Business & Professions Subcommittee

Tuesday, January 21, 2020
12:30 PM – 2:30 PM
Webster Hall (212 Knott)

Meeting Packet

Jose Oliva
Speaker

Heather Fitzenhagen
Chair

The Florida House of Representatives

Commerce Committee

Business & Professions Subcommittee

Jose Oliva
Speaker

Heather Fitzenhagen
Chair

AGENDA

Tuesday, January 21, 2020
Webster Hall (212 Knott)
12:30 PM – 2:30 PM

I. Call to Order & Roll Call

II. Welcoming Remarks

III. Consideration of the following bills(s):

HB 1155 by *Rep. Hage*
Legislative Review of Proposed Regulation of Unregulated Functions

HB 1193 by *Rep. Ingoglia*
Deregulation of Professions and Occupations

IV. Adjournment

303 House Office Building, 402 South Monroe Street, Tallahassee, Florida 32399-1300
(850) 717-4873 Fax: (850) 413-0419

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Business & Professions Subcommittee

Start Date and Time:	Tuesday, January 21, 2020 12:30 pm
End Date and Time:	Tuesday, January 21, 2020 02:30 pm
Location:	Webster Hall (212 Knott)
Duration:	2.00 hrs

Consideration of the following bill(s):

HB 1155 Legislative Review of Proposed Regulation of Unregulated Functions by Hage
HB 1193 Deregulation of Professions and Occupations by Ingoglia

Pursuant to rule 7.11, the deadline for amendments to bills on the agenda by non-appointed members shall be 6:00 p.m., Friday, January 17, 2020.

By request of Chair Fitzenhagen, all Business & Professions Subcommittee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Friday, January 17, 2020.

NOTICE FINALIZED on 01/16/2020 4:00PM by Rigas.Amanda

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1155 Legislative Review of Proposed Regulation of Unregulated Functions
SPONSOR(S): Hage
TIED BILLS: **IDEN./SIM. BILLS:** SB 1614

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Business & Professions Subcommittee		Brackett JB	Anstead La
2) Oversight, Transparency & Public Management Subcommittee			
3) Commerce Committee			

SUMMARY ANALYSIS

A sunrise review is a formal process of review requiring a cost-benefit analysis be conducted before legislation proposing to regulate an unregulated profession or occupation is enacted.

Florida's sunrise review, which was enacted in 1991, is called the Sunrise Act. The Sunrise Act requires the Legislature to consider certain factors before determining whether to regulate an unregulated profession or occupation. Those factors include:

- Whether the unregulated practice of the profession or occupation will substantially harm or endanger the public health, safety, or welfare;
- Whether the practice of the profession or occupation requires specialized skill or training;
- Whether the regulation will have an unreasonable effect on job creation or job retention in the state;
- Whether the public is or can be effectively protected by other means; and
- Whether the overall cost-effectiveness and economic impact of the proposed regulation, including the indirect costs to consumers, will be favorable.

The bill amends the Sunrise Act too:

- Provide that in addition to applying to legislation that regulates an unregulated profession or occupation, the Sunrise Act also applies to legislation that substantially expands regulation of an already regulated profession or occupation;
- Require proponents of a regulation to provide certain information to the President of the Senate, the Speaker of the House of Representatives, and the state agency that is proposed to have jurisdiction of the regulation, no later than 30 days prior to the session in which the legislation is to be filed; and
- Require the state agency proposed to have jurisdiction to provide certain information to the President of the Senate, the Speaker of the House of Representatives, and the proponents of the regulation within 25 days after receiving the legislation.

The bill may have a fiscal impact on state government. The bill is not expected to have a fiscal impact on local governments.

The bill provides for an effective date of July 1, 2020.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Occupational Licensing

An occupational or professional license is a form of regulation that requires individuals who want to perform certain types of work, such as contractors and cosmetologists, to obtain permission from the government to perform the work.[1] Generally, an individual obtains permission from the government to perform a certain type of work by demonstrating that they have the designated knowledge, skills, and abilities to perform the work by meeting pre-determined criteria established by the government, such as work experience and exams. If the individual successfully completes the pre-determined criteria the government issues the individual a license, which allows them to perform the work.[2]

In the 1950s, less than five percent of U.S. workers were required to have a license to do their jobs. Since then the number of workers required to have a license has risen five-fold to more than one-quarter of U.S. workers with most of these workers being licensed by the states. Almost two-thirds of this change stems from an increase in the number of professions that require a license. The number of licensed workers is even higher in Florida, with an estimated 28.7 percent of the workforce being licensed by the state.[3]

In 2015, the White House published a report on the current state of occupational licensing in the nation. The report found that when designed and implemented carefully requiring occupational licenses offers important health and safety protections to consumers, as well as benefits to workers. However, the report also found that too often licensing requirements are inconsistent, inefficient, arbitrary, and there is evidence that the current license regime in the U.S. raises the price of goods and services, restricts employment opportunities, and makes it more difficult for workers to take their skills across state lines.[4]

The report stated that because occupations are diverse in their tasks, designing and implementing successful occupational license regulations often requires a tailored approach. However, there are a number of common factors that policymakers should consider when contemplating enacting, revising, or repealing an occupational regulation. Policymakers should:[5]

- Ensure that restrictions are closely targeted to protecting public health and safety, and are not overly burdensome;
- Facilitate a careful consideration of licensure's costs and benefits; and
- Work to reduce licensing's barriers to mobility.

Policy makers can facilitate a careful consideration of licensure costs and benefits through both sunrise and sunset reviews. However, evidence suggests that sunrise reviews are more successful at limiting the growth of licensing since removing a license is much more difficult than enacting one. Additionally, state regulators suggested that sunrise reviews may be more effective than sunset reviews.[6]

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[1] The White House, *Occupational Licensing: A Framework for Policymakers*, 6 (July 2015) https://obamawhitehouse.archives.gov/sites/default/files/docs/licensing_report_final_nonembargo.pdf (last visited on Jan. 14, 2020).
[2] Bureau of Labor Statistics, *Frequently asked questions about data on certifications and licenses*, https://www.bls.gov/cps/certifications-and-licenses-faqs.htm, (last visited on Jan. 14, 2020).
[3] White House *supra* note 1 at 3 & 24.
[4] *Id.*
[5] *Id.* at 41-43
[6] *Id.* at 42, 48-49.

Sunrise Review

Generally, a sunrise review is a formal process where a legislature scrutinizes legislation proposing to regulate an unregulated profession or occupation by requiring a cost-benefit analysis to be conducted before the legislation is enacted. Most sunrise reviews require the proponents of the regulation to outline the potential impacts, costs, and benefits of the proposed regulation. Some states require the proponents of the regulation to provide certain information to a legislative committee or a state agency for analysis and evaluation, which is then provided to the legislature. Policymakers can review the information provided before moving forward with the legislation.[7]

Currently twelve states, including Florida, have sunrise reviews.[8] However, states vary widely in how independently and thoroughly they administer sunrise reviews. Colorado requires proponents of regulation to submit the proposed regulation along with the potential impacts, costs, and benefits to the Colorado Department of Regulatory Agencies for analysis and evaluation.[9] Minnesota requires proponents of regulation to file a report outlining the regulation's potential impacts, costs, and benefits with the legislature within 15 days of the bill being introduced.[10] Maine requires sunrise reviews for legislation regulating an unregulated profession or occupation and legislation that substantially expands regulation of an already regulated profession or occupation.[11] Florida currently requires proponents of regulation to file information about the regulation's potential impacts, costs, and benefits upon request.[12]

Florida's Sunrise Act

Section 11.62, F.S., is Florida's sunrise review, which is called the Sunrise Act. The Sunrise Act states that regulation should not be adopted unless it is:

- Necessary to protect the public health, safety, or welfare from significant and discernible harm or damage;
- Exercised only to the extent necessary to prevent the harm; and
- Limited so as not to unnecessarily restrict entry into the practice of the profession or adversely affect public access to the professional services.

In determining whether to regulate a profession or occupation, the Sunrise Act requires the Legislature to consider the following:

- Whether the unregulated practice of the profession or occupation will substantially harm or endanger the public health, safety, or welfare, and whether the potential for harm is recognizable and not remote;
- Whether the practice of the profession or occupation requires specialized skill or training and whether that skill or training is readily measurable or quantifiable so that examination or training requirements would reasonably assure initial and continuing professional or occupational ability;
- Whether the regulation will have an unreasonable effect on job creation or job retention in the state or will place unreasonable restrictions on the ability of individuals who seek to practice or who are practicing a given profession or occupation to find employment;
- Whether the public is or can be effectively protected by other means; and
- Whether the overall cost-effectiveness and economic impact of the proposed regulation, including the indirect costs to consumers, will be favorable.

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[7] *Id.* at 48; Iris Hentze, *Improving Occupational Licensing with Sunrise and Sunset Reviews*, National Conference of State Legislatures, (July 2018), http://www.ncsl.org/research/labor-and-employment/improving-occupational-licensing-with-sunrise-and-sunset-reviews.aspx (last visited Jan. 14, 2020); Council on Licensure & Regulation, *Sunrise, Sunset and State Agency Audits*, https://www.clearhq.org/page-486181 (last visited Jan. 14, 2020).

[8] Council on Licensure & Regulation *supra* note 5.

[9] Colo. Rev. Stat. § 24-34-104.1.

[10] Minn. Stat. § 214.002.

[11] ME. Rev. Stat. Ann. Tit. 32-1A, § 60-J.

[12] S. 11.62(4), F.S.

The Sunrise Act requires proponents of legislation that propose new regulation on professions or occupations to provide the following information, **upon request** by the agency proposed to have jurisdiction or the legislative committee to which the legislation is referred, to document the need for regulation:

- The number of individuals or businesses that would be subject to the regulation;
- The name of each association that represents members of the profession or occupation, together with a copy of its codes of ethics or conduct;
- Documentation of the nature and extent of the harm to the public caused by the unregulated practice of the profession or occupation, including a description of any complaints that have been lodged against persons who have practiced the profession or occupation in this state during the preceding three years;
- A list of states that regulate the profession or occupation, and the dates of enactment of each law providing for such regulation and a copy of each law;
- A list and description of state and federal laws that have been enacted to protect the public with respect to the profession or occupation and a statement of the reasons why these laws have not proven adequate to protect the public;
- A description of the voluntary efforts made by members of the profession or occupation to protect the public and a statement of the reasons why these efforts are not adequate to protect the public;
- A copy of any federal legislation mandating regulation;
- An explanation of the reasons why other types of less restrictive regulation would not effectively protect the public;
- The cost, availability, and appropriateness of training and examination requirements;
- The cost of regulation, including the indirect cost to consumers, and the method proposed to finance the regulation;
- The cost imposed on applicants or practitioners or on employers of applicants or practitioners as a result of the regulation;
- The details of any previous efforts in this state to implement regulation of the profession or occupation; and
- Any other information the agency or the committee considers relevant to the analysis of the proposed legislation.

The Sunrise Act requires the agency proposed to have jurisdiction over the regulation to provide the Legislature with the following information:

- The resources required to implement and enforce the regulation;
- The technical sufficiency of the proposal, including its consistency with the regulation of other professions; and
- Any alternatives that may result in less restrictive or more cost-effective regulation.

In determining whether to recommend regulation, the legislative committee reviewing the proposal is directed to assess whether the proposed regulation is:

- Justified based on the statutory criteria and the information provided by both the proponents of regulation and the agency responsible for its implementation;
- The least restrictive and most cost-effective regulatory scheme necessary to protect the public; and
- Technically sufficient and consistent with the regulation of other professions under existing law.

State Agency Rulemaking and Statements of Estimated Regulatory Costs (SERC)

State agencies are required to follow the Administrative Procedure Act (APA)[13] which sets forth a uniform set of procedures that agencies must follow when exercising authority to make rules delegated

[13] Ch. 120, F.S.

to the agency by the legislature. Rulemaking authority is delegated by the Legislature through statute and authorizes agencies to "adopt, develop, establish, or otherwise create" rules.[14]

A state agency is required by the APA in certain circumstances to complete a SERC. A SERC is an agency estimate of the potential impact of a proposed rule on the public, particularly the potential costs to the public of complying with the proposed rule, as well as to the agency and other governmental entities to implement the rule. Agencies are encouraged to prepare a SERC before adopting, amending, or repealing any rule. A SERC is required, however, if the proposed rule will have a negative impact on small businesses or increase regulatory costs by more than $200,000 in the aggregate within one year after implementation of the rule.[15] A SERC must include:[16]

- Good faith estimates of the number of people and entities affected by the proposed rule;
- Good faith estimates of the cost to the agency and other governmental entities to implement the proposed rule;
- Good faith estimates of the transactional costs likely to be incurred by people, entities, and governmental agencies for compliance. Transactional costs is defined to mean direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs;
- An analysis of the proposed rule's impact on small businesses, counties, and cities; and
- Any additional information that the agency determines may be useful.

The SERC must also include an economic analysis on the likelihood that the proposed rule will have an adverse impact in excess of $1 million within the first 5 years of implementation on:[17]

- Economic growth, private-sector job creation or employment, or private-sector investment;
- Business competitiveness, productivity, or innovation; or
- Regulatory costs, including any transactional costs.

Effect of the Bill

The bill provides that in addition to applying to legislation that regulates an unregulated profession or occupation, the Sunrise Act also applies to legislation that substantially expands regulation of an already regulated profession or occupation. The bill defines the term "substantial expansion of regulation" to mean to expand the scope of practice for current practitioners of a profession or occupation by regulating an activity that is not regulated by the state.

The bill requires proponents of legislation proposing regulation to provide the Legislature and the state agency proposed to have jurisdiction certain information documenting the need for regulation by a certain time, instead of doing so only upon request. The proponents must also file a draft of the legislation and a summary of any bills on the same subject that have been filed with the Legislature in the preceding five years. The proponents must provide this information to the President of the Senate, the Speaker of the House of Representatives, and the agency proposed to have jurisdiction over the regulation at least 30 days before the session in which the legislation is filed.

In addition to the current information an agency must provide to the Legislature, the bill provides that an agency must also provide the Legislature with the following information:

- Good faith estimates of the number of people and entities affected by the proposed regulation;
- Good faith estimates of transactional costs likely to be incurred by people, entities, and governmental agencies for compliance. Transactional costs are defined to mean direct costs that are ascertainable based upon standard business practices, and include filing fees, the cost

[14] Ss. 120.52(16)-(17) & 120.54(1)(a), F.S; Ch. 120, F.S.
[15] Ss. 120.54(3)(b) & 120.541(2), F.S.
[16] S. 120.541(2)(b), F.S.
[17] *Id.*

of obtaining a license, regulatory compliance costs, operating costs, the cost of monitoring and reporting, and any other costs necessary to comply with the rule;
- The anticipated costs to implement and enforce the proposed regulation, and any anticipated license fees necessary to cover the anticipated costs;
- Whether additional statutory or rulemaking authority is necessary to implement and enforce the proposed regulation;
- A comparison of similarly situated professions and occupations regulated by the agency;
- The anticipated impact of the proposed regulation's impact on small businesses, counties, and cities;
- The anticipated impact of the proposed regulation's impact on economic growth, private-sector job creation or employment, and business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets; and
- Any other information the agency determines relevant to the analysis of the proposed regulation.

The bill provides that the state agency proposed to have jurisdiction must provide the information to the President of the Senate, the Speaker of the House of Representatives, and the proponents of the legislation within 25 days of receiving the draft legislation from the proponents. If a state agency fails to provide the required information, they must notify the proponents of the legislation, the President of the Senate, and the Speaker of the House of Representatives that they could not comply with the Sunrise Act's requirements because the agency was unable to acquire sufficient information.

B. SECTION DIRECTORY:

Section 1. Amends s. 11.62, F.S., revising the requirements of the Sunrise Act.

Section 2. Provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   Indeterminate.

2. Expenditures:

   Indeterminate.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may have an indeterminate, positive impact on the private sector.

D. FISCAL COMMENTS:

The fiscal impact of the bill on state government is indeterminate.

