

1 A bill to be entitled
2 An act relating to professional regulation; amending
3 s. 326.004, F.S.; deleting the requirement for a yacht
4 broker to maintain a separate license for each branch
5 office; deleting the requirement for the division to
6 establish a fee; amending s. 447.02, F.S.; conforming
7 provisions; repealing s. 447.04, F.S., relating to
8 licensure and permit requirements for business agents;
9 repealing s. 447.041, F.S., relating to hearings for
10 persons or labor organizations denied licensure as a
11 business agent; repealing s. 447.045, F.S., relating
12 to confidential information obtained during the
13 application process; repealing s. 447.06, F.S.,
14 relating to required registration of labor
15 organizations; amending s. 447.09, F.S.; deleting
16 certain prohibited actions relating to the right of
17 franchise of a member of a labor organization;
18 repealing s. 447.12, F.S., relating to registration
19 fees; repealing s. 447.16, F.S., relating to
20 applicability; amending s. 447.305, F.S.; deleting a
21 provision that requires notification of registrations
22 and renewals to the department; amending s. 455.213,
23 F.S.; conforming a cross-reference; requiring the
24 board to use a specified process for the review of an
25 applicant's criminal record to determine the

26 applicant's eligibility for certain licenses;
 27 prohibiting the conviction of a crime before a
 28 specified date from being grounds for the denial of
 29 certain licenses; defining the term "conviction";
 30 authorizing a person to apply for a license before his
 31 or her lawful release from confinement or supervision;
 32 prohibiting additional fees for an applicant confined
 33 or under supervision; prohibiting the board from
 34 basing a denial of a license application solely on the
 35 applicant's current confinement or supervision;
 36 authorizing the board to stay the issuance of an
 37 approved license under certain circumstances;
 38 requiring the board to verify an applicant's release
 39 with the Department of Corrections; providing
 40 requirements for the appearance of certain applicants
 41 at certain meetings; requiring the board to provide a
 42 list on its website specifying how certain crimes
 43 affect an applicant's eligibility for licensure;
 44 amending s. 464.203, F.S.; prohibiting the conviction
 45 of a crime before a specified date from being grounds
 46 for the denial of a certification under certain
 47 circumstances; prohibiting the conviction of a crime
 48 before a specified date from being grounds for the
 49 failure of a background screening; defining the term
 50 "conviction"; authorizing a person to apply for

51 certification before his or her lawful release from
52 confinement or supervision; prohibiting additional
53 fees for an applicant confined or under supervision;
54 prohibiting the board from basing the denial of a
55 certification solely on the applicant's current
56 confinement or supervision; authorizing the board to
57 stay the issuance of an approved certificate under
58 certain circumstances; requiring the board to verify
59 an applicant's release with the Department of
60 Corrections; providing requirements for the appearance
61 of certain applicants at certain meetings; requiring
62 the board provide a list on its website specifying how
63 certain crimes may affect an applicant's eligibility
64 for certification; amending s. 400.211, F.S.;
65 conforming a cross-reference; amending s. 469.006,
66 F.S.; revising licensure requirements for asbestos
67 abatement consulting or contracting as a partnership,
68 corporation, business trust, or other legal entity;
69 amending s. 469.009, F.S.; conforming provisions;
70 amending s. 476.034, F.S.; defining the terms
71 "restricted barber" and "restricted barbering";
72 amending s. 476.114, F.S.; revising training
73 requirements for licensure as a barber; providing
74 requirements for licensure by examination as a
75 restricted barber; amending s. 476.144, F.S.;

76 requiring the department to license an applicant who
 77 the board certifies is qualified to practice
 78 restricted barbering; amending s. 477.013, F.S.;
 79 revising and providing definitions; repealing s.
 80 477.0132, F.S., relating to registration for hair
 81 braiding, hair wrapping, and body wrapping; amending
 82 s. 477.0135, F.S.; providing that licensure or
 83 registration is not required for persons whose
 84 occupation or practice is confined solely to hair
 85 braiding, hair wrapping, body wrapping, nail
 86 polishing, and makeup application; amending s.
 87 477.019, F.S.; conforming provisions; amending s.
 88 477.0201, F.S.; providing requirements for
 89 registration as a nail specialist, facial specialist,
 90 or full specialist; amending ss. 477.026, 477.0265,
 91 and 477.029, F.S.; conforming provisions; amending s.
 92 481.203, F.S.; revising definitions; amending s.
 93 481.219, F.S.; revising the process by which a
 94 business organization obtains the requisite license to
 95 perform architectural services or interior design;
 96 requiring that a licensee or an applicant apply to
 97 qualify a business organization to practice
 98 architecture or interior design; providing application
 99 requirements; authorizing the Board of Architecture
 100 and Interior Design to deny an application under

101 certain circumstances; providing notice requirements;
102 prohibiting a business organization from engaging in
103 certain practices until it is qualified by a
104 qualifying agent; authorizing the executive director
105 or the chair of the board to authorize a temporary
106 qualifying agent for a specified timeframe under
107 certain circumstances; requiring the board to allow an
108 applicant to qualify one or more business
109 organizations or to operate using a fictitious name
110 under certain circumstances; deleting a requirement
111 for the administration of disciplinary action against
112 a corporation, limited liability company, or
113 partnership conforming provisions to changes made by
114 the act; amending s. 481.221, F.S.; requiring a
115 business organization to include the license number of
116 a certain registered architect or interior designer in
117 any advertising; providing an exception; conforming
118 provisions to changes made by the act; amending s.
119 481.229, F.S.; conforming provisions to changes made
120 by the act; amending s. 481.303, F.S.; revising
121 definitions; amending ss. 481.311 and 481.317, F.S.;
122 conforming provisions; amending s. 481.319, F.S.;
123 deleting the requirement for a certificate of
124 authorization; authorizing landscape architects to
125 practice through a corporation or partnership;

126 amending s. 481.321, F.S.; revising requirements
127 related to the display of a certificate number;
128 amending s. 481.329, F.S.; conforming a cross-
129 reference; amending s. 287.055, F.S.; conforming a
130 provision; amending s. 489.553, F.S.; requiring the
131 board to use a specified process for the review of an
132 applicant's criminal record to determine the
133 applicant's eligibility for certain licenses;
134 prohibiting the conviction of a crime before a
135 specified date from being grounds for the denial of
136 certain licenses; defining the term "conviction";
137 authorizing a person to apply for a license before his
138 or her lawful release from confinement or supervision;
139 prohibiting additional fees for an applicant confined
140 or under supervision; prohibiting the board from
141 basing a denial of a license application solely on the
142 applicant's current confinement or supervision;
143 authorizing the board to stay the issuance of an
144 approved license under certain circumstances;
145 requiring the board to verify an applicant's release
146 with the Department of Corrections; providing
147 requirements for the appearance of certain applicants
148 at certain meetings; requiring the board to provide a
149 list on its website specifying how certain crimes
150 affect an applicant's eligibility for licensure;

151 amending s. 492.104, F.S.; making conforming and
 152 technical changes; amending s. 492.111, F.S.; deleting
 153 the requirements for a certificate of authorization
 154 for a professional geologist; amending ss. 492.113 and
 155 492.115, F.S.; conforming provisions; amending s.
 156 548.003, F.S.; deleting the requirement that the
 157 Florida State Boxing Commission adopt rules relating
 158 to a knockdown timekeeper; amending s. 548.017, F.S.;
 159 deleting the licensure requirement for a timekeeper or
 160 announcer; providing an effective date.

161

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

163 Section 1. Subsection (13) of section 326.004, Florida
 164 Statutes, is amended to read:

165 326.004 Licensing.—

166 (13) Each broker must maintain a principal place of
 167 business in this state and may establish branch offices in the
 168 state. ~~A separate license must be maintained for each branch~~
 169 ~~office. The division shall establish by rule a fee not to exceed~~
 170 ~~\$100 for each branch office license.~~

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

173 447.02 Definitions.—The following terms, when used in this
 174 chapter, shall have the meanings ascribed to them in this
 175 section:

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

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

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

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

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

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

184 447.09 Right of franchise preserved; penalties.—It shall
 185 be unlawful for any person:

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

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

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

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

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

194 447.305 Registration of employee organization.—

195 ~~(4) Notification of registrations and renewals of~~
 196 ~~registration shall be furnished at regular intervals by the~~
 197 ~~commission to the Department of Business and Professional~~
 198 ~~Regulation.~~

199 Section 11. Effective October 1, 2018, subsections (3)
 200 through (12) of section 455.213, Florida Statutes, are

201 renumbered as subsections (4) through (13), respectively,
 202 subsection (2) of that section is amended, and a new subsection
 203 (3) is added to that section, to read:

204 455.213 General licensing provisions.—

205 (2) Before the issuance of any license, the department may
 206 charge an initial license fee as determined by rule of the
 207 applicable board or, if no such board exists, by rule of the
 208 department. Upon receipt of the appropriate license fee, except
 209 as provided in subsection (4) ~~(3)~~, the department shall issue a
 210 license to any person certified by the appropriate board, or its
 211 designee, or the department when there is no board, as having
 212 met the applicable requirements imposed by law or rule. However,
 213 an applicant who is not otherwise qualified for licensure is not
 214 entitled to licensure solely based on a passing score on a
 215 required examination. Upon a determination by the department
 216 that it erroneously issued a license, or upon the revocation of
 217 a license by the applicable board, or by the department when
 218 there is no board, the licensee must surrender his or her
 219 license to the department.

