



Commerce Committee

**Tuesday, October 10, 2017
9:30 AM – 11:30 AM**

Meeting Packet

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Commerce Committee

Start Date and Time: Tuesday, October 10, 2017 09:30 am

End Date and Time: Tuesday, October 10, 2017 11:30 am

Location: Webster Hall (212 Knott)

Duration: 2.00 hrs

Consideration of the following bill(s):

HB 15 Deregulation of Professions and Occupations by Beshears

Update on Workers' Compensation

Pursuant to rule 7.11, the deadline for amendments to bills on the agenda by non-appointed members shall be 6:00 p.m., Monday, October 9, 2017.

By request of Chair Boyd, all Commerce Committee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Monday, October 9, 2017.

NOTICE FINALIZED on 10/03/2017 4:00PM by Young.Kimberly



The Florida House of Representatives

Commerce Committee

Richard Corcoran
Speaker

Jim Boyd
Chair

Meeting Agenda

Tuesday, October 10, 2017
Webster Hall (212 Knott)
9:30 am – 11:30 am

- I. Call to Order
- II. Roll Call
- III. Welcome and Opening Remarks
- IV. Consideration of the following bill(s):
 - HB 15 - Deregulation of Professions and Occupations by Beshears
- V. Update on Workers' Compensation
 - Workers' Compensation
Chairman Burgess
 - National Council on Compensation Insurance (NCCI)
Jeff Eddinger, Senior Division Executive
 - Office of Insurance Regulation (OIR)
Cindy Cooper, Actuary
 - Division of Administrative Hearings
Office of Judges of Compensation Claims
David Langham, Deputy Chief Judge

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VI. Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 15 **Deregulation of Professions and Occupations**
SPONSOR(S): Beshears
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Commerce Committee		Wright <i>[Signature]</i>	Hamon <i>[Signature]</i>

SUMMARY ANALYSIS

The bill amends current law relating to certain professions and business organizations regulated by the Florida Department of Business and Professional Regulation. Specifically, the bill:

- Removes the following professions and entities from DBPR regulation and deletes provisions regulating the professions:
 - Hair braiders,
 - Hair wrappers,
 - Body wrappers,
 - Nail polishers,
 - Makeup applicators,
 - Boxing announcers, and
 - Boxing timekeepers.
- Removes labor organizations and their business agents from DBPR regulation, but generally retains the standards of operation, as well as civil and criminal causes of action.
- Eliminates the requirement that the following licensees obtain a certificate of authorization for their business entities, but allows such licensees to continue to operate their business entities if they apply to be the qualifying agent for such business entity:
 - Asbestos abatement consultants and contractors,
 - Architects,
 - Interior Designers,
 - Landscape architects, and
 - Geologists.
- Reduces the hours of training required to obtain the following licenses:
 - Barbers,
 - Restricted barbers,
 - Nail specialists,
 - Facial specialists, and
 - Full specialists.
- Clarifies the definition of and scope of practice for the following professions:
 - Restricted barbers,
 - Nail specialists,
 - Full specialists,
 - Facial specialists, and
 - Hair braiders.
- Eliminates the requirement that yacht and ship brokers obtain a separate license for each branch office, but retains the requirement that a primary location office be maintained.

The bill will have a significant fiscal impact on DBPR due to a reduction of license fee revenues. On March 15, 2017, DBPR estimated the bill would reduce revenues of \$1,025,771 in FY 2017-18, \$1,600,317 in FY 2018-19, and \$1,025,684 in FY 2019-20.

The bill has an effective date of July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Organizational Structure of the Department of Business and Professional Regulation

The Florida Department of Business and Professional Regulation (DBPR), through various divisions, regulates and licenses businesses and professionals in Florida. The divisions established under DBPR include:

- The Division of Administration;
- The Division of Alcoholic Beverages and Tobacco;
- The Division of Certified Public Accounting;
- The Division of Drugs, Devices, and Cosmetics;
- The Division of Florida Condominiums, Timeshares, and Mobile Homes;
- The Division of Hotels and Restaurants;
- The Division of Pari-mutuel Wagering;
- The Division of Professions;
- The Division of Real Estate;
- The Division of Regulation;
- The Division of Technology; and
- The Division of Service Operations.¹

The Division of Professions (Professions) licenses and regulates more than 434,000 professionals through the following professional boards and programs:

- Board of Architecture and Interior Design,
- Asbestos Licensing Unit,
- Athlete Agents,
- Board of Auctioneers,
- Barbers' Board,
- Building Code Administrators and Inspectors Board,
- Regulatory Council of Community Association Managers,
- Construction Industry Licensing Board,
- Board of Cosmetology,
- Electrical Contractors' Licensing Board,
- Board of Employee Leasing Companies,
- Home Inspectors,
- Board of Landscape Architecture,
- Mold-Related Services,
- Board of Pilot Commissioners,
- Board of Professional Geologists.
- Talent Agencies,
- Board of Veterinary Medicine, and
- Florida Board of Professional Engineers.²

The Division of Regulation (Regulations) is the enforcement authority for Labor Organizations and Business Agents, the Florida State Boxing Commission, Farm Labor Program, Child Labor Program, and any professional boards and programs housed within Professions.³ To ensure compliance with applicable

¹ s. 20.165, F.S.

² Florida Department of Business and Professional Regulation, *Division of Professions*, <http://www.myfloridalicense.com/dbpr/pro/index.html> (last visited Feb. 20, 2017).

³ Except the Board of Architecture and Interior Design, and the Florida Board of Professional Engineers. Florida Department of Business and Professional Regulation, *Division of Regulation*, <http://www.myfloridalicense.com/dbpr/reg/index.html> (Feb. 20, 2017).

laws and rules by those professions and related businesses, Regulations investigates complaints, utilizes compliance mechanisms, and performs inspections.⁴

The Division of Florida Condominiums, Timeshares, and Mobile Homes (FCTMH) provides consumer protection for Florida residents living in regulated communities through education, complaint resolution, mediation and arbitration, and developer disclosure.⁵ FCTMH has limited regulatory authority over the following business entities and individuals:

- Condominium Associations;
- Cooperative Associations;
- Florida Mobile Home Parks and related associations;
- Vacation Units and Timeshares;
- Yacht and Ship Brokers and related business entities; and
- Homeowners' Associations (jurisdiction limited to arbitration of election and recall disputes).⁶

DBPR imposes a \$5 unlicensed activity fee in addition to any initial license fee or renewal fee.⁷

Yacht and Ship Broker Branch Offices

Background

Chapter 326, F.S., governs the licensing and regulation of yacht and ship brokers, salespersons, and related business organizations in the state. The Yacht and Ship Broker's Section, a unit of FCTMH, processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the yacht brokerage industry.

Each yacht and ship broker must maintain a principle place of business in this state and may establish branch offices in the state. A separate license must be maintained for each branch office.

Applicants for a branch office license or a biennial renewal pay a \$100 fee.⁸ There are no requirements of the branch office other than to obtain licensure and there are no inspection requirements.

As of October 2015, there were 73 yacht and ship broker branch office licenses in active status and on average 13 new initial licenses issued annually during the 2012- 2015 fiscal years. There were no disciplinary cases brought against any yacht or ship broker branch office licenses during the 2012-2015 fiscal years.⁹

Effect of the Bill

The bill amends s. 326.004(13), F.S., by removing the requirement for yacht and ship brokers to obtain a branch office license for each branch office. The bill does not remove the requirement for a broker to be licensed or to maintain a principle place of business in Florida.

⁴ Florida Department of Business and Professional Regulation, *Division of Regulation*, <http://www.myfloridalicense.com/dbpr/reg/index.html> (Feb. 20, 2017).

⁵ Department of Business and Professional Regulation, *Division of Florida Condominiums, Timeshares, and Mobile Homes*, <http://www.myfloridalicense.com/dbpr/lsc/index.html>, (last visited January 8, 2016).

⁶ *Id.*

⁷ s. 455.2281, F.S.

⁸ Rule 61B-60.002, F.A.C.

⁹ Department of Business and Professional Regulation, *Eliminating Duplicative and Excessive Regulation* (October, 2015), (on file with the Business & Professionals Subcommittee).

Labor Organizations

Background

Part I of ch. 447, F.S., governs the licensing and regulation of labor organizations, and related business agents in the state.¹⁰ The Labor Organizations Program is a program located under Regulations, which processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the labor organization industry.

A labor organization is defined as “[a]ny organization of employees or local or subdivision thereof, having within its membership residents of the state, whether incorporated or not, organized for the purpose of dealing with employers concerning hours of employment, rate of pay, working conditions, or grievances of any kind relating to employment and recognized as a unit of bargaining by one or more employers doing business in this state.”¹¹ In Florida, all labor organizations are required to register with DBPR and all business agents of labor organizations must obtain a license.

Business agents are defined as “[a]ny person, without regard to title, who shall, for a pecuniary or financial consideration, act or attempt to act for any labor organization in:

- The issuance of membership or authorization cards, work permits, or any other evidence of rights granted or claimed in, or by, a labor organization;
- Soliciting or receiving from any employer any right or privilege for employees.”¹²

Applicants for a business agent license shall pay \$25 fee for licensure. Labor organization applicants must pay an annual fee of \$1.

The National Labor Relations Board (NLRB) provides the same type of union oversight as DBPR and is active in Florida, maintaining offices in Tampa and Miami. The United States Department of Labor, Office of Labor Management Standards also registers unions at the federal level.¹³

As of October 2015, there were 309 labor organizations registered and on average 15 new initial registrations issued annually during the 2012- 2015 fiscal years. Additionally, there were 469 business agents licensed and on average 48 new initial licenses issued annually during the 2012- 2015 fiscal years. There were no disciplinary cases brought against any labor organizations or business agents during 2012-2015 fiscal years.¹⁴

Effect of the Bill

The bill repeals certain provisions which require labor organizations and business agents to be licensed and regulated by DBPR. Specifically, the bill repeals:

- s. 447.04, F.S., regarding the licensure of business agents;
- s. 447.041, F.S., regarding hearings provided to licensees pursuant to ch. 120, F.S.;
- s. 447.045, F.S., regarding confidential information obtained by DBPR during an investigation;
- s. 447.06, F.S., regarding the registration of labor organizations;
- s. 447.12, F.S., regarding the fees for registration;
- s. 447.16, F.S., regarding the renewal of business agent’s license renewal requirements.

Additionally, s. 447.02, F.S., was amended to remove the definition of “department,” and s. 447.09, F.S. was amended to remove any disciplinary action against a business agent regarding licensure.

¹⁰ This does not include certain public employee organizations, which are regulated by the Public Employees Relations Commission, an independent, quasi-judicial agency described in pt. II of ch. 447, F.S.

¹¹ s. 447.02(1), F.S.

¹² s. 447.02(2), F.S.

¹³ Florida Department of Business and Professional Regulation, Agency Analysis of 2017 Senate Bill 802, p. 4 (March 2, 2017)

¹⁴ Eliminating Duplicative and Excessive Regulation, *supra* note 9.

Asbestos Abatement Business Organization

Background

Chapter 469, F.S., governs the licensing and regulation of asbestos abatement in the state. The Asbestos Licensing Unit is a program located under Professions. The program processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the asbestos abatement industry.

An asbestos consultant's license may be issued only to an applicant who holds a current, valid, active license as an architect, professional engineer, professional geologist, is a diplomat of the American Board of Industrial Hygiene, or has been awarded designation as a Certified Safety Professional by the Board of Certified Safety Professionals.

A person must be a licensed asbestos consultant in order to:

- Conduct an asbestos survey;
- Develop an operation and maintenance plan;
- Monitor and evaluate asbestos abatement;
- Prepare asbestos abatement specifications.¹⁵

A person must be a licensed asbestos contractor in order to conduct asbestos abatement work.¹⁶

If an applicant for licensure as an asbestos abatement consultant or contractor proposes to engage in consulting or contracting as a business organization, the business organization must be licensed as an asbestos abatement business. Each licensed business organization must have a qualifying agent that is licensed under ch. 469, F.S. If the qualifying agent terminates his or her affiliation with the business organization and is the only qualifying agent for the business organization, another qualifying agent must qualify the business organization within 60 days after the termination, and may not engage in the practice of asbestos abatement until it is qualified.¹⁷

Applicants for an asbestos abatement business license pay an application fee of \$300, an initial licensure fee of \$250, and a biennial renewal fee of \$250 and there are no inspection requirements.¹⁸

As of October 2015, there were 239 asbestos abatement business licenses in active status and on average 12 new initial licenses issued annually during the 2012- 2015 fiscal years. There were no disciplinary cases brought against any asbestos business licenses during 2012- 2015 fiscal years.¹⁹

Effect of the Bill

The bill removes the requirement for asbestos abatement licensees to obtain a separate license for an asbestos abatement business organization. Instead, if an applicant wants to practice under a firm offering asbestos abatement services, the qualifying agent must apply and have the license issued in his or her name and the business organization name must be noted on the license. The qualifying agent must still be a licensee pursuant to ch. 469, F.S., and must prove he or she is qualified to supervise and financially responsible.

The bill does not amend the responsibilities of licensees under ch. 469, F.S., or otherwise effect the obligations of asbestos abatement consultants or contractors.

¹⁵ s. 469.003, F.S.

¹⁶ s. 469.003(3), F.S.

¹⁷ s. 469.006, F.S.

¹⁸ Rule 61E1-3.001, F.A.C.

¹⁹ Eliminating Duplicative and Excessive Regulation, *supra* note 9.

