a party wall; or may be separated by a single wall
1698 meeting the following requirements:

1699 (a) Such wall shall provide not less than 2 hours of fire
1700 resistance. Plumbing, piping, ducts, or electrical or other
1701 building services shall not be installed within or through the
1702 2-hour wall unless such materials and methods of penetration
1703 have been tested in accordance with the Standard Building Code.

1704 (b) Such wall shall extend from the foundation to the
1705 underside of the roof sheathing, and the underside of the roof
1706 shall have at least 1 hour of fire resistance for a width not
1707 less than 4 feet on each side of the wall.

1708 (c) Each dwelling unit sharing such wall shall be designed
1709 and constructed to maintain its structural integrity independent
1710 of the unit on the opposite side of the wall.

1711 Section 77. Subsection (1) and paragraph (a) of subsection
1712 (3) of section 481.205, Florida Statutes, are amended to read:

1713 481.205 Board of Architecture ~~and Interior Design.~~

1714 (1) The Board of Architecture ~~and Interior Design~~ is
1715 created within the Department of Business and Professional
1716 Regulation. The board shall consist of seven ~~11~~ members. Five
1717 members must be registered architects who have been engaged in
1718 the practice of architecture for at least 5 years; ~~three members~~
1719 ~~must be registered interior designers who have been offering~~
1720 ~~interior design services for at least 5 years and who are not~~
1721 ~~also registered architects;~~ and two ~~three~~ members must be

1722 laypersons who are not, and have never been, architects,
1723 ~~interior designers,~~ or members of any closely related profession
1724 or occupation. At least one member of the board must be 60 years
1725 of age or older.

1726 (3) (a) Notwithstanding the provisions of ss. 455.225,
1727 455.228, and 455.32, the duties and authority of the department
1728 to receive complaints and investigate and discipline persons
1729 licensed under this part, including the ability to determine
1730 legal sufficiency and probable cause; to initiate proceedings
1731 and issue final orders for summary suspension or restriction of
1732 a license pursuant to s. 120.60(6); to issue notices of
1733 noncompliance, notices to cease and desist, subpoenas, and
1734 citations; to retain legal counsel, investigators, or
1735 prosecutorial staff in connection with the licensed practice of
1736 architecture ~~and interior design;~~ and to investigate and deter
1737 the unlicensed practice of architecture ~~and interior design~~ as
1738 provided in s. 455.228 are delegated to the board. All
1739 complaints and any information obtained pursuant to an
1740 investigation authorized by the board are confidential and
1741 exempt from s. 119.07(1) as provided in s. 455.225(2) and (10).

1742 Section 78. Section 481.207, Florida Statutes, is amended
1743 to read:

1744 481.207 Fees.—The board, by rule, may establish separate
1745 fees for architects ~~and interior designers,~~ to be paid for
1746 applications, examination, reexamination, licensing and renewal,

HB 1193

2020

1747 delinquency, reinstatement, and recordmaking and recordkeeping.
1748 The examination fee shall be in an amount that covers the cost
1749 of obtaining and administering the examination and shall be
1750 refunded if the applicant is found ineligible to sit for the
1751 examination. The application fee is nonrefundable. The fee for
1752 initial application and examination for architects ~~and interior~~
1753 ~~designers~~ may not exceed \$775 plus the actual per applicant cost
1754 to the department for purchase of the examination from the
1755 National Council of Architectural Registration Boards ~~or the~~
1756 ~~National Council of Interior Design Qualifications,~~
1757 ~~respectively,~~ or similar national organizations. The biennial
1758 renewal fee for architects may not exceed \$200. ~~The biennial~~
1759 ~~renewal fee for interior designers may not exceed \$500.~~ The
1760 delinquency fee may not exceed the biennial renewal fee
1761 established by the board for an active license. The board shall
1762 establish fees that are adequate to ensure the continued
1763 operation of the board and to fund the proportionate expenses
1764 incurred by the department which are allocated to the regulation
1765 of architects ~~and interior designers~~. Fees shall be based on
1766 department estimates of the revenue required to implement this
1767 part and the provisions of law with respect to the regulation of
1768 architects ~~and interior designers~~.

1769 Section 79. Section 481.209, Florida Statutes, is amended
1770 to read:

1771 481.209 Examinations.—

1772 ~~(1)~~ A person desiring to be licensed as a registered
 1773 architect by initial examination shall apply to the department,
 1774 complete the application form, and remit a nonrefundable
 1775 application fee. The department shall license any applicant who
 1776 the board certifies:

1777 ~~(a)~~ has passed the licensure examination prescribed by
 1778 board rule; and

1779 ~~(b)~~ is a graduate of a school or college of architecture
 1780 with a program accredited by the National Architectural
 1781 Accreditation Board.

1782 ~~(2)~~ ~~A person desiring to be licensed as a registered~~
 1783 ~~interior designer shall apply to the department for licensure.~~
 1784 ~~The department shall administer the licensure examination for~~
 1785 ~~interior designers to each applicant who has completed the~~
 1786 ~~application form and remitted the application and examination~~
 1787 ~~fees specified in s. 481.207 and who the board certifies:~~

1788 ~~(a)~~ ~~Is a graduate from an interior design program of 5~~
 1789 ~~years or more and has completed 1 year of diversified interior~~
 1790 ~~design experience;~~

1791 ~~(b)~~ ~~Is a graduate from an interior design program of 4~~
 1792 ~~years or more and has completed 2 years of diversified interior~~
 1793 ~~design experience;~~

1794 ~~(c)~~ ~~Has completed at least 3 years in an interior design~~
 1795 ~~curriculum and has completed 3 years of diversified interior~~
 1796 ~~design experience; or~~

HB 1193

2020

1797 ~~(d) Is a graduate from an interior design program of at~~
1798 ~~least 2 years and has completed 4 years of diversified interior~~
1799 ~~design experience.~~
1800 ~~Subsequent to October 1, 2000, for the purpose of having the~~
1801 ~~educational qualification required under this subsection~~
1802 ~~accepted by the board, the applicant must complete his or her~~
1803 ~~education at a program, school, or college of interior design~~
1804 ~~whose curriculum has been approved by the board as of the time~~
1805 ~~of completion. Subsequent to October 1, 2003, all of the~~
1806 ~~required amount of educational credits shall have been obtained~~
1807 ~~in a program, school, or college of interior design whose~~
1808 ~~curriculum has been approved by the board, as of the time each~~
1809 ~~educational credit is gained. The board shall adopt rules~~
1810 ~~providing for the review and approval of programs, schools, and~~
1811 ~~colleges of interior design and courses of interior design study~~
1812 ~~based on a review and inspection by the board of the curriculum~~
1813 ~~of programs, schools, and colleges of interior design in the~~
1814 ~~United States, including those programs, schools, and colleges~~
1815 ~~accredited by the Foundation for Interior Design Education~~
1816 ~~Research. The board shall adopt rules providing for the review~~
1817 ~~and approval of diversified interior design experience required~~
1818 ~~by this subsection.~~

1819 Section 80. Subsections (1) through (4) of section
1820 481.213, Florida Statutes, are amended to read:

1821 481.213 Licensure.—

1822 (1) The department shall license any applicant who the
 1823 board certifies is qualified for licensure and who has paid the
 1824 initial licensure fee. ~~Licensure as an architect under this~~
 1825 ~~section shall be deemed to include all the rights and privileges~~
 1826 ~~of licensure as an interior designer under this section.~~

1827 (2) The board shall certify for licensure by examination
 1828 any applicant who passes the prescribed licensure examination
 1829 and satisfies the requirements of ss. 481.209 and 481.211, ~~for~~
 1830 ~~architects, or the requirements of s. 481.209, for interior~~
 1831 ~~designers.~~

1832 (3) The board shall certify as qualified for a license by
 1833 endorsement as an architect ~~or as an interior designer~~ an
 1834 applicant who:

1835 (a) Qualifies to take the prescribed licensure
 1836 examination, and has passed the prescribed licensure examination
 1837 or a substantially equivalent examination in another
 1838 jurisdiction, as set forth in s. 481.209 for architects ~~or~~
 1839 ~~interior designers, as applicable,~~ and has satisfied the
 1840 internship requirements set forth in s. 481.211 for architects;

1841 (b) Holds a valid license to practice architecture ~~or~~
 1842 ~~interior design~~ issued by another jurisdiction of the United
 1843 States, if the criteria for issuance of such license were
 1844 substantially equivalent to the licensure criteria that existed
 1845 in this state at the time the license was issued; ~~provided,~~
 1846 ~~however, that an applicant who has been licensed for use of the~~

1847 ~~title "interior design" rather than licensed to practice~~
1848 ~~interior design shall not qualify hereunder; or~~

1849 (c) Has passed the prescribed licensure examination and
1850 holds a valid certificate issued by the National Council of
1851 Architectural Registration Boards, and holds a valid license to
1852 practice architecture issued by another state or jurisdiction of
1853 the United States.

1854 (4) The board may refuse to certify any applicant who has
1855 violated any of the provisions of s. 481.223, or s. 481.225, ~~or~~
1856 ~~s. 481.2251~~, as applicable.