220 (3)(a) The applicable board shall use the process in this
 221 subsection for review of an applicant's criminal record to
 222 determine his or her eligibility for licensure as a:

- 223 1. Barber or restricted barber under chapter 476;
- 224 2. Cosmetologist or cosmetology specialist under chapter
 225 477; or

226 3. Any of the following construction professions under
 227 chapter 489:

- 228 a. Air-conditioning contractor;
- 229 b. Electrical contractor;
- 230 c. Alarm system contractor
- 231 d. Mechanical contractor;
- 232 e. Plumbing contractor;
- 233 f. Pollutant storage systems contractor;
- 234 g. Roofing contractor;
- 235 h. Sheet metal contractor;
- 236 i. Solar contractor;
- 237 j. Swimming pool and spa contractor;
- 238 k. Underground utility and excavation contractor; and
- 239 l. Other specialty contractors.

240 (b) The criminal history of an applicant for a license
 241 specified in subsection (3) (a) may not be used as grounds for
 242 denial of a license if the date of conviction, plea, or
 243 adjudication, or the date of sentencing, is more than five years
 244 before the date of application. This paragraph does not limit a
 245 board's ability to consider an applicant's criminal history that
 246 includes crimes listed in s. 435.07(4) (c)1.-3. or s.
 247 775.21(4) (a)1.

248 1. The applicable board may consider the complete criminal
 249 history of an applicant for a license under subsection (3) (a)3.
 250 if such history relates to s. 489.111(2) (b) or s.

251 489.511(1)(b)1.

252 (c)1. A person may apply for a license before his or her
253 lawful release from confinement or supervision. The department
254 may not charge an applicant an additional fee for being confined
255 or under supervision. The applicable board may not deny an
256 application for a license solely on the basis of the applicant's
257 current confinement or supervision.

258 2. After a license application is approved, the board may
259 stay the issuance of a license until the applicant is lawfully
260 released from confinement or supervision and the applicant
261 notifies the board of such release. The applicable board must
262 verify the applicant's release with the Department of
263 Corrections before it issues a license.

264 3. If an applicant is unable to appear in person due to
265 his or her confinement or supervision, the applicable board must
266 permit the applicant to appear by teleconference or video
267 conference, as appropriate, at any meeting of the board or other
268 hearing by the department concerning his or her application.

269 4. If an applicant is confined or under supervision, the
270 Department of Corrections and the applicable board shall
271 cooperate and coordinate to facilitate the appearance of the
272 applicant at a board meeting or department hearing in person, by
273 teleconference, or by video conference, as appropriate.

274 (d) Each applicable board shall compile a list of crimes
275 that, if committed and regardless of adjudication, do not relate

276 to the practice of the profession or the ability to practice the
277 profession and do not constitute grounds for denial of a
278 license. This list shall be made available on the department's
279 website and be updated annually. Beginning October 1, 2018, and
280 updated quarterly thereafter, each applicable board shall add to
281 this list such crimes that although reported by an applicant for
282 licensure, were not used as a basis for denial in the past 2
283 years. The list must identify the crime reported and the date of
284 conviction, plea, adjudication or the date of sentencing for
285 each such license application.

286 (e) Each applicable board shall compile a list of crimes
287 that have been used as a basis for denial of a license in the
288 past 2 years, which shall be made available on the department's
289 website. Beginning October 1, 2018, and updated quarterly
290 thereafter, the applicable board shall add to this list each
291 crime used as a basis for denial. For each crime listed, the
292 board must identify the date of conviction, plea, adjudication,
293 or sentencing. Such denials shall be available to the public
294 upon request.

295 Section 12. Effective October 1, 2018, subsections (2)
296 through (8) of section 464.203, Florida Statutes, are renumbered
297 as subsections (3) through (9), respectively, and a new
298 subsection (2) is added to that section, to read:

299 464.203 Certified nursing assistants; certification
300 requirement.—

301 (2) (a) 1. Except as provided in s. 435.04 and s. 456.0635,
302 the criminal history of an applicant may not be used as grounds
303 for denial of a certificate to practice as a certified nursing
304 assistant if the date of conviction, plea, adjudication, or
305 sentencing, is more than 7 years before the date of the
306 application.

307 2. Except as provided in s. 435.04 and s. 456.0635, the
308 criminal history of an applicant may not be used as grounds for
309 failure of a required background screening if the date of
310 conviction, plea, adjudication, or sentencing, is more than 7
311 years before the date of the application.

312 (b) 1. A person may apply for a certificate to practice as
313 a certified nursing assistant before his or her lawful release
314 from confinement or supervision. The department may not charge
315 an applicant an additional fee for being confined or for being
316 under supervision. The board may not deny an application for a
317 certificate solely on the basis of the person's current
318 confinement or supervision.

319 2. After a certification application is approved, the
320 board may stay the issuance of a certificate until the applicant
321 notifies the board of his or her lawful release from confinement
322 or supervision. The board must verify the applicant's release
323 with the Department of Corrections before it issues a
324 certificate.

325 3. If an applicant is unable to appear in person due to

326 his or her confinement or supervision, the board must permit the
327 applicant to appear by teleconference or video conference, as
328 appropriate, at any meeting of the board or other hearing by the
329 department concerning his or her application.

330 4. If an applicant is confined or under supervision, the
331 Department of Corrections and the board shall cooperate and
332 coordinate to facilitate the appearance of the applicant at a
333 board meeting or department hearing in person, by
334 teleconference, or by video conference, as appropriate.

335 (c) The board shall compile a list of crimes that, if
336 committed and regardless of adjudication, do not relate to the
337 practice of the profession or the ability to practice the
338 profession and do not constitute grounds for denial of a
339 certificate. This list shall be made available on the
340 department's website and be updated annually. Beginning October
341 1, 2018, and updated quarterly thereafter, the board shall add
342 to this list such crimes that although reported by an applicant
343 for certification were not used as a basis for denial in the
344 past 2 years. The list must identify the crime reported and the
345 date of conviction, plea, adjudication or sentencing for each
346 such certificate application.

347 (d) The board shall compile a list of crimes that have
348 been used as a basis for denial of a certificate in the past 2
349 years, which shall be made available on the department's
350 website. Beginning October 1, 2018, and updated quarterly

351 thereafter, the board shall add to this list each crime used as
 352 a basis for denial. For each crime listed the board must
 353 identify the date of conviction, plea, adjudication, or
 354 sentencing. Such denials shall be available to the public upon
 355 request.

356 Section 13. Effective October 1, 2018, subsection (4) of
 357 section 400.211, Florida Statutes, is amended to read:

358 400.211 Persons employed as nursing assistants;
 359 certification requirement.—

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

366 (a) Be sufficient to ensure the continuing competence of
 367 nursing assistants and must meet the standard specified in s.
 368 464.203(8). ~~s. 464.203(7);~~

369 (b) Include, at a minimum:

- 370 1. Techniques for assisting with eating and proper
 371 feeding;
- 372 2. Principles of adequate nutrition and hydration;
- 373 3. Techniques for assisting and responding to the
 374 cognitively impaired resident or the resident with difficult
 375 behaviors;

376 4. Techniques for caring for the resident at the end-of-
 377 life; and

378 5. Recognizing changes that place a resident at risk for
 379 pressure ulcers and falls. ~~and~~

380 (c) Address areas of weakness as determined in nursing
 381 assistant performance reviews and may address the special needs
 382 of residents as determined by the nursing home facility staff.
 383

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

386 Section 14. Paragraphs (a) and (e) of subsection (2),
 387 subsection (3), paragraph (b) of subsection (4), and subsection
 388 (6) of section 469.006, Florida Statutes, are amended to read:

389 469.006 Licensure of business organizations; qualifying
 390 agents.-

391 (2) (a) If the applicant proposes to engage in consulting
 392 or contracting as a partnership, corporation, business trust, or
 393 other legal entity, or in any name other than the applicant's
 394 legal name, ~~the legal entity must apply for licensure through a~~
 395 ~~qualifying agent or the individual applicant must apply for~~
 396 licensure under the ~~fictitious~~ name of the business
 397 organization.