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:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to legislative review of proposed regulation of unregulated functions; amending s. 11.62, F.S.; defining terms; providing that certain requirements must be met before the adoption of a regulation of an unregulated profession or occupation or the substantial expansion of regulation of a regulated profession or occupation; requiring the proponents of legislation that proposes such regulation to provide certain information to the state agency proposed to have jurisdiction over the regulation and the Legislature by a certain date; requiring such state agency to provide certain information to the Legislature within a certain time period; providing an exception; revising information that a legislative committee must consider when determining whether a regulation is justified; providing an effective date.

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

Section 1. Section 11.62, Florida Statutes, is amended to read:

11.62 Legislative review of proposed regulation of unregulated functions.—

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

(1) This section may be cited as the "Sunrise Act."

(2) It is the intent of the Legislature:

(a) That no profession or occupation be subject to regulation by the state unless the regulation is necessary to protect the public health, safety, or welfare from significant and discernible harm or damage and that the police power of the state be exercised only to the extent necessary for that purpose; and

(b) That no profession or occupation be regulated by the state in a manner that unnecessarily restricts entry into the practice of the profession or occupation or adversely affects the availability of the professional or occupational services to the public.

(3) As used in this section, the term:

(a) "Substantial expansion of regulation" means to expand the scope of practice for current practitioners of a profession or occupation by regulating an activity that is not regulated by the state.

(b) "Transactional costs" means direct costs that are ascertainable based upon standard business practices, including filing fees, license fees, regulatory compliance costs, operating costs, monitoring and reporting costs, and any other costs necessary to comply with the proposed regulation.

(4) In determining whether to regulate a profession or occupation, the Legislature shall consider the following

factors:

(a) Whether the unregulated practice of the profession or occupation will substantially harm or endanger the public health, safety, or welfare, and whether the potential for harm is recognizable and not remote;

(b) Whether the practice of the profession or occupation requires specialized skill or training, and whether that skill or training is readily measurable or quantifiable so that examination or training requirements would reasonably assure initial and continuing professional or occupational ability;

(c) Whether the regulation will have an unreasonable effect on job creation or job retention in the state or will place unreasonable restrictions on the ability of individuals who seek to practice or who are practicing a given profession or occupation to find employment;

(d) Whether the public is or can be effectively protected by other means; and

(e) Whether the overall cost-effectiveness and economic impact of the proposed regulation, including the indirect costs to consumers, will be favorable.

(5) In order to ensure that the Legislature only adopts those regulations that are necessary to protect the public, and are the least restrictive regulatory alternative consistent with the public interest, the requirements of this section must be met before the adoption of:

(a) Any regulation of a profession or occupation not already expressly subject to state regulation; or

(b) Any regulation that substantially expands the regulation of a regulated profession or occupation.

(6) ~~(4)~~ The proponents of legislation, including any individual, group, or entity, that proposes ~~provides for~~ the regulation of an unregulated profession or occupation or the substantial expansion of regulation of a regulated profession or occupation ~~not already expressly subject to state regulation~~ shall provide~~, upon request,~~ the following information in writing to the state agency that is proposed to have jurisdiction over the regulation, the President of the Senate, and the Speaker of the House of Representatives at least 30 days before the regular session of the Legislature in which the legislation is to be filed ~~and to the legislative committees to which the legislation is referred~~:

(a) A copy of the draft legislation proposing to regulate an unregulated profession or occupation or the substantial expansion of regulation of a regulated profession or occupation;

(b) ~~(a)~~ The number of individuals or businesses that would be subject to the regulation;

(c) ~~(b)~~ The name of each association that represents members of the profession or occupation, together with a copy of its codes of ethics or conduct;

(d) ~~(c)~~ Documentation of the nature and extent of the harm

to the public caused by the unregulated practice of the profession or occupation, including a description of any complaints that have been lodged against persons who have practiced the profession or occupation in this state during the preceding 3 years;

(e) ~~(d)~~ A list of states that regulate the profession or occupation, and the dates of enactment of each law providing for such regulation and a copy of each law;

(f) ~~(e)~~ A list and description of state and federal laws that have been enacted to protect the public with respect to the profession or occupation and a statement of the reasons why these laws have not proven adequate to protect the public;

(g) ~~(f)~~ A description of the voluntary efforts made by members of the profession or occupation to protect the public and a statement of the reasons why these efforts have not proven ~~are not~~ adequate to protect the public;

(h) ~~(g)~~ A copy of any federal legislation mandating regulation;

(i) ~~(h)~~ An explanation of the reasons why other types of less restrictive regulation would not effectively protect the public;

(j) ~~(i)~~ The cost, availability, and appropriateness of training and examination requirements;

(k) ~~(j)~~ The cost of regulation, including the indirect cost to consumers, and the method proposed to finance the regulation;

(l) ~~(k)~~ The cost imposed on applicants or practitioners or on employers of applicants or practitioners as a result of the regulation;

(m) ~~(l)~~ The details of any previous efforts in this state to implement regulation of the profession or occupation, including a summary of bills filed in the Legislature on the same subject in the preceding 5 years; and

(n) ~~(m)~~ Any other information the proponents of the legislation consider ~~agency or the committee considers~~ relevant to the analysis of the proposed legislation.

(7) ~~(5)~~ The state agency proposed to have jurisdiction over the regulation shall provide the President of the Senate and the Speaker of the House of Representatives with the following information within 25 days after the proponents of the legislation submit the draft legislation to the state agency in accordance with subsection (6) ~~The agency shall provide the Legislature with information concerning the effect of proposed legislation that provides for new regulation of a profession or occupation regarding~~:

(a) The departmental resources necessary to implement and enforce the proposed regulation, including, but not limited to, the anticipated costs to implement and enforce the proposed regulation and any anticipated license fees necessary to cover the anticipated costs. ~~;~~

(b) Whether additional statutory or rulemaking authority

is necessary to implement and enforce the proposed regulation.

(c) A comparison of similarly situated professions and occupations regulated by the state agency.

(d) The anticipated impact on small businesses as defined in s. 288.703 and small counties and small cities as defined in s. 120.52.

(e) The anticipated impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets.

(f) The anticipated impact on economic growth and private sector job creation or employment.

(g) The technical sufficiency of the proposal for regulation, including its consistency with the regulation of other professions and occupations under existing law.~~; and~~

(h)~~(e)~~ If applicable, any alternatives to the proposed regulation which may result in a less restrictive or more cost-effective regulatory scheme.

(i) A good faith estimate of the number of individuals or businesses that would be subject to the proposed regulation.

(j) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, that would be required to comply with the proposed regulation.

(k) Any other information the state agency determines

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

relevant to the analysis of the proposed regulation.

(8) If the state agency that is proposed to have jurisdiction over the regulation is unable to provide the information required by subsection (7), such state agency shall notify the proponents of the legislation, the President of the Senate, and the Speaker of the House of Representatives that the agency was unable to acquire sufficient information to comply with that subsection.

(9) ~~(6)~~ When making a recommendation concerning proposed legislation providing for new regulation of a profession or occupation, a legislative committee shall determine:

(a) Whether the regulation is justified based on the criteria ~~specified in subsection (3), the information submitted pursuant to request under subsection (4),~~ and ~~the~~ information provided under subsections (4), (6), and (7) ~~subsection (5)~~;

(b) The least restrictive and most cost-effective regulatory scheme that will adequately protect the public; and

(c) The technical sufficiency of the proposed legislation, including its consistency with the regulation of other professions and occupations under existing law.

Section 2. This act shall take effect July 1, 2020.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1193 Deregulation of Professions and Occupations
SPONSOR(S): Ingoglia
TIED BILLS: **IDEN./SIM. BILLS:** SB 474

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Business & Professions Subcommittee		Wright	Anstead
2) Government Operations & Technology Appropriations Subcommittee			
3) Commerce Committee			

SUMMARY ANALYSIS

The bill relates to various businesses and professions regulated by the Department of Business and Professional Regulation. Specifically, the bill, cited as the "Occupational Freedom and Opportunity Act," does the following:

- Deregulates:
  - Interior designers and interior design businesses,
  - Hair braiders, hair wrappers, and body wrappers,
  - Nail polishers and makeup applicators, and
  - Boxing announcers and timekeepers.
- Partially deregulates the following professions, while maintaining civil and criminal causes of action:
  - Auctioneers,
  - Talent agents, and
  - Labor organizations.
- Eliminates the additional business license required for the following licensees:
  - Asbestos abatement consultants and contractors,
  - Architects,
  - Landscape architects, and
  - Geologists.
- Reduces the hours of training required to obtain a license for:
  - Barbers and restricted barbers, and
  - Nail, facial and full specialists.
- Adds new ways for out of state professionals to obtain a license in the state for:
  - Veterinarians,
  - Construction and electrical contractors,
  - Landscape architects,
  - Geologists,
  - Engineers,
  - Certified public accountants,
  - Home inspectors,
  - Building code professionals, and
  - Cosmetologists Barbers.
- Reduces the number of members on the Florida Building Commission.
- Authorizes unlicensed individual to provide compensated dietary and nutritional information as long as such individuals do not represent that they are licensed dieticians or nutritionists.
- Prohibits DBPR from disciplining or revoking a licensee based solely on defaulting on a student loan.

The fiscal impact of the bill is indeterminate. For more details, see *Fiscal Comments*.

The bill has an effective date of July 1, 2020, except where otherwise indicated.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Occupational Licensing

An occupational or professional license is a form of regulation that requires individuals who want to perform certain types of work, such as contractors and cosmetologists, to obtain permission from the government to perform the work.[1] Generally, an individual obtains such permission by demonstrating that they have the designated knowledge, skills, and abilities to perform the work by meeting pre-determined criteria established by the government, such as work experience and examinations. If the individual successfully completes the pre-determined criteria, the government issues the individual a license, which allows them to perform the work.[2]

In the 1950s, less than five percent of U.S. workers were required to have an occupational license to do their jobs. Since then, the number of workers required to have a license has risen to more than one-quarter of U.S. workers, and an estimated 28.7 percent of the Florida workforce requires a license from the state.[3]

In 2015, The White House published a report on the current state of occupational licensing in the nation. The report found that when designed and implemented carefully, requiring occupational licenses offers important health and safety protections to consumers, as well as benefits to workers. However, the report also found that too often licensing requirements are inconsistent, inefficient, arbitrary, and there is evidence that the current licensing regimes in the U.S. raise the price of goods and services, restrict employment opportunities, and make it more difficult for workers to take their skills across state lines.[4]

Organizational Structure of the Department of Business and Professional Regulation

The Florida Department of Business and Professional Regulation (DBPR) regulates and licenses businesses and professionals in Florida through the following divisions:

- 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.[5]

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,

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[1] The White House, *Occupational Licensing: A Framework for Policymakers*, 6 (July 2015) https://obamawhitehouse.archives.gov/sites/default/files/docs/licensing_report_final_nonembargo.pdf (last visited on Dec. 30, 2019).
[2] Bureau of Labor Statistics, *Frequently asked questions about data on certifications and licenses*, https://www.bls.gov/cps/certifications-and-licenses-faqs.htm, (last visited on Nov. 26, 2019).
[3] White House, *supra* note 1, at 3.
[4] *Id.*, at 3-5.
[5] S. 20.165, F.S.

- 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.[6]

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.[7] To ensure compliance with applicable laws and rules by those professions and related businesses, Regulations investigates complaints, utilizes compliance mechanisms, and performs inspections.[8]

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.[9] 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).[10]

For each professional licensed issued by DBPR, DBPR charges an application fee set by the applicable board, or by DBPR if there is no board for the profession. DBPR also imposes a $5 unlicensed activity fee on each occupational license, in order to fund efforts to combat unlicensed activity.[11]

Also, for professional licenses granted by DBPR, a license by endorsement means a license granted to an applicant based on their license in another jurisdiction. Section 455.227(2), F.S., allows DBPR or an applicable board to deny a license application based on an applicant's license history in another jurisdiction.[12]

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[6] Florida Department of Business and Professional Regulation, *Division of Professions*, http://www.myfloridalicense.com/DBPR/division-of-professions/ (last visited Jan. 9, 2020).
[7] 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/division-of-regulation/ (last visited Dec. 19, 2019).
[8] Florida Department of Business and Professional Regulation, *Division of Regulation*, http://www.myfloridalicense.com/DBPR/division-of-regulation/ (last visited Dec. 19, 2019).
[9] Department of Business and Professional Regulation, *Division of Florida Condominiums, Timeshares, and Mobile Homes*, http://www.myfloridalicense.com/DBPR/condos-timeshares-mobile-homes/ (last visited Jan. 9, 2020).
[10] *Id.*
[11] S. 455.2281, F.S.
[12] S. 455.227(1)(f), (2)(a), F.S.

Barbering

Background

Barbers, restricted barbers, and barbershops are regulated by ch. 476, F.S., and by the Barbers' Board.

'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."[13]

A 'restricted barber' is a person who has a restricted license to practice barbering that limits the licensee's practice to specific areas of demonstrated competence pursuant to rules adopted by the board.

To be eligible for licensure, barbers and restricted barbers must:

- be at least 16 years old,
- complete 1,200 hours of training,[14] which can cost between $2,000 and $11,000,[15]
- pass the applicable written examination,[16] and
- pay a $205 fee.[17]

Barbers and restricted barbers are required to complete 2 hours of continuing education every two years, which must be focused on HIV/AIDS topics.[18]

Barbers licensed in another state are eligible for a license by endorsement in Florida if they have completed:[19]

- at least 1,200 educational hours,
- a written exam, and
- a 2 hour HIV/AIDS course.

For 2018-2019 Fiscal Year, there were 21,248 barbers in the state. DBPR received 666 complaints against barbers, and took 405 disciplinary actions.[20]

Effect of the Bill

The bill reduces the number of required hours of training from 1,200 to 600 for barbers and from 1,200 to 400 for restricted barbers. The type of training required is limited to sanitation, safety, laws, and rules.

The bill allows full license reciprocity in Florida for applicants who hold a barber license in another state, without needing to pass a written examination.

Cosmetology and Cosmetology Salons

Background

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[13] S. 476.034(2), F.S.
[14] 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.
[15] CostHHelper, Inc., How Much Does Barber School Cost?, https://education.costhelper.com/barber-school.html (last visited Jan. 9, 2020).
[16] R. 61-35.006, F.A.C.
[17] Email from Colton Madill, Deputy Legislative Affairs Director, Florida Department of Business and Professional Regulation, RE: DBPR Fee Schedule (Jan. 3, 2020).
[18] S. 455.2228, F.S.
[19] S. 476.144, F.S.
[20] Florida Department of Business and Professional Regulation, *2018-2019 Annual Report*, pp.19, 90.

Cosmetologists, hair wrappers, hair braiders, nail specialists, facial specialists, full specialists, body wrappers, and related salons in the state are regulated in accordance with ch. 477, F.S. and by the Board of Cosmetology.

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 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."[21]

To be eligible for licensure, a cosmetologist must:
- be at least 16 years old,
- complete 1,200 hours of training, which typically costs between $5,000 and $20,000,[22]
- pass an examination, and
- pay an initial license fee of $63.50.[23]

In order to renew a cosmetology license or specialty registration, a licensee must complete 16 hours of continuing education biennially.[24]

Cosmetologists and specialists licensed in other states are eligible for a license by endorsement in Florida if they have been licensed for more than 1 year or have completed the required hours of education for the equivalent Florida license, and completed a 2 hour HIV/AIDS course.[25]

For 2018-2019 Fiscal Year, there were 253,065 cosmetologists and specialists in the state. DBPR received 2,091 complaints, and took 1,323 disciplinary actions.[26]

Specialty Registrations

A 'specialist' is defined as any person holding a specialty registration in one or more of the following cosmetology specialties:[27]
- 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.

A nail specialist may complete manicures and pedicures. A facial specialist may complete facials. A full specialist may complete manicures, pedicures, and facials.[28]

To qualify for a specialist registration, the applicant must:[29]
- be at least 16 years old;
- register with DBPR and pay the $75 registration fee; and
- obtain a certificate of completion from an approved specialty education program, consisting of:
    - 240 hours of training for a nail specialty,

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[21] S. 477.013, F.S.
[22] BeautySchools.com, *The Cost of Beauty School*, https://www.beautyschools.com/the-cost-of-beauty-school/ (last visited Dec. 19, 2019).
[23] DBPR, *supra* note 13.
[24] S. 477.019(7)(a), F.S.
[25] S. 477.019(1)(c), F.S.
[26] DBPR, *supra* note 16.
[27] S. 477.013, F.S.
[28] R. 61G5-29.001, F.A.C.
[29] S. 477.0201, F.S.