Barbering

Background

Chapter 476, F.S., governs the licensing and regulation of barbers, restricted barbers, and barbershops in the state. The Barbers' Board is located under Professions. The board processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the barbering industry.

'Barbering' means any of the following practices when done for remuneration and for the public, but not when done for the treatment of disease or physical or mental ailments: shaving, cutting, trimming, coloring, shampooing, arranging, dressing, curling, or waving the hair or beard or applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical appliances."²⁰

A 'restricted barber' is a person who has a restricted license to practice barbering. The restricted license limits the licensee's practice to those specific areas in which the applicant has demonstrated competence pursuant to rules adopted by the board. An applicant may obtain a restricted license if he or she:

- has successfully completed an approved restricted barber course; or
- holds or has within the previous 5 years held an active valid license to practice barbering in another jurisdiction or has held a Florida barbering license which has been declared null and void for failure to renew the license, and the applicant fulfilled the requirements for initial licensure; and has not been disciplined relating to the practice of barbering in the previous 5 years; and
- passes a written examination on the laws and rules governing the practice of barbering in Florida.

Barbers and restricted barbers must complete 1,200²¹ hours of training to be eligible for licensure, in addition to passing the applicable exam and paying a \$223.50 fee.²²

Effect of the Bill

The bill reduces and restricts the amount of training for barbers and restricted barbers from 1,200 to 600 for barbers and from 1,200 to 325 for restricted barbers. The type of training prescribed is limited to sanitation, safety, and laws and rules.

The bill clarifies the definition of 'restricted barber' as performing the following services for remuneration:

- hair cutting and styling, including the application of hair tonics and hair spray, but not including the application of other chemical preparations or solutions to the hair;
- full facial shaves;
- mustache and beard trimming; and
- shampooing hair, including the application of shampoos and conditioners and blow drying the hair.

Cosmetology

Background

Chapter 477, F.S., governs the licensing and regulation of cosmetologists, hair wrappers, hair braiders, nail specialists, facial specialists, full specialists, body wrappers, and related salons in the state. The Board of Cosmetology is under Professions. The board processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the cosmetology industry.

The term 'cosmetology' is defined as "the mechanical or chemical treatment of the head, face, and scalp for aesthetic rather than medical purposes, including, but not limited to, hair shampooing, hair cutting, hair

²⁰ s. 476.034(2), F.S.

²¹ Under certain circumstances, an applicant may take the exam after completing 1,000 hours of training. If he or she passes the exam, no more training is required. s. 476.114(c)2., F.S.

²² Rule 61-35.006, F.A.C.

arranging, hair coloring, permanent waving, and hair relaxing for compensation. This term also includes performing hair removal, including wax treatments, manicures, pedicures, and skin care services.”²³ Becoming licensed as a cosmetologist requires 1,200 hours of training, which typically costs between \$5,000 and \$20,000.²⁴

Specialty Registrations

A ‘specialist’ is defined as any person holding a specialty registration in one or more of the cosmetology specialties. The term ‘specialty’ is defined as “the practice of one or more of the following:

- Manicuring, or the cutting, polishing, tinting, coloring, cleansing, adding, or extending of the nails, and massaging of the hands. This term includes any procedure or process for the affixing of artificial nails, except those nails which may be applied solely by use of a simple adhesive;
- Pedicuring, or the shaping, polishing, tinting, or cleansing of the nails of the feet, and massaging or beautifying of the feet; and
- Facials, or the massaging or treating of the face or scalp with oils, creams, lotions, or other preparations, and skin care services.”²⁵

A nail specialist may complete manicures and pedicures. A facial specialist may complete facials. A full specialist may complete manicures, pedicures, and facials.

To qualify for a specialist registration, the applicant must:

- be at least 16 years old;
- obtain a certificate of completion from an approved specialty education program, consisting of:
 - 240 hours of training for a nail specialty,
 - 260 hours of training for a facial specialty, and
 - 500 hours of training for a full specialty;²⁶ and
- submit an application for registration with DBPR with a \$63.50 registration fee.²⁷

Currently, a person who applies polish or paint to fingernails and toenails or makeup²⁸ for compensation needs a cosmetology or specialty license. Texas currently allows makeup application for compensation without a license.²⁹

Hair Braiding, Hair Wrapping or Body Wrapping Registrations

Hair braiding, hair wrapping, and body wrapping are limited scope cosmetology registrations.³⁰

‘Hair braiding’ means the weaving or interweaving of natural human hair for compensation without cutting, coloring, permanent waving, relaxing, removing, or chemical treatment and does not include the use of hair extensions or wefts.”

Persons whose occupation or practice is confined solely to hair braiding must:

- register with DBPR,
- pay the applicable \$25 registration fee, and

²³ s. 477.013, F.S.

²⁴ BeautySchools.com, *The Cost of Beauty School*, <https://beautyschools.com/the-cost-of-beauty-school/> (last visited March 3, 2017).

²⁵ s. 477.013, F.S.

²⁶ Ch. 61G5-22, F.A.C.

²⁷ s. 477.0201, F.S.

²⁸ “Makeup” is generally defined as the application of certain cosmetic products such as lipstick, mascara, and foundation to color the face or body. It does not include the application of permanent makeup, which is considered cosmetic tattooing and requires licensure as a tattoo artist from the Florida Department of Health. Merriam-Webster, Inc., *Makeup*, <https://www.merriam-webster.com/dictionary/makeup> (last visited April 20, 2017); Rule 64E-28.002(20), F.A.C.

²⁹ Tex. Occ. Code Ann § 1602.003(b)(3) (West 2015).

³⁰ Described in ss. 477.013 and 477.0132, F.S.

- take a two-day board-approved 16-hour course, consisting of 5 hours of HIV/AIDS and other communicable diseases, 5 hours of sanitation and sterilization, 4 hours of disorders and diseases of the scalp, and 2 hours of studies regarding laws affecting hair braiding.³¹

'Hair wrapping' means the wrapping of manufactured materials around a strand or strands of human hair, for compensation, without cutting, coloring, permanent waving, relaxing, removing, weaving, chemically treating, braiding, using hair extensions, or performing any other service defined as cosmetology.

Persons whose occupation or practice is confined solely to hair wrapping must:

- register with DBPR,
- pay the applicable \$25 registration fee, and
- take a one-day board-approved 6-hour course, consisting of education in HIV/AIDS and other communicable diseases, sanitation and sterilization, disorders and diseases of the scalp, and studies regarding laws affecting hair wrapping.

'Body wrapping' means a treatment program that uses herbal wraps for the purposes of cleansing and beautifying the skin of the body, but does not include the application of oils, lotions, or other fluids to the body, except fluids contained in presoaked materials used in the wraps, or manipulation of the body's superficial tissue, other than that arising from compression emanating from the wrap materials.

A person whose occupation or practice is body wrapping must:

- register with DBPR,
- pay the applicable \$25 registration fee, and
- take a two-day board-approved 12-hour course, consisting of education in HIV/AIDS and other communicable diseases, sanitation and sterilization, disorders and diseases of the skin, and studies regarding laws affecting body wrapping.

Hair braiding, hair wrapping, and body wrapping are not required to be practiced in a cosmetology salon or specialty salon.

Continuing education is not required of hair braiders, hair wrappers, and body wrappers.³²

The Board of Cosmetology issued 28 disciplinary orders against licensed hair braiders, hair wrappers, and body wrappers during the 2012- 2015 fiscal years. These actions generally did not involve consumer injury, but were technical scope of practice violations (e.g. practicing with an expired license or failing to timely renew the license). This constitutes a little over one percent of the 2,690 disciplinary orders issued by the Board of Cosmetology during these fiscal years.³³

Effect of the Bill

The bill clarifies which services can be performed by specialty registration holders, which are outlined as follows:

- Nail specialists can perform: manicuring, or the cutting, polishing, tinting, coloring, cleansing, adding, or extending of the nails, and massaging of the hands. This term includes any procedure or process for the affixing of artificial nails, except those nails which may be applied solely by use of a simple adhesive, pedicuring, or the shaping, polishing, tinting, or cleansing of the nails of the feet, and massaging or beautifying of the feet;
- Facial specialists can perform: facials, or the massaging or treating of the face or scalp with oils, creams, lotions, or other preparations, and skin care services; and

³¹Courses for hair braiding, hair wrapping, and body wrapping generally cost between \$75 and \$250. Examples include: 1STOPCEU.com, Home, <http://www.floridahairbraider.com/> (last visited March 4, 2017); and JT's Beauty Shop, Inc., *Florida State Certified Courses (Theory)*, http://www.jtbeautysalon.com/certified_classes.html (last visited March 4, 2017).

³² s. 477.019(7)(b), F.S.

³³ Agency Analysis of 2017 Senate Bill 802, *supra* note 15, at 4-5.

- Full specialists can perform: manicuring, pedicuring, and facial services, including all services within the definition of nail specialty and facial specialty.

The bill reduces the amount of training hours required for specialty registrations, which must focus primarily on sanitation and safety, from:

- 240 hours to 150 hours for nail specialists,
- 260 hours to 165 hours for facial specialists, and
- 500 hours to 300 hours for full specialists.

The bill adds weaving or interweaving commercial hair, including the use of extensions or wefts, to the scope of 'hair braiding.'

The bill removes all licensure and regulatory requirements for hair braiders, hair wrappers, body wrappers, nail polishers, and makeup applicators and makes conforming changes to cross-references.

Architecture and Interior Design Business Organizations

Present Situation

Chapter 481, pt. I, F.S., governs the licensing and regulation of architects, interior designers, and related business organizations in the state. The Board of Architecture and Interior Design is a board located under Professions. The board processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the architecture and interior design industries.

An architecture business corporation, limited liability company, or partnership, which is offering architecture service to the public, must obtain a certificate of authorization prior to practicing.³⁴ One or more of the principal officers of the corporation or limited liability company, or one or more partners of the partnership, must be a licensed architect. Applicants for an architecture business certificate of authorization must pay an application fee of \$100, an unlicensed activity fee of \$5, and a biennial renewal fee of \$125.³⁵ There is no requirement on the business entity other than to obtain licensure and there are no inspection requirements.

Interior design businesses must also obtain a certificate of authorization. At least one principal officer or partner and all personnel who act on the business entity's behalf in the state must be registered interior designers. The initial license fee for a certificate of authorization is \$100 and the biennial renewal fee is \$125.³⁶

As of October 2015, there were 2,747 architecture business licenses and 1,047 interior design business licenses in active status and on average 203 new initial architecture business licenses and 98 interior design business licenses issued annually during the 2012- 2015 fiscal years.

There were 17 disciplinary cases brought against architecture business licenses during the 2012- 2015 fiscal years.³⁷ Typically, the disciplinary actions taken were for operating without a supervising architect and for failing to use a license number in advertisements. During the 2012-2015 fiscal years, the Board of Architecture and Interior Design disciplined licensed interior design business licenses only 4 times without also taking disciplinary action against the qualifying interior designer. In 3 of the 4 disciplinary cases, the business license was retained by the business after the qualifying interior designer had left the firm.³⁸

³⁴ s. 481.219(2)-(3), F.S.

³⁵ Rules 61G1-17.001 and 61G1-17.002, F.A.C.

³⁶ Rule 61G1-17.002, F.A.C.

³⁷ Eliminating Duplicative and Excessive Regulation, *supra* note 9.

³⁸ Agency Analysis of 2017 Senate Bill 802, *supra* note 15, at 5.

Effect of the Bill

The bill removes the requirement that architects and interior designers obtain a separate business license (certificate of authorization) in addition to an individual license. The bill provides that architects and interior designers qualify their business organizations with their individual licenses. The bill provides that architects and interior designers must inform DBPR of any change in their relationship with the qualified business, and the business has 60 days to obtain a replacement qualifying architect or interior designer. The executive director or chair of the Board of Architecture and Interior Design may authorize another registered architect or interior designer employed by the business organization to temporarily service as its qualifying agent for no more than 60 days.

The bill amends s. 481.219(2)(b), F.S., to provide that the Board of Architecture and Interior Design may deny an application to qualify a business organization if the applicant (or others identified in the application as partners, officers, directors, or stockholders who are also officers or directors) "has been involved in past disciplinary actions or on any grounds for which an individual registration or certification may be denied."

The bill requires the qualifying agent to provide notice to DBPR when he or she begins to conduct business in his or her own name or with another business organization following the previous termination. The qualifying agent or the new business organization must submit the required application information.

The qualifying agent must ensure responsible supervising control of all projects of the business organization and upon termination of his or her employment with a business organization for which he or she qualifies, the agent must notify DBPR of the termination within 30 days.

Landscape Architecture Business Organization

Background

Chapter 481, pt. II, F.S., governs the licensing and regulation of landscape architects and related business organizations in the state. The Board of Landscape Architecture is a board located under the Division of Professions. The board processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the landscape architecture industry.

A corporation or partnership is permitted to apply for a certificate of authorization if:

- One or more of the principles of the corporation, or partners in the partnership, is a licensed landscape architect;
- One or more of the officers, directors, or owners of the corporation, or one of more of the partners of the partnership is a licensed landscape architect;
- The corporation or partnership has been issued a certificate of authorization by the board.³⁹

Applicants for a landscape architecture business certificate of authorization must pay an application fee and initial licensure fee of \$450.00 and a biennial renewal fee of \$337.50.⁴⁰ There is no requirement on the business entity other than to obtain licensure and there are no inspection requirements.