398 (e) ~~A~~ A The license, ~~when issued upon application of a~~
 399 ~~business organization,~~ must be in the name of the qualifying
 400 agent ~~business organization,~~ and the name of the business

401 organization ~~qualifying agent~~ must be noted on the license
402 ~~thereon~~. If there is a change in any information that is
403 required to be stated on the application, the qualifying agent
404 ~~business organization~~ shall, within 45 days after such change
405 occurs, mail the correct information to the department.

406 (3) The qualifying agent must ~~shall~~ be licensed under this
407 chapter in order for the business organization to be qualified
408 ~~licensed~~ in the category of the business conducted for which the
409 qualifying agent is licensed. If any qualifying agent ceases to
410 be affiliated with such business organization, the agent shall
411 so inform the department. In addition, if such qualifying agent
412 is the only licensed individual affiliated with the business
413 organization, the business organization shall notify the
414 department of the termination of the qualifying agent and has
415 ~~shall have~~ 60 days after ~~from~~ the date of termination of the
416 qualifying agent's affiliation with the business organization ~~in~~
417 ~~which~~ to employ another qualifying agent. The business
418 organization may not engage in consulting or contracting until a
419 qualifying agent is employed, unless the department has granted
420 a temporary nonrenewable license to the financially responsible
421 officer, the president, the sole proprietor, a partner, or, in
422 the case of a limited partnership, the general partner, who
423 assumes all responsibilities of a primary qualifying agent for
424 the entity. This temporary license only allows ~~shall only allow~~
425 the entity to proceed with incomplete contracts.

426 (4)

427 (b) Upon a favorable determination by the department,

428 after investigation of the financial responsibility, credit, and

429 business reputation of the qualifying agent and the new business

430 organization, the department shall issue, without any

431 examination, a new license in the qualifying agent's ~~business~~

432 ~~organization's~~ name, and the name of the business organization

433 ~~qualifying agent~~ shall be noted thereon.

434 (6) Each qualifying agent shall pay the department an

435 amount equal to the original fee for licensure ~~of a new business~~

436 ~~organization.~~ if the qualifying agent for a business

437 organization desires to qualify additional business

438 organizations. 7 The department shall require the agent to

439 present evidence of supervisory ability and financial

440 responsibility of each such organization. Allowing a licensee to

441 qualify more than one business organization must ~~shall~~ be

442 conditioned upon the licensee showing that the licensee has both

443 the capacity and intent to adequately supervise each business

444 organization. The department may ~~shall~~ not limit the number of

445 business organizations that ~~which~~ the licensee may qualify

446 except upon the licensee's failure to provide such information

447 as is required under this subsection or upon a finding that the

448 ~~such~~ information or evidence ~~as is~~ supplied is incomplete or

449 unpersuasive in showing the licensee's capacity and intent to

450 comply with the requirements of this subsection. A qualification

451 for an additional business organization may be revoked or
 452 suspended upon a finding by the department that the licensee has
 453 failed in the licensee's responsibility to adequately supervise
 454 the operations of the business organization. Failure to
 455 adequately supervise the operations of a business organization
 456 is ~~shall be~~ grounds for denial to qualify additional business
 457 organizations.

458 Section 15. Subsection (1) of section 469.009, Florida
 459 Statutes, is amended to read:

460 469.009 License revocation, suspension, and denial of
 461 issuance or renewal.—

462 (1) The department may revoke, suspend, or deny the
 463 issuance or renewal of a license; reprimand, censure, or place
 464 on probation any contractor, consultant, or financially
 465 responsible officer, ~~or business organization~~; require financial
 466 restitution to a consumer; impose an administrative fine not to
 467 exceed \$5,000 per violation; require continuing education; or
 468 assess costs associated with any investigation and prosecution
 469 if the contractor or consultant, or business organization or
 470 officer or agent thereof, is found guilty of any of the
 471 following acts:

472 (a) Willfully or deliberately disregarding or violating
 473 the health and safety standards of the Occupational Safety and
 474 Health Act of 1970, the Construction Safety Act, the National
 475 Emission Standards for Asbestos, the Environmental Protection

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

479 (b) Violating any provision of chapter 455.

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

482 (d) Acting in the capacity of an asbestos contractor or
 483 asbestos consultant under any license issued under this chapter
 484 except in the name of the licensee as set forth on the issued
 485 license.

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

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

489 (g) Being convicted or found guilty of, or entering a plea
 490 of nolo contendere to, regardless of adjudication, a crime in
 491 any jurisdiction which directly relates to the practice of
 492 asbestos consulting or contracting or the ability to practice
 493 asbestos consulting or contracting.

494 (h) Knowingly violating any building code, lifesafety
 495 code, or county or municipal ordinance relating to the practice
 496 of asbestos consulting or contracting.

497 (i) Performing any act which assists a person or entity in
 498 engaging in the prohibited unlicensed practice of asbestos
 499 consulting or contracting, if the licensee knows or has
 500 reasonable grounds to know that the person or entity was

501 | unlicensed.

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

504 | Financial mismanagement or misconduct occurs when:

505 | 1. Valid liens have been recorded against the property of
506 | a contractor's customer for supplies or services ordered by the
507 | contractor for the customer's job; the contractor has received
508 | funds from the customer to pay for the supplies or services; and
509 | the contractor has not had the liens removed from the property,
510 | by payment or by bond, within 75 days after the date of such
511 | liens;

512 | 2. The contractor has abandoned a customer's job and the
513 | percentage of completion is less than the percentage of the
514 | total contract price paid to the contractor as of the time of
515 | abandonment, unless the contractor is entitled to retain such
516 | funds under the terms of the contract or refunds the excess
517 | funds within 30 days after the date the job is abandoned; or

518 | 3. The contractor's job has been completed, and it is
519 | shown that the customer has had to pay more for the contracted
520 | job than the original contract price, as adjusted for subsequent
521 | change orders, unless such increase in cost was the result of
522 | circumstances beyond the control of the contractor, was the
523 | result of circumstances caused by the customer, or was otherwise
524 | permitted by the terms of the contract between the contractor
525 | and the customer.

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

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

531 (m) Abandoning an asbestos abatement project in which the
 532 asbestos contractor is engaged or under contract as a
 533 contractor. A project may be presumed abandoned after 20 days if
 534 the contractor terminates the project without just cause and
 535 without proper notification to the owner, including the reason
 536 for termination; if the contractor fails to reasonably secure
 537 the project to safeguard the public while work is stopped; or if
 538 the contractor fails to perform work without just cause for 20
 539 days.

540 (n) Signing a statement with respect to a project or
 541 contract falsely indicating that the work is bonded; falsely
 542 indicating that payment has been made for all subcontracted
 543 work, labor, and materials which results in a financial loss to
 544 the owner, purchaser, or contractor; or falsely indicating that
 545 workers' compensation and public liability insurance are
 546 provided.

547 (o) Committing fraud or deceit in the practice of asbestos
 548 consulting or contracting.

549 (p) Committing incompetency or misconduct in the practice
 550 of asbestos consulting or contracting.

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

554 (r) Intimidating, threatening, coercing, or otherwise
 555 discouraging the service of a notice to owner under part I of
 556 chapter 713 or a notice to contractor under chapter 255 or part
 557 I of chapter 713.

558 (s) Failing to satisfy, within a reasonable time, the
 559 terms of a civil judgment obtained against the licensee, or the
 560 business organization qualified by the licensee, relating to the
 561 practice of the licensee's profession.

562
 563 For the purposes of this subsection, construction is considered
 564 to be commenced when the contract is executed and the contractor
 565 has accepted funds from the customer or lender.

566 Section 16. Subsections (2) and (3) of section 476.034,
 567 Florida Statutes, are amended, and subsections (6) and (7) are
 568 added to that section, to read:

569 476.034 Definitions.—As used in this act:

570 (2) "Barbering" means any of the following practices when
 571 done for remuneration and for the public, but not when done for
 572 the treatment of disease or physical or mental ailments:
 573 shaving, cutting, trimming, coloring, shampooing, arranging,
 574 dressing, curling, or waving the hair or beard or applying oils,
 575 creams, lotions, or other preparations to the face, scalp, or

576 neck, either by hand or by mechanical appliances, and includes
 577 any services defined as restricted barbering.