- 260 hours of training for a facial specialty, and
- 500 hours of training for a full specialty.[30]

Currently, a person who applies polish or paint to fingernails and toenails or makeup for compensation needs a cosmetology or specialty license.[31]

There are 40,355 nail specialists, 29,556 facial specialists, and 33,257 full specialists. In fiscal year 2018-2019, for nail specialists, DBPR received 142 complaints and took 81 disciplinary actions; for facial specialists, DBPR received 74 complaints and took 9 disciplinary actions; and for full specialists, DBPR received 78 complaints and took 75 disciplinary actions.[32]

Hair Braiding, Hair Wrapping, and Body Wrapping Registrations

'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."[33]

'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."[34]

'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."[35]

A person who wishes to practice as a hair braider, hair wrapper, or body wrapper must:[36]

- be at least 16 years old;
- register with DBPR and pay the $25 registration fee; and
- for hair braiders, take a two-day board-approved 16-hour course that consists of:
  - 5 hours on HIV/AIDS and other communicable diseases,
  - 5 hours on sanitation and sterilization,
  - 4 hours on disorders and diseases of the scalp, and
  - 2 hours on studies regarding laws affecting hair braiding;
- for hair wrappers, take a one-day board-approved 6-hour course that consists 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;
- for body wrappers, take a two-day board-approved 12-hour course that consists 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.[37]

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[30] Ch. 61G5-22, F.A.C.
[31] Texas currently allows makeup application for compensation without a license. Tex. Occ. Code Ann § 1602.003(b)(3) (West 2015).
[32] DBPR, *supra* note 13.
[33] S. 477.013(9), F.S.
[34] S. 477.013(10), F.S.
[35] S. 477.013(11), F.S.
[36] Described in ss. 477.013 and 477.0132, F.S.
[37] Courses for hair braiding, hair wrapping, and body wrapping generally cost between $75 and $250. Examples include:1STOPCEU.com, *Home*, https://www.1stopceu.com/ (last visited Dec. 19, 2019); and JT's Beauty Shop, Inc., *Florida State Certified Courses (Theory)*, http://www.jtbeautysalon.com/courses.html (last visited Dec. 19, 2019).

Continuing education is not required of hair braiders, hair wrappers, and body wrappers.[38] Hair braiding, hair wrapping, and body wrapping are not required to be performed in a licensed salon.[39]

There are 4,882 hair braiders, 1,183 hair wrappers, and 6,883 body wrappers. In fiscal year 2018-2019, for hair braiders, DBPR received 37 complaints and took 13 disciplinary actions; for hair wrappers, DBPR received 3 complaints and took 2 disciplinary actions; and for body wrappers, DBPR received 4 complaints and took no disciplinary actions.[40] These actions generally do not involve consumer injury, but are technical scope of practice violations (e.g., practicing with an expired license or failing to timely renew the license).[41]

Cosmetology Salons

In Florida, cosmetology and specialty salons must be licensed.[42] Such salons are inspected periodically by DBPR, in accordance with sanitary standards set forth by the Board of Cosmetology.[43]

Generally, all cosmetology services must be performed in a licensed cosmetology or specialty salon and be performed by a properly licensed professional.[44] However, there are limited exceptions that allow certain services to be performed outside of a salon. Exceptions to this requirement include when services are performed for:[45]

- a special event[46] by a properly licensed person who is employed by a licensed salon.
    - Arrangements for the performance of such cosmetology services must be made through a licensed salon.
- a client for reasons of ill health is unable to go to a licensed salon.
    - Arrangements for the performance of such cosmetology services must be made through a licensed salon.
- the motion picture, fashion photography, theatrical, or television industry; a photography studio salon; a manufacturer trade show demonstration; or an educational seminar.

Effect of the Bill

The bill reduces the amount of training hours required for specialty registrations to:

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

The bill requires that such training hours focus on sanitation and safety.

The bill removes all licensure and regulatory requirements[47] for:

- hair braiders,
- hair wrappers,
- body wrappers,
- nail polishers or painters, and
- makeup applicators.

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[38] S. 477.019(7)(b), F.S.
[39] S. 477.0132(2), F.S.
[40] Email from Colton Madill, Deputy Legislative Affairs Director, Florida Department of Business and Professional Regulation, RE: License Numbers (Mar. 16, 2019).
[41] Florida Department of Business and Professional Regulation, Agency Analysis of 2017 Senate Bill 802, 4 (March 2, 2017).
[42] S. 477.025(1), F.S.
[43] S. 477.025(9), F.S.; Ch. 61G5-20, F.A.C.
[44] S. 477.0263(1), F.S.
[45] S. 477.0263(2)-(4), F.S.
[46] Defined by board rule as a wedding or fashion shows. R. 61G5-20.0015(1), F.A.C.
[47] The bill also makes conforming changes to cross-references.

The bill expands the scope of hair braiding to include weaving or interweaving commercial hair without the use of adhesives or bonders and the ability to use extensions or wefts, which will also be allowed to be performed without a license.

The bill reduces the amount of biennial continuing education required of cosmetologists and specialists for license renewal from 16 hours to 10 hours.

The bill also removes the requirement that a licensed cosmetologist must work through a salon for special events, thus allowing cosmetology services to be performed in connection with a special event by a licensed professional who is not employed by a licensed salon. It also removes the requirement that an appointment for a special event must be made through a licensed salon.

The bill allows hair shampooing, hair cutting, hair arranging, nail polish removal, nail filing, nail buffing, and nail cleansing to be performed outside of a salon by a properly licensed professional who is not employed by a licensed salon, regardless of whether the service is in connection with a special event.

The bill allows full license reciprocity in Florida for applicants who hold a cosmetology or specialty license in another state.

Auctioneers and Auctioneer Apprentices

Background

Auction businesses, auctioneers, and apprentice auctioneers are licensed and regulated in accordance with part VI of ch. 468, F.S., and by the Florida Board of Auctioneers within DBPR.

A license is required before any person can auction or offer to auction any property in this state, and the auctioneer practice act applies to all auctions in the state, with certain exceptions. [48]

In order to qualify for licensure as an auctioneer, an applicant must:
- be 18 years or older;
- not have committed any act or offense in the state or any other jurisdiction which would constitute a basis for disciplinary action in Florida;
- have held an apprentice license and have served as an apprentice for 1 year or more, or have completed a course of study, consisting of not less than 80 classroom hours of instruction, that meets standards adopted by the board; and
- pass the required examination.

At the time of application, applicants for an auctioneer license must pay an initial licensing fee of $205. The biennial renewal fee is $155.[49]

An auctioneer may be disciplined or have a civil action brought against them by DBPR for one of the following violations:[50]
- violating any trade or commerce law;
- misrepresenting property for sale at auction;
- failing to return money or property within 30 days of control of such money or property;
- false, deceptive, misleading, or untruthful advertising;
- bad faith or dishonesty in a sales transaction;
- using false bidders, cappers, or shills;
- comingling auction monies with personal money;
- refusing or neglecting to pay public moneys into the State Treasury when prescribed by law; and

[48] S. 468.385(2), 383, F.S.
[49] DBPR, *supra* note 13.
[50] S. 468.389, F.S.

- other violations of the practice act.

An auctioneer commits a third degree felony for certain violations of the practice act, including:[51]
- failing to return money or property within 30 days of control of such money or property;
- bad faith or dishonesty in a sales transaction;
- using false bidders, cappers, or shills;
- comingling auction monies with personal money; and
- refusing or neglecting to pay the public moneys into the State Treasury when prescribed by law.

There is no continuing education requirement for auctioneers or auctioneer apprentices.

An 'auction business' is a "sole proprietorship, partnership, or corporation which in the regular course of business arranges, manages, sponsors, advertises, promotes, or carries out auctions, employs auctioneers to conduct auctions in its facilities, or uses or allows the use of its facilities for auctions."[52]

Currently, there are 2,611 licensed auctioneers and 41 auctioneer apprentices. In fiscal year 2018-2019, DBPR received 90 complaints against auctioneers, and issued 24 disciplinary orders. There was only 1 disciplinary action against an auctioneer apprentice.[53]

Effect of the Bill

The bill repeals all provisions which require auctioneers, auctioneer apprentices, and auctioneer businesses to be licensed and regulated by DBPR.

The bill maintains current law related to civil and criminal causes of action against auctioneers for failing to comply with statutory requirements.

Talent Agencies

Background

Talent agencies are regulated by part VII of ch. 468, F.S. A talent agency is defined as "[a]ny person who, for compensation, engages in the occupation or business of procuring or attempting to procure engagements for an artist."[54] Individuals are prohibited from owning, operating, soliciting business, or otherwise engaging in or carrying on the occupation of a talent agency in this state unless the person first obtains licensure for the talent agency.[55]

To qualify for a talent agency license, each owner and operator must be of good moral character and identify financial interests in any other business of like nature.[56] For a determination of good moral character, each application must include a full set of fingerprints of each owner and operator, and if the talent agency is a corporation, each principal officer, so that DBPR may conduct a full fingerprint and police records search.[57]

At the time of application, applicants for a talent agency license must pay an initial licensing fee of $705. The biennial renewal fee is $405.[58]

[51] S. 468.391, F.S.
[52] S. 468.382(1), F.S.
[53] DBPR, *supra* note 13.
[54] S. 468.401, F.S.
[55] S. 468.403(1), F.S.
[56] S. 468.405, F.S.
[57] S. 467.403(3), F.S.
[58] DBPR, *supra* note 13.

Licensed talent agencies are required to: [59]

- File an itemized schedule of maximum fees, charges, and commissions;
- Pay to the artist all money collected from an employer for the benefit of an artist within five business days after receipt of the money;
- Display a copy of the license conspicuously in the place of business;
- File a bond with DBPR in the form of a surety for the penal sum of $5,000, which may be drawn upon if a person is aggrieved by the misconduct of the talent agency;
- Maintain records including the application, registration, or contract of each artist;
- Provide a copy of the contract to the artist within 24 hours of the contract's execution; and
- Comply with talent agency regulations and prohibitions.

Licensed talent agencies are prohibited from:[60]

- Charging the artist a registration fee;
- Requiring the artist to subscribe to, purchase, or attend any publication, postcard service, advertisement, resume service, photography service, school, acting school, workshop, or acting workshop; and
- Sexual misconduct.

Section 468.413, F.S., provides criminal penalties for:

- Operating a talent agency without a license;
- Obtaining a license through misrepresentation;
- Assigning a license to another individual;
- Relocating a talent agency without notifying the DBPR;
- Failing to provide information on an application regarding related businesses;
- Failing to maintain records;
- Requiring an artist to subscribe to, purchase, or attend any publication, postcard service, advertisement, resume service, photography service, school, acting school, workshop, or acting workshop;
- Failing to provide a copy of the contract to an artist;
- Failing to maintain a record sheet; and
- Knowingly sending an artist to an employer the licensee knows to be in violation of the laws of Florida or of the United States.

For 2018-2019 Fiscal Year, there were 418 talent agents in the state. DBPR received 58 complaints against talent agents, and did not take any disciplinary actions against talent agents. [61]

Effect of the Bill

The bill repeals all provisions which require talent agents to be licensed and regulated by DBPR. However, talent agent will still be required to maintain a bond.

The bill still requires talent agents to comply with the following requirements:

- Fee posting;
- Schedule posting;
- Maintenance of specific records;
- Obtaining a bond; and
- Contract provisions and availability.

[59] Ss. 468.406, 410, F.S.
[60] S. 468.410, F.S.
[61] DBPR, *supra* note 16.

The bill requires bonding agencies to refuse to issue talent agency bonds to a talent agency if any of its owners or operators have been convicted of sexual offender or sexual predator crimes. The bill also requires that a criminal history check be performed prior to issuing or renewing the bond.

The bill maintains civil and criminal causes of action against talent agents for failure to comply with statutory requirements.

Interior Designers

Background

Interior designers and related business organizations are regulated by part I of ch. 481, F.S., and by the Board of Architecture and Interior Design.

Generally, 'interior design' means "designs, consultations, studies, drawings, specifications, and administration of design construction contracts relating to nonstructural interior elements[62] of a [commercial] building or structure."[63] Interior designers have the ability to sign, date, and seal drawings ("sign and seal"), plans, specifications, and reports filed for public record and for filings with local building departments to obtain a building permit related to interior design.[64]

'Interior decorating,' which is differentiated from 'interior design' under Florida law and does not require a license, is limited to the selection or assistance in selection of surface materials, window treatments, wallcoverings, paint, floor coverings, surface-mounted lighting, surface-mounted fixtures, and loose furnishings not subject to regulation under applicable building codes.

Licensure

To practice interior design, an applicant must:

- Complete the licensure application and pay a $30 fee,[65]
- Have a combination of 6 years of relevant education and experience (which must include at least 2 years of education), and
- Pass the licensure examination.

The required examination in Florida is a 3-part national examination administered by the National Council for Interior Design Qualification (NCIDQ), at a cost of $1,325, including the application fee.[66] Requirements to sit for the NCIDQ, including education and experience requirements, mirror Florida's licensure prerequisites.[67]

Interior designers must complete 20 hours of continuing education each biennium to renew their license.[68]

The biennial renewal fee for an interior designer is $100.[69]

Business entities or persons operating under fictitious names offering interior design services must also obtain a certificate of authorization. At least one principal officer or partner and all personnel who act on the

[62] "Nonstructural element" means an element which does not require structural bracing and which is something other than a load-bearing wall, load-bearing column, or other load-bearing element of a building or structure which is essential to the structural integrity of the building. S. 481.203(10), F.S.
[63] S. 481.203(8), F.S.
[64] S. 481.221, F.S.
[65] R. 61G1-17.002, F.A.C.
[66] Council for Interior Design Qualification, *Fees and Forms*, https://www.cidq.org/fees (last visited Dec. 19, 2019).
[67] Council for Interior Design Qualification, *Eligibility Requirements*, https://www.cidq.org/paths (last visited Dec. 19, 2019).
[68] R. 61G1-21.001, F.A.C.
[69] DBPR, *supra* note 13.

business entity's behalf in the state must be registered interior designers. The initial license fee for a certificate of authorization is $75 and the biennial renewal fee is $100.[70]

Exemptions

Florida law exempts the practice of *residential* interior design from licensure requirements.[71] However, s. 481.223(1)(c), F.S., prohibits any unlicensed actor from ever using the title 'interior designer' or words to that effect. In 2010, this provision was found to be an unconstitutional restriction on free speech based on the exemption for residential interior design.[72] Other constitutional challenges of licensure requirements based on claims of limitations on 1st amendment free speech,[73] interstate commerce,[74] and violations of due process and equal protection, have not been successful.[75]

Other unlicensed individuals are also exempted from licensure requirements, including interior decorators, employees of retail establishments providing interior decorator services[76] on the premises of the retail establishment or in the furtherance of a retail sale or prospective retail sale, and a manufacturer of commercial food service equipment who prepares designs, specifications, or layouts for the sale or installation of such equipment.[77]

Other States

Florida is one of 6 U.S. states or territories requiring interior designers to be licensed. Approximately 20 other states offer title acts, allowing only candidates meeting statutory requirements to hold themselves out as 'registered interior designers.'[78]

For 2018-2019 Fiscal Year, there were 2,831 licensed interior designers and 978 interior design business licenses. DBPR received 3 complaints against interior designers, and took 5 disciplinary actions. There was 1 disciplinary action against an interior design business. [79]

Effect of the Bill

The bill repeals all licensure and regulatory requirements for interior designers and interior design businesses.[80]

The bill allows interior designers who have passed the NCIDQ examination or the California Council for Interior Design Certification, or have previously held a license to practice interior design from DBPR, to submit plans for interior design to a local permitting agency if such agency requires such plans.

The bill changes the name of the Board of Architecture and Interior Design to the Board of Architecture, and removes the interior design members from the board to reflect the deregulation of interior design.