1857 Section 81. Section 481.2131, Florida Statutes, is amended
1858 to read:

1859 481.2131 Interior design; practice requirements;
1860 ~~disclosure of compensation for professional services.-~~

1861 (1) ~~A registered interior designer is authorized to~~
1862 ~~perform "interior design" as defined in s. 481.203. Interior~~
1863 ~~design documents prepared by a registered interior designer~~
1864 ~~shall contain a statement that the document is not an~~
1865 ~~architectural or engineering study, drawing, specification, or~~
1866 ~~design and is not to be used for construction of any load-~~
1867 ~~bearing columns, load-bearing framing or walls of structures, or~~
1868 ~~issuance of any building permit, except as otherwise provided by~~
1869 ~~law.~~ Interior design documents that are prepared in accordance
1870 with the Florida Building Code and sealed by an a registered
1871 interior designer must ~~may~~, if required by a permitting body, be

1872 accepted by the permitting body ~~be submitted~~ for the issuance of
1873 a building permit for interior construction excluding design of
1874 any structural, mechanical, plumbing, heating, air-conditioning,
1875 ventilating, electrical, or vertical transportation systems or
1876 that materially affect lifesafety systems pertaining to
1877 firesafety protection such as fire-rated separations between
1878 interior spaces, fire-rated vertical shafts in multistory
1879 structures, fire-rated protection of structural elements, smoke
1880 evacuation and compartmentalization, emergency ingress or egress
1881 systems, and emergency alarm systems. Interior design documents
1882 submitted for the issuance of a building permit by an individual
1883 performing interior design services who is not a licensed
1884 architect must include written proof that such individual has
1885 successfully passed the qualification examination prescribed by
1886 either the National Council for Interior Design Qualifications
1887 or the California Council for Interior Design Certification, or
1888 that such individual held a license to practice interior design
1889 from the department. All drawings, plans, specifications, or
1890 reports prepared or issued by the interior designer and filed
1891 for public record shall bear the signature of the interior
1892 designer who prepared or approved the document and the date on
1893 which they were signed. The signature and date shall be evidence
1894 of the authenticity of that to which they are affixed. Final
1895 plans, specifications, or reports prepared or issued by an
1896 interior designer may be transmitted electronically and may be

1897 | electronically signed by the interior designer.

1898 | (2) A license or registration is not required for a person
 1899 | whose occupation or practice is confined to interior design or
 1900 | interior decorator services ~~An interior designer shall, before~~
 1901 | ~~entering into a contract, verbal or written, clearly determine~~
 1902 | ~~the scope and nature of the project and the method or methods of~~
 1903 | ~~compensation. The interior designer may offer professional~~
 1904 | ~~services to the client as a consultant, specifier, or supplier~~
 1905 | ~~on the basis of a fee, percentage, or markup. The interior~~
 1906 | ~~designer shall have the responsibility of fully disclosing to~~
 1907 | ~~the client the manner in which all compensation is to be paid.~~
 1908 | ~~Unless the client knows and agrees, the interior designer shall~~
 1909 | ~~not accept any form of compensation from a supplier of goods and~~
 1910 | ~~services in cash or in kind.~~

1911 | Section 82. Subsections (3) and (5) of section 481.215,
 1912 | Florida Statutes, are amended to read:

1913 | 481.215 Renewal of license.—

1914 | (3) A ~~No~~ license renewal may not ~~shall~~ be issued to an
 1915 | architect ~~or an interior designer~~ by the department until the
 1916 | licensee submits proof satisfactory to the department that,
 1917 | during the 2 years before ~~prior to~~ application for renewal, the
 1918 | licensee participated per biennium in not less than 20 hours of
 1919 | at least 50 minutes each per biennium of continuing education
 1920 | approved by the board. The board shall approve only continuing
 1921 | education that builds upon the basic knowledge of architecture

1922 ~~or interior design.~~ The board may make exception from the
 1923 requirements of continuing education in emergency or hardship
 1924 cases.

1925 ~~(5) The board shall require, by rule adopted pursuant to~~
 1926 ~~ss. 120.536(1) and 120.54, a specified number of hours in~~
 1927 ~~specialized or advanced courses, approved by the Florida~~
 1928 ~~Building Commission, on any portion of the Florida Building~~
 1929 ~~Code, adopted pursuant to part IV of chapter 553, relating to~~
 1930 ~~the licensee's respective area of practice.~~

1931 Section 83. Subsection (1) of section 481.217, Florida
 1932 Statutes, is amended to read:

1933 481.217 Inactive status.—

1934 (1) The board may prescribe by rule continuing education
 1935 requirements as a condition of reactivating a license. The rules
 1936 may not require more than one renewal cycle of continuing
 1937 education to reactivate a license for a registered architect ~~or~~
 1938 ~~interior designer. For interior design, the board may approve~~
 1939 ~~only continuing education that builds upon the basic knowledge~~
 1940 ~~of interior design.~~

1941 Section 84. Section 481.219, Florida Statutes, is amended
 1942 to read:

1943 481.219 Qualification of business organizations
 1944 ~~certification of partnerships, limited liability companies, and~~
 1945 ~~corporations.—~~

1946 (1) A licensee may ~~The practice of or the offer to~~

1947 | practice architecture ~~or interior design~~ by licensees through a
1948 | qualified business organization that offers ~~corporation, limited~~
1949 | ~~liability company, or partnership offering~~ architectural ~~or~~
1950 | ~~interior design~~ services to the public, ~~or by a corporation,~~
1951 | ~~limited liability company, or partnership offering~~ architectural
1952 | ~~or interior design~~ services to the public through licensees
1953 | under this part as agents, employees, officers, or partners, is
1954 | permitted, subject to the provisions of this section.

1955 | (2) If a licensee or an applicant proposes to engage in
1956 | the practice of architecture as a business organization, the
1957 | licensee or applicant shall qualify the business organization
1958 | upon approval of the board ~~For the purposes of this section, a~~
1959 | ~~certificate of authorization shall be required for a~~
1960 | ~~corporation, limited liability company, partnership, or person~~
1961 | ~~practicing under a fictitious name, offering architectural~~
1962 | ~~services to the public jointly or separately. However, when an~~
1963 | ~~individual is practicing architecture in her or his own name,~~
1964 | ~~she or he shall not be required to be certified under this~~
1965 | ~~section. Certification under this subsection to offer~~
1966 | ~~architectural services shall include all the rights and~~
1967 | ~~privileges of certification under subsection (3) to offer~~
1968 | ~~interior design services.~~

1969 | (3) (a) A business organization may not engage in the
1970 | practice of architecture unless its qualifying agent is a
1971 | registered architect under this part. A qualifying agent who

1972 terminates an affiliation with a qualified business organization
1973 shall immediately notify the department of such termination. If
1974 such qualifying agent is the only qualifying agent for that
1975 business organization, the business organization must be
1976 qualified by another qualifying agent within 60 days after the
1977 termination. Except as provided in paragraph (b), the business
1978 organization may not engage in the practice of architecture
1979 until it is qualified by another qualifying agent.

1980 (b) In the event a qualifying agent ceases employment with
1981 a qualified business organization, the executive director or the
1982 chair of the board may authorize another registered architect
1983 employed by the business organization to temporarily serve as
1984 its qualifying agent for a period of no more than 60 days. The
1985 business organization is not authorized to operate beyond such
1986 period under this chapter absent replacement of the qualifying
1987 agent who has ceased employment.

1988 (c) A qualifying agent shall notify the department in
1989 writing before engaging in the practice of architecture in her
1990 or his own name or in affiliation with a different business
1991 organization, and she or he or such business organization shall
1992 supply the same information to the department as required of
1993 applicants under this part.

1994 ~~(3) For the purposes of this section, a certificate of~~
1995 ~~authorization shall be required for a corporation, limited~~
1996 ~~liability company, partnership, or person operating under a~~

HB 1193

2020

1997 ~~fictitious name, offering interior design services to the public~~
1998 ~~jointly or separately. However, when an individual is practicing~~
1999 ~~interior design in her or his own name, she or he shall not be~~
2000 ~~required to be certified under this section.~~

2001 (4) All final construction documents and instruments of
2002 service which include drawings, specifications, plans, reports,
2003 or other papers or documents that involve ~~involving~~ the practice
2004 of architecture which are prepared or approved for the use of
2005 the business organization ~~corporation, limited liability~~
2006 ~~company, or partnership~~ and filed for public record within the
2007 state must ~~shall~~ bear the signature and seal of the licensee who
2008 prepared or approved them and the date on which they were
2009 sealed.

2010 ~~(5) All drawings, specifications, plans, reports, or other~~
2011 ~~papers or documents prepared or approved for the use of the~~
2012 ~~corporation, limited liability company, or partnership by an~~
2013 ~~interior designer in her or his professional capacity and filed~~
2014 ~~for public record within the state shall bear the signature and~~
2015 ~~seal of the licensee who prepared or approved them and the date~~
2016 ~~on which they were sealed.~~

2017 ~~(6) The department shall issue a certificate of~~
2018 ~~authorization to any applicant who the board certifies as~~
2019 ~~qualified for a certificate of authorization and who has paid~~
2020 ~~the fee set in s. 481.207.~~

2021 (5)(7) The board shall allow a licensee or ~~certify~~ an

2022 applicant to qualify one or more business organizations as
 2023 ~~qualified for a certificate of authorization to offer~~
 2024 architectural ~~or interior design~~ services, or to use a
 2025 fictitious name to offer such services, if provided that:

2026 (a) one or more of the principal officers of the
 2027 corporation or limited liability company, or one or more
 2028 partners of the partnership, and all personnel of the
 2029 corporation, limited liability company, or partnership who act
 2030 in its behalf in this state as architects, are registered as
 2031 provided by this part. ~~7~~ or

2032 (b) ~~One or more of the principal officers of the~~
 2033 ~~corporation or one or more partners of the partnership, and all~~
 2034 ~~personnel of the corporation, limited liability company, or~~
 2035 ~~partnership who act in its behalf in this state as interior~~
 2036 ~~designers, are registered as provided by this part.~~

2037 (8) ~~The department shall adopt rules establishing a~~
 2038 ~~procedure for the biennial renewal of certificates of~~
 2039 ~~authorization.~~

2040 (9) ~~The department shall renew a certificate of~~
 2041 ~~authorization upon receipt of the renewal application and~~
 2042 ~~biennial renewal fee.~~

2043 (6) ~~(10)~~ Each qualifying agent who qualifies a business
 2044 organization ~~partnership, limited liability company, and~~
 2045 ~~corporation certified~~ under this section shall notify the
 2046 department within 30 days after ~~of~~ any change in the information

2047 contained in the application upon which the qualification
 2048 ~~certification~~ is based. Any registered architect ~~or interior~~
 2049 ~~designer~~ who qualifies the business organization shall ensure
 2050 ~~corporation, limited liability company, or partnership as~~
 2051 ~~provided in subsection (7) shall be responsible for ensuring~~
 2052 responsible supervising control of projects of the business
 2053 organization ~~entity~~ and shall notify the department of the ~~upon~~
 2054 ~~termination of her or his employment with a~~ business
 2055 organization qualified ~~partnership, limited liability company,~~
 2056 ~~or corporation certified under this section shall notify the~~
 2057 ~~department of the termination~~ within 30 days after such
 2058 termination.