As of October 2015, there were 347 landscape architecture business licenses in active status and on average 31 new initial licenses issued annually during the 2012- 2015 fiscal years. There were no disciplinary cases brought against any landscape architecture business licenses during the 2012-2015 fiscal years.⁴¹

³⁹ s. 481.319(1), F.S.

⁴⁰ Rule 61G10-12.002, F.A.C.

⁴¹ Eliminating Duplicative and Excessive Regulation, *supra* note 9.

Effect of the Bill

The bill repeals all provisions which require licensees to obtain a certificate of authorization to practice landscape architecture through a business organization. Instead, a licensed landscape architect must apply to qualify the business organization as a qualifying agent if he or she proposes to engage in the practice of landscape architecture as a business organization.

The bill repeals DBPR's authority to issue a certificate of authorization to an applicant wishing to practice as a corporation, limited liability company, or partnership offering landscape architectural services. Furthermore, the bill repeals the board's ability to grant a temporary certificate of authorization for a business organization that is seeking to work on one project in Florida for a period not to exceed a year to an out-of-state corporation, partnership, or firm.

The bill provides that a corporation or partnership is permitted to offer landscape architectural services to the public if:

- One or more of the principles of the corporation, or partners in the partnership, is a licensed landscape architect;
- One or more of the officers, directors, or owners of the corporation, or one of more of the partners of the partnership is a licensed landscape architect.

The qualifying agent must provide notice to DBPR within one month of any change in the information contained in the license application.

The bill removes disciplinary actions against certificates of authorization for business organizations. The bill does not modify the liability of a landscape architect for his or her professional acts.

Geology Business Organization

Background

Chapter 492, F.S., governs the licensing and regulation of geologists and related business organizations in the state. The Board of Professional Geologists is a board located under Professions. The board processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the geology industry.

An individual may not practice geology through a firm, corporation, or partnership offering geological services to the public unless the firm, corporation, or partnership has been issued a certificate of authorization.⁴² A firm, corporation, or partnership is permitted to offer geological services to the public if:

- at all times, the entity has on file with DBPR the name and license number of one or more licensed geologists serving as a geologist with the entity;
- the entity has been issued a certification of authorization by DBPR;
- all final geological documents prepared or approved for the use of the entity shall be dated and signed and sealed by the licensed geologist;
- the entity is not relieved of personal liability due to the fact that a licensed geologist practices at the entity;
- the entity files an application with DBPR.⁴³

Any change in the business operating relationship between the business organization and the qualifying geologist must be reported to DBPR within 30 days.

⁴² s. 492.111(2), F.S.

⁴³ s. 481.319(1), F.S.

Applicants for a geology business certificate of authorization must pay an application fee of \$350.00 and a biennial renewal fee of \$350.⁴⁴ There is no requirement on the business entity other than to obtain licensure and there are no inspection requirements.

As of October 2015, there were 373 geology business licenses in active status and on average 27 new initial licenses issued annually during the 2012- 2015 fiscal years. There were no disciplinary cases brought against any geology business licenses during the 2012-2015 fiscal years.⁴⁵

Effect of the Bill

The bill repeals all provisions which require a certificate of authorization to practice geology through a business organization. Instead, a licensed geologist must apply to qualify the business organization as a qualifying agent if he or she proposes to engage in the practice of geology as a firm, corporation, or partnership.

The qualifying agent is required to update DBPR of any changes in the relationship between himself or herself and the business organization within 30 days.

The bill repeals DBPR's authority to issue a certificate of authorization to an applicant wishing to practice as a firm, corporation, or partnership offering geological services.

Pugilistic Timekeepers and Announcers

Background

Chapter 548, F.S., governs the Florida State Boxing Commission, which is under Regulations. The function of the Commission is to license and regulate professional boxing, kickboxing, and mixed martial arts. The Commission ensures that all matches are conducted in accordance with provisions of state laws and rules. It also makes certain that health and safety requirements are met and that matches are competitive and physically safe for participants. The Commission designates employees to attend the matches, appoints match officials, and ensures the matches are held in a safe and fair manner.

A 'timekeeper' is an individual who is assigned the duties to maintain the time for each round during a pugilistic event.⁴⁶

An 'announcer' is an individual who has the authority to make all announcements, including the result of the event, during a pugilistic event.⁴⁷

In order to obtain a license, a timekeeper or announcer applicant must:

- be at least 18 years of age and
- pay an application fee of \$50.

Currently, there are 5 licensed timekeepers and 2 licensed announcers.⁴⁸

Effect of the Bill

The bill deletes all licensure and regulatory requirements for boxing announcers and boxing timekeepers and makes conforming changes to cross-references.

⁴⁴ Rule 61G10-12.002, F.A.C.

⁴⁵ Eliminating Duplicative and Excessive Regulation, *supra* note 9.

⁴⁶ Rule 61K1-3.0001(19), F.A.C.

⁴⁷ Rule 61K1-3.0001(1), F.A.C.

⁴⁸ Email from Andrew Forst, Legislative Coordinator, Florida Department of Business and Professional Regulation, RE: Timekeeper and Announcer license counts (March 3, 2017).

B. SECTION DIRECTORY:

- Section 1 Amends s. 326.004, F.S., deleting requirement for yacht broker branch office licenses;
- Section 2 Amends s. 447.02, F.S., conforming provisions;
- Section 3 Repeals s. 447.04, F.S., relating to licensure requirements for business agents;
- Section 4 Repeals s. 447.041, F.S., relating to hearings for labor organizations or business agents denied licensure;
- Section 5 Repeals s. 447.045, F.S., relating to confidential application information;
- Section 6 Repeals s. 447.06, F.S., relating to required registration of labor organizations;
- Section 7 Amends s. 447.09, F.S., deleting certain actions relating to right of franchise of a member of a labor organization;
- Section 8 Repeals s. 447.12, F.S., relating to fees;
- Section 9 Repeals s. 447.16, F.S., relating to applicability;
- Section 10 Amends s. 447.305, F.S., deleting provision requiring notification to DBPR;
- Section 11 Amends s. 469.006, F.S., revising licensure requirements for asbestos abatement business entities;
- Section 12 Amends s. 469.009, F.S., conforming provisions;
- Section 13 Amends s. 476.034, F.S., defining 'restricted barber' and 'restricted barbering;'
- Section 14 Amends s. 476.114, F.S., revising barber training requirements;
- Section 15 Amends s. 476.144, F.S., requiring DBPR to license qualified restricted barbers;
- Section 16 Amends s. 477.013, F.S., revising and providing definitions;
- Section 17 Repeals s. 477.0132, F.S., relating to the registration of hair braiding, hair wrapping, and body wrapping;
- Section 18 Amends s. 477.0135, F.S., exempting hair braiders, hair wrappers, body wrappers, nail polishers, and makeup applicators from licensure;
- Section 19 Amends s. 477.019, F.S., conforming provisions;
- Section 20 Amends s. 477.0201, F.S., providing requirements for specialty licenses;
- Section 21 Amends s. 477.026, F.S., conforming provisions;
- Section 22 Amends s. 477.0265, F.S., conforming provisions;
- Section 23 Amends s. 477.029, F.S., conforming provisions;
- Section 24 Amends s. 481.203, F.S., revising definitions for 'certificate of authorization' and 'business organization;'

- Section 25 Amends s. 481.219, F.S., relating to provision relating to regulation of businesses related to interior design;
- Section 26 Amends s. 481.221, F.S., conforming provisions;
- Section 27 Amends s. 481.229, F.S., conforming provisions;
- Section 28 Amends s. 481.303, F.S., deleting the definition of 'certificate of authorization;'
- Section 29 Amends s. 481.311, F.S., conforming provisions;
- Section 30 Amends s. 481.317, F.S., conforming provisions;
- Section 31 Amends s. 481.319, F.S., deleting the requirement for a certificate of authorization and authorizing practice through a corporation or partnership;
- Section 32 Amends s. 481.321, F.S., revising requirements for the display of a certificate number;
- Section 33 Amends s. 481.329, F.S., conforming a cross-reference;
- Section 34 Amends s. 287.055, F.S., conforming a provision;
- Section 35 Amends s. 492.104, F.S., making conforming and technical changes;
- Section 36 Amends s. 492.111, F.S., deleting the requirements for a certificate of authorization for a professional geologist;
- Section 37 Amends s. 492.113, F.S., conforming provisions;
- Section 38 Amends s. 492.115, F.S., conforming provisions;
- Section 39 Amends s. 548.003, F.S., deleting the requirement for the Florida State Boxing Commission to adopt rules relating to a timekeeper;
- Section 40 Amends s. 548.017, F.S., deleting the licensure requirement for timekeepers and announcers;
- Section 41 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The estimated revenue and expenditure figures do not reflect changes made by amendments adopted by the Commerce Committee which restore the licensing schemes for interior designers, talent agents, and auctioneers. DBPR estimates the revenue reduction to state government will be \$3,651,684 over the next three fiscal years, stemming from a reduction of license fees, license renewal fees, and unlicensed activity fees. The estimate is broken down as follows:⁴⁹

⁴⁹ Total fee reduction based on Department of Business and Professional Regulation bill analysis of SB 802, March 2, 2017 and email from Larry Hurley, March 15, 2017 to Appropriations staff, on file with the Government Operations & Technology Appropriations Subcommittee.

	FY 2017-18	FY 2018-19	FY 2019-20
Revenues: License Fees and Unlicensed Activity Fees	Condominiums (\$4,300)	Condominiums (\$4,300)	Condominiums (\$4,300)
	Professions (\$1,020,471)	Professions (\$1,595,017)	Professions (\$1,020,296)
	Boxing Commission (\$1,000)	Boxing Commission (\$1,000)	Boxing Commission (\$1,000)
Total Fees Reduced	(\$1,025,771)	(\$1,600,317)	(\$1,025,596)
Service Charge to General Revenue – Reduction (8% of revenues reduced above)	(\$82,062)	(\$128,025)	(\$82,048)

2. Expenditures:

DBPR has not estimated the decrease of expenditures based on the reduction of applications processed, investigations conducted, or complaints received.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Labor organizations, pugilistic announcers, pugilistic timekeepers, hair braiders, hair wrappers, body wrappers, nail painters, and makeup artists will no longer need to pay costs associated with professional licensure.

Nail specialists, facial specialists, full specialists, barbers, and restricted barber applicants will require less training to obtain licensure, which may lead to a reduced training cost.

Asbestos abatement consultants and contractors, landscape architects, geologists, interior designers, and architects will no longer need to pay costs associated with retaining certificates of authorization for business organizations.

There may be an increase in the number of people in the workforce practicing their chosen professions.

D. FISCAL COMMENTS:

As of June 30, 2016, the fund balance for the Board of Professional Geologists was negative.

The proposed elimination of the license fees for boards that have a deficit balance will result in the fund accounts closing with a negative balance. Funds with negative balances have borrowed from the other Board Funds during the years they have operated to address the negative balances.⁵⁰

⁵⁰ *Id.* at 9, 10.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Application, forms, rules, and rule chapters will need to be updated related to the following licensure programs:

- Condominiums (Yacht and Ship Brokers) – Rules 61B-60.001, 61B-60.002, 61B-60.003, 61B-60.005, F.A.C.;
- Asbestos – Rule 61E1, F.A.C.;
- Barbers – Rule 61G3-16 and 15, F.A.C.;
- Cosmetology Specialties – Rules 61G5-31, 61-35.011, F.A.C.;
- Architecture and Interior Design – Rule 61G1, F.A.C.;
- Landscape Architects – Rules 61G10, 61-35.017, F.A.C.;
- Professional Geologists – Rule 61G16, F.A.C.;
- Labor Organizations – Rule 61E1-4.001; and
- Boxing Announcers and Timekeepers – Rules 61K1-3.002, 61K1-3.009, and 61K1-3.010, F.A.C.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

1 A bill to be entitled
 2 An act relating to the deregulation of professions and
 3 occupations; amending s. 326.004, F.S.; deleting the
 4 requirement for a yacht broker to maintain a separate
 5 license for each branch office; deleting the
 6 requirement for the division to establish a fee;
 7 amending s. 447.02, F.S.; conforming provisions;
 8 repealing s. 447.04, F.S., relating to licensure and
 9 permit requirements for business agents; repealing s.
 10 447.041, F.S., relating to hearings for persons or
 11 labor organizations denied licensure as a business
 12 agent; repealing s. 447.045, F.S., relating to
 13 confidential information obtained during the
 14 application process; repealing s. 447.06, F.S.,
 15 relating to required registration of labor
 16 organizations; amending s. 447.09, F.S.; deleting
 17 certain prohibited actions relating to the right of
 18 franchise of a member of a labor organization;
 19 repealing s. 447.12, F.S., relating to registration
 20 fees; repealing s. 447.16, F.S., relating to
 21 applicability; amending s. 447.305, F.S.; deleting a
 22 provision that requires notification of registrations
 23 and renewals to the department; amending s. 469.006,
 24 F.S.; revising licensure requirements for asbestos
 25 abatement consulting or contracting as a partnership,

26 corporation, business trust, or other legal entity;
 27 amending s. 469.009, F.S.; conforming provisions;
 28 amending s. 476.034, F.S.; defining the terms
 29 "restricted barber" and "restricted barbering";
 30 amending s. 476.114, F.S.; revising training
 31 requirements for licensure as a barber; providing
 32 requirements for licensure by examination as a
 33 restricted barber; amending s. 476.144, F.S.;
 34 requiring the department to license an applicant who
 35 the board certifies is qualified to practice
 36 restricted barbering; amending s. 477.013, F.S.;
 37 revising and providing definitions; repealing s.
 38 477.0132, F.S., relating to registration for hair
 39 braiding, hair wrapping, and body wrapping; amending
 40 s. 477.0135, F.S.; providing that licensure or
 41 registration is not required for persons whose
 42 occupation or practice is confined solely to hair
 43 braiding, hair wrapping, body wrapping, nail
 44 polishing, and makeup application; amending s.
 45 477.019, F.S.; conforming provisions; amending s.
 46 477.0201, F.S.; providing requirements for
 47 registration as a nail specialist, facial specialist,
 48 or full specialist; amending ss. 477.026, 477.0265,
 49 and 477.029, F.S.; conforming provisions; amending s.
 50 481.203, F.S.; revising definitions; amending s.