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[70] R. 61G1-17.002, F.A.C.
[71] S. 481.229(6)(a), F.S.
[72] *Locke v. Shore*, 682 F.Supp.2d 1283, 1295 (N.D.Fla., 2010).
[73] *Locke v. Shore*, 634 F.3d 1185, 1191 (11th Cir. 2011)("Because the license requirement governs 'occupational conduct, and not a substantial amount of protected speech,' it does not implicate constitutionally protected activity under the First Amendment.").
[74] *Id.* at 1193 ("Out-of-state unlicensed interior designers may practice in commercial settings in Florida 'under the instruction, control or supervision' of a licensed architect or while 'acting as a contractor in the execution of work designed by an architect.").
[75] *Id.* at 1196 ("Thus, the fact that, after Florida passed its license requirement, other states have considered and rejected the notion that the unlicensed practice of interior design poses safety concerns, is of no consequence.").
[76] S. 481.203(15), F.S. Services limited to the selection or assistance in selection of surface materials, window treatments, wallcoverings, paint, floor coverings, surface-mounted lighting, surface-mounted fixtures, and loose furnishings are not subject to regulation under applicable building codes.
[77] S. 481.229(6), F.S.
[78] International Interior Design Association, *Interior Design Laws*, http://advocacy.iida.org/#interiordesignlaws (last visited Dec. 19, 2019).
[79] DBPR, *supra* note 16.
[80] The bill also makes conforming changes to cross-references.

Architecture

Background

Architects and related business organizations in the state are regulated by ch. 481, pt. I, F.S., and by the Board of Architecture and Interior Design.

"Architecture services" means the rendering or offering to render services in connection with the design and construction of a structure or group of structures which have as their principal purpose human habitation or use, and the utilization of space within and surrounding such structures. These services include planning, providing preliminary study designs, drawings and specifications, job-site inspection, and administration of construction contracts.[81]

To practice architecture, an applicant must:[82]

- Complete the licensure application and pay a $35 fee,[83]
- Complete a bachelor's or master's degree from an accredited architecture program,
- Complete the national architectural experience program, which takes approximately 2 years, and
- Pass the national licensure examination given by the National Council of Architectural Registration Boards.

An architecture business corporation, limited liability company, or partnership offering architecture services to the public must obtain a certificate of authorization.[84] 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 $35. The biennial renewal fee is $100.[85] There is no requirement on the business entity other than to obtain licensure and there are no inspection requirements.

Architects must complete 24 hours of continuing education every 2 years. Of those hours, 2 must be devoted to specialized or advanced courses on the Florida Building Code.[86]

For 2018-2019 Fiscal Year, there were 11,357 architects and 3,026 architecture businesses in the state. DBPR received 42 complaints against architects, and took 36 disciplinary actions.[87] DBPR received 15 complaints against architecture businesses, and took 3 disciplinary actions.

Effect of the Bill

The bill removes the requirement that architects obtain a separate business license (certificate of authorization), but continues to allow architecture firms to operate in the state. The bill provides that a licensed architect may qualify their architect business, and agree to serve as a qualifying architect for such business. The qualifying agent must ensure responsible supervisory control of all projects of the business organization.

If an architect leaves or otherwise changes their relationship with the business, he or she must inform the Board of Architecture of such within 30 days. If the departing architect was the only qualifier, the architecture business will need a replacement qualifying architect within 60 days to continue to operate.

The bill removes the requirement that a portion of continuing education courses must be devoted to the Florida Building Code.

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[81] S. 481.206(6), F.S.
[82] Ss. 481.209, 481.211, and 481.213, F.S.
[83] R. 61G1-17.002, F.A.C.
[84] S. 481.219(2)-(3), F.S.
[85] Rr. 61G1-17.001, 17.002, F.A.C.
[86] S. 481.215(5), F.S.; R. 61G1-24.001, F.A.C.
[87] DBPR, *supra* note 13.

Professional Engineers

Background

The practice of engineering is regulated by ch. 471, F.S., and by the Florida Board of Professional Engineers (FBPE). Unlike most DBPR professions, the administrative, investigative, and prosecutorial services for FBPE are not provided by DBPR. DBPR contracts with Florida Engineers Management Corporation (FEMC), a non-profit corporation, to provide such services.[88]

In order to be licensed as a professional engineer, a person must successfully pass two examinations:[89]

- the fundamentals examination, and
- then, the principles and practices examination.

Prior to being permitted to sit for the fundamentals examination, an applicant is required to have graduated from an approved engineering curriculum of 4 years or more in a FBPE approved school, college, or university, and have a record of 4 years of active engineering experience. [90]

A person who is licensed in another state is eligible for a professional engineering license by endorsement in Florida if they:[91]

- have graduated from an FBPE-approved engineering program, have passed a licensing examination that is substantially equivalent to the fundamentals examination **and** principles and practice examination, and have satisfied the experience requirements; or
- hold a valid license to practice engineering issued by another state or territory of the United States, if the criteria for issuance of the license were substantially the same as the licensure criteria that existed in this state at the time the license was issued.

FBPE deems that an applicant who seeks licensure by endorsement has passed an examination substantially equivalent to the fundamentals examination when such applicant has held a valid professional engineer's license in another state for 15 years and has had 20 years of continuous professional-level engineering experience.[92]

FBPE also deems that an applicant who seeks licensure by endorsement has passed an examination substantially equivalent to the fundamentals examination **and** the principles and practices examination when such applicant has held a valid professional engineer's license in another state for 25 years and has had 30 years of continuous professional-level engineering experience.[93]

For 2018-2019 Fiscal Year, there were 36,526 professional engineers. FBPE received 195 complaints against professional engineers, and took 92 disciplinary actions. The initial licensing fee is $230, and the biennial renewal fee is $98.75.[94]

Effect the Bill

The bill reduces the number of years that a professional engineer must be licensed in another jurisdiction in order to be deemed to have passed the licensure examinations for a license by endorsement. If such applicant has been licensed in another jurisdiction for:

- 10 years, they are deemed to have passed the fundamentals examination;

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[88] S. 471.038(3), F.S.
[89] S. 471.013, F.S.
[90] *Id.*
[91] S. 471.015(3), F.S.
[92] S. 471.015(5), F.S.
[93] *Id.*
[94] Florida Engineers Management Corporation, 2019 Annual Report, 2, https://fbpe.org/wp-content/uploads/2019/09/2018-19-FEMC-Annual-Report.pdf (last visited Jan. 9, 2020); DBPR, *supra* note 13.

- 15 years, they are deemed to have passed both the fundamental examination and the principles and practices examination.

Landscape Architecture

Background

Landscape architects and related business organizations are regulated by ch. 481, pt. II, F.S., and by the Board of Landscape Architecture (BLA).

"Landscape architecture services" means consultation for and preparation of planting plans drawn for compensation, including specifications and installation details for plant materials, soil amendments, mulches, edging, gravel, and other similar materials.[95]

In order to be licensed as a landscape architect, a person must:
- complete:
  - a landscape architecture degree program approved by the Landscape Architectural Accreditation Board (LAAB), or
  - 6 years of practical experience, with some credit available for education credits;[96]
- pass the nationally recognized Landscape Architecture Registration Examination (LARE);[97] and
- have 1 year of practical experience, not including any experience used to qualify to take the examination.[98]

For 2018-2019 Fiscal Year, there were 1,627 landscape architects. DBPR received 39 complaints against landscape architects, and did not take any disciplinary actions. The initial licensing fee is $230, and the biennial renewal fee is $230.[99]

A person who is licensed in another state is eligible for a landscape architecture license by endorsement in Florida if they:[100]
- have graduated from an approved program or have 6 years of related experience, have an additional year of practical experience, and have passed a licensing examination which is substantially equivalent to the LARE; or
- hold a valid license to practice landscape architecture issued by another state or territory of the United States, if the criteria for issuance of such license were substantially identical to the licensure criteria which existed in this state at the time the license was issued.

If an applicant for a license by endorsement has been licensed for at least 5 years in another jurisdiction without disciplinary history, such applicant does not have to complete the additional year of practical experience.[101]

A landscape architecture corporation or partnership may offer landscape architecture services if:
- one or more of the principles of the corporation, or partners in the partnership, is a licensed landscape architect; and
- the corporation or partnership has been issued a certificate of authorization by the board.[102]

[95] S. 481.303(7), F.S.
[96] S. 481.309(1)(b), F.S.
[97] R. 61G10-11.001, F.A.C.
[98] S. 481.310, F.S.
[99] DBPR, *supra* notes 13 and 16.
[100] S. 481.311(3), F.S.
[101] R. 61G10-11.004(2)(e), F.A.C.
[102] S. 481.319(1), F.S.

Applicants for a landscape architecture business certificate of authorization must pay an application fee and initial licensure fee of $455 and a biennial renewal fee of $342.50.[103] Currently, there are 358 landscape architecture businesses.[104]

Continuing Education

Landscape architects must complete 16 hours of continuing education every 2 years. Continuing education courses and providers must be approved by the BLA.[105]

For continuing education provider approval, the BLA requires that the applicant must be professionally associated with the practice or education of landscape architecture, and that the applicant submit certain identifying information about their organization. Certain organizations, such as the American Society of Landscape Architects (ASLA), Florida Department of Transportation, and state colleges and universities in Florida, are deemed approved providers.[106]

BLA currently individually approves each continuing education course. For continuing education course approval, the BLA requires:[107]

- a description of the subject or subjects to be covered;
- an outline of the course which includes the subjects, topics, and subtopics to be presented;
- a current bibliography;
- the names of each proposed instructor and alternate instructor with his or her resume;
- the total hours of instruction which will be given; and
- if the course is to be delivered by distanced learning, the means by which the course will demonstrate student involvement, and addresses comprehension of content at regular intervals.

The Landscape Architecture Continuing Education System (LACES) is a collaboration of several national landscape architecture organizations, including the ASLA and LAAB, which establishes, maintains, and enforces standards for evaluating professional development and continuing education programs for landscape architects. LACES approves and registers landscape architecture courses that cover a broad range of subject matter, including health, safety, and welfare.[108] Florida does not currently allow licensees to obtain credit through this system for courses that have not been independently approved by BLA.[109]

Effect of the Bill

The bill provides that an applicant who holds both a bachelor's degree of landscape architecture and a master's degree of landscape architecture does not have to demonstrate 1 year of practical experience in landscape architecture to qualify for licensure.

The bill provides that a person licensed in another state is also eligible for a license by endorsement in Florida if they have:

- held a valid license to practice landscape architecture in another state or territory of the United States for at least 10 years before the date of application,
- successfully completed an examination that is equivalent to or more stringent than the LARE, and
- made the application either when the applicant's license in another state or territory is active, or within 2 years of when such license was last active.

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[103] R. 61G10-12.002, F.A.C.
[104] DBPR, *supra* note 13.
[105] Ss. 455.2179(1), 481.313(3),(4), F.S.
[106] R. 61G10-18.002, F.A.C.
[107] R. 61G10-18.006, F.A.C.
[108] Landscape Architecture Continuing Education System, *About Us*, https://laces.asla.org/AboutUs.aspx (last visited Dec. 19, 2019).
[109] Landscape Architecture Continuing Education System, *Find Your State Licensure Laws & Boards*, https://www.asla.org/StateGovtAffairsLicensure.aspx (last visited Dec. 19, 2019).

The bill also provides that an applicant who has met the requirements to be qualified for a license by endorsement except for successful completion of an examination that is equivalent to or more stringent than the LARE examination may take the LARE without completing additional education requirements.

The bill removes the requirement that landscape architecture businesses obtain a separate license to operate, while still continuing to allow such businesses to operate in the state. Instead, a licensed landscape architect must apply to qualify the business organization as a qualifying agent in order to engage in the practice of landscape architecture as a business organization.The qualifying agent must provide notice to DBPR within one month of any change in the information contained in the license application.

The bill allows landscape architects to receive hour-for-hour continuing education credit for attending courses that relate to and increase the basic knowledge of landscape architecture as determined by the BLA, offered through LACES, or any other nationally recognized clearinghouse for continuing education, without separate course and provider approval. The landscape architect must submit the syllabus or outline for the course, and proof of attendance of the course, to the BLA to receive credit.

Geology

Background

Geology is regulated by ch. 492, F.S., and by the Board of Professional Geologists. The practice of geology in Florida includes the performance of, or offering to perform, geological services, including, but not limited to, consultation, investigation, evaluation, planning, and geologic mapping.[110]

In order for a person with a license in another state to be eligible for a license by endorsement in Florida, an applicant must:[111]

- be at least 18 years of age;
- not have committed any act or offense which would constitute the basis for disciplining a Florida professional geologist;
- have graduated with a degree in geology, or other degree acceptable to the board with at least 30 semester hours or 45 quarter hours of geological coursework;
- have at least 5 years of professional geological work experience;
- have an active license in good standing in a jurisdiction of the United States;
- have passed an examination which has been approved by the board as substantially equivalent to or more stringent than that of Florida; and
- have successfully passed the laws and rules examination.

However, DBPR may not issue a license to any applicant who is under investigation in any jurisdiction for an offense which would constitute a violation of the practice act.

For 2018-2019 Fiscal Year, there were 2,213 geologists. DBPR received 2 complaints against geologists, and did not take any disciplinary actions. The initial licensing fee is $500, and the biennial renewal fee is $125.[112]

A firm, corporation, or partnership may offer geology services to the public if:

- the entity has on file the name and license number of its affiliated licensed geologists;
- 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 a licensed geologist practicing at the entity;

[110] S. 492.102(7), F.S.
[111] S. 492.108, F.S.
[112] DBPR, *supra* note 13.

- the entity files an application with DBPR.[113]

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

Applicants for a geology business certificate of authorization must pay an application fee of $350 and a biennial renewal fee of $350.[114]

Effect of the Bill

The bill allows a person licensed in another state to also qualify for a license by endorsement in Florida if they have:

- held a valid license to practice geology in another state, trust, territory, or possession of the United States for at least 10 years before the date of application,
- successfully completed a state, regional, national, or other examination that is equivalent to or more stringent than the Florida examination, and
- made the application either when the applicant's license in another state or territory is active, or within 2 years of when such license was last active.

If such applicant has met the requirements for a license by endorsement except successful completion of an examination that is equivalent to or more stringent than the examination required by the board, such applicant may take the examination required by the board.

The bill removes the requirement that geology businesses obtain a separate license to operate, while continuing to allow such organizations to continue to operate in the state. 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. A qualifying agent is required to update DBPR of any changes in the relationship between himself or herself and the business organization within 30 days.

Asbestos Abatement Business Organization

Background

Asbestos consultants and contractors are regulated by ch. 469, F.S. Asbestos abatement means the removal, encapsulation, enclosure, or disposal of asbestos.[115]

An asbestos consultant may:

- conduct an asbestos survey,
- develop an operation and maintenance plan,
- monitor and evaluate asbestos abatement, and
- prepare asbestos abetment specifications.[116]

An asbestos contractor may perform the work of an asbestos consultant and also conduct asbestos abatement work.[117]

For 2018-2019 Fiscal Year, there were 453 asbestos professionals in the state. DBPR received 6 complaints against asbestos professionals, and did not take any disciplinary actions. The initial licensing fee is $250, and the biennial renewal fee is $155.[118]

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[113] S. 481.319(1), F.S.
[114] R. 61G10-12.002, F.A.C.
[115] S. 469.001(1), F.S.
[116] S. 469.003, F.S.
[117] S. 469.003(3), F.S.
[118] DBPR, *supra* note 13.

If an asbestos consultant or contractor practices through 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. [119]

Applicants for an asbestos abatement business license pay an application fee of $300, an initial licensure fee of $250. The biennial renewal fee is $255.[120] For 2018-2019 Fiscal Year, DBPR received no complaints against asbestos abatement businesses, and did not take any disciplinary actions.[121]

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 licensed asbestos abatement professional, and must prove they are qualified to supervise and are 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.