2059 ~~(7)(11)~~ A business organization is not ~~No corporation,~~
 2060 ~~limited liability company, or partnership shall be relieved of~~
 2061 responsibility for the conduct or acts of its agents, employees,
 2062 or officers by reason of its compliance with this section.
 2063 However, except as provided in s. 558.0035, the architect who
 2064 signs and seals the construction documents and instruments of
 2065 service is ~~shall be~~ liable for the professional services
 2066 performed, ~~and the interior designer who signs and seals the~~
 2067 ~~interior design drawings, plans, or specifications shall be~~
 2068 ~~liable for the professional services performed.~~

2069 ~~(12)~~ ~~Disciplinary action against a corporation, limited~~
 2070 ~~liability company, or partnership shall be administered in the~~
 2071 ~~same manner and on the same grounds as disciplinary action~~

2072 ~~against a registered architect or interior designer,~~
 2073 ~~respectively.~~

2074 ~~(8)-(13) Nothing in This section may not shall~~ be construed
 2075 to mean that a certificate of registration to practice
 2076 architecture ~~or interior design~~ must shall be held by a business
 2077 organization ~~corporation, limited liability company, or~~
 2078 ~~partnership. Nothing in This section does not prohibit a~~
 2079 business organization from offering ~~prohibits corporations,~~
 2080 ~~limited liability companies, and partnerships from joining~~
 2081 ~~together to offer architectural or, engineering, interior~~
 2082 ~~design, surveying and mapping, and landscape architectural~~
 2083 ~~services, or any combination of such services, to the public if~~
 2084 the business organization, ~~provided that each corporation,~~
 2085 ~~limited liability company, or partnership~~ otherwise meets the
 2086 requirements of law.

2087 ~~(14) Corporations, limited liability companies, or~~
 2088 ~~partnerships holding a valid certificate of authorization to~~
 2089 ~~practice architecture shall be permitted to use in their title~~
 2090 ~~the term "interior designer" or "registered interior designer."~~

2091 Section 85. Subsections (4), (6), (8), (10), (11), and
 2092 (12) of section 481.221, Florida Statutes, are renumbered as
 2093 subsections (3), (4), (5), (6), (7), and (8), respectively, and
 2094 present subsections (3), (5), (7), (9), (10), (11), and (12) of
 2095 that section are amended to read:

2096 481.221 Seals; display of certificate number; permitting

2097 requirements.—

2098 ~~(3) The board shall adopt a rule prescribing the~~
 2099 ~~distinctly different seals to be used by registered interior~~
 2100 ~~designers holding valid certificates of registration. Each~~
 2101 ~~registered interior designer shall obtain a seal as prescribed~~
 2102 ~~by the board, and all drawings, plans, specifications, or~~
 2103 ~~reports prepared or issued by the registered interior designer~~
 2104 ~~and being filed for public record shall bear the signature and~~
 2105 ~~seal of the registered interior designer who prepared or~~
 2106 ~~approved the document and the date on which they were sealed.~~
 2107 ~~The signature, date, and seal shall be evidence of the~~
 2108 ~~authenticity of that to which they are affixed. Final plans,~~
 2109 ~~specifications, or reports prepared or issued by a registered~~
 2110 ~~interior designer may be transmitted electronically and may be~~
 2111 ~~signed by the registered interior designer, dated, and sealed~~
 2112 ~~electronically with the seal in accordance with ss. 668.001-~~
 2113 ~~668.006.~~

2114 ~~(5) No registered interior designer shall affix, or permit~~
 2115 ~~to be affixed, her or his seal or signature to any plan,~~
 2116 ~~specification, drawing, or other document which depicts work~~
 2117 ~~which she or he is not competent or licensed to perform.~~

2118 ~~(7) No registered interior designer shall affix her or his~~
 2119 ~~signature or seal to any plans, specifications, or other~~
 2120 ~~documents which were not prepared by her or him or under her or~~
 2121 ~~his responsible supervising control or by another registered~~

HB 1193

2020

2122 ~~interior designer and reviewed, approved, or modified and~~
2123 ~~adopted by her or him as her or his own work according to rules~~
2124 ~~adopted by the board.~~

2125 ~~(9) Studies, drawings, specifications, and other related~~
2126 ~~documents prepared by a registered interior designer in~~
2127 ~~providing interior design services shall be of a sufficiently~~
2128 ~~high standard to clearly and accurately indicate all essential~~
2129 ~~parts of the work to which they refer.~~

2130 ~~(6)~~ (10) Each registered architect must ~~or interior~~
2131 ~~designer, and each corporation, limited liability company, or~~
2132 ~~partnership holding a certificate of authorization, shall~~
2133 ~~include her or his license its certificate number in any~~
2134 ~~newspaper, telephone directory, or other advertising medium used~~
2135 ~~by the registered licensee architect, interior designer,~~
2136 ~~corporation, limited liability company, or partnership. Each~~
2137 ~~business organization must include the license number of the~~
2138 ~~registered architect who serves as the qualifying agent for that~~
2139 ~~business organization in any newspaper, telephone directory, or~~
2140 ~~other advertising medium used by the business organization. A~~
2141 ~~business organization is not required to display the license~~
2142 ~~numbers of other registered architects employed by the business~~
2143 ~~organization~~ A corporation, limited liability company, or
2144 ~~partnership is not required to display the certificate number of~~
2145 ~~individual registered architects or interior designers employed~~
2146 ~~by or working within the corporation, limited liability company,~~

2147 ~~or partnership.~~

2148 (7)~~(11)~~ When the certificate of registration of a
2149 registered architect ~~or interior designer~~ has been revoked or
2150 suspended by the board, the registered architect ~~or interior~~
2151 ~~designer~~ shall surrender her or his seal to the secretary of the
2152 board within a period of 30 days after the revocation or
2153 suspension has become effective. If the certificate of the
2154 registered architect ~~or interior designer~~ has been suspended for
2155 a period of time, her or his seal shall be returned to her or
2156 him upon expiration of the suspension period.

2157 (8)~~(12)~~ A person may not sign and seal by any means any
2158 final plan, specification, or report after her or his
2159 certificate of registration has expired or is suspended or
2160 revoked. A registered architect ~~or interior designer~~ whose
2161 certificate of registration is suspended or revoked shall,
2162 within 30 days after the effective date of the suspension or
2163 revocation, surrender her or his seal to the executive director
2164 of the board and confirm in writing to the executive director
2165 the cancellation of the registered architect's ~~or interior~~
2166 ~~designer's~~ electronic signature in accordance with ss. 668.001-
2167 668.006. When a registered architect's ~~or interior designer's~~
2168 certificate of registration is suspended for a period of time,
2169 her or his seal shall be returned upon expiration of the period
2170 of suspension.

2171 Section 86. Section 481.222, Florida Statutes, is amended

2172 to read:

2173 481.222 Architects performing building code inspection
 2174 services.—Notwithstanding any other provision of law, a person
 2175 who is currently licensed to practice as an architect under this
 2176 part may provide building code inspection services described in
 2177 s. 468.603(5) and (8) to a local government or state agency upon
 2178 its request, without being certified by the Florida Building
 2179 Code Administrators and Inspectors Board under part XII of
 2180 chapter 468. With respect to the performance of such building
 2181 code inspection services, the architect is subject to the
 2182 disciplinary guidelines of this part and s. 468.621(1)(c)-(h).
 2183 Any complaint processing, investigation, and discipline that
 2184 arise out of an architect's performance of building code
 2185 inspection services shall be conducted by the Board of
 2186 Architecture ~~and Interior Design~~ rather than the Florida
 2187 Building Code Administrators and Inspectors Board. An architect
 2188 may not perform plans review as an employee of a local
 2189 government upon any job that the architect or the architect's
 2190 company designed.

2191 Section 87. Section 481.223, Florida Statutes, is amended
 2192 to read:

2193 481.223 Prohibitions; penalties; injunctive relief.—
 2194 (1) A person may not knowingly:
 2195 (a) Practice architecture unless the person is an
 2196 architect or a registered architect; however, a licensed

2197 architect who has been licensed by the board and who chooses to
 2198 relinquish or not to renew his or her license may use the title
 2199 "Architect, Retired" but may not otherwise render any
 2200 architectural services.

2201 ~~(b) Practice interior design unless the person is a~~
 2202 ~~registered interior designer unless otherwise exempted herein;~~
 2203 ~~however, an interior designer who has been licensed by the board~~
 2204 ~~and who chooses to relinquish or not to renew his or her license~~
 2205 ~~may use the title "Interior Designer, Retired" but may not~~
 2206 ~~otherwise render any interior design services.~~

2207 (b)(e) Use the name or title "architect," ~~or~~ "registered
 2208 architect," ~~or "interior designer" or "registered interior~~
 2209 ~~designer,"~~ or words to that effect, when the person is not then
 2210 the holder of a valid license issued pursuant to this part.

2211 (c)(d) Present as his or her own the license of another.

2212 (d)(e) Give false or forged evidence to the board or a
 2213 member thereof.

2214 (e)(f) Use or attempt to use an architect ~~or interior~~
 2215 ~~designer~~ license that has been suspended, revoked, or placed on
 2216 inactive or delinquent status.

2217 (f)(g) Employ unlicensed persons to practice architecture
 2218 ~~or interior design.~~

2219 (g)(h) Conceal information relative to violations of this
 2220 part.

2221 (2) Any person who violates any provision of subsection

2222 (1) commits a misdemeanor of the first degree, punishable as
 2223 provided in s. 775.082 or s. 775.083.

2224 (3) (a) Notwithstanding chapter 455 or any other law to the
 2225 contrary, an affected person may maintain an action for
 2226 injunctive relief to restrain or prevent a person from violating
 2227 paragraph (1) (a) or paragraph (1) (b), ~~or paragraph (1) (c)~~. The
 2228 prevailing party is entitled to actual costs and attorney's
 2229 fees.