51 481.219, F.S.; revising the process by which a
52 business organization obtains the requisite license to
53 perform architectural services or interior design;
54 requiring that a licensee or an applicant apply to
55 qualify a business organization to practice
56 architecture or interior design; providing application
57 requirements; authorizing the Board of Architecture
58 and Interior Design to deny an application under
59 certain circumstances; providing notice requirements;
60 prohibiting a business organization from engaging in
61 certain practices until it is qualified by a
62 qualifying agent; authorizing the executive director
63 or the chair of the board to authorize a temporary
64 qualifying agent for a specified timeframe under
65 certain circumstances; requiring the board to allow an
66 applicant to qualify one or more business
67 organizations or to operate using a fictitious name
68 under certain circumstances; deleting a requirement
69 for the administration of disciplinary action against
70 a corporation, limited liability company, or
71 partnership conforming provisions to changes made by
72 the act; amending s. 481.221, F.S.; requiring a
73 business organization to include the license number of
74 a certain registered architect or interior designer in
75 any advertising; providing an exception; conforming

76 provisions to changes made by the act; amending s.
 77 481.229, F.S.; conforming provisions to changes made
 78 by the act; amending s. 481.303, F.S.; revising
 79 definitions; amending ss. 481.311 and 481.317, F.S.;
 80 conforming provisions; amending s. 481.319, F.S.;
 81 deleting the requirement for a certificate of
 82 authorization; authorizing landscape architects to
 83 practice through a corporation or partnership;
 84 amending s. 481.321, F.S.; revising requirements
 85 related to the display of a certificate number;
 86 amending s. 481.329, F.S.; conforming a cross-
 87 reference; amending s. 287.055, F.S.; conforming a
 88 provision; amending s. 492.104, F.S.; making
 89 conforming and technical changes; amending s. 492.111,
 90 F.S.; deleting the requirements for a certificate of
 91 authorization for a professional geologist; amending
 92 ss. 492.113 and 492.115, F.S.; conforming provisions;
 93 amending s. 548.003, F.S.; deleting the requirement
 94 that the Florida State Boxing Commission adopt rules
 95 relating to a knockdown timekeeper; amending s.
 96 548.017, F.S.; deleting the licensure requirement for
 97 a timekeeper or announcer; providing an effective
 98 date.

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

101
 102 Section 1. Subsection (13) of section 326.004, Florida
 103 Statutes, is amended to read:

104 326.004 Licensing.—

105 (13) Each broker must maintain a principal place of
 106 business in this state and may establish branch offices in the
 107 state. ~~A separate license must be maintained for each branch~~
 108 ~~office. The division shall establish by rule a fee not to exceed~~
 109 ~~\$100 for each branch office license.~~

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

112 447.02 Definitions.—The following terms, when used in this
 113 chapter, shall have the meanings ascribed to them in this
 114 section:

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

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

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

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

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

121 Section 7. Subsections (6) and (8) of section 447.09,
 122 Florida Statutes, are amended to read:

123 447.09 Right of franchise preserved; penalties.—It shall
 124 be unlawful for any person:

125 ~~(6) To act as a business agent without having obtained and~~

126 ~~possessing a valid and subsisting license or permit.~~

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

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

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

131 Section 10. Subsection (4) of section 447.305, Florida
 132 Statutes, is amended to read:

133 447.305 Registration of employee organization.—

134 ~~(4) Notification of registrations and renewals of~~
 135 ~~registration shall be furnished at regular intervals by the~~
 136 ~~commission to the Department of Business and Professional~~
 137 ~~Regulation.~~

138 Section 11. Paragraphs (a) and (e) of subsection (2),
 139 subsection (3), paragraph (b) of subsection (4), and subsection
 140 (6) of section 469.006, Florida Statutes, are amended to read:

141 469.006 Licensure of business organizations; qualifying
 142 agents.—

143 (2)(a) If the applicant proposes to engage in consulting
 144 or contracting as a partnership, corporation, business trust, or
 145 other legal entity, or in any name other than the applicant's
 146 legal name, ~~the legal entity must apply for licensure through a~~
 147 ~~qualifying agent or the~~ individual applicant must apply for
 148 licensure under the ~~fictitious~~ name of the business
 149 organization.

150 (e) A ~~The license, when issued upon application of a~~

151 ~~business organization,~~ must be in the name of the qualifying
 152 agent business organization, and the name of the business
 153 organization ~~qualifying agent~~ must be noted on the license
 154 ~~thereon.~~ If there is a change in any information that is
 155 required to be stated on the application, the qualifying agent
 156 ~~business organization~~ shall, within 45 days after such change
 157 occurs, mail the correct information to the department.

158 (3) The qualifying agent must ~~shall~~ be licensed under this
 159 chapter in order for the business organization to be qualified
 160 ~~licensed~~ in the category of the business conducted for which the
 161 qualifying agent is licensed. If any qualifying agent ceases to
 162 be affiliated with such business organization, the agent shall
 163 so inform the department. In addition, if such qualifying agent
 164 is the only licensed individual affiliated with the business
 165 organization, the business organization shall notify the
 166 department of the termination of the qualifying agent and has
 167 ~~shall have~~ 60 days after ~~from~~ the date of termination of the
 168 qualifying agent's affiliation with the business organization ~~in~~
 169 ~~which~~ to employ another qualifying agent. The business
 170 organization may not engage in consulting or contracting until a
 171 qualifying agent is employed, unless the department has granted
 172 a temporary nonrenewable license to the financially responsible
 173 officer, the president, the sole proprietor, a partner, or, in
 174 the case of a limited partnership, the general partner, who
 175 assumes all responsibilities of a primary qualifying agent for

176 the entity. This temporary license only allows ~~shall only allow~~
 177 the entity to proceed with incomplete contracts.

178 (4)

179 (b) Upon a favorable determination by the department,
 180 after investigation of the financial responsibility, credit, and
 181 business reputation of the qualifying agent and the new business
 182 organization, the department shall issue, without any
 183 examination, a new license in the qualifying agent's ~~business~~
 184 ~~organization's~~ name, and the name of the business organization
 185 ~~qualifying agent~~ shall be noted thereon.

186 (6) Each qualifying agent shall pay the department an
 187 amount equal to the original fee for licensure ~~of a new business~~
 188 ~~organization.~~ if the qualifying agent for a business
 189 organization desires to qualify additional business
 190 organizations.7 The department shall require the agent to
 191 present evidence of supervisory ability and financial
 192 responsibility of each such organization. Allowing a licensee to
 193 qualify more than one business organization must ~~shall~~ be
 194 conditioned upon the licensee showing that the licensee has both
 195 the capacity and intent to adequately supervise each business
 196 organization. The department may ~~shall~~ not limit the number of
 197 business organizations that ~~which~~ the licensee may qualify
 198 except upon the licensee's failure to provide such information
 199 as is required under this subsection or upon a finding that the
 200 ~~such~~ information or evidence ~~as is~~ supplied is incomplete or

201 unpersuasive in showing the licensee's capacity and intent to
 202 comply with the requirements of this subsection. A qualification
 203 for an additional business organization may be revoked or
 204 suspended upon a finding by the department that the licensee has
 205 failed in the licensee's responsibility to adequately supervise
 206 the operations of the business organization. Failure to
 207 adequately supervise the operations of a business organization
 208 is ~~shall be~~ grounds for denial to qualify additional business
 209 organizations.

210 Section 12. Subsection (1) of section 469.009, Florida
 211 Statutes, is amended to read:

212 469.009 License revocation, suspension, and denial of
 213 issuance or renewal.—

214 (1) The department may revoke, suspend, or deny the
 215 issuance or renewal of a license; reprimand, censure, or place
 216 on probation any contractor, consultant, or financially
 217 responsible officer, ~~or business organization~~; require financial
 218 restitution to a consumer; impose an administrative fine not to
 219 exceed \$5,000 per violation; require continuing education; or
 220 assess costs associated with any investigation and prosecution
 221 if the contractor or consultant, or business organization or
 222 officer or agent thereof, is found guilty of any of the
 223 following acts:

224 (a) Willfully or deliberately disregarding or violating
 225 the health and safety standards of the Occupational Safety and

226 Health Act of 1970, the Construction Safety Act, the National
 227 Emission Standards for Asbestos, the Environmental Protection
 228 Agency Asbestos Abatement Projects Worker Protection Rule, the
 229 Florida Statutes or rules promulgated thereunder, or any
 230 ordinance enacted by a political subdivision of this state.

231 (b) Violating any provision of chapter 455.

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

234 (d) Acting in the capacity of an asbestos contractor or
 235 asbestos consultant under any license issued under this chapter
 236 except in the name of the licensee as set forth on the issued
 237 license.

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

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

241 (g) Being convicted or found guilty of, or entering a plea
 242 of nolo contendere to, regardless of adjudication, a crime in
 243 any jurisdiction which directly relates to the practice of
 244 asbestos consulting or contracting or the ability to practice
 245 asbestos consulting or contracting.

246 (h) Knowingly violating any building code, lifesafety
 247 code, or county or municipal ordinance relating to the practice
 248 of asbestos consulting or contracting.

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

251 consulting or contracting, if the licensee knows or has
252 reasonable grounds to know that the person or entity was
253 unlicensed.

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

256 Financial mismanagement or misconduct occurs when:

257 1. Valid liens have been recorded against the property of
258 a contractor's customer for supplies or services ordered by the
259 contractor for the customer's job; the contractor has received
260 funds from the customer to pay for the supplies or services; and
261 the contractor has not had the liens removed from the property,
262 by payment or by bond, within 75 days after the date of such
263 liens;

264 2. The contractor has abandoned a customer's job and the
265 percentage of completion is less than the percentage of the
266 total contract price paid to the contractor as of the time of
267 abandonment, unless the contractor is entitled to retain such
268 funds under the terms of the contract or refunds the excess
269 funds within 30 days after the date the job is abandoned; or

270 3. The contractor's job has been completed, and it is
271 shown that the customer has had to pay more for the contracted
272 job than the original contract price, as adjusted for subsequent
273 change orders, unless such increase in cost was the result of
274 circumstances beyond the control of the contractor, was the
275 result of circumstances caused by the customer, or was otherwise

276 permitted by the terms of the contract between the contractor
 277 and the customer.

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

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

283 (m) Abandoning an asbestos abatement project in which the
 284 asbestos contractor is engaged or under contract as a
 285 contractor. A project may be presumed abandoned after 20 days if
 286 the contractor terminates the project without just cause and
 287 without proper notification to the owner, including the reason
 288 for termination; if the contractor fails to reasonably secure
 289 the project to safeguard the public while work is stopped; or if
 290 the contractor fails to perform work without just cause for 20
 291 days.

292 (n) Signing a statement with respect to a project or
 293 contract falsely indicating that the work is bonded; falsely
 294 indicating that payment has been made for all subcontracted
 295 work, labor, and materials which results in a financial loss to
 296 the owner, purchaser, or contractor; or falsely indicating that
 297 workers' compensation and public liability insurance are
 298 provided.

299 (o) Committing fraud or deceit in the practice of asbestos
 300 consulting or contracting.

301 (p) Committing incompetency or misconduct in the practice
 302 of asbestos consulting or contracting.

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

306 (r) Intimidating, threatening, coercing, or otherwise
 307 discouraging the service of a notice to owner under part I of
 308 chapter 713 or a notice to contractor under chapter 255 or part
 309 I of chapter 713.

310 (s) Failing to satisfy, within a reasonable time, the
 311 terms of a civil judgment obtained against the licensee, or the
 312 business organization qualified by the licensee, relating to the
 313 practice of the licensee's profession.

314
 315 For the purposes of this subsection, construction is considered
 316 to be commenced when the contract is executed and the contractor
 317 has accepted funds from the customer or lender.

318 Section 13. Subsections (2) and (3) of section 476.034,
 319 Florida Statutes, are amended, and subsections (6) and (7) are
 320 added to that section, to read:

321 476.034 Definitions.—As used in this act:

322 (2) "Barbering" means any of the following practices when
 323 done for remuneration and for the public, but not when done for
 324 the treatment of disease or physical or mental ailments:
 325 shaving, cutting, trimming, coloring, shampooing, arranging,

326 dressing, curling, or waving the hair or beard or applying oils,
 327 creams, lotions, or other preparations to the face, scalp, or
 328 neck, either by hand or by mechanical appliances, and includes
 329 any services defined as restricted barbering.

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

332 (6) "Restricted barber" means a person who is licensed to
 333 engage in the practice of restricted barbering in this state
 334 under the authority of this chapter and is subject to the same
 335 requirements and restrictions as a barber, except as
 336 specifically provided in s. 476.114.