Veterinary Medicine

Background

Veterinary medical practice is regulated by ch. 474, F.S., and by the Board of Veterinary Medicine.[122]

A veterinarian is a health practitioner licensed by the board to engage in the practice of veterinary medicine in Florida,[123] which is the diagnosis of medical conditions of animals, and the prescribing or administering of medicine and treatment to animals for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease, or holding oneself out as performing any of these functions.[124]

To become a licensed veterinarian, an applicant must have:

- graduated from a college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education (AVMAE); **or** from a college of veterinary medicine listed in the American Veterinary Medical Association Roster of Veterinary Colleges of the World (AVMARVC) and obtained a certificate from the Education Commission for Foreign Veterinary Graduates;
- successfully completed the North American Veterinary Licensing Examination (NAVLE), or an examination determined by the board to be equivalent; and
- successfully completed an examination of the laws and rules governing the practice of veterinary medicine in Florida.[125]

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[119] S. 469.006, F.S.
[120] R. 61E1-3.001, F.A.C.
[121] DBPR, *supra* note 13.
[122] *See* ss. 474.204 through 474.2125, F.S., concerning the powers and duties of the board.
[123] *See* s. 474.202(11), F.S.
[124] *See* s. 474.202(9), F.S. Also included is the determination of the health, fitness, or soundness of an animal, and the performance of any manual procedure for the diagnosis or treatment of pregnancy or fertility or infertility of animals.
[125] R. 61G18-11.002, F.A.C.

For 2018-2019 Fiscal Year, there were 11,522 veterinarians. DBPR received 447 complaints against veterinarians, and took 79 disciplinary actions. The initial licensing fee is $100, and the biennial renewal fee is $265.[126]

The Program for the Assessment of Veterinary Education Equivalence (PAVE) is a common alternative pathway for graduates of international, non-accredited programs to practice in the United States. PAVE evaluates such programs on behalf of participating American Association of Veterinary State Boards.[127]

A person who is licensed in another state or country is eligible for a license by endorsement in Florida if they:[128]

- successfully complete an examination of the laws and rules governing the practice of veterinary medicine in Florida; and
- either:
    - hold a valid license to practice veterinary medicine in another jurisdiction of the United States for the 3 years immediately preceding the application for licensure, provided that the requirements for licensure are equivalent to or more stringent than a Florida license; or
    - have graduated from an AVMAE or AVMARVC program and have successfully completed an examination which is equivalent to or more stringent than the NAVLE.

DBPR may not issue a license by endorsement to any applicant who is under investigation in any state, territory, or the District of Columbia for an act which would constitute a violation of the practice act until the investigation is complete and disciplinary proceedings have been terminated.[129]

A "limited-service veterinary medical practice" means offering or providing limited types of veterinary services for a limited time at any location that has a primary purpose other than providing veterinary medical service at a permanent or mobile establishment. Such practice must provide veterinary medical services for privately owned animals that do not reside at that location.[130] Such practice must obtain a permit and must register each location where a limited service clinic is held. A licensed veterinarian must supervise the limited practice.[131]

The board establishes minimum standards for the operation of limited service veterinary medical practices.[132] The board has authorized by rule such practices to perform microchipping,[133] vaccinations, immunizations, and parasitic control.[134]

Employees, agents, or contractors of animal shelters, humane organizations, or animal control agencies operated by a humane organization or by a county, municipality, or other incorporated political subdivision, may not perform microchipping procedures on cats and dogs unless they are a veterinarian or a veterinarian is supervising the procedure.[135]

Effect of the Bill

The bill allows graduates of a veterinary medicine program recognized by the PAVE to be eligible for licensure as a veterinarian.

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[126] DBPR, *supra* notes 13 and 16.
[127] American Association of Veterinary State Boards, *International Pathways*, https://www.aavsb.org/pave/ (last visited Mar. 14, 2019).
[128] S. 474.217(1), F.S.
[129] S. 474.217(2), F.S.
[130] S. 474.202(6), F.S.
[131] S. 474.215(7)-(8), F.S.
[132] S. 474.215(7), F.S.
[133] A microchip is a small, electronic chip enclosed in a glass cylinder which is injected under the skin of a pet. When a chip is scanned, it transmits the pet's identification number, which is used in the manufacturer's microchip registry to find the owner. American Veterinary Medical Association, *Microchipping of Animals FAQ*, https://www.avma.org/microchipping-animals-faq (last visited Dec. 19, 2019).
[134] R. 61G18-15.007(1), F.A.C.
[135] Ss. 474.202(5), 823.15, F.S.

The bill codifies the current board rule allowing limited service veterinary practices to perform microchipping, vaccinations, immunizations, and parasitic control. The bill also allows employees, agents, or contractors of animal shelters, humane organizations, or animal control agencies operated by a humane organization or by a county, municipality, or other incorporated political subdivision to perform microchipping services on cats and dogs without veterinarian supervision.

The bill allows applicants for a license by endorsement who have been licensed in a jurisdiction of the United States for 3 years to also be eligible for licensure in Florida as long as they have completed a licensing examination that is equivalent to or more stringent than the NAVLE.

Construction Contractors

Background

Construction contractors are regulated by part I of ch. 489, F.S., and by the Construction Industry Licensing Board (CILB).

In order to become a construction contractor, an applicant must meet the following criteria:[136]

- be of good moral character;
- be at least 18 years of age;
- successfully pass the certification examination; and
- meet eligibility requirements according to a combination of education and experience as approved by the board, which must include at least 1 year of related experience.

For 2018-2019 Fiscal Year, there were 90,536 construction contractors. DBPR received 8,873 complaints against construction contractors, and took 1,323 disciplinary actions. The initial licensing fee is $245, and the biennial renewal fee is $205.[137]

By CILB rule, when an applicant passes an examination and wishes to use those test scores for a license upgrade or a different license type, such passage is only valid for 4 years.[138]

A person who is licensed in another state is eligible for a license by endorsement in Florida if the:[139]

- criteria for issuance of such license were substantially equivalent to Florida's current certification criteria; or
- state or territory has entered into a reciprocal agreement with the board for the recognition of contractor licenses issued in that state, based on criteria for the issuance of such licenses that are substantially equivalent to the criteria for certification in this state.

An unlicensed person may perform work that falls under the scope of contracting if it is casual, minor, or inconsequential in nature, and the aggregate contract price for all labor and materials is less than $1,000, subject to certain requirements. This is generally called the "handyman exception." The "handyman exception" was enacted in 1979 and the amount for the exception has not been increased since.[140]

DBPR's umbrella chapter, ch. 455, F.S., allows DBPR or a board thereunder to deny a license based on applicant's license disciplinary history in any jurisdiction.[141]

Effect of the Bill

[136] S. 489.111(2)(c)1.-3., F.S.
[137] DBPR, *supra* notes 13 and 16.
[138] R. 61G4-16.005, F.A.C.
[139] S. 489.115(3), F.S.
[140] S. 489.103(9), F.S.
[141] S. 455.227(1)(f), F.S.

The bill clarifies that a licensure examination passage does not expire and may be used at any time to qualify for another license type.

The bill allows an applicant for a license by examination who has a 4 year building construction degree, or another degree approved by the CILB, to be deemed to have passed the licensure examination.

The bill allows an applicant to also qualify for a license by endorsement if they have:
- held a valid license to practice the same type of construction contracting in another state or territory for at least 10 years before the date of application,
- complied with workers' compensation requirements, shown proof of financial health of their business organization, and submitted fingerprints, and
- made the application either when the applicant's license in another state or territory is active, or within 2 years of when such license was last active.

The bill expressly states that the CILB may evaluate an applicant's prior licensure disciplinary history when making a decision to grant a license by endorsement.

The bill increases the maximum for the "handyman exception" to $2,500, from less than $1,000.

Electrical Contractors

Background

Electrical and alarm system contractors are regulated by part II of ch. 489, F.S., and by the Electrical Contractor Licensing Board (ECLB).

In order to become an electrical contractor or alarm system contractor, a person must submit an application to DBPR and meet the following criteria:
- be at least 18 years of age,
- be of good moral character,
- successfully pass the certification examination, and
- meet eligibility requirements according to a combination of education and experience as approved by the board.[142]

For 2018-2019 Fiscal Year, there were 14,058 electrical contractors. DBPR received 870 complaints against electrical contractors, and took 248 disciplinary actions. The initial licensing fee is $300, and the biennial renewal fee is $300.[143]

Electrical contractors and burglar alarm contractors must complete 14 hours of continuing education each biennium to renew their license. Such continuing education must include at least 7 hours on technical subjects, 1 hour on workers' compensation, 1 hour on workplace safety, 1 hour on business practices, and for alarm system contractors and electrical contractors engaged in alarm system contracting, 2 hours on false alarm prevention.[144]

A person who is licensed in another state is eligible for a license by endorsement in Florida if the:
- criteria for issuance of such license was substantially equivalent to Florida's current certification criteria; or
- state or territory has entered into a reciprocal agreement with the board for the recognition of contractor licenses issued in that state, based on criteria for the issuance of such licenses that are substantially equivalent to the criteria for certification in this state.

[142] S. 489.511(1)(a) and (b), F.S.
[143] DBPR, *supra* notes 13 and 16.
[144] S. 489.517(4), F.S.

Only examinations from North Carolina, California, and Georgia have been found to be substantially similar to Florida.[145]

A "burglar alarm system agent" means a person:
- Who is employed by a licensed alarm system contractor or licensed electrical contractor; and
- Whose specific duties include any of the following activities of alarm system contracting: altering, installing, maintaining, moving, repairing, replacing, servicing, selling, or monitoring an intrusion or burglar alarm system for compensation.[146]

Before an electrical contractor or alarm system contractor may employ an agent, the agent must complete a minimum of 14 hours of training from an ECLB approved provider, which includes basic alarm system electronics in addition to related training including CCTV and access control training, with at least 2 hours of training in the prevention of false alarms.[147]

Effect of the Bill

The bill allows an applicant to also qualify for a license by endorsement if they have:
- held a valid license to practice electrical or alarm system contracting in another state or territory for at least 10 years before the date of application,
- complied with workers' compensation requirements, shown proof of financial health of their business organization, and has shown proof of good moral character, and
- made either when the applicant's license in another state or territory is active, or within 2 years of when such license was last active.

The bill reduces the amount of continuing education required for electrical and alarm system contractors every 2 years from 14 hours to 7 hours, and reduces the amount of required hours devoted to technical subjects to 1 hour.

The bill allows burglar alarm system agents to have 90 days to complete their required 14 hour training course after employment by an electrical or alarm system contractor.

Building Code Administrators, Inspectors, and Plans Examiners

Building officials, inspectors, and plans examiners are regulated by part XII of ch. 468, F.S., and by the Florida Building Code Administrators and Inspectors Board (BCAIB).[148]

A building code administrator, also known as a building official, supervises building code activities, including plans review, enforcement, and inspection.[149]

A building code inspector inspects construction that requires permits to determine compliance with building codes and state accessibility laws. An inspector's ability to practice is limited to the category or categories in which the inspector has been certified. The inspector categories are:
- Building inspector,
- Coastal construction inspector,
- Commercial electrical inspector,
- Residential electrical inspector,
- Mechanical inspector,
- Plumbing inspector,
- One and two family dwelling inspector, and

[145] Florida Department of Business and Professional Regulation, Reciprocity and Endorsement, 6 (2018).
[146] S. 489.505(25), F.S.
[147] S. 489.518(1)(b), F.S.
[148] S. 468.605, F.S.
[149] S. 468.603(1), F.S.

- Electrical inspector.[150]

A one-and two-family dwelling inspector may inspect and determine that one and two family dwellings and accessory structures are constructed in accordance with the provisions of the building, plumbing, mechanical, accessibility, and electrical codes.[151]

A plans examiner reviews plans submitted for building permits to determine design compliance with construction codes. A plans examiner's ability to practice is limited to the category or categories the plans examiner is certified in. The plans examiner categories are:

- Residential plans examiner,
- Building plans examiner,
- Plumbing plans examiner,
- Mechanical plans examiner, and
- Electrical plans examiner.[152]

In order to become licensed, building code administrators, inspectors, and plans examiners must take a licensing exam in the category in which they seek licensure.

In order to sit for the administrator exam, a person must be at least 18 years of age, be of good moral character, and meet one of the following eligibility requirements:[153]

- have 10 years of combined experience as an architect, engineer, plans examiner, building code inspector, registered or certified contractor, or construction superintendent, with at least 5 years of such experience in supervisory positions; or
- have a combination of no more than 5 years of postsecondary education in the field of construction or related field and at least 5 years of experience as an architect, engineer, plans examiner, building code inspector, registered or certified contractor, or construction superintendent; and completed training on ethics and Florida laws relating to administrators.

In order to sit for the plans examiner or inspector exam, a person must be at least 18 years of age, be of good moral character, and meet one of the following eligibility requirements:[154]

- have 5 years of combined relevant experience;
- have 4 years of combined postsecondary education and relevant experience;
- have 4 years of combined technical education and relevant experience;
- complete an approved cross-training program and have at least 2 years of experience;
- hold a standard certificate issued by the BCAIB or a firesafety inspector license, and
    - have at least 5 years of relevant experience as an inspector or plans examiner;
    - have a minimum of 3 years of experience in inspection or plan review, and completed an inspector or plans examiner training program in the new category sought;
    - have a minimum of 5 years of experience in firesafety inspection, and completed a training program of not less than 200 hours in the new category sought; or
    - complete an approved training program of not less than 300 hours in inspection or plans review; and a minimum of 2 years of experience in inspection; plans review; fire code inspections and fire plans review of new buildings as a firesafety inspector; or construction; or
- complete a 4 year internship certification program.

[150] S. 468.603(4), F.S.
[151] S. 468.603(4)(f), F.S.
[152] S. 468.603(7), F.S.
[153] S. 468.609(3), F.S.
[154] S. 468.609(2), F.S.

For 2018-2019 Fiscal Year, there were 9,650 building code professionals. DBPR received 79 complaints against building code professionals, and took 6 disciplinary actions. The initial licensing fee is $101.25, or $5 for city or county employees, and the biennial renewal fee is $5.[155]

A provisional license may be granted to a person who is qualified to sit for the administrator, inspector, or plans examiner exam, but has not yet taken the exam. A provisional license allows a person to engage in the duties of whichever licensure category the license is granted for the duration of such license. Provisional licenses are valid for 1 year, and may be renewed by the BCAIB **only** for just cause for up to 2 more years. However, an applicant who is completing an internship program for a plans examiner license may apply to the BCAIB for a provisional certificate that is valid for the duration of the internship program.[156]

A person who is licensed in another state is eligible for a building code administrator, inspector, or plans examiner license by endorsement in Florida if they:[157]

- have met experience, educational, or training program requirements;
- completed the Florida principle and practice exam; and
- completed the relevant International Codes Council (ICC) exams for the category sought.

Effect of the Bill

The bill renames a "one and two family dwelling inspector" to "residential inspectors" and expands the scope to include inspecting one-family, two-family, or three-family residences not exceeding two habitable stories above no more than one uninhabitable story, and accessory use structures in connection therewith, for compliance with the building, plumbing, mechanical, accessibility, and electrical codes.

The bill reduces the amount of experience and education required for certain pathways to become a building code inspector or plans examiner. The requirements are reduced to:

- 4 years from 5 years for combined relevant experience,
- 3 years from 4 years for combined post-secondary education and relevant experience, and
- 3 years from 4 years for combined technical education and relevant experience.

The bill provides that a person licensed in another state is also eligible for a license by endorsement in Florida if they:

- are at least 18 years of age;
- are of good moral character;
- hold a valid license to practice as a building code administrator, inspector, or plans examiner in another state or territory of the United States for at least 10 years before the date of application,
- successfully completed an applicable examination administered by the ICC, and
- made the application either when the applicant's license in another state or territory is active, or within 2 years of when such license was last active.

The bill extends the period of time for which a provisional license is initially valid, from 1 year to 2 years.

Home Inspectors

Background

Home inspectors are regulated by part XV of ch. 468, F.S., and by the Home Inspection Services Licensing Program.

In order to obtain licensure as a home inspector, a person must:

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[155] DBPR, *supra* notes 13 and 16.
[156] S. 468.609, F.S.
[157] S. 468.613, F.S.; R. 61G19-6.0035(4), F.A.C.