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

580 (6) "Restricted barber" means a person who is licensed to
 581 engage in the practice of restricted barbering in this state
 582 under the authority of this chapter and is subject to the same
 583 requirements and restrictions as a barber, except as
 584 specifically provided in s. 476.114.

585 (7) "Restricted barbering" means any of the following
 586 practices when done for remuneration and for the public, but not
 587 when done for the treatment of disease or physical or mental
 588 ailments:

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

592 (b) Full facial shaves;

593 (c) Mustache and beard trimming; and

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

596 Section 17. Section 476.114, Florida Statutes, is amended
 597 to read:

598 476.114 Examination; prerequisites.—

599 (1) A person desiring to be licensed as a barber shall
 600 apply to the department for licensure and—

601 ~~(2) An applicant~~ shall be eligible for licensure by
 602 examination to practice barbering if the applicant:
 603 (a) Is at least 16 years of age;
 604 (b) Pays the required application fee; and
 605 (c)1. Holds an active valid license to practice barbering
 606 in another state, has held the license for at least 1 year, and
 607 does not qualify for licensure by endorsement as provided for in
 608 s. 476.144(5); or
 609 2. Has received a minimum of 600 ~~1,200~~ hours of training
 610 in sanitation, safety, and laws and rules, as established by the
 611 board, which shall include, but shall not be limited to, the
 612 equivalent of completion of services directly related to the
 613 practice of barbering at one of the following:
 614 a. A school of barbering licensed pursuant to chapter
 615 1005;
 616 b. A barbering program within the public school system; or
 617 c. A government-operated barbering program in this state.
 618
 619 ~~The board shall establish by rule procedures whereby the school~~
 620 ~~or program may certify that a person is qualified to take the~~
 621 ~~required examination after the completion of a minimum of 1,000~~
 622 ~~actual school hours. If the person passes the examination, she~~
 623 ~~or he shall have satisfied this requirement; but if the person~~
 624 ~~fails the examination, she or he shall not be qualified to take~~
 625 ~~the examination again until the completion of the full~~

626 ~~requirements provided by this section.~~

627 (2) A person desiring to be licensed as a restricted
 628 barber shall apply to the department for licensure and shall be
 629 eligible for licensure by examination to practice restricted
 630 barbering if the applicant:

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

632 (b) Pays the required application fee; and

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

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

642 a. A school of barbering licensed pursuant to chapter
 643 1005;

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

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

646 (3) An applicant who meets the requirements set forth in
 647 paragraph (1)(c)1. and 2. subparagraphs (2)(c)1. and 2. who
 648 fails to pass the examination may take subsequent examinations
 649 as many times as necessary to pass, except that the board may
 650 specify by rule reasonable timeframes for rescheduling the

651 examination and additional training requirements for applicants
 652 who, after the third attempt, fail to pass the examination.
 653 Prior to reexamination, the applicant must file the appropriate
 654 form and pay the reexamination fee as required by rule.

655 Section 18. Subsections (1) and (6) of section 476.144,
 656 Florida Statutes, are amended to read:

657 476.144 Licensure.—

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

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

665 (a)1. Has successfully completed a restricted barber
 666 course, as established by rule of the board, at a school of
 667 barbering licensed pursuant to chapter 1005, a barbering program
 668 within the public school system, or a government-operated
 669 barbering program in this state; or

670 2.a. Holds or has within the previous 5 years held an
 671 active valid license to practice barbering in another state or
 672 country or has held a Florida barbering license which has been
 673 declared null and void for failure to renew the license, and the
 674 applicant fulfilled the requirements of s. 476.114(2)(c)2. for
 675 initial licensure; and

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

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

681
 682 ~~The restricted license shall limit the licensee's practice to~~
 683 ~~those specific areas in which the applicant has demonstrated~~
 684 ~~competence pursuant to rules adopted by the board.~~

685 Section 19. Subsections (6) and (9) of section 477.013,
 686 Florida Statutes, are amended to read:

687 477.013 Definitions.—As used in this chapter:

688 (6) "Specialty" means the practice of one or more of the
 689 following:

690 (a) "Nail specialty" means manicuring, or the cutting,
 691 polishing, tinting, coloring, cleansing, adding, or extending of
 692 the nails, and massaging of the hands. This term includes any
 693 procedure or process for the affixing of artificial nails,
 694 except those nails which may be applied solely by use of a
 695 simple adhesive; and—

696 ~~(b)~~ pedicuring, or the shaping, polishing, tinting, or
 697 cleansing of the nails of the feet, and massaging or beautifying
 698 of the feet.

699 ~~(b)-(e)~~ "Facial specialty" means facials, or the massaging
 700 or treating of the face or scalp with oils, creams, lotions, or

701 other preparations, and skin care services.

702 (c) "Full specialty" means all services within the
 703 definition of nail specialty and facial specialty, including
 704 manicuring, pedicuring, and facial services.

705 (9) "Hair braiding" means the weaving or interweaving of
 706 natural human hair or commercial hair, including the use of hair
 707 extensions or wefts, for compensation without cutting, coloring,
 708 permanent waving, relaxing, removing, or chemical treatment ~~and~~
 709 ~~does not include the use of hair extensions or wefts.~~

710 Section 20. Section 477.0132, Florida Statutes, is
 711 repealed.

712 Section 21. Subsections (7), (8), (9), (10), and (11) are
 713 added to section 477.0135, Florida Statutes, to read:

714 477.0135 Exemptions.—

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

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

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

724 (10) A license or registration is not required for a
 725 person whose occupation or practice is confined solely to

726 applying polish to fingernails and toenails.

727 (11) A license or registration is not required for a
 728 person whose occupation or practice is confined solely to makeup
 729 application.

730 Section 22. Paragraph (b) of subsection (7) of section
 731 477.019, Florida Statutes, is amended to read:

732 477.019 Cosmetologists; qualifications; licensure;
 733 supervised practice; license renewal; endorsement; continuing
 734 education.—

735 (7)

736 ~~(b) Any person whose occupation or practice is confined~~
 737 ~~solely to hair braiding, hair wrapping, or body wrapping is~~
 738 ~~exempt from the continuing education requirements of this~~
 739 ~~subsection.~~

740 Section 23. Subsections (2) through (6) of section
 741 477.0201, Florida Statutes, are renumbered as subsections (4)
 742 through (8), respectively, subsection (1) is amended, and new
 743 subsections (2) and (3) are added to that section, to read:

744 477.0201 Specialty registration; qualifications;
 745 registration renewal; endorsement.—

746 (1) Any person is qualified for registration as a
 747 specialist in a nail ~~any one or more of the specialty practice~~
 748 ~~practices~~ within the practice of cosmetology under this chapter
 749 who:

750 (a) Is at least 16 years of age or has received a high

751 school diploma.

752 (b) Has received at least 150 hours of training as
 753 established by the board, which shall focus primarily on
 754 sanitation and safety and shall include, but not be limited to,
 755 the equivalent of completion of services directly related to the
 756 practice of a nail ~~a certificate of completion in a~~ specialty
 757 pursuant to s. 477.013(6)(a) ~~477.013(6)~~ from one of the
 758 following:

- 759 1. A school licensed pursuant to s. 477.023.
- 760 2. A school licensed pursuant to chapter 1005 or the
 761 equivalent licensing authority of another state.
- 762 3. A specialty program within the public school system.
- 763 4. A specialty division within the Cosmetology Division of
 764 the Florida School for the Deaf and the Blind, provided the
 765 training programs comply with minimum curriculum requirements
 766 established by the board.

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

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

772 (b) Has received at least 165 hours of training as
 773 established by the board, which shall focus on sanitation and
 774 safety and shall include, but not be limited to, the equivalent
 775 of completion of services directly related to the practice of

776 facial specialty pursuant to s. 477.013(6) (b) from one of the
 777 following:

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

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

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

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

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

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

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

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

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

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

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

805 Section 24. Paragraph (f) of subsection (1) of section
 806 477.026, Florida Statutes, is amended to read:

807 477.026 Fees; disposition.—

808 (1) The board shall set fees according to the following
 809 schedule:

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

812 Section 25. Paragraph (f) of subsection (1) of section
 813 477.0265, Florida Statutes, is amended to read:

814 477.0265 Prohibited acts.—

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

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

820 Section 26. Paragraph (a) of subsection (1) of section
 821 477.029, Florida Statutes, is amended to read:

822 477.029 Penalty.—

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

824 (a) Hold himself or herself out as a cosmetologist or
 825 ~~specialist, hair wrapper, hair braider, or body wrapper~~ unless

826 | duly licensed or registered, or otherwise authorized, as
 827 | provided in this chapter.