337 (7) "Restricted barbering" means any of the following
 338 practices when done for remuneration and for the public, but not
 339 when done for the treatment of disease or physical or mental
 340 ailments:

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

344 (b) Full facial shaves;

345 (c) Mustache and beard trimming; and

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

348 Section 14. Section 476.114, Florida Statutes, is amended
 349 to read:

350 476.114 Examination; prerequisites.—

351 (1) A person desiring to be licensed as a barber shall
 352 apply to the department for licensure and-

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

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

356 (b) Pays the required application fee; and

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

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

366 a. A school of barbering licensed pursuant to chapter
 367 1005;

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

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

370

371 ~~The board shall establish by rule procedures whereby the school~~
 372 ~~or program may certify that a person is qualified to take the~~
 373 ~~required examination after the completion of a minimum of 1,000~~
 374 ~~actual school hours. If the person passes the examination, she~~
 375 ~~or he shall have satisfied this requirement; but if the person~~

376 ~~fails the examination, she or he shall not be qualified to take~~
 377 ~~the examination again until the completion of the full~~
 378 ~~requirements provided by this section.~~

379 (2) A person desiring to be licensed as a restricted
 380 barber shall apply to the department for licensure and shall be
 381 eligible for licensure by examination to practice restricted
 382 barbering if the applicant:

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

384 (b) Pays the required application fee; and

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

389 2. Has received a minimum of 325 hours of training in
 390 sanitation, safety, and laws and rules, as established by the
 391 board, which shall include, but not be limited to, the
 392 equivalent of completion of services directly related to the
 393 practice of restricted barbering at one of the following:

394 a. A school of barbering licensed pursuant to chapter
 395 1005;

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

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

398 (3) An applicant who meets the requirements set forth in
 399 paragraph (1)(c)1. and 2. ~~subparagraphs (2)(c)1. and 2.~~ who
 400 fails to pass the examination may take subsequent examinations

401 as many times as necessary to pass, except that the board may
402 specify by rule reasonable timeframes for rescheduling the
403 examination and additional training requirements for applicants
404 who, after the third attempt, fail to pass the examination.
405 Prior to reexamination, the applicant must file the appropriate
406 form and pay the reexamination fee as required by rule.

407 Section 15. Subsections (1) and (6) of section 476.144,
408 Florida Statutes, are amended to read:

409 476.144 Licensure.—

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

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

417 (a)1. Has successfully completed a restricted barber
418 course, as established by rule of the board, at a school of
419 barbering licensed pursuant to chapter 1005, a barbering program
420 within the public school system, or a government-operated
421 barbering program in this state; or

422 2.a. Holds or has within the previous 5 years held an
423 active valid license to practice barbering in another state or
424 country or has held a Florida barbering license which has been
425 declared null and void for failure to renew the license, and the

426 applicant fulfilled the requirements of s. 476.114(2)(c)2. for
 427 initial licensure; and

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

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

433
 434 ~~The restricted license shall limit the licensee's practice to~~
 435 ~~those specific areas in which the applicant has demonstrated~~
 436 ~~competence pursuant to rules adopted by the board.~~

437 Section 16. Subsections (6) and (9) of section 477.013,
 438 Florida Statutes, are amended to read:

439 477.013 Definitions.—As used in this chapter:

440 (6) "Specialty" means the practice of one or more of the
 441 following:

442 (a) "Nail specialty" means manicuring, or the cutting,
 443 polishing, tinting, coloring, cleansing, adding, or extending of
 444 the nails, and massaging of the hands. This term includes any
 445 procedure or process for the affixing of artificial nails,
 446 except those nails which may be applied solely by use of a
 447 simple adhesive; ~~and~~.

448 ~~(b)~~ pedicuring, or the shaping, polishing, tinting, or
 449 cleansing of the nails of the feet, and massaging or beautifying
 450 of the feet.

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

454 (c) "Full specialty" means all services within the
 455 definition of nail specialty and facial specialty, including
 456 manicuring, pedicuring, and facial services.

457 (9) "Hair braiding" means the weaving or interweaving of
 458 natural human hair or commercial hair, including the use of hair
 459 extensions or wefts, for compensation without cutting, coloring,
 460 permanent waving, relaxing, removing, or chemical treatment ~~and~~
 461 ~~does not include the use of hair extensions or wefts.~~

462 Section 17. Section 477.0132, Florida Statutes, is
 463 repealed.

464 Section 18. Subsections (7), (8), (9), (10), and (11) are
 465 added to section 477.0135, Florida Statutes, to read:

466 477.0135 Exemptions.—

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

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

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

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

479 (11) A license or registration is not required for a
 480 person whose occupation or practice is confined solely to makeup
 481 application.

482 Section 19. Paragraph (b) of subsection (7) of section
 483 477.019, Florida Statutes, is amended to read:

484 477.019 Cosmetologists; qualifications; licensure;
 485 supervised practice; license renewal; endorsement; continuing
 486 education.—

487 (7)

488 ~~(b) Any person whose occupation or practice is confined~~
 489 ~~solely to hair braiding, hair wrapping, or body wrapping is~~
 490 ~~exempt from the continuing education requirements of this~~
 491 ~~subsection.~~

492 Section 20. Subsections (2) through (6) of section
 493 477.0201, Florida Statutes, are renumbered as subsections (4)
 494 through (8), respectively, subsection (1) is amended, and new
 495 subsections (2) and (3) are added to that section, to read:

496 477.0201 Specialty registration; qualifications;
 497 registration renewal; endorsement.—

498 (1) Any person is qualified for registration as a
 499 specialist in a nail ~~any one or more of the specialty practice~~
 500 ~~practices~~ within the practice of cosmetology under this chapter

501 who:

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

504 (b) Has received at least 150 hours of training as
505 established by the board, which shall focus primarily on
506 sanitation and safety and shall include, but not be limited to,
507 the equivalent of completion of services directly related to the
508 practice of a nail ~~a certificate of completion in a~~ specialty
509 pursuant to s. ~~477.013(6)(a)~~ 477.013(6) from one of the
510 following:

- 511 1. A school licensed pursuant to s. 477.023.
- 512 2. A school licensed pursuant to chapter 1005 or the
513 equivalent licensing authority of another state.
- 514 3. A specialty program within the public school system.
- 515 4. A specialty division within the Cosmetology Division of
516 the Florida School for the Deaf and the Blind, provided the
517 training programs comply with minimum curriculum requirements
518 established by the board.

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

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

524 (b) Has received at least 165 hours of training as
525 established by the board, which shall focus on sanitation and

526 safety and shall include, but not be limited to, the equivalent
 527 of completion of services directly related to the practice of
 528 facial specialty pursuant to s. 477.013(6)(b) from one of the
 529 following:

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

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

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

534 4. A specialty division within the Cosmetology Division of
 535 the Florida School for the Deaf and the Blind, provided the
 536 training programs comply with minimum curriculum requirements
 537 established by the board.

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

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

543 (b) Has received at least 300 hours of training as
 544 established by the board, which shall focus primarily on
 545 sanitation and safety and shall include, but not be limited to,
 546 the equivalent of completion of services directly related to the
 547 practice of full specialty pursuant to s. 477.013(6)(c) from one
 548 of the following:

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

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

551 equivalent licensing authority of another state.

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

553 4. A specialty division within the Cosmetology Division of
 554 the Florida School for the Deaf and the Blind, provided the
 555 training programs comply with minimum curriculum requirements
 556 established by the board.

557 Section 21. Paragraph (f) of subsection (1) of section
 558 477.026, Florida Statutes, is amended to read:

559 477.026 Fees; disposition.—

560 (1) The board shall set fees according to the following
 561 schedule:

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

564 Section 22. Paragraph (f) of subsection (1) of section
 565 477.0265, Florida Statutes, is amended to read:

566 477.0265 Prohibited acts.—

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

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

572 Section 23. Paragraph (a) of subsection (1) of section
 573 477.029, Florida Statutes, is amended to read:

574 477.029 Penalty.—

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

576 (a) Hold himself or herself out as a cosmetologist or
 577 ~~specialist, hair wrapper, hair braider, or body wrapper~~ unless
 578 duly licensed or registered, or otherwise authorized, as
 579 provided in this chapter.

580 Section 24. Subsection (5) of section 481.203, Florida
 581 Statutes, is amended to read:

582 481.203 Definitions.—As used in this part:

583 (5) "Business organization" means a partnership, a limited
 584 liability company, a corporation, or an individual operating
 585 under a fictitious name ~~"Certificate of authorization" means a~~
 586 ~~certificate issued by the department to a corporation or~~
 587 ~~partnership to practice architecture or interior design.~~

588 Section 25. Section 481.219, Florida Statutes, is amended
 589 to read:

590 481.219 Business organization; qualifying agents
 591 ~~Certification of partnerships, limited liability companies, and~~
 592 ~~corporations.—~~

593 (1) A licensee may ~~The practice of or the offer to~~
 594 ~~practice architecture or interior design by licensees~~ through a
 595 business organization that offers ~~corporation, limited liability~~
 596 ~~company, or partnership offering~~ architectural or interior
 597 design services to the public, or through ~~by~~ a business
 598 organization that offers ~~corporation, limited liability company,~~
 599 ~~or partnership offering~~ architectural or interior design
 600 services to the public through such licensees ~~under this part~~ as

601 agents, employees, officers, or partners, ~~is permitted, subject~~
 602 ~~to the provisions of this section.~~

603 (2) If a licensee or an applicant proposes to engage in
 604 the practice of architecture or interior design as a business
 605 organization, the licensee or applicant must apply to qualify
 606 the business organization ~~For the purposes of this section, a~~
 607 ~~certificate of authorization shall be required for a~~
 608 ~~corporation, limited liability company, partnership, or person~~
 609 ~~practicing under a fictitious name, offering architectural~~
 610 ~~services to the public jointly or separately. However, when an~~
 611 ~~individual is practicing architecture in her or his own name,~~
 612 ~~she or he shall not be required to be certified under this~~
 613 ~~section. Certification under this subsection to offer~~
 614 ~~architectural services shall include all the rights and~~
 615 ~~privileges of certification under subsection (3) to offer~~
 616 ~~interior design services.~~

617 (a) An application to qualify a business organization
 618 must:

619 1. If the business is a partnership, state the names of
 620 the partnership and its partners.

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

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

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

629 (b) The board may deny an application to qualify a
 630 business organization if the applicant or any person required to
 631 be named pursuant to paragraph (a) has been involved in past
 632 disciplinary actions or on any grounds for which an individual
 633 registration may be denied.

634 (3) (a) A business organization may not engage in the
 635 practice of architecture unless its qualifying agent is a
 636 registered architect under this part. A business organization
 637 may not engage in the practice of interior design unless its
 638 qualifying agent is a registered architect or a registered
 639 interior designer under this part. A qualifying agent who
 640 terminates her or his affiliation with a business organization
 641 shall immediately notify the department of such termination. If
 642 the qualifying agent who terminates her or his affiliation is
 643 the only qualifying agent for a business organization, the
 644 business organization must be qualified by another qualifying
 645 agent within 60 days after the termination. Except as provided
 646 in paragraph (b), the business organization may not engage in
 647 the practice of architecture or interior design until it is
 648 qualified by a qualifying agent.

649 (b) In the event a qualifying architect or interior
 650 designer ceases employment with the business organization, the

651 executive director or the chair of the board may authorize
 652 another registered architect or interior designer employed by
 653 the business organization to temporarily serve as its qualifying
 654 agent for a period of no more than 60 days. The business
 655 organization is not authorized to operate beyond such period
 656 under this chapter absent replacement of the qualifying
 657 architect or interior designer who has ceased employment.

658 (c) A qualifying agent shall notify the department in
 659 writing before engaging in the practice of architecture or
 660 interior design in her or his own name or in affiliation with a
 661 different business organization, and she or he or such business
 662 organization shall supply the same information to the department
 663 as required of applicants under this part ~~For the purposes of~~
 664 ~~this section, a certificate of authorization shall be required~~
 665 ~~for a corporation, limited liability company, partnership, or~~
 666 ~~person operating under a fictitious name, offering interior~~
 667 ~~design services to the public jointly or separately. However,~~
 668 ~~when an individual is practicing interior design in her or his~~
 669 ~~own name, she or he shall not be required to be certified under~~
 670 ~~this section.~~

671 (4) All final construction documents and instruments of
 672 service which include drawings, specifications, plans, reports,
 673 or other papers or documents that involve ~~involving~~ the practice
 674 of architecture which are prepared or approved for the use of
 675 the business organization ~~corporation, limited liability~~

676 ~~company, or partnership~~ and filed for public record within the
 677 state must ~~shall~~ bear the signature and seal of the licensee who
 678 prepared or approved them and the date on which they were
 679 sealed.

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

687 ~~(6) The department shall issue a certificate of~~
 688 ~~authorization to any applicant who the board certifies as~~
 689 ~~qualified for a certificate of authorization and who has paid~~
 690 ~~the fee set in s. 481.207.~~

691 ~~(6)(7)~~ The board shall allow ~~certify~~ an applicant to
 692 qualify one or more business organizations ~~as qualified for a~~
 693 ~~certificate of authorization~~ to offer architectural or interior
 694 design services, or to use a fictitious name to offer such
 695 services, if provided that:

696 (a) One or more of the principal officers of the
 697 corporation or limited liability company, or one or more
 698 partners of the partnership, and all personnel of the
 699 corporation, limited liability company, or partnership who act
 700 in its behalf in this state as architects, are registered as

701 provided by this part; or

702 (b) One or more of the principal officers of the
 703 corporation or one or more partners of the partnership, and all
 704 personnel of the corporation, limited liability company, or
 705 partnership who act in its behalf in this state as interior
 706 designers, are registered as provided by this part.