2230 (b) For purposes of this subsection, the term "affected
 2231 person" means a person directly affected by the actions of a
 2232 person suspected of violating paragraph (1) (a) or paragraph
 2233 (1) (b), ~~or paragraph (1) (c)~~ and includes, but is not limited to,
 2234 the department, any person who received services from the
 2235 alleged violator, or any private association composed primarily
 2236 of members of the profession the alleged violator is practicing
 2237 or offering to practice or holding himself or herself out as
 2238 qualified to practice.

2239 Section 88. Section 481.2251, Florida Statutes, is
 2240 repealed.

2241 Section 89. Subsections (5) through (8) of section
 2242 481.229, Florida Statutes, are amended to read:

2243 481.229 Exceptions; exemptions from licensure.—

2244 ~~(5) (a) Nothing contained in this part shall prevent a~~
 2245 ~~registered architect or a partnership, limited liability~~
 2246 ~~company, or corporation holding a valid certificate of~~

2247 ~~authorization to provide architectural services from performing~~
2248 ~~any interior design service or from using the title "interior~~
2249 ~~designer" or "registered interior designer."~~

2250 ~~(b) Notwithstanding any other provision of this part, all~~
2251 ~~persons licensed as architects under this part shall be~~
2252 ~~qualified for interior design licensure upon submission of a~~
2253 ~~completed application for such license and a fee not to exceed~~
2254 ~~\$30. Such persons shall be exempt from the requirements of s.~~
2255 ~~481.209(2). For architects licensed as interior designers,~~
2256 ~~satisfaction of the requirements for renewal of licensure as an~~
2257 ~~architect under s. 481.215 shall be deemed to satisfy the~~
2258 ~~requirements for renewal of licensure as an interior designer~~
2259 ~~under that section. Complaint processing, investigation, or~~
2260 ~~other discipline-related legal costs related to persons licensed~~
2261 ~~as interior designers under this paragraph shall be assessed~~
2262 ~~against the architects' account of the Regulatory Trust Fund.~~

2263 ~~(c) Notwithstanding any other provision of this part, any~~
2264 ~~corporation, partnership, or person operating under a fictitious~~
2265 ~~name which holds a certificate of authorization to provide~~
2266 ~~architectural services shall be qualified, without fee, for a~~
2267 ~~certificate of authorization to provide interior design services~~
2268 ~~upon submission of a completed application therefor. For~~
2269 ~~corporations, partnerships, and persons operating under a~~
2270 ~~fictitious name which hold a certificate of authorization to~~
2271 ~~provide interior design services, satisfaction of the~~

2272 ~~requirements for renewal of the certificate of authorization to~~
2273 ~~provide architectural services under s. 481.219 shall be deemed~~
2274 ~~to satisfy the requirements for renewal of the certificate of~~
2275 ~~authorization to provide interior design services under that~~
2276 ~~section.~~

2277 ~~(6) This part shall not apply to:~~

2278 ~~(a) A person who performs interior design services or~~
2279 ~~interior decorator services for any residential application,~~
2280 ~~provided that such person does not advertise as, or represent~~
2281 ~~himself or herself as, an interior designer. For purposes of~~
2282 ~~this paragraph, "residential applications" includes all types of~~
2283 ~~residences, including, but not limited to, residence buildings,~~
2284 ~~single-family homes, multifamily homes, townhouses, apartments,~~
2285 ~~condominiums, and domestic outbuildings appurtenant to one-~~
2286 ~~family or two-family residences. However, "residential~~
2287 ~~applications" does not include common areas associated with~~
2288 ~~instances of multiple-unit dwelling applications.~~

2289 ~~(b) An employee of a retail establishment providing~~
2290 ~~"interior decorator services" on the premises of the retail~~
2291 ~~establishment or in the furtherance of a retail sale or~~
2292 ~~prospective retail sale, provided that such employee does not~~
2293 ~~advertise as, or represent himself or herself as, an interior~~
2294 ~~designer.~~

2295 ~~(7) Nothing in this part shall be construed as authorizing~~
2296 ~~or permitting an interior designer to engage in the business of,~~

2297 ~~or to act as, a contractor within the meaning of chapter 489,~~
 2298 ~~unless registered or certified as a contractor pursuant to~~
 2299 ~~chapter 489.~~

2300 (5)~~(8)~~ A manufacturer of commercial food service equipment
 2301 or the manufacturer's representative, distributor, or dealer or
 2302 an employee thereof, who prepares designs, specifications, or
 2303 layouts for the sale or installation of such equipment is exempt
 2304 from licensure as an architect ~~or interior designer~~, if:

2305 (a) The designs, specifications, or layouts are not used
 2306 for construction or installation that may affect structural,
 2307 mechanical, plumbing, heating, air conditioning, ventilating,
 2308 electrical, or vertical transportation systems.

2309 (b) The designs, specifications, or layouts do not
 2310 materially affect lifesafety systems pertaining to firesafety
 2311 protection, smoke evacuation and compartmentalization, and
 2312 emergency ingress or egress systems.

2313 (c) Each design, specification, or layout document
 2314 prepared by a person or entity exempt under this subsection
 2315 contains a statement on each page of the document that the
 2316 designs, specifications, or layouts are not architectural,
 2317 ~~interior design~~, or engineering designs, specifications, or
 2318 layouts and not used for construction unless reviewed and
 2319 approved by a licensed architect or engineer.

2320 Section 90. Subsection (1) of section 481.231, Florida
 2321 Statutes, is amended to read:

2322 481.231 Effect of part locally.-

2323 (1) ~~Nothing in This part does not shall be construed to~~
 2324 ~~repeal, amend, limit, or otherwise affect any specific provision~~
 2325 ~~of any local building code or zoning law or ordinance that has~~
 2326 ~~been duly adopted, now or hereafter enacted, which is more~~
 2327 ~~restrictive, with respect to the services of registered~~
 2328 ~~architects or registered interior designers, than the provisions~~
 2329 ~~of this part; provided, however, that a licensed architect shall~~
 2330 ~~be deemed licensed as an interior designer for purposes of~~
 2331 ~~offering or rendering interior design services to a county,~~
 2332 ~~municipality, or other local government or political~~
 2333 ~~subdivision.~~

2334 Section 91. Section 481.303, Florida Statutes, is amended
 2335 to read:

2336 481.303 Definitions.-As used in this chapter, the term:

2337 (1) "Board" means the Board of Landscape Architecture.

2338 (2)~~(4)~~ "Certificate of registration" means a license
 2339 issued by the department to a natural person to engage in the
 2340 practice of landscape architecture.

2341 (3)~~(2)~~ "Department" means the Department of Business and
 2342 Professional Regulation.

2343 ~~(5) "Certificate of authorization" means a license issued~~
 2344 ~~by the department to a corporation or partnership to engage in~~
 2345 ~~the practice of landscape architecture.~~

2346 (4)~~(6)~~ "Landscape architecture" means professional

2347 services, including, but not limited to, the following:

2348 (a) Consultation, investigation, research, planning,
 2349 design, preparation of drawings, specifications, contract
 2350 documents and reports, responsible construction supervision, or
 2351 landscape management in connection with the planning and
 2352 development of land and incidental water areas, including the
 2353 use of Florida-friendly landscaping as defined in s. 373.185,
 2354 where, and to the extent that, the dominant purpose of such
 2355 services or creative works is the preservation, conservation,
 2356 enhancement, or determination of proper land uses, natural land
 2357 features, ground cover and plantings, or naturalistic and
 2358 aesthetic values;

2359 (b) The determination of settings, grounds, and approaches
 2360 for and the siting of buildings and structures, outdoor areas,
 2361 or other improvements;

2362 (c) The setting of grades, shaping and contouring of land
 2363 and water forms, determination of drainage, and provision for
 2364 storm drainage and irrigation systems where such systems are
 2365 necessary to the purposes outlined herein; and

2366 (d) The design of such tangible objects and features as
 2367 are necessary to the purpose outlined herein.

2368 (5)~~(7)~~ "Landscape design" means consultation for and
 2369 preparation of planting plans drawn for compensation, including
 2370 specifications and installation details for plant materials,
 2371 soil amendments, mulches, edging, gravel, and other similar

HB 1193

2020

2372 materials. Such plans may include only recommendations for the
2373 conceptual placement of tangible objects for landscape design
2374 projects. Construction documents, details, and specifications
2375 for tangible objects and irrigation systems shall be designed or
2376 approved by licensed professionals as required by law.

2377 ~~(6)~~⁽³⁾ "Registered landscape architect" means a person who
2378 holds a license to practice landscape architecture in this state
2379 under the authority of this act.

2380 Section 92. Section 481.310, Florida Statutes, is amended
2381 to read:

2382 481.310 Practical experience requirement.—Beginning
2383 October 1, 1990, every applicant for licensure as a registered
2384 landscape architect shall demonstrate, prior to licensure, 1
2385 year of practical experience in landscape architectural work. An
2386 applicant who holds both a bachelor's degree and a master's
2387 degree in landscape architecture is not required to demonstrate
2388 1 year of practical experience in landscape architectural work
2389 to obtain licensure. The board shall adopt rules providing
2390 standards for the required experience. An applicant who
2391 qualifies for examination pursuant to s. 481.309(1)(b)1. may
2392 obtain the practical experience after completing the required
2393 professional degree. Experience used to qualify for examination
2394 pursuant to s. 481.309(1)(b)2. may not be used to satisfy the
2395 practical experience requirement under this section.