828 | Section 27. Subsection (5) of section 481.203, Florida
 829 | Statutes, is amended to read:

830 | 481.203 Definitions.—As used in this part:

831 | (5) "Business organization" means a partnership, a limited
 832 | liability company, a corporation, or an individual operating
 833 | under a fictitious name ~~"Certificate of authorization" means a~~
 834 | ~~certificate issued by the department to a corporation or~~
 835 | ~~partnership to practice architecture or interior design.~~

836 | Section 28. Section 481.219, Florida Statutes, is amended
 837 | to read:

838 | 481.219 Business organization; qualifying agents
 839 | ~~Certification of partnerships, limited liability companies, and~~
 840 | ~~corporations.—~~

841 | (1) A licensee may ~~The practice of or the offer to~~
 842 | ~~practice architecture or interior design by licensees through a~~
 843 | business organization that offers ~~corporation, limited liability~~
 844 | ~~company, or partnership offering~~ architectural or interior
 845 | design services to the public, or through ~~by~~ a business
 846 | organization that offers ~~corporation, limited liability company,~~
 847 | ~~or partnership offering~~ architectural or interior design
 848 | services to the public through such licensees ~~under this part~~ as
 849 | agents, employees, officers, or partners, ~~is permitted, subject~~
 850 | ~~to the provisions of this section.~~

851 (2) If a licensee or an applicant proposes to engage in
 852 the practice of architecture or interior design as a business
 853 organization, the licensee or applicant must apply to qualify
 854 the business organization ~~For the purposes of this section, a~~
 855 ~~certificate of authorization shall be required for a~~
 856 ~~corporation, limited liability company, partnership, or person~~
 857 ~~practicing under a fictitious name, offering architectural~~
 858 ~~services to the public jointly or separately. However, when an~~
 859 ~~individual is practicing architecture in her or his own name,~~
 860 ~~she or he shall not be required to be certified under this~~
 861 ~~section. Certification under this subsection to offer~~
 862 ~~architectural services shall include all the rights and~~
 863 ~~privileges of certification under subsection (3) to offer~~
 864 ~~interior design services.~~

865 (a) An application to qualify a business organization
 866 must:

867 1. If the business is a partnership, state the names of
 868 the partnership and its partners.

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

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

874 4. If the business is not a partnership, a corporation, or
 875 operating under a fictitious name, state the name of such other

876 legal entity and its members.

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

882 (3) (a) A business organization may not engage in the
 883 practice of architecture unless its qualifying agent is a
 884 registered architect under this part. A business organization
 885 may not engage in the practice of interior design unless its
 886 qualifying agent is a registered architect or a registered
 887 interior designer under this part. A qualifying agent who
 888 terminates her or his affiliation with a business organization
 889 shall immediately notify the department of such termination. If
 890 the qualifying agent who terminates her or his affiliation is
 891 the only qualifying agent for a business organization, the
 892 business organization must be qualified by another qualifying
 893 agent within 60 days after the termination. Except as provided
 894 in paragraph (b), the business organization may not engage in
 895 the practice of architecture or interior design until it is
 896 qualified by a qualifying agent.

897 (b) In the event a qualifying architect or interior
 898 designer ceases employment with the business organization, the
 899 executive director or the chair of the board may authorize
 900 another registered architect or interior designer employed by

901 the business organization to temporarily serve as its qualifying
 902 agent for a period of no more than 60 days. The business
 903 organization is not authorized to operate beyond such period
 904 under this chapter absent replacement of the qualifying
 905 architect or interior designer who has ceased employment.

906 (c) A qualifying agent shall notify the department in
 907 writing before engaging in the practice of architecture or
 908 interior design in her or his own name or in affiliation with a
 909 different business organization, and she or he or such business
 910 organization shall supply the same information to the department
 911 as required of applicants under this part ~~For the purposes of~~
 912 ~~this section, a certificate of authorization shall be required~~
 913 ~~for a corporation, limited liability company, partnership, or~~
 914 ~~person operating under a fictitious name, offering interior~~
 915 ~~design services to the public jointly or separately. However,~~
 916 ~~when an individual is practicing interior design in her or his~~
 917 ~~own name, she or he shall not be required to be certified under~~
 918 ~~this section.~~

919 (4) All final construction documents and instruments of
 920 service which include drawings, specifications, plans, reports,
 921 or other papers or documents that involve ~~involving~~ the practice
 922 of architecture which are prepared or approved for the use of
 923 the business organization ~~corporation, limited liability~~
 924 ~~company, or partnership~~ and filed for public record within the
 925 state must ~~shall~~ bear the signature and seal of the licensee who

926 prepared or approved them and the date on which they were
 927 sealed.

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

935 ~~(6) The department shall issue a certificate of~~
 936 ~~authorization to any applicant who the board certifies as~~
 937 ~~qualified for a certificate of authorization and who has paid~~
 938 ~~the fee set in s. 481.207.~~

939 ~~(6)-(7)~~ The board shall allow ~~certify~~ an applicant to
 940 qualify one or more business organizations ~~as qualified for a~~
 941 ~~certificate of authorization~~ to offer architectural or interior
 942 design services, or to use a fictitious name to offer such
 943 services, if provided that:

944 (a) One or more of the principal officers of the
 945 corporation or limited liability company, or one or more
 946 partners of the partnership, and all personnel of the
 947 corporation, limited liability company, or partnership who act
 948 in its behalf in this state as architects, are registered as
 949 provided by this part; or

950 (b) One or more of the principal officers of the

951 corporation or one or more partners of the partnership, and all
 952 personnel of the corporation, limited liability company, or
 953 partnership who act in its behalf in this state as interior
 954 designers, are registered as provided by this part.

955 ~~(8) The department shall adopt rules establishing a~~
 956 ~~procedure for the biennial renewal of certificates of~~
 957 ~~authorization.~~

958 ~~(9) The department shall renew a certificate of~~
 959 ~~authorization upon receipt of the renewal application and~~
 960 ~~biennial renewal fee.~~

961 (7) ~~(10)~~ Each qualifying agent approved to qualify a
 962 business organization ~~partnership, limited liability company,~~
 963 ~~and corporation certified~~ under this section shall notify the
 964 department within 30 days after ~~of~~ any change in the information
 965 contained in the application upon which the qualification
 966 ~~certification~~ is based. Any registered architect or interior
 967 designer who qualifies the business organization shall ensure
 968 ~~corporation, limited liability company, or partnership as~~
 969 ~~provided in subsection (7)~~ shall be responsible for ensuring
 970 responsible supervising control of projects of the business
 971 organization entity and shall notify the department of the ~~upon~~
 972 termination of her or his employment with a business
 973 organization qualified ~~partnership, limited liability company,~~
 974 ~~or corporation certified~~ under this section shall notify the
 975 department of the termination within 30 days after such

976 termination.

977 (8) (11) A business organization is not ~~No corporation,~~
 978 ~~limited liability company, or partnership shall be~~ relieved of
 979 responsibility for the conduct or acts of its agents, employees,
 980 or officers by reason of its compliance with this section.

981 However, except as provided in s. 558.0035, the architect who
 982 signs and seals the construction documents and instruments of
 983 service is ~~shall be~~ liable for the professional services
 984 performed, and the interior designer who signs and seals the
 985 interior design drawings, plans, or specifications is ~~shall be~~
 986 liable for the professional services performed.

987 ~~(12) Disciplinary action against a corporation, limited~~
 988 ~~liability company, or partnership shall be administered in the~~
 989 ~~same manner and on the same grounds as disciplinary action~~
 990 ~~against a registered architect or interior designer,~~
 991 ~~respectively.~~

992 (9) (13) ~~Nothing in~~ This section may not ~~shall~~ be construed
 993 to mean that a certificate of registration to practice
 994 architecture or interior design must ~~shall~~ be held by a business
 995 organization ~~corporation, limited liability company, or~~
 996 ~~partnership.~~ ~~Nothing in~~ This section does not prohibit a
 997 business organization from offering ~~prohibits corporations,~~
 998 ~~limited liability companies, and partnerships from joining~~
 999 ~~together to offer~~ architectural, engineering, interior design,
 1000 surveying and mapping, and landscape architectural services, or

1001 any combination of such services, to the public if the business
 1002 organization, ~~provided that each corporation, limited liability~~
 1003 ~~company, or partnership~~ otherwise meets the requirements of law.