707 ~~(8) The department shall adopt rules establishing a~~
 708 ~~procedure for the biennial renewal of certificates of~~
 709 ~~authorization.~~

710 ~~(9) The department shall renew a certificate of~~
 711 ~~authorization upon receipt of the renewal application and~~
 712 ~~biennial renewal fee.~~

713 (7)(10) Each qualifying agent approved to qualify a
 714 business organization partnership, limited liability company,
 715 and corporation certified under this section shall notify the
 716 department within 30 days after ~~of~~ any change in the information
 717 contained in the application upon which the qualification
 718 ~~certification~~ is based. Any registered architect or interior
 719 designer who qualifies the business organization shall ensure
 720 ~~corporation, limited liability company, or partnership as~~
 721 ~~provided in subsection (7) shall be responsible for ensuring~~
 722 responsible supervising control of projects of the business
 723 organization entity and shall notify the department of the upon
 724 termination of her or his employment with a business
 725 organization qualified partnership, limited liability company,

726 ~~or corporation certified~~ under this section ~~shall notify the~~
 727 ~~department of the termination~~ within 30 days after such
 728 termination.

729 (8) (11) A business organization is not ~~No corporation,~~
 730 ~~limited liability company, or partnership shall be~~ relieved of
 731 responsibility for the conduct or acts of its agents, employees,
 732 or officers by reason of its compliance with this section.
 733 However, except as provided in s. 558.0035, the architect who
 734 signs and seals the construction documents and instruments of
 735 service is ~~shall be~~ liable for the professional services
 736 performed, and the interior designer who signs and seals the
 737 interior design drawings, plans, or specifications is ~~shall be~~
 738 liable for the professional services performed.

739 ~~(12) Disciplinary action against a corporation, limited~~
 740 ~~liability company, or partnership shall be administered in the~~
 741 ~~same manner and on the same grounds as disciplinary action~~
 742 ~~against a registered architect or interior designer,~~
 743 ~~respectively.~~

744 (9) (13) Nothing in This section may not ~~shall~~ be construed
 745 to mean that a certificate of registration to practice
 746 architecture or interior design must ~~shall~~ be held by a business
 747 organization ~~corporation, limited liability company, or~~
 748 ~~partnership.~~ Nothing in This section does not prohibit a
 749 business organization from offering ~~prohibits corporations,~~
 750 ~~limited liability companies, and partnerships from joining~~

751 ~~together to offer~~ architectural, engineering, interior design,
 752 surveying and mapping, and landscape architectural services, or
 753 any combination of such services, to the public if the business
 754 organization, ~~provided that each corporation, limited liability~~
 755 ~~company, or partnership~~ otherwise meets the requirements of law.

756 (10) ~~(14)~~ A business organization that is qualified by a
 757 registered architect may ~~Corporations, limited liability~~
 758 ~~companies, or partnerships holding a valid certificate of~~
 759 ~~authorization to practice architecture shall be permitted to use~~
 760 ~~in their title~~ the term "interior designer" or "registered
 761 interior designer" in its title. designer."

762 Section 26. Subsection (10) of section 481.221, Florida
 763 Statutes, is amended to read:

764 481.221 Seals; display of certificate number.—

765 (10) Each registered architect or interior designer must,
 766 ~~and each corporation, limited liability company, or partnership~~
 767 ~~holding a certificate of authorization, shall include her or his~~
 768 license its certificate number in any newspaper, telephone
 769 directory, or other advertising medium used by the registered
 770 licensee architect, interior designer, corporation, limited
 771 liability company, or partnership. Each business organization
 772 must include the license number of the registered architect or
 773 interior designer who serves as the qualifying agent for that
 774 business organization in any newspaper, telephone directory, or
 775 other advertising medium used by the business organization, but

776 is not required to display the license numbers of other
 777 registered architects or interior designers employed by the
 778 business organization ~~A corporation, limited liability company,~~
 779 ~~or partnership is not required to display the certificate number~~
 780 ~~of individual registered architects or interior designers~~
 781 ~~employed by or working within the corporation, limited liability~~
 782 ~~company, or partnership.~~

783 Section 27. Paragraphs (a) and (c) of subsection (5) of
 784 section 481.229, Florida Statutes, are amended to read:

785 481.229 Exceptions; exemptions from licensure.—

786 (5) (a) ~~Nothing contained in~~ This part does not prohibit
 787 ~~shall prevent~~ a registered architect or a qualified business
 788 organization ~~partnership, limited liability company, or~~
 789 ~~corporation holding a valid certificate of authorization to~~
 790 ~~provide architectural services~~ from performing any interior
 791 design service or from using the title "interior designer" or
 792 "registered interior designer."

793 (c) Notwithstanding any other provision of this part, a
 794 registered architect or business organization qualified any
 795 ~~corporation, partnership, or person operating under a fictitious~~
 796 ~~name which holds a certificate of authorization~~ to provide
 797 architectural services must ~~shall~~ be qualified, without fee, ~~for~~
 798 ~~a certificate of authorization~~ to provide interior design
 799 services upon submission of a completed application for
 800 qualification therefor. ~~For corporations, partnerships, and~~

801 ~~persons operating under a fictitious name which hold a~~
 802 ~~certificate of authorization to provide interior design~~
 803 ~~services, satisfaction of the requirements for renewal of the~~
 804 ~~certificate of authorization to provide architectural services~~
 805 ~~under s. 481.219 shall be deemed to satisfy the requirements for~~
 806 ~~renewal of the certificate of authorization to provide interior~~
 807 ~~design services under that section.~~

808 Section 28. Section 481.303, Florida Statutes, is amended
 809 to read:

810 481.303 Definitions.—As used in this part chapter, the
 811 term:

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

813 (2) "Business organization" means any partnership, limited
 814 liability company, corporation, or individual operating under a
 815 fictitious name.

816 (3)~~(4)~~ "Certificate of registration" means a license
 817 issued by the department to a natural person to engage in the
 818 practice of landscape architecture.

819 (4)~~(2)~~ "Department" means the Department of Business and
 820 Professional Regulation.

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

824 (5)~~(6)~~ "Landscape architecture" means professional
 825 services, including, but not limited to, the following:

826 (a) Consultation, investigation, research, planning,
 827 design, preparation of drawings, specifications, contract
 828 documents and reports, responsible construction supervision, or
 829 landscape management in connection with the planning and
 830 development of land and incidental water areas, including the
 831 use of Florida-friendly landscaping as defined in s. 373.185,
 832 where, and to the extent that, the dominant purpose of such
 833 services or creative works is the preservation, conservation,
 834 enhancement, or determination of proper land uses, natural land
 835 features, ground cover and plantings, or naturalistic and
 836 aesthetic values;

837 (b) The determination of settings, grounds, and approaches
 838 for and the siting of buildings and structures, outdoor areas,
 839 or other improvements;

840 (c) The setting of grades, shaping and contouring of land
 841 and water forms, determination of drainage, and provision for
 842 storm drainage and irrigation systems where such systems are
 843 necessary to the purposes outlined herein; and

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

846 (6) ~~(7)~~ "Landscape design" means consultation for and
 847 preparation of planting plans drawn for compensation, including
 848 specifications and installation details for plant materials,
 849 soil amendments, mulches, edging, gravel, and other similar
 850 materials. Such plans may include only recommendations for the

851 conceptual placement of tangible objects for landscape design
 852 projects. Construction documents, details, and specifications
 853 for tangible objects and irrigation systems shall be designed or
 854 approved by licensed professionals as required by law.

855 (7) "Qualifying agent" means an owner, officer, or
 856 director of the corporation, or partner of the partnership, who
 857 is responsible for the supervision, direction, and management of
 858 projects of the business organization with which she or he is
 859 affiliated and for ensuring that responsible supervising control
 860 is being exercised.

861 ~~(8)(3)~~ "Registered landscape architect" means a person who
 862 holds a license to practice landscape architecture in this state
 863 under the authority of this act.

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

866 481.311 Licensure.-

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

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

872 481.317 Temporary certificates.-

873 ~~(2) Upon approval by the board and payment of the fee set~~
 874 ~~in s. 481.307, the department shall grant a temporary~~
 875 ~~certificate of authorization for work on one specified project~~

876 ~~in this state for a period not to exceed 1 year to an out-of-~~
 877 ~~state corporation, partnership, or firm, provided one of the~~
 878 ~~principal officers of the corporation, one of the partners of~~
 879 ~~the partnership, or one of the principals in the fictitiously~~
 880 ~~named firm has obtained a temporary certificate of registration~~
 881 ~~in accordance with subsection (1).~~

882 Section 31. Section 481.319, Florida Statutes, is amended
 883 to read:

884 481.319 Corporate and partnership practice of landscape
 885 architecture; ~~certificate of authorization.~~

886 (1) The practice of or offer to practice landscape
 887 architecture by registered landscape architects registered under
 888 this part through a corporation or partnership offering
 889 landscape architectural services to the public, or through a
 890 corporation or partnership offering landscape architectural
 891 services to the public through individual registered landscape
 892 architects as agents, employees, officers, or partners, is
 893 permitted, subject to the provisions of this section, if:

894 (a) One or more of the principal officers of the
 895 corporation, or partners of the partnership, and all personnel
 896 of the corporation or partnership who act in its behalf as
 897 landscape architects in this state are registered landscape
 898 architects; and

899 (b) One or more of the officers, one or more of the
 900 directors, one or more of the owners of the corporation, or one

901 or more of the partners of the partnership is a registered
 902 landscape architect and has applied to be the qualifying agent
 903 for the business organization, ~~and~~

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

906 (2) All documents involving the practice of landscape
 907 architecture which are prepared for the use of the corporation
 908 or partnership shall bear the signature and seal of a registered
 909 landscape architect.

910 (3) A landscape architect applying to practice in the name
 911 of a ~~An applicant~~ corporation must shall file with the
 912 department the names and addresses of all officers and board
 913 members of the corporation, including the principal officer or
 914 officers, duly registered to practice landscape architecture in
 915 this state and, also, of all individuals duly registered to
 916 practice landscape architecture in this state who shall be in
 917 responsible charge of the practice of landscape architecture by
 918 the corporation in this state. A landscape architect applying to
 919 practice in the name of a ~~An applicant~~ partnership must shall
 920 file with the department the names and addresses of all partners
 921 of the partnership, including the partner or partners duly
 922 registered to practice landscape architecture in this state and,
 923 also, of an individual or individuals duly registered to
 924 practice landscape architecture in this state who shall be in
 925 responsible charge of the practice of landscape architecture by

926 said partnership in this state.

927 (4) Each landscape architect qualifying a partnership or
 928 ~~and corporation licensed~~ under this part must ~~shall~~ notify the
 929 department within 1 month after ~~of~~ any change in the information
 930 contained in the application upon which the license is based.
 931 Any landscape architect who terminates her or his ~~or her~~
 932 employment with a partnership or corporation licensed under this
 933 part shall notify the department of the termination within 1
 934 month after such termination.

935 ~~(5) Disciplinary action against a corporation or~~
 936 ~~partnership shall be administered in the same manner and on the~~
 937 ~~same grounds as disciplinary action against a registered~~
 938 ~~landscape architect.~~

939 (5) ~~(6)~~ Except as provided in s. 558.0035, the fact that a
 940 registered landscape architect practices landscape architecture
 941 through a corporation or partnership as provided in this section
 942 does not relieve the landscape architect from personal liability
 943 for her or his ~~or her~~ professional acts.

944 Section 32. Subsection (5) of section 481.321, Florida
 945 Statutes, is amended to read:

946 481.321 Seals; display of certificate number.—

947 (5) Each registered landscape architect must ~~and each~~
 948 ~~corporation or partnership holding a certificate of~~
 949 ~~authorization shall~~ include her or his ~~its~~ certificate number in
 950 any newspaper, telephone directory, or other advertising medium

951 used by the registered landscape architect, corporation, or
 952 partnership. A corporation or partnership must ~~is not required~~
 953 ~~to~~ display the certificate number ~~numbers~~ of at least one
 954 officer, director, owner, or partner who is a individual
 955 registered landscape architect ~~architects~~ employed by or
 956 practicing with the corporation or partnership.

957 Section 33. Subsection (5) of section 481.329, Florida
 958 Statutes, is amended to read:

959 481.329 Exceptions; exemptions from licensure.--

960 (5) This part does not prohibit any person from engaging
 961 in the practice of landscape design, as defined in s. 481.303(6)
 962 ~~481.303(7)~~, or from submitting for approval to a governmental
 963 agency planting plans that are independent of, or a component
 964 of, construction documents that are prepared by a Florida-
 965 registered professional. Persons providing landscape design
 966 services shall not use the title, term, or designation
 967 "landscape architect," "landscape architectural," "landscape
 968 architecture," "L.A.," "landscape engineering," or any
 969 description tending to convey the impression that she or he is a
 970 landscape architect unless she or he is registered as provided
 971 in this part.