- have good moral character;
- carry required liability insurance;
- complete a course study of at least 120 hours; and
- pass the required examination.[158]

For 2018-2019 Fiscal Year, there were 7,576 home inspectors. DBPR received 141 complaints against construction contractors, and took 4 disciplinary actions. The initial licensing fee is $230, and the biennial renewal fee is $105.[159]

A person who is licensed in another state is eligible for a license by endorsement in Florida who:[160]
- is of good moral character;
- holds a valid license to practice home inspection services in another state or territory of the United States whose educational requirements are substantially equivalent to Florida; and
- has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the Florida examination.

DBPR may not issue a license by endorsement to any applicant who is under investigation in another state for any act that would constitute a violation of the practice act until the investigation is complete and disciplinary proceedings have been terminated.[161]

Effect of the Bill

The bill allows an applicant to also qualify for a license by endorsement if they have:
- a liability insurance policy as required for other licensees,
- held a valid license to practice home inspection services in another state or territory of the United States for at least 10 years before the date of application, and
- made the application either when the applicant's license in another state or territory is active, or within 2 years of when such license was last active.

Certified Public Accountants

Background

The Board of Accountancy within DBPR is charged with regulating the practice of public accountancy in Florida. To be licensed as a certified public accountant, a person must:[162]
- be of good moral character,
- pass the licensure exam, and
- have at least 150 semester hours of education, with a focus on accounting and business.

For 2018-2019 Fiscal Year, there were 41,320 certified public accountants. DBPR received 456 complaints against certified public accountants, and took 93 disciplinary actions. The initial licensing fee is $50, and the biennial renewal fee is $95.[163]

An applicant is eligible for a license by endorsement who:[164]
- is of good moral character;
- has completed 80 hours of CE, if it has been at least 2 years since passing the licensing examination;[165] and

[158] S. 468.8313, F.S.
[159] DBPR, *supra* notes 13 and 16.
[160] S. 468.8414(3), F.S.
[161] S. 468.8314(3), F.S.
[162] S. 473.308(2)-(5), F.S.
[163] DBPR, *supra* notes 13 and 16.
[164] S. 468.8414(3), (4), F.S.
[165] R. 61H1-29.003, F.A.C.

- either:
  - is not licensed, but has otherwise met the licensing requirements and has passed a licensing examination that is substantially equivalent to the Florida examination; or
  - holds a valid license to practice public accounting issued by another state or territory of the United States, if the criteria for issuance of such license are substantially equivalent to a Florida license or is otherwise permitted.

Effect of the Bill

The bill removes the requirement that applicants for a license by endorsement who passed a licensing exam more than 2 years prior to the date of application must complete 80 hours of continuing education hours before they are eligible for such license.

Florida Building Commission

Background

In 2000, the Legislature authorized implementation of the first statewide Florida Building Code (Code), which replaced all local building codes.[166] In 2004, the state adopted the International Code Council's I-Codes as the base of the Code to create standards used in design, building, and compliance processes to "construct safe, sustainable, affordable, and resilient structures."[167]

The Florida Building Commission (Commission) was created to implement the Code. The Commission, which is housed within DBPR, is a 27-member technical body responsible for the development, maintenance, and interpretation of the Code. The Commission also approves products for statewide acceptance. Members are appointed by the Governor and confirmed by the Senate, and include design professionals, contractors, and government experts in the various disciplines covered by the Code. Members, who must be able to do business in the state and must be actively engaged in the designated profession, include the following:

- One architect;
- One structural engineer;
- One air-conditioning or mechanical contractor;
- One electrical contractor;
- One member from fire protection engineering or technology;
- One general contractor;
- One plumbing contractor;
- One roofing or sheet metal contractor;
- One residential contractor;
- Three members who are municipal or district code enforcement officials, one of whom is also a fire marshall;
- One member who represents the Department of Financial Services;
- One member who is a county code enforcement official;
- One member of a Florida-based organization of persons with disabilities or a nationally chartered organization of persons with disabilities with chapters in the state;
- One member of the manufactured buildings industry;
- One mechanical or electrical engineer;
- One member who is a representative of a municipality or a charter county;
- One member of the building products manufacturing industry;
- One member who is a representative of the commercial building owners and managers industry;

[166] *Id.* & DBPR, *Overview of the Florida Building Code*, https://www.floridahousing.org/.../aboutflorida/.../overview-of-the-florida-building-commission-and-standard.pptx (last visited on Oct. 18, 2017).
[167] International Code Council, *About the ICC*, http://www.iccsafe.org/about-icc/overview/about-international-code-council/ (last visited on Oct. 18, 2017) & International Code Council, *ICC Code Development Process*, https://cdn-web.iccsafe.org/wp-content/uploads/ICC-Code-Development-Process.pdf (last visited on Oct. 18, 2017).

- One member who is a representative of the insurance industry;
- One member who is a representative of public education;
- One member who is a swimming pool contractor;
- One member who is a representative of the green building industry and who is a third-party commission agent, a Florida board member of the United States Green Building Council or Green Building Initiative, a professional who is accredited under the International Green Construction Code (IGCC), or a professional who is accredited under Leadership in Energy and Environmental Design (LEED);
- One member who is a representative of a natural gas distribution system;
- One member who is a representative of the Department of Agriculture and Consumer Services' Office of Energy; and
- One member who is the chair. [168]

The Commission has 11 Technical Advisory Committees (TAC) ranging from the building structural TAC to the swimming pool TAC.[169] TACs are made up of Commission members and other parties who advise the Commission on declaratory statements, proposed amendments, and any other areas of interest of the Commission.[170]

Effect of the Bill

The bill reduces the number of members on the Commission from 27 to 19. The membership under the bill is as follows:

- One licensed architect with at least 5 years of experience in the design and construction of buildings designated for Group E or Group I occupancies by the Florida Building Code;
- One structural engineer;
- One air-conditioning contractor, mechanical contractor, or mechanical engineer;
- One electrical contractor or electrical engineer;
- One certified general contractor or one certified building contractor. The Associated Builders and Contractors of Florida, the Florida Associated General Contractors Council, the Florida Home Builders Association, and the Union Contractors Association are encouraged to recommend a list of candidates for consideration;
- One plumbing contractor;
- One roofing or sheet metal contractor;
- One certified residential contractor;
- Three members who are municipal, county, or district code enforcement officials, one of whom is also a fire marshall;
- One member of a Florida-based organization of persons with disabilities or a nationally chartered organization of persons with disabilities with chapters in the state which complies with or is certified to be compliant with the requirements of the Americans with Disability Act of 1990, as amended.;
- One member of the manufactured buildings industry;
- One member of the building products manufacturing industry;
- One member who is a representative of the commercial building owners and managers industry;
- One member who is a representative of the insurance industry;
- One member who is a swimming pool contractor;
- One member who is a representative of the green building industry and who is a third-party commission agent, a Florida board member of the United States Green Building Council or Green Building Initiative, a professional who is accredited under the International Green Construction Code (IGCC), or a professional who is accredited under Leadership in Energy and Environmental Design (LEED); and

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[168] S. 553.74, F.S.
[169] DBPR, *Florida Building Code Online*, https://www.floridabuilding.org/c/c_commission.aspx (last visited on Oct. 18, 2017).
[170] DBPR, *Florida Building Code Standards*, http://www.myfloridalicense.com/dbpr/bcs/program_committees.html (last visited on Oct. 18, 2017), & Rule 61G20-2.001 F.A.C.

- One member who is a representative of a natural gas distribution system.

The bill removes the following members from the Commission:

- One member from fire protection engineering or technology;
- One member who represents the Department of Financial Services;
- One member who is a county code enforcement official;
- One member who is a representative of a municipality or a charter county;
- One member who is a representative of public education;
- One member who is a representative of the Department of Agriculture and Consumer Services' Office of Energy; and
- One member who is solely the chair.

This section becomes effective January 1, 2021.

Employee Leasing Companies

Background

Employee Leasing Companies are regulated by part XI of ch. 468, F.S., and the Board of Employee Leasing Companies. Generally, 'employee leasing' means an arrangement whereby a leasing company assigns its employees to a client and allocates the direction of and control over the leased employees between the leasing company and the client, with exceptions..[171]

Currently, if an applicant is denied a license, or a licensee had their license revoked, they are ineligible to reapply for a license for a period of 1 year following final agency action. This time restriction does not apply to administrative denials or revocations entered because:[172]

- the applicant or licensee has made an inadvertent error or omission on the application;
- the experience documented to the board was insufficient at the time of the previous application; or
- DBPR is unable to complete the criminal background investigation because of insufficient information from the Florida Department of Law Enforcement, the Federal Bureau of Investigation, or any other applicable law enforcement agency.

Effect of the Bill

The bill removes the 1 year time restriction for reapplication for initial applicants who were denied a license, but retains the time restriction for licensees who had their license revoked.

Pugilistic Timekeepers and Announcers

Background

Chapter 548, F.S., governs the Florida State Boxing Commission (FSBC) under DBPR. The function of the FSBC is to license and regulate pugilistic events, including professional boxing, kickboxing, and mixed martial arts. The FSBC ensures that all matches are conducted in accordance with provisions of state laws and rules. The FSBC 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.[173]

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[171] S. 468.522, F.S.
[172] S. 468.524(4), F.S.
[173] R. 61K1-3.0001(19), F.A.C.

An 'announcer' is an individual who has the authority to make all announcements, including the result of the event, during a pugilistic event.[174]

In order to obtain a license, a timekeeper or announcer applicant must:[175]

- complete an application in a form prescribed by the FSBC,
- be at least 18 years of age, and
- pay an application fee of $50.

Currently, there are 10 licensed timekeepers and 17 licensed announcers. According to DBPR, there were no disciplinary orders against timekeepers or announcers in 2018-2019 Fiscal Year. [176]

Effect of the Bill

The bill removes all licensure and regulatory requirements for boxing announcers and timekeepers.[177]

Yacht and Ship Broker Branch Offices

Background

Yacht and ship brokers, salespersons, and related business organizations are regulated by ch. 326, F.S., and by the Yacht and Ship Broker's Section of DBPR.

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.

The initial branch office license fee and the biennial renewal fee are both $100.[178] There are no requirements of the branch office other than to obtain licensure and there are no inspection requirements.

Currently, there are 73 yacht broker branch offices. According to DBPR, there were no disciplinary orders against branch offices in 2018-2019 Fiscal Year. [179]

Effect of the Bill

The bill removes the requirement for yacht and ship brokers to obtain a separate 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.

Labor Organizations

Background

Labor organizations and related business agents are regulated by part I of ch. 447, F.S., and by the Labor Organizations Program at DBPR.[180]

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

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[174] R. 61K1-3.0001(1), F.A.C.
[175] S. 548.021, F.S.
[176] DBPR, *supra* note 13.
[177] The bill also makes conforming changes to cross-references.
[178] R. 61B-60.002, F.A.C.
[179] DBPR, *supra* note 16.
[180] 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.

any kind relating to employment and recognized as a unit of bargaining by one or more employers doing business in this state."[181] In Florida, all labor organizations are required to register with DBPR and all business agents of labor organizations must obtain a license.

The National Labor Relations Board (NLRB) is an independent federal entity which 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.[182]

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."[183]

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

Currently, there are 319 licensed labor organizations and 465 associated business agents. According to DBPR, there were no disciplinary orders against labor organizations or business agents in 2018-2019 Fiscal Year.[184]

Effect of the Bill

The bill repeals the licensing requirements and provisions related to licensure of labor organizations and business agents.

Student Loan Defaults and Disciplinary Action

Background

Many states allow a licensing agency to discipline a licensee when they default on student loans or scholarship obligations.[185] In Florida, the only agency that has express authority to discipline a licensee for such action is the Florida Department of Health (DOH). DOH brought 722 such disciplinary actions against health practitioners in the 2018-2019 Fiscal Year.[186] Neither DBPR nor a board thereunder has ever disciplined a licensee for defaulting on a student loan.[187]

Proponents of such disciplinary licensing laws argue that:

- The threat of losing a professional license is powerful tool to ensure borrowers stay current on their student loans, and as a result, these laws reduce the number borrowers who default; and

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[181] S. 447.02(1), F.S.
[182] National Labor Relations Board, *What We Do*, https://www.nlrb.gov/about-nlrb/what-we-do (March 16, 2019); United States Department of Labor, Office of Labor Management Standards, *Reports Required Under the LMRDA and the CSRA*, https://www.dol.gov/olms/regs/compliance/rrlo/repreq.htm (March 16, 2019); DBPR, *supra* note 16.
[183] S. 447.02(2), F.S.
[184] DBPR, *supra* notes 13 and 16.
[185] Andrew Wagner, *License Suspension for Student Loan Defaulters*, National Conference of State Legislatures Legisbrief, Oct. 1, 2018, http://www.ncsl.org/research/labor-and-employment/license-suspension-for-student-loan-defaulters.aspx (last visited Mar. 19, 2019).
[186] Email from Gary Landry, Office of Legislative Planning, Department of Health, Student Loan information as promised (Oct. 30, 2019).
[187] Email from Colton Madill, Office of Legislative Affairs, Department of Business and Professional Regulation, RE: HB 115 (Oct. 30, 2019).

- It is in the taxpayers' interest to ensure borrowers are repaying their government-backed student loans because the state or federal government foots the bill if borrowers default.[188]

Opponents of such disciplinary licensing laws argue that states are using their licensing authority as a punitive debt collection tool, and that the purpose of licensing laws is to protect the health and safety of the public, not to operate as defacto debt collectors.[189] Opponents also argue that "if people are unable to work in their chosen field – the one they went to school for and presumably took out loans to fund – how can they be expected to pay their debt?"[190]

Over the past few years, there have been bills filed in Congress that would prevent all states from taking such disciplinary measures, but so far they have been unsuccessful.[191]

Effect of the Bill

The bill specifically prohibits DBPR or any board under DBPR from disciplining a licensee solely for defaulting or becoming delinquent on a federal or state guaranteed student loan or a scholarship obligation.

Dietetics and Nutrition

Background

Dieticians and nutritionists are regulated by ch. 468, Part X, F.S., and by the Council of Dietetics and Nutrition, which is under the delegated authority of the Board of Medicine, at DOH.[192]

The practice of dietetics and nutrition includes:[193]

- assessing nutritional needs and status using appropriate data;
- recommending appropriate dietary regimens, nutrition support, and nutrient intake;
- ordering therapeutic diets;
- improving health status through nutrition, research, counseling, and education; and
- developing, implementing, and managing nutrition care systems, including evaluating, monitoring, and maintaining appropriate standards of high quality food and nutrition services.

Nutrition counseling includes advising and assessing individuals or groups on appropriate nutritional intake by integrating information from a nutrition assessment.[194] A nutrition assessment is an evaluation of nutritional needs using appropriate data to determine nutrient needs or status and making appropriate nutrition recommendations.[195]

An individual must be licensed to practice dietetics and nutrition or provide nutrition counseling for remuneration, or to hold oneself out as a practitioner of dietetics and nutrition practice or nutrition counseling.[196] To qualify for licensure, an applicant must:[197]

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[188] Jessica Silver-Greenberg, Stacey Cowley, & Natalie Kitroeff, *When Unpaid Student Loan Bills Mean You Can No Longer Work*, The New York Times (Nov. 18, 2017) https://www.nytimes.com/2017/11/18/business/student-loans-licenses.html?_r=0 (last visited on Nov. 26, 2019).
[189] *Id.*
[190] Courtney Nagle, *Student Loan Debt Could Affect Your Job in 13 States*, U.S. News, https://www.usnews.com/education/blogs/student-loan-ranger/articles/2019-04-10/these-states-could-revoke-your-professional-license-over-student-loan-debt (last visited Jan. 10, 2020).
[191] Wagner, *supra* note 178.
[192] S. 468.506, F.S.
[193] S. 468.503(5), F.S.
[194] S. 468.503(10), F.S.
[195] S. 468.503(9), F.S.
[196] S. 468.504, F.S.
[197] S. 468.509, F.S. An individual may be licensed without examination if the individual demonstrates that he or she is a registered dietician or nutritionist with the Commission on Dietetic Registration or is a certified as nutrition specialist by the Certification Board of Nutrition Specialist or is a diplomat of the American Clinical Board of Nutrition.