1004 ~~(10)-(14)~~ A business organization that is qualified by a
 1005 registered architect may ~~Corporations, limited liability~~
 1006 ~~companies, or partnerships holding a valid certificate of~~
 1007 ~~authorization to practice architecture shall be permitted to use~~
 1008 ~~in their title~~ the term "interior designer" or "registered
 1009 interior designer" in its title. ~~designer."~~

1010 Section 29. Subsection (10) of section 481.221, Florida
 1011 Statutes, is amended to read:

1012 481.221 Seals; display of certificate number.—

1013 (10) Each registered architect or interior designer must,
 1014 ~~and each corporation, limited liability company, or partnership~~
 1015 ~~holding a certificate of authorization, shall include her or his~~
 1016 license its certificate number in any newspaper, telephone
 1017 directory, or other advertising medium used by the registered
 1018 licensee architect, interior designer, corporation, limited
 1019 liability company, or partnership. Each business organization
 1020 must include the license number of the registered architect or
 1021 interior designer who serves as the qualifying agent for that
 1022 business organization in any newspaper, telephone directory, or
 1023 other advertising medium used by the business organization, but
 1024 is not required to display the license numbers of other
 1025 registered architects or interior designers employed by the

1026 business organization ~~A corporation, limited liability company,~~
 1027 ~~or partnership is not required to display the certificate number~~
 1028 ~~of individual registered architects or interior designers~~
 1029 ~~employed by or working within the corporation, limited liability~~
 1030 ~~company, or partnership.~~

1031 Section 30. Paragraphs (a) and (c) of subsection (5) of
 1032 section 481.229, Florida Statutes, are amended to read:

1033 481.229 Exceptions; exemptions from licensure.-

1034 (5) (a) ~~Nothing contained in~~ This part does not prohibit
 1035 ~~shall prevent~~ a registered architect or a qualified business
 1036 organization ~~partnership, limited liability company, or~~
 1037 ~~corporation holding a valid certificate of authorization to~~
 1038 ~~provide architectural services~~ from performing any interior
 1039 design service or from using the title "interior designer" or
 1040 "registered interior designer."

1041 (c) Notwithstanding any other provision of this part, a
 1042 registered architect or business organization qualified any
 1043 ~~corporation, partnership, or person operating under a fictitious~~
 1044 ~~name which holds a certificate of authorization~~ to provide
 1045 architectural services must ~~shall~~ be qualified, without fee, ~~for~~
 1046 ~~a certificate of authorization~~ to provide interior design
 1047 services upon submission of a completed application for
 1048 qualification therefor. ~~For corporations, partnerships, and~~
 1049 ~~persons operating under a fictitious name which hold a~~
 1050 ~~certificate of authorization to provide interior design~~

1051 ~~services, satisfaction of the requirements for renewal of the~~
 1052 ~~certificate of authorization to provide architectural services~~
 1053 ~~under s. 481.219 shall be deemed to satisfy the requirements for~~
 1054 ~~renewal of the certificate of authorization to provide interior~~
 1055 ~~design services under that section.~~

1056 Section 31. Section 481.303, Florida Statutes, is amended
 1057 to read:

1058 481.303 Definitions.—As used in this part chapter, the
 1059 term:

1060 (1) "Board" means the Board of Landscape Architecture.

1061 (2) "Business organization" means any partnership, limited
 1062 liability company, corporation, or individual operating under a
 1063 fictitious name.

1064 (3)~~(4)~~ "Certificate of registration" means a license
 1065 issued by the department to a natural person to engage in the
 1066 practice of landscape architecture.

1067 (4)~~(2)~~ "Department" means the Department of Business and
 1068 Professional Regulation.

1069 ~~(5) "Certificate of authorization" means a license issued~~
 1070 ~~by the department to a corporation or partnership to engage in~~
 1071 ~~the practice of landscape architecture.~~

1072 (5)~~(6)~~ "Landscape architecture" means professional
 1073 services, including, but not limited to, the following:

1074 (a) Consultation, investigation, research, planning,
 1075 design, preparation of drawings, specifications, contract

1076 documents and reports, responsible construction supervision, or
 1077 landscape management in connection with the planning and
 1078 development of land and incidental water areas, including the
 1079 use of Florida-friendly landscaping as defined in s. 373.185,
 1080 where, and to the extent that, the dominant purpose of such
 1081 services or creative works is the preservation, conservation,
 1082 enhancement, or determination of proper land uses, natural land
 1083 features, ground cover and plantings, or naturalistic and
 1084 aesthetic values;

1085 (b) The determination of settings, grounds, and approaches
 1086 for and the siting of buildings and structures, outdoor areas,
 1087 or other improvements;

1088 (c) The setting of grades, shaping and contouring of land
 1089 and water forms, determination of drainage, and provision for
 1090 storm drainage and irrigation systems where such systems are
 1091 necessary to the purposes outlined herein; and

1092 (d) The design of such tangible objects and features as
 1093 are necessary to the purpose outlined herein.

1094 (6)~~(7)~~ "Landscape design" means consultation for and
 1095 preparation of planting plans drawn for compensation, including
 1096 specifications and installation details for plant materials,
 1097 soil amendments, mulches, edging, gravel, and other similar
 1098 materials. Such plans may include only recommendations for the
 1099 conceptual placement of tangible objects for landscape design
 1100 projects. Construction documents, details, and specifications

1101 for tangible objects and irrigation systems shall be designed or
 1102 approved by licensed professionals as required by law.

1103 (7) "Qualifying agent" means an owner, officer, or
 1104 director of the corporation, or partner of the partnership, who
 1105 is responsible for the supervision, direction, and management of
 1106 projects of the business organization with which she or he is
 1107 affiliated and for ensuring that responsible supervising control
 1108 is being exercised.

1109 ~~(8)(3)~~ "Registered landscape architect" means a person who
 1110 holds a license to practice landscape architecture in this state
 1111 under the authority of this act.

1112 Section 32. Subsection (4) of section 481.311, Florida
 1113 Statutes, is amended to read:

1114 481.311 Licensure.—

1115 ~~(4) The board shall certify as qualified for a certificate~~
 1116 ~~of authorization any applicant corporation or partnership who~~
 1117 ~~satisfies the requirements of s. 481.319.~~

1118 Section 33. Subsection (2) of section 481.317, Florida
 1119 Statutes, is amended to read:

1120 481.317 Temporary certificates.—

1121 ~~(2) Upon approval by the board and payment of the fee set~~
 1122 ~~in s. 481.307, the department shall grant a temporary~~
 1123 ~~certificate of authorization for work on one specified project~~
 1124 ~~in this state for a period not to exceed 1 year to an out-of-~~
 1125 ~~state corporation, partnership, or firm, provided one of the~~

1126 ~~principal officers of the corporation, one of the partners of~~
 1127 ~~the partnership, or one of the principals in the fictitiously~~
 1128 ~~named firm has obtained a temporary certificate of registration~~
 1129 ~~in accordance with subsection (1).~~

1130 Section 34. Section 481.319, Florida Statutes, is amended
 1131 to read:

1132 481.319 Corporate and partnership practice of landscape
 1133 architecture; ~~certificate of authorization.~~-

1134 (1) The practice of or offer to practice landscape
 1135 architecture by registered landscape architects registered under
 1136 this part through a corporation or partnership offering
 1137 landscape architectural services to the public, or through a
 1138 corporation or partnership offering landscape architectural
 1139 services to the public through individual registered landscape
 1140 architects as agents, employees, officers, or partners, is
 1141 permitted, subject to the provisions of this section, if:

1142 (a) One or more of the principal officers of the
 1143 corporation, or partners of the partnership, and all personnel
 1144 of the corporation or partnership who act in its behalf as
 1145 landscape architects in this state are registered landscape
 1146 architects; and

1147 (b) One or more of the officers, one or more of the
 1148 directors, one or more of the owners of the corporation, or one
 1149 or more of the partners of the partnership is a registered
 1150 landscape architect and has applied to be the qualifying agent

1151 for the business organization; ~~and~~

1152 ~~(c) The corporation or partnership has been issued a~~
 1153 ~~certificate of authorization by the board as provided herein.~~

1154 (2) All documents involving the practice of landscape
 1155 architecture which are prepared for the use of the corporation
 1156 or partnership shall bear the signature and seal of a registered
 1157 landscape architect.