2396 Section 93. Subsections (5) and (6) of section 481.311,

2397 Florida Statutes, are renumbered as subsections (4) and (5),
 2398 respectively, and subsection (3) and present subsection (4) of
 2399 that section are amended, to read:

2400 481.311 Licensure.—

2401 (3) The board shall certify as qualified for a license by
 2402 endorsement an applicant who:

2403 (a) Qualifies to take the examination as set forth in s.
 2404 481.309; and has passed a national, regional, state, or
 2405 territorial licensing examination which is substantially
 2406 equivalent to the examination required by s. 481.309; ~~or~~

2407 (b) Holds a valid license to practice landscape
 2408 architecture issued by another state or territory of the United
 2409 States, if the criteria for issuance of such license were
 2410 substantially identical to the licensure criteria which existed
 2411 in this state at the time the license was issued; or—

2412 (c) Has held a valid license to practice landscape
 2413 architecture in another state or territory of the United States
 2414 for at least 10 years before the date of application and has
 2415 successfully completed a state, regional, national, or other
 2416 examination that is equivalent to or more stringent than the
 2417 examination required by the board, subject to subsection (5). An
 2418 applicant who has met the requirements to be qualified for a
 2419 license by endorsement except for successful completion of an
 2420 examination that is equivalent to or more stringent than the
 2421 examination required by the board may take the examination

2422 required by the board without completing additional education
2423 requirements. Such application must be submitted to the board
2424 while the applicant holds a valid license in another state or
2425 territory or within 2 years after the expiration of such
2426 license.

2427 ~~(4) The board shall certify as qualified for a certificate~~
2428 ~~of authorization any applicant corporation or partnership who~~
2429 ~~satisfies the requirements of s. 481.319.~~

2430 Section 94. Subsection (4) of section 481.313, Florida
2431 Statutes, is amended to read:

2432 481.313 Renewal of license.—

2433 (4) The board, by rule adopted pursuant to ss. 120.536(1)
2434 and 120.54, shall establish criteria for the approval of
2435 continuing education courses and providers, and shall by rule
2436 establish criteria for accepting alternative nonclassroom
2437 continuing education on an hour-for-hour basis. A landscape
2438 architect shall receive hour-for-hour credit for attending
2439 continuing education courses approved by the Landscape
2440 Architecture Continuing Education System or another nationally
2441 recognized clearinghouse for continuing education that relate to
2442 and increase the basic knowledge of landscape architecture, as
2443 determined by the board, if such landscape architect submits
2444 proof satisfactory to the board that such course was approved by
2445 the Landscape Architecture Continuing Education System or
2446 another nationally recognized clearinghouse for continuing

2447 education, the syllabus or outline for such course, and
 2448 attendance of such course.

2449 Section 95. Subsection (2) of section 481.317, Florida
 2450 Statutes, is amended to read:

2451 481.317 Temporary certificates.—

2452 ~~(2) Upon approval by the board and payment of the fee set~~
 2453 ~~in s. 481.307, the department shall grant a temporary~~
 2454 ~~certificate of authorization for work on one specified project~~
 2455 ~~in this state for a period not to exceed 1 year to an out-of-~~
 2456 ~~state corporation, partnership, or firm, provided one of the~~
 2457 ~~principal officers of the corporation, one of the partners of~~
 2458 ~~the partnership, or one of the principals in the fictitiously~~
 2459 ~~named firm has obtained a temporary certificate of registration~~
 2460 ~~in accordance with subsection (1).~~

2461 Section 96. Section 481.319, Florida Statutes, is amended
 2462 to read:

2463 481.319 Corporate and partnership practice of landscape
 2464 architecture; ~~certificate of authorization.~~—

2465 (1) The practice of or offer to practice landscape
 2466 architecture by registered landscape architects registered under
 2467 this part through a corporation or partnership offering
 2468 landscape architectural services to the public, or through a
 2469 corporation or partnership offering landscape architectural
 2470 services to the public through individual registered landscape
 2471 architects as agents, employees, officers, or partners, is

2472 permitted, subject to the provisions of this section, if:

2473 (a) One or more of the principal officers of the
 2474 corporation, or partners of the partnership, and all personnel
 2475 of the corporation or partnership who act in its behalf as
 2476 landscape architects in this state are registered landscape
 2477 architects; and

2478 (b) One or more of the officers, one or more of the
 2479 directors, one or more of the owners of the corporation, or one
 2480 or more of the partners of the partnership is a registered
 2481 landscape architect; ~~and~~

2482 ~~(c) The corporation or partnership has been issued a~~
 2483 ~~certificate of authorization by the board as provided herein.~~

2484 (2) All documents involving the practice of landscape
 2485 architecture which are prepared for the use of the corporation
 2486 or partnership shall bear the signature and seal of a registered
 2487 landscape architect.

2488 (3) A landscape architect applying to practice in the name
 2489 of a ~~An applicant~~ corporation must shall file with the
 2490 department the names and addresses of all officers and board
 2491 members of the corporation, including the principal officer or
 2492 officers, duly registered to practice landscape architecture in
 2493 this state and, also, of all individuals duly registered to
 2494 practice landscape architecture in this state who shall be in
 2495 responsible charge of the practice of landscape architecture by
 2496 the corporation in this state. A landscape architect applying to

HB 1193

2020

2497 practice in the name of a ~~An applicant~~ partnership must ~~shall~~
2498 file with the department the names and addresses of all partners
2499 of the partnership, including the partner or partners duly
2500 registered to practice landscape architecture in this state and,
2501 also, of an individual or individuals duly registered to
2502 practice landscape architecture in this state who shall be in
2503 responsible charge of the practice of landscape architecture by
2504 said partnership in this state.

2505 (4) Each landscape architect qualifying a partnership or
2506 ~~and corporation licensed~~ under this part must ~~shall~~ notify the
2507 department within 1 month after ~~of~~ any change in the information
2508 contained in the application upon which the license is based.
2509 Any landscape architect who terminates her or his ~~or her~~
2510 employment with a partnership or corporation licensed under this
2511 part shall notify the department of the termination within 1
2512 month after such termination.

2513 ~~(5) Disciplinary action against a corporation or~~
2514 ~~partnership shall be administered in the same manner and on the~~
2515 ~~same grounds as disciplinary action against a registered~~
2516 ~~landscape architect.~~

2517 (5)(6) Except as provided in s. 558.0035, the fact that a
2518 registered landscape architect practices landscape architecture
2519 through a corporation or partnership as provided in this section
2520 does not relieve the landscape architect from personal liability
2521 for her or his ~~or her~~ professional acts.

2522 Section 97. Subsection (5) of section 481.321, Florida
 2523 Statutes, is amended to read:

2524 481.321 Seals; display of certificate number.—

2525 (5) Each registered landscape architect must ~~and each~~
 2526 ~~corporation or partnership holding a certificate of~~
 2527 ~~authorization shall~~ include her or his ~~its~~ certificate number in
 2528 any newspaper, telephone directory, or other advertising medium
 2529 used by the registered landscape architect, corporation, or
 2530 partnership. A corporation or partnership must ~~is not required~~
 2531 ~~to~~ display the certificate number ~~numbers~~ of at least one
 2532 officer, director, owner, or partner who is a individual
 2533 registered landscape architect ~~architects~~ employed by or
 2534 practicing with the corporation or partnership.

2535 Section 98. Subsection (5) of section 481.329, Florida
 2536 Statutes, is amended to read:

2537 481.329 Exceptions; exemptions from licensure.—

2538 (5) This part does not prohibit any person from engaging
 2539 in the practice of landscape design, as defined in s. 481.303
 2540 ~~481.303(7)~~, or from submitting for approval to a governmental
 2541 agency planting plans that are independent of, or a component
 2542 of, construction documents that are prepared by a Florida-
 2543 registered professional. Persons providing landscape design
 2544 services shall not use the title, term, or designation
 2545 "landscape architect," "landscape architectural," "landscape
 2546 architecture," "L.A.," "landscape engineering," or any

2547 description tending to convey the impression that she or he is a
 2548 landscape architect unless she or he is registered as provided
 2549 in this part.

2550 Section 99. Subsection (9) of section 489.103, Florida
 2551 Statutes, is amended to read:

2552 489.103 Exemptions.—This part does not apply to:

2553 (9) Any work or operation of a casual, minor, or
 2554 inconsequential nature in which the aggregate contract price for
 2555 labor, materials, and all other items is less than \$2,500
 2556 ~~\$1,000~~, but this exemption does not apply:

2557 (a) If the construction, repair, remodeling, or
 2558 improvement is a part of a larger or major operation, whether
 2559 undertaken by the same or a different contractor, or in which a
 2560 division of the operation is made in contracts of amounts less
 2561 than \$2,500 ~~\$1,000~~ for the purpose of evading this part or
 2562 otherwise.

2563 (b) To a person who advertises that he or she is a
 2564 contractor or otherwise represents that he or she is qualified
 2565 to engage in contracting.

2566 Section 100. Subsection (2) of section 489.111, Florida
 2567 Statutes, is amended to read:

2568 489.111 Licensure by examination.—

2569 (2) A person shall be eligible for licensure by
 2570 examination if the person:

2571 (a) Is 18 years of age;

- 2572 (b) Is of good moral character; and
- 2573 (c) Meets eligibility requirements according to one of the
- 2574 following criteria:
- 2575 1. Has received a baccalaureate degree from an accredited
- 2576 4-year college in the appropriate field of engineering,
- 2577 architecture, or building construction and has 1 year of proven
- 2578 experience in the category in which the person seeks to qualify.
- 2579 For the purpose of this part, a minimum of 2,000 person-hours
- 2580 shall be used in determining full-time equivalency. An applicant
- 2581 who is exempt from passing an examination as provided in s.
- 2582 489.113(1) is eligible for a license under this section.
- 2583 2. Has a total of at least 4 years of active experience as
- 2584 a worker who has learned the trade by serving an apprenticeship
- 2585 as a skilled worker who is able to command the rate of a
- 2586 mechanic in the particular trade or as a foreman who is in
- 2587 charge of a group of workers and usually is responsible to a
- 2588 superintendent or a contractor or his or her equivalent,
- 2589 provided, however, that at least 1 year of active experience
- 2590 shall be as a foreman.
- 2591 3. Has a combination of not less than 1 year of experience
- 2592 as a foreman and not less than 3 years of credits for any
- 2593 accredited college-level courses; has a combination of not less
- 2594 than 1 year of experience as a skilled worker, 1 year of
- 2595 experience as a foreman, and not less than 2 years of credits
- 2596 for any accredited college-level courses; or has a combination

2597 of not less than 2 years of experience as a skilled worker, 1
 2598 year of experience as a foreman, and not less than 1 year of
 2599 credits for any accredited college-level courses. All junior
 2600 college or community college-level courses shall be considered
 2601 accredited college-level courses.