- possess a baccalaureate or post-baccalaureate degree in human nutrition, food and nutrition, dietetics, or food management, or an equivalent course of study, from an accredited school or program;
- complete preprofessional experience of at least 900 hours or has education or experience determined to be equivalent by the Board of Medicine; and
- pass a licensure examination.

However, there are a number of exceptions to these licensure requirements. Licensing is not required for a person:[198]

- Licensed in this state as a certain health practitioner, as long as such person is engaging in the practice of the profession for which he or she is licensed.
- Employed by the federal government, if such person engages in dietetics solely under the direction or control of the organization by which the person is employed.
- Employed as a cooperative extension home economist.
- Pursuing a course of study leading to a degree in dietetics and nutrition from an accredited school, if the activities and services are a part of a supervised course of study and the person's title clearly indicates that he or she is a student or trainee.
- Fulfilling the required preprofessional experience required for licensure.
- Registered or licensed in another state practicing dietetics or nutrition incidental to a course of study when taking or giving a postgraduate course or other course of study in this state, if the person holds an appointment on the faculty of an accredited school.
- Markets or distributing food, food materials, or dietary supplements, or engaging in the explanation of the use and benefits of those products or the preparation of those products, if the person does not engage for a fee in dietetics and nutrition practice or nutrition counseling.
- Marketing or distributing food, food materials, or dietary supplements, or engaging in the explanation of the use or preparation of such products, as an employee of a permitted pharmacy.
- Employed as an educator by a nonprofit organization approved by the council, a governmental entity, an elementary or secondary school, an accredited institution of higher education, if his or her activities are part of such employment.
- Providing weight control services or related weight control products, provided that the program has been reviewed by, consultation is available from, and no program change can be made without approval by a licensed dietitian/nutritionist.
- Employed by a licensed hospital, nursing home, continuing care facility, or assisted living facility, if the person is employed in compliance with governing facility licensure laws and rules regarding the operation of its dietetic department.
- Employed by a nursing facility exempt from licensure.
- Exempt from licensure under ch. 464, F.S.
- Employed as a dietetic technician.
- Disseminating information, conducting a class or seminar, or giving a speech related to nutrition, if such information, class, seminar or speech is provided without a fee.

Individuals who provide dietary or nutrition information for compensation as a part of a profession that is not regulated, such as a fitness trainer or a life coach, are subject to prosecution for the unlicensed practice of a regulated health profession.[199]

[198] S. 468.505, F.S.

[199] An individual prosecuted for the unlicensed practice of a regulated health care profession may be subject to both administrative and criminal sanctions if found guilty.

Applicants for a dietetics and nutrition license must pay an initial examination fee of $200, an application fee of $80, an initial license fee of $80, and an unlicensed activity fee of $5.[200] The biennial renewal fee is $75.[201]

Currently, 7 states do not register or license dietitians: Arizona, California, Colorado, Michigan, New Jersey, Texas, and Virginia.[202] California, Texas, and Virginia provide title protection for dietitians.[203] Title protection limits the use of certain titles, such as "dietitian" or "nutritionist" to individuals meeting certain criteria, such as holding a national certification or having met the requirements for licensure.[204]

In the 2018-2019 Fiscal Year, there were 5,413 licensed dieticians and nutritionists. DOH received 8 complaints against dieticians and nutritionists, but no complaints were found legally sufficient by the board to take disciplinary action.[205]

Effect of the Bill

The bill authorizes an unlicensed individual to provide compensated dietary and nutritional information as long as the individual does not represent or imply that they are a dietician, licensed dietitian, registered dietitian, licensed nutritionist, licensed nutrition counselor, or use any other term or symbol that implies the they are a dietitian, nutritionist, or nutrition counselor.

Except where indicated otherwise, the bill has an effective date of July 1, 2020.

B. SECTION DIRECTORY:

Section 1	Provides "Occupational Freedom and Opportunity Act" as the act title;
Section 2	Amends s. 20.165, F.S., conforming provisions;
Section 3	Amends s. 287.055, F.S., conforming provisions;
Section 4	Amends s. 326.004, F.S., deleting requirement for yacht broker branch office licenses;
Section 5	Amends s. 447.02, F.S., conforming provisions;
Section 6	Repeals s. 447.04, F.S., relating to licensure requirements for business agents;
Section 7	Repeals s. 447.041, F.S., relating to hearings for labor organizations or business agents denied licensure;
Section 8	Repeals s. 447.045, F.S., relating to confidential application information;
Section 9	Repeals s. 447.06, F.S., relating to required registration of labor organizations;
Section 10	Amends s. 447.09, F.S., deleting certain actions relating to right of franchise of a member of a labor organization;
Section 11	Repeals s. 447.12, F.S., relating to fees;
Section 12	Repeals s. 447.16, F.S., relating to applicability;
Section 13	Amends s. 447.305, F.S., deleting provision requiring notification to DBPR;
Section 14	Amends s. 455.213, F.S., requiring DBPR and boards to enter into reciprocity agreements, when available, and to post certain information on their website;
Section 15	Creates s. 455.2278, F.S., to prohibit DBPR from certain disciplinary actions;
Section 16	Amends s. 468.381, F.S., revising legislative findings and intent related to auctioneers;
Section 17	Amends s. 468.382, F.S., revising definitions;
Section 18	Repeals s. 468.384, F.S., relating to Florida Board of Auctioneers;

[200] Florida Department of Health, *Licensing*, http://www.floridahealth.gov/licensing-and-regulation/dietetic-nutrition/licensing/index.html (last visited Dec. 19, 2019).
[201] Florida Department of Health, Division of Medical Quality Assurance, *Annual Report and Long-Range Plan, Fiscal Year 2018-2019*, 46, http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/_documents/annual-report-1819.pdf (last visited on Dec. 19, 2019).
[202] Commission on Dietetic Registration, Academy of Nutrition and Dietetics, *Laws the Regulate Dietitians/Nutritionists*, available at https://www.cdrnet.org/vault/2459/web/files/Licensurelawsregulations.pdf (last visited Dec.19, 2019).
[203] *Id.*
[204] Academy of Nutrition and Dietetics, *Licensure and Professional Regulation of Dietitians*, available at http://www.eatrightpro.org/resource/advocacy/legislation/all-legislation/licensure (last visited Dec.19, 2019).
[205] Florida Department of Health, *supra* note 162 at 14, 29.

Section 19 Repeals s. 468.385, F.S., relating to training requirements;
Section 20 Repeals s. 468.3851, F.S., relating to licensure renewal;
Section 21 Repeals s. 468.3852, F.S., relating to licensure reactivation;
Section 22 Repeals s. 468.3855, F.S., relating to training requirements;
Section 23 Repeals s. 468.386, F.S., relating to fees and local licensing requirements;
Section 24 Repeals s. 468.387, F.S., relating to licensure by endorsement;
Section 25 Amends s. 468.388, F.S., relating to licensure requirements;
Section 26 Amends s. 468.389, F.S., providing grounds for civil remedies;
Section 27 Amends s. 468.391, F.S., conforming provisions;
Section 28 Repeals s. 468.392, F.S., relating to the Auctioneer Recovery Fund;
Section 29 Repeals s. 468.393, F.S., relating to the Auctioneer Recovery Fund;
Section 30 Repeals s. 468.394, F.S., relating to the Auctioneer Recovery Fund;
Section 31 Repeals s. 468.395, F.S., relating to the Auctioneer Recovery Fund;
Section 32 Repeals s. 468.396, F.S., relating to the Auctioneer Recovery Fund;
Section 33 Repeals s. 468.397, F.S., relating to the Auctioneer Recovery Fund;
Section 34 Repeals s. 468.398, F.S., relating to the Auctioneer Recovery Fund;
Section 35 Repeals s. 468.399, F.S., relating to the Auctioneer Recovery Fund;
Section 36 Amends s. 468.401, F.S., removing definitions;
Section 37 Repeals s. 468.402, F.S., relating to duties and authority of DBPR for talent agencies;
Section 38 Repeals s. 468.403, F.S., relating to duties and authority of DBPR for talent agencies;
Section 39 Repeals s. 468.404, F.S., relating to duties and authority of DBPR for talent agencies;
Section 40 Repeals s. 468.405, F.S., relating to duties and authority of DBPR for talent agencies;
Section 41 Amends s. 468.406, F.S., revising requirements for a schedule of fees and charges;
Section 42 Repeals s. 468.407, F.S., relating to license posting requirements;
Section 43 Amends s. 468.408, F.S., conforming provisions;
Section 44 Amends s. 468.409, F.S., removing a records inspection requirement;
Section 45 Amends s. 468.410, F.S., deleting a contract requirement;
Section 46 Amends s. 468.412, F.S., deleting recordkeeping and posting requirements;
Section 47 Amends s. 468.413, F.S., revising criminal penalties for talent agencies;
Section 48 Repeals s. 468.414, F.S., relating to the Professional Regulation Trust Fund;
Section 49 Amends s. 468.415, F.S., revising penalties;
Section 50 Amends s. 468.505, F.S., relating to unlicensed individuals practicing dietetics and nutrition counseling;
Section 51 Amends s. 468.524, F.S., revising time limitations for reapplication as a licensed employee leasing company;
Section 52 Amends s. 468.603, F.S., revising a definition;
Section 53 Amends s. 468.609, F.S., revising education and experience requirements;
Section 54 Amends s. 468.613, F.S., revising requirements for a license by endorsement;

Section 55 Amends s. 468.8314, F.S., revising requirements for a license by endorsement;
Section 56 Amends s. 469.006, F.S., revising requirements for asbestos abatement businesses;
Section 57 Amends s. 469.009, F.S., conforming provisions;
Section 58 Amends s. 471.015, F.S., revising requirements for a license by endorsement;
Section 59 Amends s. 473.308, F.S., revising requirements for a license by endorsement;
Section 60 Amends s. 474.202, F.S., revising the definition for 'limited-service veterinary medical practice';
Section 61 Amends s. 474.203, F.S., allowing microchipping to be performed without a veterinary license or supervision, under certain circumsances.
Section 62 Amends s. 474.207, F.S., adding an approved licensing examination;
Section 63 Amends s. 474.217, F.S., revising requirements for a license by endorsement;
Section 64 Amends s. 476.114, F.S., revising barber training requirements;
Section 65 Amends s. 476.144, F.S., revising restricted barbers training requirements;
Section 66 Amends s. 477.013, F.S., revising and providing definitions;

Section 67 Repeals s. 477.0132, F.S., relating to the registration of hair braiding, hair wrapping, and body wrapping;

Section 68 Amends s. 477.0135, F.S., exempting hair braiders, hair wrappers, body wrappers, nail polishers, and makeup applicators from licensure;

Section 69 Amends s. 477.019, F.S., conforming provisions;

Section 70 Amends s. 477.0201, F.S., providing requirements for specialty licenses;

Section 71 Amends s. 477.026, F.S., conforming provisions;

Section 72 Amends s. 477.0263, F.S., adding exceptions to services that must be performed in a licensed salon;

Section 73 Amends s. 477.0265, F.S., conforming provisions;

Section 74 Amends s. 477.029, F.S., conforming provisions;

Section 75 Amends s. 481.201, F.S., removing legislative findings related to interior design;

Section 76 Amends s. 481.203, F.S., revising definitions for 'certificate of authorization' and 'business organization;'

Section 77 Amends s. 481.205, F.S., revising provisions for the Board of Architecture;

Section 78 Amends s. 481.207, F.S., conforming provisions;

Section 79 Amends s. 481.209, F.S., conforming provisions;

Section 80 Amends s. 481.213, F.S., conforming provisions;

Section 81 Amends s. 481.2131, F.S., revising regulations for practicing interior design;

Section 82 Amends s. 481.215, F.S., conforming provisions;

Section 83 Amends s. 481.217, F.S., conforming provisions;

Section 84 Amends s. 481.219, F.S., removing regulations for interior design businesses;

Section 85 Amends s. 481.221, F.S., conforming provisions;

Section 86 Amends s. 481.222, F.S., conforming provisions;

Section 87 Amends s. 481.223, F.S., conforming provisions;

Section 88 Amends s. 481.2251, F.S., conforming provisions;

Section 89 Amends s. 481.229, F.S., conforming provisions;

Section 90 Amends s. 481.231, F.S., conforming provisions;

Section 91 Amends s. 481.303, F.S., deleting the definition of 'certificate of authorization;'

Section 92 Amends s. 481.310, F.S., revising training requirements;

Section 93 Amends s. 481.311, F.S., conforming provisions;

Section 94 Amends s. 481.313, F.S., revising continuing education requirements;

Section 95 Amends s. 481.317, F.S., conforming provisions;

Section 96 Amends s. 481.319, F.S., deleting the requirement for a certificate of authorization and authorizing practice through a corporation or partnership;

Section 97 Amends s. 481.321, F.S., revising requirements for the display of a certificate number;

Section 98 Amends s. 481.329, F.S., conforming a cross-reference;

Section 99 Amends s. 489.103, F.S., revising contract limits for unlicensed contractors in certain situations;

Section 100 Amends s. 489.111, F.S., revising timing for taking a license exam; conforming a provision;

Section 101 Amends s. 489.113, F.S., allowing certain contracting applicants to be exempt from taking a licensing examination;

Section 102 Amends s. 489.115, F.S., revising requirements for a license by endorsement;

Section 103 Amends s. 489.511, F.S., revising requirements for a license by endorsement;

Section 104 Amends s. 489.517, F.S., reducing continuing education requirements;

Section 105 Amends s. 489.518, F.S., revising training requirements for burglar alarm system agents;

Section 106 Amends s. 492.104, F.S., conforming provisions;

Section 107 Amends s. 492.108, F.S., revising requirements for a license by endorsement;

Section 108 Amends s. 492.111, F.S., deleting the requirements for a certificate of authorization for a professional geologist;

Section 109 Amends s. 492.113, F.S., conforming provisions;

Section 110 Amends s. 492.115, F.S., conforming provisions;

Section 111 Amends s. 548.003, F.S., deleting the requirement for the Florida State Boxing Commission to adopt rules relating to a timekeeper;
Section 112 Amends s. 548.017, F.S., deleting the licensure requirement for timekeepers and announcers;
Section 113 Amends s. 553.5141, F.S., conforming provisions;
Section 114 Amends s. 553.74, F.S., revising the membership of the Florida Building Commission;
Section 115 Amends s. 553.79, F.S., conforming provisions;
Section 116 Amends s. 558.002, F.S., conforming provisions;
Section 117 Amends s. 559.25, F.S., conforming provisions;
Section 118 Amends s. 823.15, F.S., allowing certain unlicensed individuals to perform microchipping services.
Section 119 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   The revenue estimate is for the Senate companion bill, SB 474, by Senator Albritton. It does not include licensing changes for talent agents, engineers, auctioneers, geologists, and dieticians. Fiscal information related to those professions is forthcoming.

   Professions: The bill should result in a reduction of license fees, license renewal fees and unlicensed activity fees of approximately $1,195,070 in FY 2020-21, $569,118 in FY 2021-22, and $1,358,895 in FY 2022-23.

   Regulation: Business agent and labor organization license fee reduction is anticipated to be $830 annually.

   Boxing Commission: Licensees should see revenue reduction of approximately $1,450 annually.

   Condominiums: (Yacht and Ship Brokers) Revenue reduction of approximately $5,400 in FY 2020-21, $3,000 in FY 2021-22, and $5,400 in FY 2022-23.

   As a result of the revenue reduction, there will be a reduction in the 8% service charge to General Revenue of approximately $96,220 in FY 2020-21, $45,952 in FY 2021-22, and $109,326 in FY 2022-23.[206]

2. Expenditures:

   The expenditure estimate is for the Senate companion bill, SB 474, by Senator Albritton. It does not include licensing changes for talent agents, auctioneers, geologists, and dieticians. Fiscal information related to those professions is forthcoming.

   Professions: The bill should result in a reduction of license fees, license renewal fees and unlicensed activity fees of approximately $1,195,070 in FY 2020-21, $569,118 in FY 2021-22, and $1,358,895 in FY 2022-23.

   Regulation: Business agent and labor organization license fee reduction is anticipated to be $830 annually.

   Boxing Commission: Licensees should see revenue reduction of approximately $1,450 annually.

[206] Department of Business and Professional Regulation, Agency Analysis of 2020 Senate Bill 474, p. 16 (Dec. 3, 2019).