972 Section 34. Paragraph (h) of subsection (2) of section
 973 287.055, Florida Statutes, is amended to read:

974 287.055 Acquisition of professional architectural,
 975 engineering, landscape architectural, or surveying and mapping

976 services; definitions; procedures; contingent fees prohibited;
 977 penalties.—

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

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

981 1. Is certified under s. 489.119 to engage in contracting
 982 through a certified or registered general contractor or a
 983 certified or registered building contractor as the qualifying
 984 agent; or

985 2. Is certified under s. 471.023 to practice or to offer
 986 to practice engineering; qualified ~~certified~~ under s. 481.219 to
 987 practice or to offer to practice architecture; or qualified
 988 ~~certified~~ under s. 481.319 to practice or to offer to practice
 989 landscape architecture.

990 Section 35. Section 492.104, Florida Statutes, is amended
 991 to read:

992 492.104 Rulemaking authority.—The Board of Professional
 993 Geologists may ~~has authority to~~ adopt rules pursuant to ss.
 994 120.536(1) and 120.54 to implement this chapter. Every licensee
 995 shall be governed and controlled by this chapter and the rules
 996 adopted by the board. The board may establish ~~is authorized to~~
 997 ~~set~~, by rule, fees for application, examination, ~~certificate of~~
 998 ~~authorization~~, late renewal, initial licensure, and license
 999 renewal. These fees may ~~should~~ not exceed the cost of
 1000 implementing the application, examination, initial licensure,

1001 and license renewal or other administrative process and are
 1002 ~~shall be~~ established as follows:

1003 (1) The application fee may ~~shall~~ not exceed \$150 and is
 1004 ~~shall be~~ nonrefundable.

1005 (2) The examination fee may ~~shall~~ not exceed \$250, and the
 1006 fee may be apportioned to each part of a multipart examination.
 1007 The examination fee shall be refundable in whole or part if the
 1008 applicant is found to be ineligible to take any portion of the
 1009 licensure examination.

1010 (3) The initial license fee may ~~shall~~ not exceed \$100.

1011 (4) The biennial renewal fee may ~~shall~~ not exceed \$150.

1012 ~~(5) The fee for a certificate of authorization shall not~~
 1013 ~~exceed \$350 and the fee for renewal of the certificate shall not~~
 1014 ~~exceed \$350.~~

1015 ~~(5)(6)~~ The fee for reactivation of an inactive license may
 1016 ~~shall~~ not exceed \$50.

1017 ~~(6)(7)~~ The fee for a provisional license may ~~shall~~ not
 1018 exceed \$400.

1019 ~~(7)(8)~~ The fee for application, examination, and licensure
 1020 for a license by endorsement is ~~shall be~~ as provided in this
 1021 section for licenses in general.

1022 Section 36. Section 492.111, Florida Statutes, is amended
 1023 to read:

1024 492.111 Practice of professional geology by a firm,
 1025 corporation, or partnership; ~~certificate of authorization.~~—The

1026 practice of, or offer to practice, professional geology by
 1027 individual professional geologists licensed under the provisions
 1028 of this chapter through a firm, corporation, or partnership
 1029 offering geological services to the public through individually
 1030 licensed professional geologists as agents, employees, officers,
 1031 or partners thereof is permitted subject to the provisions of
 1032 this chapter, if ~~provided that~~:

1033 (1) At all times that it offers geological services to the
 1034 public, the firm, corporation, or partnership is qualified by
 1035 ~~has on file with the department the name and license number of~~
 1036 one or more individuals who hold a current, active license as a
 1037 professional geologist in the state and are serving as a
 1038 geologist of record for the firm, corporation, or partnership. A
 1039 geologist of record may be any principal officer or employee of
 1040 such firm or corporation, or any partner or employee of such
 1041 partnership, who holds a current, active license as a
 1042 professional geologist in this state, or any other Florida-
 1043 licensed professional geologist with whom the firm, corporation,
 1044 or partnership has entered into a long-term, ongoing
 1045 relationship, as defined by rule of the board, to serve as one
 1046 of its geologists of record. ~~It shall be the responsibility of~~
 1047 ~~the firm, corporation, or partnership and~~ The geologist of
 1048 record shall ~~to~~ notify the department of any changes in the
 1049 relationship or identity of that geologist of record within 30
 1050 days after such change.

1051 ~~(2) The firm, corporation, or partnership has been issued~~
 1052 ~~a certificate of authorization by the department as provided in~~
 1053 ~~this chapter. For purposes of this section, a certificate of~~
 1054 ~~authorization shall be required of any firm, corporation,~~
 1055 ~~partnership, association, or person practicing under a~~
 1056 ~~fictitious name and offering geological services to the public;~~
 1057 ~~except that, when an individual is practicing professional~~
 1058 ~~geology in her or his own name, she or he shall not be required~~
 1059 ~~to obtain a certificate of authorization under this section.~~
 1060 ~~Such certificate of authorization shall be renewed every 2~~
 1061 ~~years.~~

1062 (2)~~(3)~~ All final geological papers or documents involving
 1063 the practice of the profession of geology which have been
 1064 prepared or approved for the use of such firm, corporation, or
 1065 partnership, for delivery to any person for public record with
 1066 the state, shall be dated and bear the signature and seal of the
 1067 professional geologist or professional geologists who prepared
 1068 or approved them.

1069 (3)~~(4)~~ Except as provided in s. 558.0035, the fact that a
 1070 licensed professional geologist practices through a corporation
 1071 or partnership does not relieve the registrant from personal
 1072 liability for negligence, misconduct, or wrongful acts committed
 1073 by her or him. The partnership and all partners are jointly and
 1074 severally liable for the negligence, misconduct, or wrongful
 1075 acts committed by their agents, employees, or partners while

1076 acting in a professional capacity. Any officer, agent, or
 1077 employee of a corporation is personally liable and accountable
 1078 only for negligent acts, wrongful acts, or misconduct committed
 1079 by her or him or committed by any person under her or his direct
 1080 supervision and control, while rendering professional services
 1081 on behalf of the corporation. The personal liability of a
 1082 shareholder of a corporation, in her or his capacity as
 1083 shareholder, may be no greater than that of a shareholder-
 1084 employee of a corporation incorporated under chapter 607. The
 1085 corporation is liable up to the full value of its property for
 1086 any negligent acts, wrongful acts, or misconduct committed by
 1087 any of its officers, agents, or employees while they are engaged
 1088 on behalf of the corporation in the rendering of professional
 1089 services.

1090 ~~(5) The firm, corporation, or partnership desiring a~~
 1091 ~~certificate of authorization shall file with the department an~~
 1092 ~~application therefor, upon a form to be prescribed by the~~
 1093 ~~department, accompanied by the required application fee.~~

1094 ~~(6) The department may refuse to issue a certificate of~~
 1095 ~~authorization if any facts exist which would entitle the~~
 1096 ~~department to suspend or revoke an existing certificate of~~
 1097 ~~authorization or if the department, after giving persons~~
 1098 ~~involved a full and fair hearing, determines that any of the~~
 1099 ~~officers or directors of said firm or corporation, or partners~~
 1100 ~~of said partnership, have violated the provisions of s. 492.113.~~

1101 Section 37. Subsection (4) of section 492.113, Florida
 1102 Statutes, is amended to read:

1103 492.113 Disciplinary proceedings.—

1104 (4) The department shall reissue the license of a
 1105 disciplined professional geologist ~~or business~~ upon
 1106 certification by the board that the disciplined person has
 1107 complied with ~~all of~~ the terms and conditions set forth in the
 1108 final order.

1109 Section 38. Section 492.115, Florida Statutes, is amended
 1110 to read:

1111 492.115 Roster of licensed professional geologists.—A
 1112 roster showing the names and places of business or residence of
 1113 all licensed professional geologists and all properly qualified
 1114 firms, corporations, or partnerships practicing holding
 1115 ~~certificates of authorization to practice~~ professional geology
 1116 in the state shall be prepared annually by the department. A
 1117 copy of this roster must be made available to ~~shall be~~
 1118 ~~obtainable by~~ each licensed professional geologist and each
 1119 firm, corporation, or partnership qualified by a professional
 1120 geologist holding a certificate of authorization, and copies
 1121 thereof shall be placed on file with the department.

1122 Section 39. Paragraphs (j) and (k) of subsection (2) of
 1123 section 548.003, Florida Statutes, are redesignated as
 1124 paragraphs (i) and (j), respectively, and paragraph (i) of that
 1125 subsection is amended to read:

1126 548.003 Florida State Boxing Commission.—

1127 (2) The Florida State Boxing Commission, as created by
 1128 subsection (1), shall administer the provisions of this chapter.

1129 The commission has authority to adopt rules pursuant to ss.
 1130 120.536(1) and 120.54 to implement the provisions of this
 1131 chapter and to implement each of the duties and responsibilities
 1132 conferred upon the commission, including, but not limited to:

1133 ~~(i) Designation and duties of a knockdown timekeeper.~~

1134 Section 40. Subsection (1) of section 548.017, Florida
 1135 Statutes, is amended to read:

1136 548.017 Participants, managers, and other persons required
 1137 to have licenses.—

1138 (1) A participant, manager, trainer, second, ~~timekeeper,~~
 1139 referee, judge, ~~announcer,~~ physician, matchmaker, or promoter
 1140 must be licensed before directly or indirectly acting in such
 1141 capacity in connection with any match involving a participant. A
 1142 physician approved by the commission must be licensed pursuant
 1143 to chapter 458 or chapter 459, must maintain an unencumbered
 1144 license in good standing, and must demonstrate satisfactory
 1145 medical training or experience in boxing, or a combination of
 1146 both, to the executive director before working as the ringside
 1147 physician.

1148 Section 41. This act shall take effect July 1, 2018.

Workers' Compensation



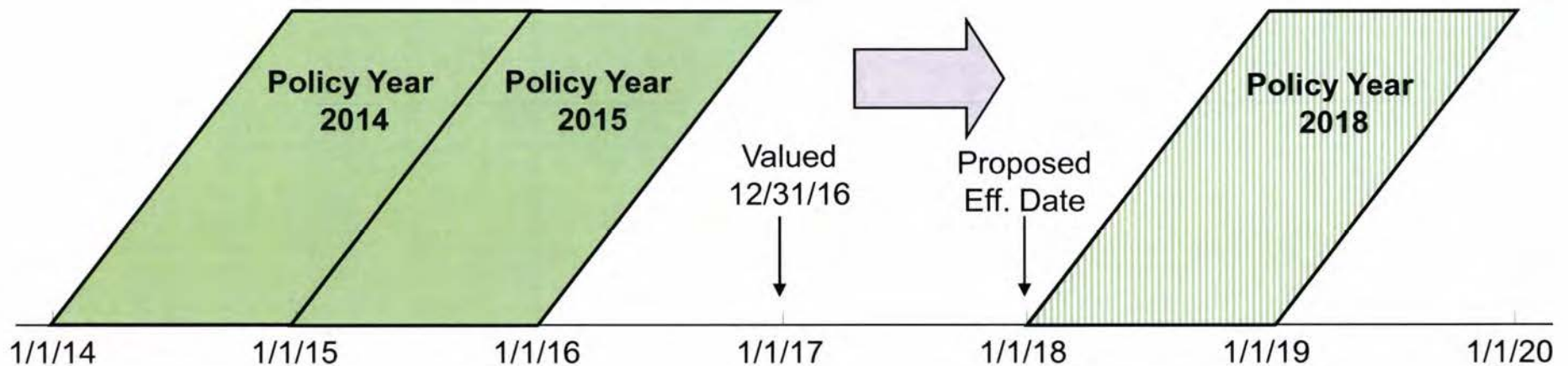
Florida House of Representatives Commerce Committee Meeting

**NCCI Ratemaking Overview
October 10, 2017**

**Jeff Eddinger
Senior Division Executive**

NCCI Ratemaking Overview

NCCI uses the latest two policy years of data states to determine loss cost levels for the upcoming policy effective period



NCCI Ratemaking Overview

- Florida is a full rate state
- Average expense provisions are added to the final loss cost to produce a full manual rate

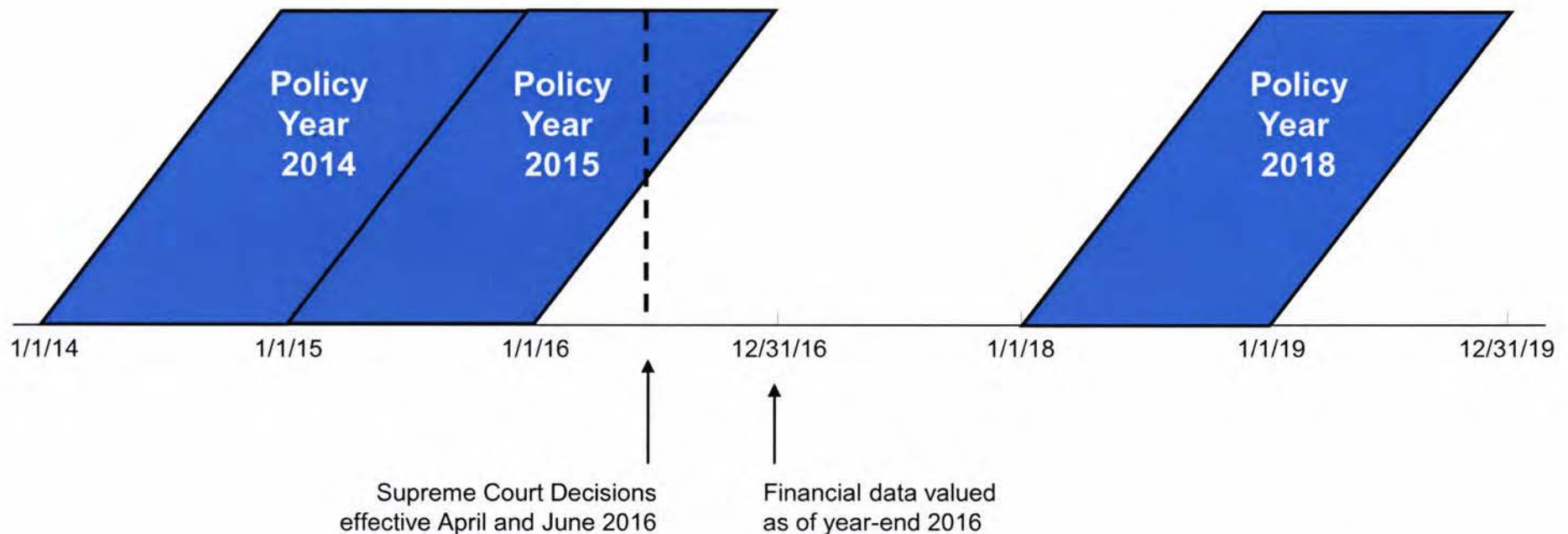
Full Rate

Taxes, Licenses & Fees
Profit & Contingencies
Production & General Expense
Loss Adjustment Expense
Projected Losses