2602 4.a. An active certified residential contractor is
 2603 eligible to receive a certified building contractor license
 2604 after passing or having previously passed ~~take~~ the building
 2605 contractors' examination if he or she possesses a minimum of 3
 2606 years of proven experience in the classification in which he or
 2607 she is certified.

2608 b. An active certified residential contractor is eligible
 2609 to receive a certified general contractor license after passing
 2610 or having previously passed ~~take~~ the general contractors'
 2611 examination if he or she possesses a minimum of 4 years of
 2612 proven experience in the classification in which he or she is
 2613 certified.

2614 c. An active certified building contractor is eligible to
 2615 receive a certified general contractor license after passing or
 2616 having previously passed ~~take~~ the general contractors'
 2617 examination if he or she possesses a minimum of 4 years of
 2618 proven experience in the classification in which he or she is
 2619 certified.

2620 5.a. An active certified air-conditioning Class C
 2621 contractor is eligible to receive a certified air conditioning

2622 Class B contractor license after passing or having previously
2623 passed ~~take~~ the air-conditioning Class B contractors'
2624 examination if he or she possesses a minimum of 3 years of
2625 proven experience in the classification in which he or she is
2626 certified.

2627 b. An active certified air-conditioning Class C contractor
2628 is eligible to receive a certified air conditioning Class A
2629 contractor license after passing or having previously passed
2630 ~~take~~ the air-conditioning Class A contractors' examination if he
2631 or she possesses a minimum of 4 years of proven experience in
2632 the classification in which he or she is certified.

2633 c. An active certified air-conditioning Class B contractor
2634 is eligible to receive a certified air conditioning Class A
2635 contractor license after passing or having previously passed
2636 ~~take~~ the air-conditioning Class A contractors' examination if he
2637 or she possesses a minimum of 1 year of proven experience in the
2638 classification in which he or she is certified.

2639 6.a. An active certified swimming pool servicing
2640 contractor is eligible to receive a certified residential
2641 swimming pool contractor license after passing or having
2642 previously passed ~~take~~ the residential swimming pool
2643 contractors' examination if he or she possesses a minimum of 3
2644 years of proven experience in the classification in which he or
2645 she is certified.

2646 b. An active certified swimming pool servicing contractor

HB 1193

2020

2647 is eligible to receive a certified commercial swimming pool
2648 contractor license after passing or having previously passed
2649 ~~take~~ the swimming pool commercial contractors' examination if he
2650 or she possesses a minimum of 4 years of proven experience in
2651 the classification in which he or she is certified.

2652 c. An active certified residential swimming pool
2653 contractor is eligible to receive a certified commercial
2654 swimming pool contractor license after passing or having
2655 previously passed ~~take~~ the commercial swimming pool contractors'
2656 examination if he or she possesses a minimum of 1 year of proven
2657 experience in the classification in which he or she is
2658 certified.

2659 d. An applicant is eligible to receive a certified
2660 swimming pool/spa servicing contractor license after passing or
2661 having previously passed ~~take~~ the swimming pool/spa servicing
2662 contractors' examination if he or she has satisfactorily
2663 completed 60 hours of instruction in courses related to the
2664 scope of work covered by that license and approved by the
2665 Construction Industry Licensing Board by rule and has at least 1
2666 year of proven experience related to the scope of work of such a
2667 contractor.

2668 Section 101. Subsection (1) of section 489.113, Florida
2669 Statutes, is amended to read:

2670 489.113 Qualifications for practice; restrictions.—

2671 (1) Any person who desires to engage in contracting on a

2672 statewide basis shall, as a prerequisite thereto, establish his
 2673 or her competency and qualifications to be certified pursuant to
 2674 this part. To establish competency, a person shall pass the
 2675 appropriate examination approved by the board and certified by
 2676 the department. If an applicant has received a baccalaureate
 2677 degree from an accredited 4-year college in building
 2678 construction, or a related degree as approved by the board by
 2679 rule, such applicant is not required to pass such examination.
 2680 Any person who desires to engage in contracting on other than a
 2681 statewide basis shall, as a prerequisite thereto, be registered
 2682 pursuant to this part, unless exempted by this part.

2683 Section 102. Subsection (3) of section 489.115, Florida
 2684 Statutes, is amended to read:

2685 489.115 Certification and registration; endorsement;
 2686 reciprocity; renewals; continuing education.—

2687 (3) The board shall certify as qualified for certification
 2688 by endorsement any applicant who:

2689 (a) Meets the requirements for certification as set forth
 2690 in this section; has passed a national, regional, state, or
 2691 United States territorial licensing examination that is
 2692 substantially equivalent to the examination required by this
 2693 part; and has satisfied the requirements set forth in s.
 2694 489.111;

2695 (b) Holds a valid license to practice contracting issued
 2696 by another state or territory of the United States, if the

2697 criteria for issuance of such license were substantially
 2698 equivalent to Florida's current certification criteria; ~~or~~
 2699 (c) Holds a valid, current license to practice contracting
 2700 issued by another state or territory of the United States, if
 2701 the state or territory has entered into a reciprocal agreement
 2702 with the board for the recognition of contractor licenses issued
 2703 in that state, based on criteria for the issuance of such
 2704 licenses that are substantially equivalent to the criteria for
 2705 certification in this state; or

2706 (d) Has held a valid license to practice contracting
 2707 issued by another state or territory for at least 10 years
 2708 before the date of application and is applying for the same or
 2709 similar license in this state, subject to subsections (5)-(9).
 2710 The board may consider whether such applicant has had a license
 2711 to practice contracting revoked, suspended, or otherwise acted
 2712 against by the licensing authority of another state, territory,
 2713 or country. Such application must be submitted to the board
 2714 while the applicant holds a valid license in another state or
 2715 territory or within 2 years after the expiration of such
 2716 license.

2717 Section 103. Subsection (5) of section 489.511, Florida
 2718 Statutes, is amended to read:

2719 489.511 Certification; application; examinations;
 2720 endorsement.—

2721 (5) The board shall certify as qualified for certification

2722 by endorsement any individual applying for certification who:

2723 (a) Meets the requirements for certification as set forth
 2724 in this section; has passed a national, regional, state, or
 2725 United States territorial licensing examination that is
 2726 substantially equivalent to the examination required by this
 2727 part; and has satisfied the requirements set forth in s.
 2728 489.521; ~~or~~

2729 (b) Holds a valid license to practice electrical or alarm
 2730 system contracting issued by another state or territory of the
 2731 United States, if the criteria for issuance of such license was
 2732 substantially equivalent to the certification criteria that
 2733 existed in this state at the time the certificate was issued; or

2734 (c) Has held a valid license to practice electrical or
 2735 alarm system contracting issued by another state or territory
 2736 for at least 10 years before the date of application and is
 2737 applying for the same or similar license in this state, subject
 2738 to ss. 489.510 and 489.521(3)(a), and subparagraph (1)(b)1. Such
 2739 application must be submitted to the board while the applicant
 2740 holds a valid license in another state or territory or within 2
 2741 years after the expiration of such license.

2742 Section 104. Subsection (3) and paragraph (b) of
 2743 subsection (4) of section 489.517, Florida Statutes, are amended
 2744 to read:

2745 489.517 Renewal of certificate or registration; continuing
 2746 education.—

2747 (3) Each certificateholder or registrant shall provide
2748 proof, in a form established by rule of the board, that the
2749 certificateholder or registrant has completed at least 7 ~~14~~
2750 classroom hours of at least 50 minutes each of continuing
2751 education courses during each biennium since the issuance or
2752 renewal of the certificate or registration. The board shall by
2753 rule establish criteria for the approval of continuing education
2754 courses and providers and may by rule establish criteria for
2755 accepting alternative nonclassroom continuing education on an
2756 hour-for-hour basis.

2757 (4)

2758 (b) Of the 7 ~~14~~ classroom hours of continuing education
2759 required, at least 1 hour ~~7 hours~~ must be on technical subjects,
2760 1 hour on workers' compensation, 1 hour on workplace safety, 1
2761 hour on business practices, and for alarm system contractors and
2762 electrical contractors engaged in alarm system contracting, 2
2763 hours on false alarm prevention.

2764 Section 105. Paragraph (b) of subsection (1) of section
2765 489.518, Florida Statutes, is amended to read:

2766 489.518 Alarm system agents.—

2767 (1) A licensed electrical or alarm system contractor may
2768 not employ a person to perform the duties of a burglar alarm
2769 system agent unless the person:

2770 (b) Has successfully completed a minimum of 14 hours of
2771 training within 90 days after employment, to include basic alarm

2772 system electronics in addition to related training including
2773 CCTV and access control training, with at least 2 hours of
2774 training in the prevention of false alarms. Such training shall
2775 be from a board-approved provider, and the employee or applicant
2776 for employment shall provide proof of successful completion to
2777 the licensed employer. The board shall by rule establish
2778 criteria for the approval of training courses and providers and
2779 may by rule establish criteria for accepting alternative
2780 nonclassroom education on an hour-for-hour basis. The board
2781 shall approve providers that conduct training in other than the
2782 English language. The board shall establish a fee for the
2783 approval of training providers or courses, not to exceed \$60.
2784 Qualified employers may conduct training classes for their
2785 employees, with board approval.

2786 Section 106. Section 492.104, Florida Statutes, is
2787 amended, to read:

2788 492.104 Rulemaking authority.—The Board of Professional
2789 Geologists has authority to adopt rules pursuant to ss.
2790 120.536(1) and 120.54 to implement this chapter. Every licensee
2791 shall be governed and controlled by this chapter and the rules
2792 adopted by the board. The board is authorized to set, by rule,
2793 fees for application, examination, ~~certificate of authorization,~~
2794 late renewal, initial licensure, and license renewal. These fees
2795 may ~~should~~ not exceed the cost of implementing the application,
2796 examination, initial licensure, and license renewal or other

2797 administrative process and shall be established as follows:

2798 (1) The application fee shall not exceed \$150 and shall be
2799 nonrefundable.