1158 (3) A landscape architect applying to practice in the name
 1159 of a ~~An applicant~~ corporation must ~~shall~~ file with the
 1160 department the names and addresses of all officers and board
 1161 members of the corporation, including the principal officer or
 1162 officers, duly registered to practice landscape architecture in
 1163 this state and, also, of all individuals duly registered to
 1164 practice landscape architecture in this state who shall be in
 1165 responsible charge of the practice of landscape architecture by
 1166 the corporation in this state. A landscape architect applying to
 1167 practice in the name of a ~~An applicant~~ partnership must ~~shall~~
 1168 file with the department the names and addresses of all partners
 1169 of the partnership, including the partner or partners duly
 1170 registered to practice landscape architecture in this state and,
 1171 also, of an individual or individuals duly registered to
 1172 practice landscape architecture in this state who shall be in
 1173 responsible charge of the practice of landscape architecture by
 1174 said partnership in this state.

1175 (4) Each landscape architect qualifying a partnership or

1176 ~~and~~ corporation ~~licensed~~ under this part must ~~shall~~ notify the
 1177 department within 1 month after ~~of~~ any change in the information
 1178 contained in the application upon which the license is based.
 1179 Any landscape architect who terminates her or his ~~or her~~
 1180 employment with a partnership or corporation licensed under this
 1181 part shall notify the department of the termination within 1
 1182 month after such termination.

1183 ~~(5) Disciplinary action against a corporation or~~
 1184 ~~partnership shall be administered in the same manner and on the~~
 1185 ~~same grounds as disciplinary action against a registered~~
 1186 ~~landscape architect.~~

1187 (5) ~~(6)~~ Except as provided in s. 558.0035, the fact that a
 1188 registered landscape architect practices landscape architecture
 1189 through a corporation or partnership as provided in this section
 1190 does not relieve the landscape architect from personal liability
 1191 for her or his ~~or her~~ professional acts.

1192 Section 35. Subsection (5) of section 481.321, Florida
 1193 Statutes, is amended to read:

1194 481.321 Seals; display of certificate number.—

1195 (5) Each registered landscape architect must ~~and each~~
 1196 ~~corporation or partnership holding a certificate of~~
 1197 ~~authorization shall~~ include her or his ~~its~~ certificate number in
 1198 any newspaper, telephone directory, or other advertising medium
 1199 used by the registered landscape architect, corporation, or
 1200 partnership. A corporation or partnership must ~~is not required~~

1201 ~~to~~ display the certificate number numbers of at least one
 1202 officer, director, owner, or partner who is a individual
 1203 registered landscape architect architects employed by or
 1204 practicing with the corporation or partnership.

1205 Section 36. Subsection (5) of section 481.329, Florida
 1206 Statutes, is amended to read:

1207 481.329 Exceptions; exemptions from licensure.—

1208 (5) This part does not prohibit any person from engaging
 1209 in the practice of landscape design, as defined in s. 481.303(6)
 1210 ~~481.303(7)~~, or from submitting for approval to a governmental
 1211 agency planting plans that are independent of, or a component
 1212 of, construction documents that are prepared by a Florida-
 1213 registered professional. Persons providing landscape design
 1214 services shall not use the title, term, or designation
 1215 "landscape architect," "landscape architectural," "landscape
 1216 architecture," "L.A.," "landscape engineering," or any
 1217 description tending to convey the impression that she or he is a
 1218 landscape architect unless she or he is registered as provided
 1219 in this part.

1220 Section 37. Paragraph (h) of subsection (2) of section
 1221 287.055, Florida Statutes, is amended to read:

1222 287.055 Acquisition of professional architectural,
 1223 engineering, landscape architectural, or surveying and mapping
 1224 services; definitions; procedures; contingent fees prohibited;
 1225 penalties.—

1226 (2) DEFINITIONS.—For purposes of this section:

1227 (h) A "design-build firm" means a partnership,
 1228 corporation, or other legal entity that:

1229 1. Is certified under s. 489.119 to engage in contracting
 1230 through a certified or registered general contractor or a
 1231 certified or registered building contractor as the qualifying
 1232 agent; or

1233 2. Is certified under s. 471.023 to practice or to offer
 1234 to practice engineering; qualified ~~certified~~ under s. 481.219 to
 1235 practice or to offer to practice architecture; or qualified
 1236 ~~certified~~ under s. 481.319 to practice or to offer to practice
 1237 landscape architecture.

1238 Section 38. Effective October 1, 2018, Paragraph (a) of
 1239 subsection (4) of section 489.553, Florida Statutes, is amended,
 1240 and new subsections (7) through (10) are added to that section,
 1241 to read:

1242 489.553 Administration of part; registration
 1243 qualifications; examination.—

1244 (4) To be eligible for registration by the department as a
 1245 septic tank contractor, the applicant must:

1246 (a) Be of good moral character. In considering good moral
 1247 character, the department may consider ~~any~~ matters that have ~~has~~
 1248 a substantial connection between the good moral character of the
 1249 applicant and the professional responsibilities of a registered
 1250 contractor, including, but not limited to: the applicant being

1251 convicted or found guilty of, or entering a plea of nolo
 1252 contendere to, regardless of adjudication, a crime in any
 1253 jurisdiction which directly relates to the practice of
 1254 contracting or the ability to practice contracting; and previous
 1255 disciplinary action involving septic tank contracting, where all
 1256 judicial reviews have been completed.

1257 (7) The criminal history of an applicant may not be used
 1258 as grounds for denial of a license if the date of conviction,
 1259 plea, adjudication, or sentencing, is more than five years
 1260 before the date of the application. This paragraph does not
 1261 limit the department's ability to consider an applicant's
 1262 criminal history that relates to subsection (4)(a) or that
 1263 includes crimes listed in s. 435.07(4)(c)1.-3. or s.
 1264 775.21(4)(a)1.

1265 (8)(a) A person may apply for a license before his or her
 1266 lawful release from confinement or supervision. The department
 1267 may not charge an applicant an additional fee for being confined
 1268 or under supervision. The department may not deny an application
 1269 for a license solely on the basis of the applicant's current
 1270 confinement or supervision.

1271 (b) After a license application is approved, the
 1272 department may stay the issuance of a license until the
 1273 applicant is lawfully released from confinement or supervision
 1274 and the applicant notifies the board of such release. The
 1275 department must verify the applicant's release with the

1276 Department of Corrections before it issues a license.

1277 (c) If an applicant is unable to appear in person due to
 1278 his or her confinement or supervision, the department must
 1279 permit the applicant to appear by teleconference or video
 1280 conference, as appropriate, at any meeting or hearing by the
 1281 department concerning his or her application.

1282 (d) If an applicant is confined or under supervision, the
 1283 Department of Corrections and the department shall cooperate and
 1284 coordinate to facilitate the appearance of the applicant at a
 1285 meeting or hearing in person, by teleconference, or by video
 1286 conference, as appropriate.

1287 (9) The department shall compile a list of crimes that, if
 1288 committed and regardless of adjudication, do not relate to the
 1289 practice of the profession or the ability to practice the
 1290 profession and do not constitute grounds for denial of a
 1291 license. This list shall be made available on the department's
 1292 website and be updated annually. Beginning October 1, 2018, and
 1293 updated quarterly thereafter, the department shall add to this
 1294 list such crimes that although reported by an applicant for
 1295 licensure, were not used as a basis for denial in the past 2
 1296 years. The list must identify the crime reported and the date of
 1297 conviction, plea, adjudication, or sentencing for each such
 1298 license application.

1299 (10) The department shall compile a list of crimes that
 1300 have been used as a basis for denial of a license in the past 2

1301 years, which shall be made available on the department's
 1302 website. Beginning October 1, 2018, and updated quarterly
 1303 thereafter, the department shall add to this list each crime
 1304 used as a basis for denial. For each crime listed, the
 1305 department must identify the date of conviction, plea,
 1306 adjudication, or sentencing. Such denials shall be available to
 1307 the public upon request.

1308 Section 39. Section 492.104, Florida Statutes, is amended
 1309 to read:

1310 492.104 Rulemaking authority.—The Board of Professional
 1311 Geologists may ~~has authority to~~ adopt rules pursuant to ss.
 1312 120.536(1) and 120.54 to implement this chapter. Every licensee
 1313 shall be governed and controlled by this chapter and the rules
 1314 adopted by the board. The board may establish ~~is authorized to~~
 1315 ~~set,~~ by rule, fees for application, examination, ~~certificate of~~
 1316 ~~authorization,~~ late renewal, initial licensure, and license
 1317 renewal. These fees may ~~should~~ not exceed the cost of
 1318 implementing the application, examination, initial licensure,
 1319 and license renewal or other administrative process and are
 1320 ~~shall be~~ established as follows:

1321 (1) The application fee may ~~shall~~ not exceed \$150 and is
 1322 ~~shall be~~ nonrefundable.