NCCI Ratemaking Overview

1/1/2018 Proposed Filing

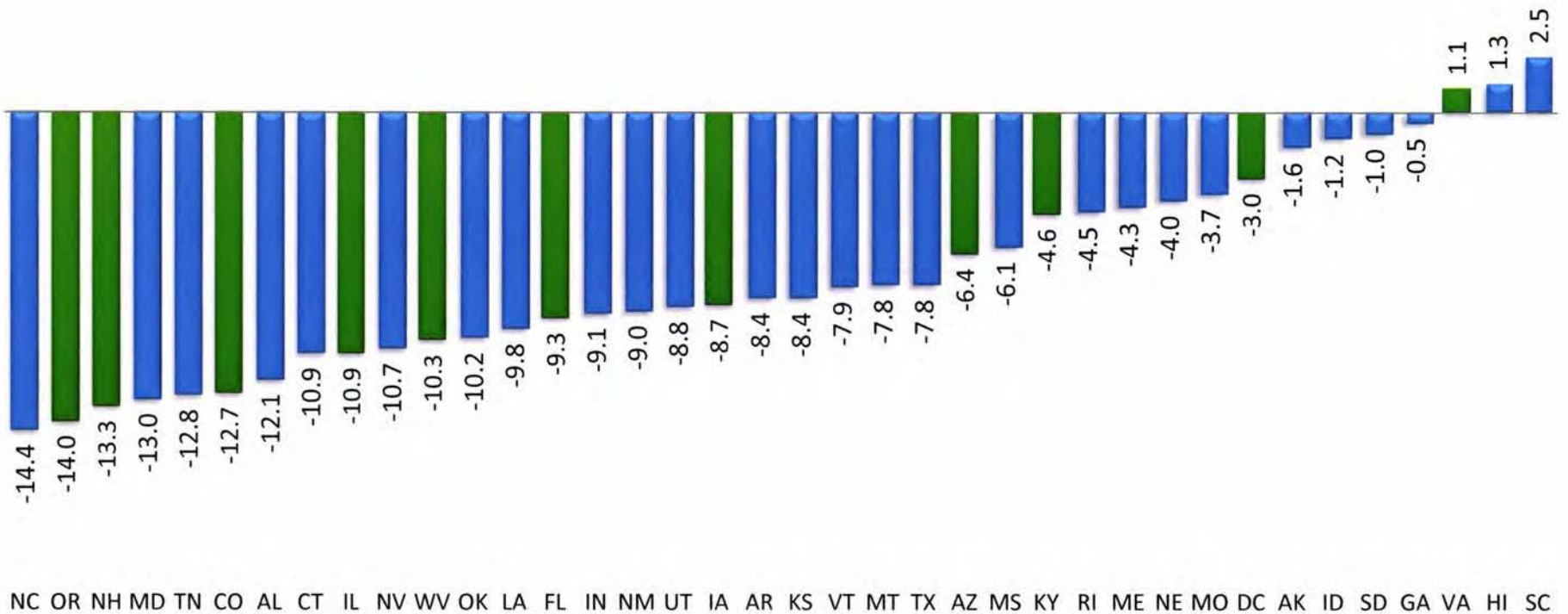
The most recent two full policy years of financial data are mostly pre-*Castellanos* and pre-*Westphal*



NCCI Ratemaking Overview

Loss Cost/Rate Level Changes (%)

Excludes Law-Only Filings



■ Approved ■ Pending

Reflects the most recent experience filing in each jurisdiction

Due to the timing of the individual loss cost/rate filings, the figures shown may include changes from prior filing seasons



NCCI Ratemaking Overview

- 14.5% increase effective on December 1, 2016 remains in the Florida rate level
- Opportunity for rate reduction remains if court cases are addressed
- NCCI is prepared to price any proposed bills that impact Workers Compensation

NCCI Ratemaking Overview

Questions?

Attorney Fee Comparison between fiscal year 2016 and 2017 (July 1 through June 30), following
Castellanos and *Miles* decided in April 2016.

I. Attorney Fees

A. In cases without a settlement, claimant attorney fees (i.e., those paid by or on behalf of injured workers) increased about \$44.5m compared to 2016 (from \$42.2m in 2016 to \$86.6m in 2017). In these types of cases:

1. Non-hourly attorney fees decreased about \$5m (31% decrease compared to 2016).
2. Hourly attorney fees increased about \$49.5m (191% increase compared to 2016).

B. Overall Composition of Attorney Fees

	<u>2016</u>	<u>2017</u>
1. Injured Worker Attorney Fees		
a. Non-Settlement Fees (i. + ii.)	\$42,151,677	\$86,610,643
i. Hourly Fees	\$25,866,295 (61% of total)	\$75,353,917 (87% of total)
ii. Statutory Fees	\$16,285,382 (39% of total)	\$11,256,726 (13% of total)
b. Settlement Fees	\$94,428,009	\$99,066,122
c. Total Injured Worker Attorney Fees (a. + b.)	\$136,579,686	\$185,676,767 (35.9% increase)
2. Defense Attorney Fees		
a. Reported Defense Attorney Fees	\$242,112,498	\$253,932,265 (5% increase)

C. Hourly Rates for Non-Settlement Fees

1. Total Hourly Fees	\$25,866,295	\$75,353,917	(191% increase)
2. Total Hours Reported	139,163	290,888	(109% increase)
3. Overall Average Hourly Rate (1. ÷ 2.)	\$185.87	\$259.05	(39% increase)

II. Settlements (lump sum payment for closure of all benefit entitlement) (Trials held in 2017 equaled 1.2% of petitions filed).

- A. Number of cases settled in 2017 decreased by about 1% compared to 2016 (from 26,205 in 2016 to 25,952 in 2017).
- B. Total dollars in benefits paid in settlements decreased in 2017 by about \$3m (0.36% decrease).
- C. Attorney fees on settlements paid in 2017 increased by about \$4.5m (5% increase).

III. Filing Volumes

- A. Petitions 70,363 in 2017, up from 67,265 in 2016 (5% increase) – second consecutive filing increase.
- B. New Cases 31,304 in 2017, up from 31,178 in 2016 (0.4% increase).

Fee Order Examples:

Case filed February 2, 2017 by request for assignment of case number (RACN). No petitions (PFB) filed. Claimant paid fees of 25% of settlement amount. Contract stated 25% fee. Settlement of \$35,000, fee of \$8,750 sought (\$662.87 per hour), statutory fee of \$4,250 (\$321.97 per hour) approved. Fee affidavit established 13.2 hours of invested time. Decision appealed alleging “reasonableness” determination flawed, asserting right to contract and stipulation. OJCC Case 17-003894; Florida First DCA Case 1D17-2095.

Case filed February 2, 2017 by RACN. No PFB filed. Fees of 25% sought from workers’ settlement. Contract stated 25% fee. Settlement of \$15,000, fee sought \$3,750 (\$243.51 per hour), statutory fee of \$2,250 (\$146.10 per hour). Total of 15.4 hours attested. Judge found some claimed time staff instead of counsel. OJCC Case 17-002745; Florida First DCA Case 1D17-1915.

Case filed October 27, 2016 by PFB. Two PFB filed. Fees of 25% sought from workers’ settlement. Contract stated 25% fee. Settlement of \$75,000, fee sought \$18,750 (\$1,241.72 per hour), statutory fee \$8,250 (\$546.36 per hour). Total of 15.1 hours attested. Statutory guideline fee approved. OJCC Case 16-026146; Florida First DCA Case 1D17-1980.

Case filed July 1, 2016 by PFB. One PFB filed. Fees of 25% sought from workers’ settlement. Contract stated 25% fee. Settlement of \$35,000, fee sought \$8,750 (\$375.53 per hour), statutory fee of \$4,250 (\$182.40 per hour). Total of 23.3 hours attested. Finding that “little-to-no litigation appears to have been undertaken.” Statutory guideline fee approved. OJCC Case 16-019511. No appeal taken.

Case filed September 29, 2016 by PFB. One PFB filed. Case settled for \$37,500 and claimant’s counsel received \$4,500 fee. Side-stipulation for an Employer/carrier paid fee of additional \$4,000.00, based upon obtaining the sole benefit of \$63.28 in penalties. Judge denied side stipulation. Judge found that at mediation on other issues, “claimant literally stumbled on the carrier’s conceded error (penalties due) as this was not found prior to” mediation. Judge found the \$4,000 stipulation fee “shocks the judicial conscience.” Fee affidavit attests 25 hours “litigating these issues.” Judge found 6 hours reasonable to penalty issue and awarded \$1,500.00. Total fees \$6,000, divided by total hours invested (including all issues), 25 hours, yields \$240.00 per hour. Stipulation fee of \$4,000, added to settlement fee \$4,500, or \$8,500, divided by the total of 25 hours yields \$340.00 per hour. OJCC Case 16-023787; Florida First DCA Case 1D17-2602.

Case filed March 2, 2016 by PFB seeking Permanent Total Disability (PTD). Claimant later accepted as PTD, and claimant sought fees from carrier in the amount of \$59,379.99 for 42.35 hours of attorney time, yielding an effective claimed rate of \$1,402.12 per hour. Judge determined petition for PTD was essentially premature, that when claimant reached maximum medical improvement PTD benefits were then timely provided. Claimant’s counsel began recovering statutory fees from Claimant from payments of permanent total disability benefits, at approximately 10% rate. First fee payment was \$4,163 on PTD of \$42,321, to date about \$98 per hour.

There are examples in which a (1) settlement order (claimant paid fee for obtaining settlement) and (2) a side-stipulation attorney’s fee (employer/carrier paid fee for obtaining benefits) are submitted and approved contemporaneously. There are also examples in which a (1) settlement order (claimant paid for settlement), (2) a side-stipulation attorney’s fee (employer/carrier paid for benefits), and (3) an ex parte stipulation (claimant paid fee for obtaining benefits) are submitted and approved contemporaneously.

This chart summarizes the changes between the fee orders entered 07/01/15 through 06/30/16, and the same period one year later:

07/01/15 to 06/30/16

	Settlement Dollars	Settlement Volume
Settlement Order Unrepresented	\$35,563,999.53	1,359
Settlement Order Represented	\$791,898,239.66	24,846

Total Settlements	\$827,462,239.19	26,205
Settlement Fees	\$94,428,009.37	
Settlement fees/settlements	11.41%	

	Fee Dollars	Percentage Share
Total Non-Settlement Fees	\$42,151,677.35	
Non Hourly Fees	\$16,285,382.33	39%
Hourly Fees	\$25,866,295.02	61%
Total Attorney Hours	139,163	
Average Hourly Rate	\$185.87	

07/01/16 to 06/30/17

	Settlement Dollars	Settlement Volume
	\$35,600,210.17	1,379
	\$788,912,823.01	24,573

	\$824,513,033.18	25,952
	\$99,066,122.56	
	12.02%	

	Fee Dollars	Percentage Share
	\$86,610,643.74	
	\$11,256,726.20	13%
	\$75,353,917.54	87%
	290,888	
	\$259.05	

Settlement Dollars change	Settlement Volume Change
0%	1%
0%	-1%

0%	-1%
5%	
5%	

Percentage Change
105%
-31%
191%
109%
39%

Filing Volume Analysis Detail

Petitions Filed			
	2015-16	2016-17	Change 2017/2016
July	5,618	5,637	0%
August	5,443	6,514	20%
September	5,411	6,125	13%
October	5,788	5,335	-8%
November	4,982	5,375	8%
December	5,115	5,461	7%
January	5,035	5,720	14%
February	5,481	5,488	0%
March	6,002	6,530	9%
April	5,494	5,457	-1%
May	6,119	6,399	5%
June	6,777	6,322	-7%
Total	67,265	70,363	5%

New Cases			
	2015-16	2016-17	Change
July	2,740	2,538	-7%
August	2,529	2,936	16%
September	2,625	2,650	1%
October	2,744	2,406	-12%
November	2,330	2,509	8%
December	2,354	2,400	2%
January	2,363	2,487	5%
February	2,600	2,378	-9%
March	2,739	2,799	2%
April	2,579	2,497	-3%
May	2,638	2,868	9%
June	2,937	2,836	-3%
Total	31,178	31,304	0.40%