2800 (2) The examination fee shall not exceed \$250, and the fee
2801 may be apportioned to each part of a multipart examination. The
2802 examination fee shall be refundable in whole or part if the
2803 applicant is found to be ineligible to take any portion of the
2804 licensure examination.

2805 (3) The initial license fee shall not exceed \$100.

2806 (4) The biennial renewal fee shall not exceed \$150.

2807 ~~(5) The fee for a certificate of authorization shall not~~
2808 ~~exceed \$350 and the fee for renewal of the certificate shall not~~
2809 ~~exceed \$350.~~

2810 (5)~~(6)~~ The fee for reactivation of an inactive license may
2811 ~~shall~~ not exceed \$50.

2812 (6)~~(7)~~ The fee for a provisional license may ~~shall~~ not
2813 exceed \$400.

2814 (7)~~(8)~~ The fee for application, examination, and licensure
2815 for a license by endorsement is ~~shall be~~ as provided in this
2816 section for licenses in general.

2817 Section 107. Subsection (1) of section 492.108, Florida
2818 Statutes, is amended to read:

2819 492.108 Licensure by endorsement; requirements; fees.—

2820 (1) The department shall issue a license by endorsement to
2821 any applicant who, upon applying to the department and remitting

2822 an application fee, has been certified by the board that he or
 2823 she:

2824 (a) Has met the qualifications for licensure in s.
 2825 492.105(1) (b)-(e) and:-

2826 1.~~(b)~~ Is the holder of an active license in good standing
 2827 in a state, trust, territory, or possession of the United
 2828 States.

2829 2.~~(e)~~ Was licensed through written examination in at least
 2830 one state, trust, territory, or possession of the United States,
 2831 the examination requirements of which have been approved by the
 2832 board as substantially equivalent to or more stringent than
 2833 those of this state, and has received a score on such
 2834 examination which is equal to or greater than the score required
 2835 by this state for licensure by examination.

2836 3.~~(d)~~ Has taken and successfully passed the laws and rules
 2837 portion of the examination required for licensure as a
 2838 professional geologist in this state.

2839 (b) Has held a valid license to practice geology in
 2840 another state, trust, territory, or possession of the United
 2841 States for at least 10 years before the date of application and
 2842 has successfully completed a state, regional, national, or other
 2843 examination that is equivalent to or more stringent than the
 2844 examination required by the department. If such applicant has
 2845 met the requirements for a license by endorsement except
 2846 successful completion of an examination that is equivalent to or

2847 more stringent than the examination required by the board, such
 2848 applicant may take the examination required by the board. Such
 2849 application must be submitted to the board while the applicant
 2850 holds a valid license in another state or territory or within 2
 2851 years after the expiration of such license.

2852 Section 108. Section 492.111, Florida Statutes, is amended
 2853 to read:

2854 492.111 Practice of professional geology by a firm,
 2855 corporation, or partnership; ~~certificate of authorization.~~—The
 2856 practice of, or offer to practice, professional geology by
 2857 individual professional geologists licensed under the provisions
 2858 of this chapter through a firm, corporation, or partnership
 2859 offering geological services to the public through individually
 2860 licensed professional geologists as agents, employees, officers,
 2861 or partners thereof is permitted subject to the provisions of
 2862 this chapter, if ~~provided that~~:

2863 (1) At all times that it offers geological services to the
 2864 public, the firm, corporation, or partnership is qualified by
 2865 ~~has on file with the department the name and license number of~~
 2866 one or more individuals who hold a current, active license as a
 2867 professional geologist in the state and are serving as a
 2868 geologist of record for the firm, corporation, or partnership. A
 2869 geologist of record may be any principal officer or employee of
 2870 such firm or corporation, or any partner or employee of such
 2871 partnership, who holds a current, active license as a

2872 professional geologist in this state, or any other Florida-
2873 licensed professional geologist with whom the firm, corporation,
2874 or partnership has entered into a long-term, ongoing
2875 relationship, as defined by rule of the board, to serve as one
2876 of its geologists of record. ~~It shall be the responsibility of~~
2877 ~~the firm, corporation, or partnership and~~ The geologist of
2878 record shall ~~to~~ notify the department of any changes in the
2879 relationship or identity of that geologist of record within 30
2880 days after such change.

2881 ~~(2) The firm, corporation, or partnership has been issued~~
2882 ~~a certificate of authorization by the department as provided in~~
2883 ~~this chapter. For purposes of this section, a certificate of~~
2884 ~~authorization shall be required of any firm, corporation,~~
2885 ~~partnership, association, or person practicing under a~~
2886 ~~fictitious name and offering geological services to the public;~~
2887 ~~except that, when an individual is practicing professional~~
2888 ~~geology in her or his own name, she or he shall not be required~~
2889 ~~to obtain a certificate of authorization under this section.~~
2890 ~~Such certificate of authorization shall be renewed every 2~~
2891 ~~years.~~

2892 (2)(3) All final geological papers or documents involving
2893 the practice of the profession of geology which have been
2894 prepared or approved for the use of such firm, corporation, or
2895 partnership, for delivery to any person for public record with
2896 the state, shall be dated and bear the signature and seal of the

2897 professional geologist or professional geologists who prepared
2898 or approved them.

2899 (3)~~(4)~~ Except as provided in s. 558.0035, the fact that a
2900 licensed professional geologist practices through a corporation
2901 or partnership does not relieve the registrant from personal
2902 liability for negligence, misconduct, or wrongful acts committed
2903 by her or him. The partnership and all partners are jointly and
2904 severally liable for the negligence, misconduct, or wrongful
2905 acts committed by their agents, employees, or partners while
2906 acting in a professional capacity. Any officer, agent, or
2907 employee of a corporation is personally liable and accountable
2908 only for negligent acts, wrongful acts, or misconduct committed
2909 by her or him or committed by any person under her or his direct
2910 supervision and control, while rendering professional services
2911 on behalf of the corporation. The personal liability of a
2912 shareholder of a corporation, in her or his capacity as
2913 shareholder, may be no greater than that of a shareholder-
2914 employee of a corporation incorporated under chapter 607. The
2915 corporation is liable up to the full value of its property for
2916 any negligent acts, wrongful acts, or misconduct committed by
2917 any of its officers, agents, or employees while they are engaged
2918 on behalf of the corporation in the rendering of professional
2919 services.

2920 ~~(5) The firm, corporation, or partnership desiring a~~
2921 ~~certificate of authorization shall file with the department an~~

2922 ~~application therefor, upon a form to be prescribed by the~~
 2923 ~~department, accompanied by the required application fee.~~

2924 ~~(6) The department may refuse to issue a certificate of~~
 2925 ~~authorization if any facts exist which would entitle the~~
 2926 ~~department to suspend or revoke an existing certificate of~~
 2927 ~~authorization or if the department, after giving persons~~
 2928 ~~involved a full and fair hearing, determines that any of the~~
 2929 ~~officers or directors of said firm or corporation, or partners~~
 2930 ~~of said partnership, have violated the provisions of s. 492.113.~~

2931 Section 109. Subsection (4) of section 492.113, Florida
 2932 Statutes, is amended to read:

2933 492.113 Disciplinary proceedings.—

2934 (4) The department shall reissue the license of a
 2935 disciplined professional geologist ~~or business~~ upon
 2936 certification by the board that the disciplined person has
 2937 complied with ~~all of~~ the terms and conditions set forth in the
 2938 final order.

2939 Section 110. Section 492.115, Florida Statutes, is amended
 2940 to read:

2941 492.115 Roster of licensed professional geologists.—A
 2942 roster showing the names and places of business or residence of
 2943 all licensed professional geologists and all properly qualified
 2944 firms, corporations, or partnerships practicing holding
 2945 ~~certificates of authorization to practice~~ professional geology
 2946 in the state shall be prepared annually by the department. A

2947 | copy of this roster must be made available to ~~shall be~~
 2948 | ~~obtainable by~~ each licensed professional geologist and each
 2949 | firm, corporation, or partnership qualified by a professional
 2950 | geologist holding a certificate of authorization, and copies
 2951 | thereof shall be placed on file with the department.

2952 | Section 111. Paragraph (i) of subsection (2) of section
 2953 | 548.003, Florida Statutes, is amended to read:

2954 | 548.003 Florida State Boxing Commission.—

2955 | (2) The Florida State Boxing Commission, as created by
 2956 | subsection (1), shall administer the provisions of this chapter.
 2957 | The commission has authority to adopt rules pursuant to ss.
 2958 | 120.536(1) and 120.54 to implement the provisions of this
 2959 | chapter and to implement each of the duties and responsibilities
 2960 | conferred upon the commission, including, but not limited to:

2961 | ~~(i) Designation and duties of a knockdown timekeeper.~~

2962 | Section 112. Subsection (1) of section 548.017, Florida
 2963 | Statutes, is amended to read:

2964 | 548.017 Participants, managers, and other persons required
 2965 | to have licenses.—

2966 | (1) A participant, manager, trainer, second, ~~timekeeper,~~
 2967 | referee, judge, ~~announcer,~~ physician, matchmaker, or promoter
 2968 | must be licensed before directly or indirectly acting in such
 2969 | capacity in connection with any match involving a participant. A
 2970 | physician approved by the commission must be licensed pursuant
 2971 | to chapter 458 or chapter 459, must maintain an unencumbered

2972 | license in good standing, and must demonstrate satisfactory
 2973 | medical training or experience in boxing, or a combination of
 2974 | both, to the executive director before working as the ringside
 2975 | physician.