1323 (2) The examination fee may ~~shall~~ not exceed \$250, and the
 1324 fee may be apportioned to each part of a multipart examination.
 1325 The examination fee shall be refundable in whole or part if the

1326 applicant is found to be ineligible to take any portion of the
 1327 licensure examination.

1328 (3) The initial license fee may ~~shall~~ not exceed \$100.

1329 (4) The biennial renewal fee may ~~shall~~ not exceed \$150.

1330 ~~(5) The fee for a certificate of authorization shall not~~
 1331 ~~exceed \$350 and the fee for renewal of the certificate shall not~~
 1332 ~~exceed \$350.~~

1333 (5)~~(6)~~ The fee for reactivation of an inactive license may
 1334 ~~shall~~ not exceed \$50.

1335 (6)~~(7)~~ The fee for a provisional license may ~~shall~~ not
 1336 exceed \$400.

1337 (7)~~(8)~~ The fee for application, examination, and licensure
 1338 for a license by endorsement is ~~shall be~~ as provided in this
 1339 section for licenses in general.

1340 Section 40. Section 492.111, Florida Statutes, is amended
 1341 to read:

1342 492.111 Practice of professional geology by a firm,
 1343 corporation, or partnership; ~~certificate of authorization.~~—The
 1344 practice of, or offer to practice, professional geology by
 1345 individual professional geologists licensed under the provisions
 1346 of this chapter through a firm, corporation, or partnership
 1347 offering geological services to the public through individually
 1348 licensed professional geologists as agents, employees, officers,
 1349 or partners thereof is permitted subject to the provisions of
 1350 this chapter, if ~~provided that~~:

1351 (1) At all times that it offers geological services to the
 1352 public, the firm, corporation, or partnership is qualified by
 1353 ~~has on file with the department the name and license number of~~
 1354 one or more individuals who hold a current, active license as a
 1355 professional geologist in the state and are serving as a
 1356 geologist of record for the firm, corporation, or partnership. A
 1357 geologist of record may be any principal officer or employee of
 1358 such firm or corporation, or any partner or employee of such
 1359 partnership, who holds a current, active license as a
 1360 professional geologist in this state, or any other Florida-
 1361 licensed professional geologist with whom the firm, corporation,
 1362 or partnership has entered into a long-term, ongoing
 1363 relationship, as defined by rule of the board, to serve as one
 1364 of its geologists of record. ~~It shall be the responsibility of~~
 1365 ~~the firm, corporation, or partnership and~~ The geologist of
 1366 record shall ~~to~~ notify the department of any changes in the
 1367 relationship or identity of that geologist of record within 30
 1368 days after such change.

1369 ~~(2) The firm, corporation, or partnership has been issued~~
 1370 ~~a certificate of authorization by the department as provided in~~
 1371 ~~this chapter. For purposes of this section, a certificate of~~
 1372 ~~authorization shall be required of any firm, corporation,~~
 1373 ~~partnership, association, or person practicing under a~~
 1374 ~~fictitious name and offering geological services to the public;~~
 1375 ~~except that, when an individual is practicing professional~~

1376 | ~~geology in her or his own name, she or he shall not be required~~
 1377 | ~~to obtain a certificate of authorization under this section.~~
 1378 | ~~Such certificate of authorization shall be renewed every 2~~
 1379 | ~~years.~~

1380 | (2)~~(3)~~ All final geological papers or documents involving
 1381 | the practice of the profession of geology which have been
 1382 | prepared or approved for the use of such firm, corporation, or
 1383 | partnership, for delivery to any person for public record with
 1384 | the state, shall be dated and bear the signature and seal of the
 1385 | professional geologist or professional geologists who prepared
 1386 | or approved them.

1387 | (3)~~(4)~~ Except as provided in s. 558.0035, the fact that a
 1388 | licensed professional geologist practices through a corporation
 1389 | or partnership does not relieve the registrant from personal
 1390 | liability for negligence, misconduct, or wrongful acts committed
 1391 | by her or him. The partnership and all partners are jointly and
 1392 | severally liable for the negligence, misconduct, or wrongful
 1393 | acts committed by their agents, employees, or partners while
 1394 | acting in a professional capacity. Any officer, agent, or
 1395 | employee of a corporation is personally liable and accountable
 1396 | only for negligent acts, wrongful acts, or misconduct committed
 1397 | by her or him or committed by any person under her or his direct
 1398 | supervision and control, while rendering professional services
 1399 | on behalf of the corporation. The personal liability of a
 1400 | shareholder of a corporation, in her or his capacity as

1401 shareholder, may be no greater than that of a shareholder-
 1402 employee of a corporation incorporated under chapter 607. The
 1403 corporation is liable up to the full value of its property for
 1404 any negligent acts, wrongful acts, or misconduct committed by
 1405 any of its officers, agents, or employees while they are engaged
 1406 on behalf of the corporation in the rendering of professional
 1407 services.

1408 ~~(5) The firm, corporation, or partnership desiring a~~
 1409 ~~certificate of authorization shall file with the department an~~
 1410 ~~application therefor, upon a form to be prescribed by the~~
 1411 ~~department, accompanied by the required application fee.~~

1412 ~~(6) The department may refuse to issue a certificate of~~
 1413 ~~authorization if any facts exist which would entitle the~~
 1414 ~~department to suspend or revoke an existing certificate of~~
 1415 ~~authorization or if the department, after giving persons~~
 1416 ~~involved a full and fair hearing, determines that any of the~~
 1417 ~~officers or directors of said firm or corporation, or partners~~
 1418 ~~of said partnership, have violated the provisions of s. 492.113.~~

1419 Section 41. Subsection (4) of section 492.113, Florida
 1420 Statutes, is amended to read:

1421 492.113 Disciplinary proceedings.—

1422 (4) The department shall reissue the license of a
 1423 disciplined professional geologist ~~or business~~ upon
 1424 certification by the board that the disciplined person has
 1425 complied with ~~all of~~ the terms and conditions set forth in the

1426 final order.

1427 Section 42. Section 492.115, Florida Statutes, is amended
 1428 to read:

1429 492.115 Roster of licensed professional geologists.—A
 1430 roster showing the names and places of business or residence of
 1431 all licensed professional geologists and all properly qualified
 1432 firms, corporations, or partnerships practicing holding
 1433 ~~certificates of authorization to practice~~ professional geology
 1434 in the state shall be prepared annually by the department. A
 1435 copy of this roster must be made available to ~~shall be~~
 1436 ~~obtainable by~~ each licensed professional geologist and each
 1437 firm, corporation, or partnership qualified by a professional
 1438 geologist holding a certificate of authorization, and copies
 1439 thereof shall be placed on file with the department.

1440 Section 43. Paragraphs (j) and (k) of subsection (2) of
 1441 section 548.003, Florida Statutes, are redesignated as
 1442 paragraphs (i) and (j), respectively, and paragraph (i) of that
 1443 subsection is amended to read:

1444 548.003 Florida State Boxing Commission.—

1445 (2) The Florida State Boxing Commission, as created by
 1446 subsection (1), shall administer the provisions of this chapter.
 1447 The commission has authority to adopt rules pursuant to ss.
 1448 120.536(1) and 120.54 to implement the provisions of this
 1449 chapter and to implement each of the duties and responsibilities
 1450 conferred upon the commission, including, but not limited to:

1451 ~~(i) Designation and duties of a knockdown timekeeper.~~
 1452 Section 44. Subsection (1) of section 548.017, Florida
 1453 Statutes, is amended to read:
 1454 548.017 Participants, managers, and other persons required
 1455 to have licenses.—
 1456 (1) A participant, manager, trainer, second, ~~timekeeper,~~
 1457 referee, judge, ~~announcer,~~ physician, matchmaker, or promoter
 1458 must be licensed before directly or indirectly acting in such
 1459 capacity in connection with any match involving a participant. A
 1460 physician approved by the commission must be licensed pursuant
 1461 to chapter 458 or chapter 459, must maintain an unencumbered
 1462 license in good standing, and must demonstrate satisfactory
 1463 medical training or experience in boxing, or a combination of
 1464 both, to the executive director before working as the ringside
 1465 physician.
 1466 Section 45. Except as otherwise expressly provided in this
 1467 act, this act shall take effect July 1, 2018.