2976 | Section 113. Paragraph (d) of subsection (1) of section
 2977 | 553.5141, Florida Statutes, is amended to read:

2978 | 553.5141 Certifications of conformity and remediation
 2979 | plans.—

2980 | (1) For purposes of this section:

2981 | (d) "Qualified expert" means:

- 2982 | 1. An engineer licensed pursuant to chapter 471.
- 2983 | 2. A certified general contractor licensed pursuant to
 2984 | chapter 489.
- 2985 | 3. A certified building contractor licensed pursuant to
 2986 | chapter 489.
- 2987 | 4. A building code administrator licensed pursuant to
 2988 | chapter 468.
- 2989 | 5. A building inspector licensed pursuant to chapter 468.
- 2990 | 6. A plans examiner licensed pursuant to chapter 468.
- 2991 | 7. An interior designer who has passed the qualification

2992 | examination prescribed by either the National Council for
 2993 | Interior Design Qualifications or the California Council for
 2994 | Interior Design Certification or who was licensed as an interior
 2995 | designer by the Department of Business and Professional
 2996 | Regulation ~~licensed pursuant to chapter 481.~~

- 2997 8. An architect licensed pursuant to chapter 481.
 2998 9. A landscape architect licensed pursuant to chapter 481.
 2999 10. Any person who has prepared a remediation plan related
 3000 to a claim under Title III of the Americans with Disabilities
 3001 Act, 42 U.S.C. s. 12182, that has been accepted by a federal
 3002 court in a settlement agreement or court proceeding, or who has
 3003 been qualified as an expert in Title III of the Americans with
 3004 Disabilities Act, 42 U.S.C. s. 12182, by a federal court.

3005 Section 114. Effective January 1, 2021, subsection (1) of
 3006 section 553.74, Florida Statutes, is amended to read:

3007 553.74 Florida Building Commission.—

3008 (1) The Florida Building Commission is created and located
 3009 within the Department of Business and Professional Regulation
 3010 for administrative purposes. Members are appointed by the
 3011 Governor subject to confirmation by the Senate. The commission
 3012 is composed of 19 ~~27~~ members, consisting of the following
 3013 members:

3014 (a) One architect licensed under chapter 481 with at least
 3015 5 years of experience in the design and construction of
 3016 buildings designated for Group E or Group I occupancies by the
 3017 Florida Building Code ~~registered to practice in this state and~~
 3018 ~~actively engaged in the profession.~~ The American Institute of
 3019 Architects, Florida Section, is encouraged to recommend a list
 3020 of candidates for consideration.

3021 (b) One structural engineer registered to practice in this

3022 state and actively engaged in the profession. The Florida
 3023 Engineering Society is encouraged to recommend a list of
 3024 candidates for consideration.

3025 (c) One air-conditioning contractor, ~~or~~ mechanical
 3026 contractor, or mechanical engineer certified to do business in
 3027 this state and actively engaged in the profession. The Florida
 3028 Air Conditioning Contractors Association, the Florida
 3029 Refrigeration and Air Conditioning Contractors Association, ~~and~~
 3030 the Mechanical Contractors Association of Florida, and the
 3031 Florida Engineering Society are encouraged to recommend a list
 3032 of candidates for consideration.

3033 (d) One electrical contractor or electrical engineer
 3034 certified to do business in this state and actively engaged in
 3035 the profession. The Florida Association of Electrical
 3036 Contractors, ~~and~~ the National Electrical Contractors
 3037 Association, Florida Chapter, and the Florida Engineering
 3038 Society are encouraged to recommend a list of candidates for
 3039 consideration.

3040 ~~(e) One member from fire protection engineering or~~
 3041 ~~technology who is actively engaged in the profession. The~~
 3042 ~~Florida Chapter of the Society of Fire Protection Engineers and~~
 3043 ~~the Florida Fire Marshals and Inspectors Association are~~
 3044 ~~encouraged to recommend a list of candidates for consideration.~~

3045 (e) ~~(f)~~ One certified general contractor or one certified
 3046 building contractor certified to do business in this state and

3047 actively engaged in the profession. The Associated Builders and
3048 Contractors of Florida, the Florida Associated General
3049 Contractors Council, the Florida Home Builders Association, and
3050 the Union Contractors Association are encouraged to recommend a
3051 list of candidates for consideration.

3052 (f)~~(g)~~ One plumbing contractor licensed to do business in
3053 this state and actively engaged in the profession. The Florida
3054 Association of Plumbing, Heating, and Cooling Contractors is
3055 encouraged to recommend a list of candidates for consideration.

3056 (g)~~(h)~~ One roofing or sheet metal contractor certified to
3057 do business in this state and actively engaged in the
3058 profession. The Florida Roofing, Sheet Metal, and Air
3059 Conditioning Contractors Association and the Sheet Metal and Air
3060 Conditioning Contractors' National Association are encouraged to
3061 recommend a list of candidates for consideration.

3062 (h)~~(i)~~ One certified residential contractor licensed to do
3063 business in this state and actively engaged in the profession.
3064 The Florida Home Builders Association is encouraged to recommend
3065 a list of candidates for consideration.

3066 (i)~~(j)~~ Three members who are municipal, county, or
3067 district codes enforcement officials, one of whom is also a fire
3068 official. The Building Officials Association of Florida and the
3069 Florida Fire Marshals and Inspectors Association are encouraged
3070 to recommend a list of candidates for consideration.

3071 ~~(k) One member who represents the Department of Financial~~

3072 ~~Services.~~

3073 ~~(l) One member who is a county codes enforcement official.~~
 3074 ~~The Building Officials Association of Florida is encouraged to~~
 3075 ~~recommend a list of candidates for consideration.~~

3076 (j)~~(m)~~ One member of a Florida-based organization of
 3077 persons with disabilities or a nationally chartered organization
 3078 of persons with disabilities with chapters in this state which
 3079 complies with or is certified to be compliant with the
 3080 requirements of the Americans with Disability Act of 1990, as
 3081 amended.

3082 (k)~~(n)~~ One member of the manufactured buildings industry
 3083 who is licensed to do business in this state and is actively
 3084 engaged in the industry. The Florida Manufactured Housing
 3085 Association is encouraged to recommend a list of candidates for
 3086 consideration.

3087 ~~(o) One mechanical or electrical engineer registered to~~
 3088 ~~practice in this state and actively engaged in the profession.~~
 3089 ~~The Florida Engineering Society is encouraged to recommend a~~
 3090 ~~list of candidates for consideration.~~

3091 ~~(p) One member who is a representative of a municipality~~
 3092 ~~or a charter county. The Florida League of Cities and the~~
 3093 ~~Florida Association of Counties are encouraged to recommend a~~
 3094 ~~list of candidates for consideration.~~

3095 (l)~~(q)~~ One member of the building products manufacturing
 3096 industry who is authorized to do business in this state and is

3097 actively engaged in the industry. The Florida Building Material
3098 Association, the Florida Concrete and Products Association, and
3099 the Fenestration Manufacturers Association are encouraged to
3100 recommend a list of candidates for consideration.

3101 (m)~~(r)~~ One member who is a representative of the building
3102 owners and managers industry who is actively engaged in
3103 commercial building ownership or management. The Building Owners
3104 and Managers Association is encouraged to recommend a list of
3105 candidates for consideration.

3106 (n)~~(s)~~ One member who is a representative of the insurance
3107 industry. The Florida Insurance Council is encouraged to
3108 recommend a list of candidates for consideration.

3109 ~~(t) One member who is a representative of public~~
3110 ~~education.~~

3111 (o)~~(u)~~ One member who is a swimming pool contractor
3112 licensed to do business in this state and actively engaged in
3113 the profession. The Florida Swimming Pool Association and the
3114 United Pool and Spa Association are encouraged to recommend a
3115 list of candidates for consideration.

3116 (p)~~(v)~~ One member who is a representative of the green
3117 building industry and who is a third-party commission agent, a
3118 Florida board member of the United States Green Building Council
3119 or Green Building Initiative, a professional who is accredited
3120 under the International Green Construction Code (IGCC), or a
3121 professional who is accredited under Leadership in Energy and

3122 Environmental Design (LEED).

3123 (q) ~~(w)~~ One member who is a representative of a natural gas
 3124 distribution system and who is actively engaged in the
 3125 distribution of natural gas in this state. The Florida Natural
 3126 Gas Association is encouraged to recommend a list of candidates
 3127 for consideration.

3128 ~~(x) One member who is a representative of the Department
 3129 of Agriculture and Consumer Services' Office of Energy. The
 3130 Commissioner of Agriculture is encouraged to recommend a list of
 3131 candidates for consideration.~~

3132 ~~(y) One member who shall be the chair.~~

3133 Section 115. Paragraph (c) of subsection (5) of section
 3134 553.79, Florida Statutes, is amended to read:

3135 553.79 Permits; applications; issuance; inspections.—

3136 (5)

3137 (c) The architect or engineer of record may act as the
 3138 special inspector provided she or he is on the Board of
 3139 Professional Engineers' or the Board of Architecture's
 3140 ~~Architecture and Interior Design's~~ list of persons qualified to
 3141 be special inspectors. School boards may utilize employees as
 3142 special inspectors provided such employees are on one of the
 3143 professional licensing board's list of persons qualified to be
 3144 special inspectors.

3145 Section 116. Subsection (7) of section 558.002, Florida
 3146 Statutes, is amended to read:

3147 558.002 Definitions.—As used in this chapter, the term:
 3148 (7) "Design professional" means a person, as defined in s.
 3149 1.01, who is licensed in this state as an architect, interior
 3150 ~~designer,~~ a landscape architect, an engineer, a surveyor, or a
 3151 geologist.

3152 Section 117. Subsection (3) of section 559.25, Florida
 3153 Statutes, is amended to read:

3154 559.25 Exemptions.—The provisions of this part shall not
 3155 apply to or affect the following persons:

3156 ~~(3) Duly licensed auctioneers, selling at auction.~~

3157 Section 118. Subsection (5) is added to section 823.15,
 3158 Florida Statutes, to read:

3159 823.15 Dogs and cats released from animal shelters or
 3160 animal control agencies; sterilization requirement.—

3161 (5) Employees, agents, or contractors of a public or
 3162 private animal shelter, humane organization, or animal control
 3163 agency operated by a humane organization or by a county,
 3164 municipality, or other incorporated political subdivision may
 3165 implant dogs and cats with radio frequency identification
 3166 microchip as part of their work with such public or private
 3167 animal shelter, humane organization, or animal control agency.

3168 Section 119. Except as otherwise expressly provided in
 3169 this act, this act shall take effect July 1, 2020.