Condominiums: (Yacht and Ship Brokers) Revenue reduction of approximately $5,400 in FY 2020-21, $3,000 in FY 2021-22, and $5,400 in FY 2022-23.

As a result of the revenue reduction, there will be a reduction in the 8% service charge to General Revenue of approximately $96,220 in FY 2020-21, $45,952 in FY 2021-22, and $109,326 in FY 2022-23.

Anticipated expenditure reductions are expected to be: $130,840 in FY 2020-21, $137,140 in FY 2021-22 and $137,340 in FY 2022-23.

Florida Building Commission
Expense Reduction: It is anticipated that there will be a meeting cost (Expense) reduction of $17,340 annually for the Florida Building Commission (included in Board Administrative Costs in table above).[207]

Total expenditure reductions all professions:

	Fiscal Year 2020-2021	Fiscal Year 2021-2022	Fiscal Year 2022-2023
Board Administrative Office	41,340	41,840	39,140
Investigative Contract	74,800	74,800	74,800
Attorney General's Office (contract)	5,600	5,500	8,800
Revenue Bank Charges	3,900	8,700	5,000
Testing and Continuing Education	5,200	6,300	9,600
Total Cost Savings	130,840	137,140	137,340

Board of Architecture and Interior Design:

	Fiscal Year 2020-2021	Fiscal Year 2021-2022	Fiscal Year 2022-2023
Board Administrative Office	17,400	17,900	15,100
Investigative/legal Contract	74,800	74,800	74,800
Attorney General's Office (contract)	5,000	4,500	6,700
Revenue Bank Charges	200	3,200	200
Testing and Continuing Education	5,200	6,300	9,600
Total Cost Savings	102,600	106,700	106,400

Board of Cosmetology:

	Fiscal Year 2020-2021	Fiscal Year 2021-2022	Fiscal Year 2022-2023
Board Administrative Office	6,600	6,600	6,700
Attorney General's Office (contract)	600	1,000	2,100
Revenue Bank Charges	3,700	5,500	4,800

[207] *Id.*, at 16, 17.

Total Cost Savings	10,900	13,100	13,600[208]

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill has an indeterminate positive fiscal impact for the private sector. The bill provides for the portability of Florida licensure by requiring reciprocity with states with similar requirements. The impact will vary, depending on how many licensees are provided licensure through reciprocity.

Interior designers, labor organizations, auctioneers, talent agents, 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.

Unlicensed individuals will be able to offer dietetic and nutrition services without paying 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, and architects will no longer need to pay costs associated with retaining certificates of authorization for business organizations.

Barbers, building code professionals, construction and electrical contractors, cosmetologists, engineers, geologists, home inspectors, veterinarians, landscape architects, and certified public accountants will have an additional pathway for a license by endorsement or examination to be able to practice in Florida.

Cosmetologists and electrical and alarm system contractors will be required to complete less continuing education for license renewal, which will lead to a reduction is costs to maintain a license.

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

D. FISCAL COMMENTS:

The fiscal analysis is for the Senate companion bill, SB 474, by Senator Albritton. It does not include licensing changes for talent agents, auctioneers, geologists, and dieticians. Fiscal information related to those professions is forthcoming.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

[208] *Id.*

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:

- Barber's Board,
- Boxing Commission,
- Board of Cosmetology,
- Board of Professional Engineers,
- Board of Professional Geologists,
- Building Code Administrators and Inspectors Board,
- Board of Veterinary Medicine,
- Board of Landscape Architecture,
- Construction Industry Licensing Board,
- Electrical Contractor's Licensing Board,
- Asbestos Consultants,
- Board of Accountancy,
- Florida Building Commission,
- Board of Architecture and Interior Design,
- Board of Auctioneers,
- Talent Agencies, and
- Dieticians and Nutritionists.

DBPR, DOH, and the boards have sufficient rulemaking authority to make required changes.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to the deregulation of professions and occupations; providing a short title; amending s. 20.165, F.S.; renaming the Board of Architecture and Interior Design as the Board of Architecture within the Department of Business and Professional Regulation; deleting a provision establishing the Florida Board of Auctioneers; amending s. 287.055, F.S.; conforming provisions to changes made by the act; amending s. 326.004, F.S.; deleting the requirement for a yacht broker to maintain a separate license for each branch office; deleting the requirement for the division to establish a fee; amending s. 447.02, F.S.; conforming provisions to changes made by the act; repealing s. 447.04, F.S., relating to licensure and permit requirements for business agents; repealing s. 447.041, F.S., relating to hearings for persons or labor organizations denied licensure as a business agent; repealing s. 447.045, F.S., relating to confidential information obtained during the application process; repealing s. 447.06, F.S., relating to required registration of labor organizations; amending s. 447.09, F.S.; deleting certain prohibited actions relating to the right of franchise of a member of a labor organization;

repealing s. 447.12, F.S., relating to registration fees; repealing s. 447.16, F.S., relating to applicability; amending s. 447.305, F.S.; deleting a provision that requires notification of registrations and renewals to the department; amending s. 455.213, F.S.; requiring the Department of Business and Professional Regulation or a board to seek reciprocal licensing agreements with other states under certain circumstances; providing requirements; creating s. 455.2278, F.S.; providing definitions; prohibiting the department or a board from suspending or revoking a person's license solely on the basis of a delinquency or default in the payment of his or her student loan; prohibiting the department or a board from suspending or revoking a person's license solely on the basis of a default in satisfying the requirements of his or her work-conditional scholarship; repealing s. 468.381, F.S., relating to purpose; amending s. 468.382, F.S.; revising definitions; repealing s. 468.384, F.S., relating to the Florida Board of Auctioneers; repealing s. 468.385, F.S., relating to licensure requirements for the practice of auctioneering; repealing s. 468.3851, F.S., relating to licensure renewal; repealing s. 468.3852, F.S., relating to license reactivation; repealing s. 468.3855, F.S.,

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

agency license, respectively; amending s. 468.406, F.S.; requiring an owner or operator of a talent agency to post an itemized schedule of fees, charges, and commissions in a specified place; repealing s. 468.407, F.S., relating to the form and posting requirements for a license; amending s. 468.408, F.S.; conforming provisions to changes made by the act; prohibiting certain bonds from being issued or renewed by a bonding agency to an owner or operator of a talent agency unless the bonding agency verifies that each owner or operator has not been convicted of specified crimes; amending s. 468.409, F.S.; deleting a requirement for record inspection; amending s. 468.410, F.S.; deleting a requirement to include specified information in a contract between a talent agency and applicant; amending s. 468.412, F.S.; deleting recordkeeping and posting requirements; amending s. 468.413, F.S.; revising criminal penalties; conforming provisions to changes made by the act; repealing s. 468.414, F.S., relating to the deposit of certain funds in the Professional Regulation Trust Fund; amending s. 468.415, F.S.; prohibiting any agent, owner, or operator who commits sexual misconduct in the operation of a talent agency from acting as an agent, owner, or operator of a

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

act; amending s. 471.015, F.S.; revising licensure requirements for engineers who hold specified licenses in another state; amending s. 473.308, F.S.; deleting continuing education requirements for license by endorsement for certified public accountants; amending s. 474.202, F.S.; revising the definition of the term "limited-service veterinary medical practice" to include certain vaccinations or immunizations; amending s. 474.203, F.S.; providing an exemption for a person whose work is solely confined to microchip implantation in dogs and cats; amending s. 474.207, F.S.; revising education requirements for licensure by examination; amending s. 474.217, F.S.; requiring the Department of Business and Professional Regulation to issue a license by endorsement to certain applicants who successfully complete a specified examination; amending s. 476.114, F.S.; revising training requirements for licensure as a barber; amending s. 476.144, F.S.; requiring the department to license an applicant who is licensed to practice barbering in another state; amending s. 477.013, F.S.; revising the definition of the term "hair braiding"; repealing s. 477.0132, F.S., relating to registration for hair braiding, hair wrapping, and body wrapping; amending s. 477.0135, F.S.; providing additional exemptions

from license or registration requirements for specified occupations or practices; amending s. 477.019, F.S.; conforming provisions to changes made by the act; amending s. 477.0201, F.S.; providing requirements for registration as a specialist; amending s. 477.026, F.S.; conforming provisions to changes made by the act; amending s. 477.0263, F.S.; authorizing certain persons to perform specified cosmetology services in a location other than a licensed salon under certain circumstances; amending ss. 477.0265 and 477.029, F.S.; conforming provisions to changes made by the act; amending s. 481.201, F.S.; deleting legislative findings relating to the practice of interior design; amending s. 481.203, F.S.; revising definitions; amending s. 481.205, F.S.; renaming the Board of Architecture and Interior Design as the Board of Architecture; revising membership of the board; conforming provisions; amending ss. 481.207, 481.209, and 481.213, F.S.; conforming provisions; amending s. 481.2131, F.S.; requiring certain interior designers to include proof of completed specified examination requirements when submitting documents for the issuance of a building permit; providing that a license or registration is not required for specified persons to practice;

amending ss. 481.215 and 481.217, F.S.; conforming provisions to changes made by the act; amending s. 481.219, F.S.; deleting provisions permitting the practice of or offer to practice interior design through certain business organizations; deleting provisions requiring certificates of authorization for certain business organizations offering interior design services to the public; requiring a licensee or applicant in the practice of architecture to qualify a business organization; providing requirements; amending 481.221, F.S.; conforming provisions; requiring a registered architect or a qualifying agent for a business organization to display their license number in specified advertisements; providing an exception; amending ss. 481.222 and 481.223, F.S.; conforming provisions; repealing s. 481.2251, F.S., relating to the practice and regulation of interior design, registration for interior designers, and disciplinary proceedings against registered interior designers; amending ss. 481.229 and 481.231, F.S.; conforming provisions; amending s. 481.303, F.S.; deleting the definition of the term "certificate of authorization"; amending s. 481.310, F.S.; providing that an applicant who holds a specified degree is not required to demonstrate 1 year of practical experience

for licensure; amending s. 481.311, F.S.; requiring the Board of Landscape Architecture to certify an applicant who holds a specified license issued by another state or territory of the United States under certain circumstances; conforming provisions; amending s. 481.313, F.S.; authorizing a landscape architect to receive hour-for-hour credit for certain approved continuing education courses under certain circumstances; 481.317, F.S.; conforming provisions; amending s. 481.319, F.S.; deleting the requirement for a certificate of authorization; authorizing landscape architects to practice through a corporation or partnership; amending s. 481.321, F.S.; requiring a landscape architect to display their certificate number in specified advertisements; amending s. 481.329, F.S.; conforming a cross-reference; amending s. 489.103, F.S.; revising certain contract prices for exemption; amending s. 489.111, F.S.; providing that an applicant who is exempt from a specified examination is eligible for licensure; amending s. 489.113, F.S.; providing that an applicant holding a specified degree does not have to pass a certain examination; amending s. 489.115, F.S.; requiring the Construction Industry Licensing Board to certify any applicant who holds a specified license to practice

contracting issued by another state or territory of the United States under certain circumstances; amending s. 489.511, F.S.; requiring the board to certify as qualified for certification by endorsement any applicant who holds a specified license to practice electrical or alarm system contracting issued by another state or territory of the United States under certain circumstances; amending s. 489.517, F.S.; providing a reduction in certain continuing education hours required for registered contractors; amending s. 489.518, F.S.; requiring a person to have completed a specified amount of training within a certain time period to perform the duties of an alarm system agent; amending s. 492.104, F.S.; conforming provisions to changes made by the act; amending 492.108, F.S.; requiring the department to issue a license by endorsement to any applicant who has held a specified license to practice geology in another state, territory, or possession of the United States for a certain period of time; providing that an applicant may take the examination required by the board if they have not met the specified examination requirement; amending s. 492.111, F.S.; deleting the requirements for a certificate of authorization for a professional geologist; amending ss. 492.113 and

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

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

Section 1. <u>This act may be cited as the "Occupational Freedom and Opportunity Act."</u>

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

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

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

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

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

2.~~3.~~ Barbers' Board, created under chapter 476.

3.~~4.~~ Florida Building Code Administrators and Inspectors Board, created under part XII of chapter 468.

4.~~5.~~ Construction Industry Licensing Board, created under part I of chapter 489.

5.~~6.~~ Board of Cosmetology, created under chapter 477.

6.~~7.~~ Electrical Contractors' Licensing Board, created under part II of chapter 489.

7.~~8.~~ Board of Employee Leasing Companies, created under part XI of chapter 468.

8.~~9.~~ Board of Landscape Architecture, created under part II of chapter 481.

9.~~10.~~ Board of Pilot Commissioners, created under chapter 310.

10.~~11.~~ Board of Professional Engineers, created under chapter 471.

11.~~12.~~ Board of Professional Geologists, created under chapter 492.

12.~~13.~~ Board of Veterinary Medicine, created under chapter

474.

13.~~14.~~ Home inspection services licensing program, created under part XV of chapter 468.

14.~~15.~~ Mold-related services licensing program, created under part XVI of chapter 468.

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

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

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

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

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

2. Is qualified ~~certified~~ under s. 471.023 to practice or to offer to practice engineering; qualified ~~certified~~ under s. 481.219 to practice or to offer to practice architecture; or qualified ~~certified~~ under s. 481.319 to practice or to offer to practice landscape architecture.

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

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

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

326.004 Licensing.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

447.305 Registration of employee organization.—

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

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

455.213 General licensing provisions.—

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

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

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

455.2278 Restriction on disciplinary action for student loan default.—

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

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

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

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

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

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

delinquency.

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 18. Section 468.384, Florida Statutes, is repealed.

Section 19. Section 468.385, Florida Statutes, is repealed.

Section 20. Section 468.3851, Florida Statutes, is repealed.

Section 21. Section 468.3852, Florida Statutes, is repealed.

Section 22. Section 468.3855, Florida Statutes, is repealed.

Section 23. Section 468.386, Florida Statutes, is repealed.

Section 24. Section 468.387, Florida Statutes, is repealed.

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

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

468.388 Conduct of an auction.—

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

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

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

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

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

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

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

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

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

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

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

1. Contains misrepresentations of facts.

2. Is misleading or deceptive because, in its content or in the context in which it is presented, it makes only a partial

disclosure of relevant facts.

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

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

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

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

4.~~7.~~ Advertises an auction as absolute without specifying any and all items to be sold with reserve or with minimum bids.

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

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

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

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

468.389 Prohibited acts; penalties.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

775.083.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~Professional Regulation.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

468.408 Bond required.—

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

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

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

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

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

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

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

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

468.410 Prohibition against registration fees; referral.—

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

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

468.412 Talent agency regulations; prohibited acts.—

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

(a) The name and address of each artist employing such talent agency.~~;~~

(b) The amount of fees received from each such artist.~~;~~

(c) The employment in which each such artist is engaged at the time of employing such talent agency and the amount of compensation of the artist in such employment, if any, and the employments subsequently secured by such artist during the term of the contract between the artist and the talent agency and the amount of compensation received by the artist pursuant thereto.~~;~~ ~~and~~

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

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

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

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

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

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

468.413 Legal requirements; penalties.—

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

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

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

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

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

~~changes.~~

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

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

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

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

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

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

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

or of this state.

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

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

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

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

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

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

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

468.505 Exemptions; exceptions.—

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

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

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

468.524 Application for license.—

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

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

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

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

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

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

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

468.603 Definitions.—As used in this part:

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

following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. Has satisfactorily completed a building code inspector

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

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

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

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

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

the internship certification program.

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

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

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

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

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

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

468.8314 Licensure.—

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

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

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

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

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

469.006 Licensure of business organizations; qualifying agents.—

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

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

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

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

(4)

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

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

(6) Each qualifying agent shall pay the department an amount equal to the original fee for licensure ~~of a new business organization.~~ if the qualifying agent for a business organization desires to qualify additional business organizations.~~,~~ The department shall require the agent to present evidence of supervisory ability and financial responsibility of each such organization. Allowing a licensee to qualify more than one business organization must ~~shall~~ be conditioned upon the licensee showing that the licensee has both the capacity and intent to adequately supervise each business organization. The department may ~~shall~~ not limit the number of business organizations that ~~which~~ the licensee may qualify except upon the licensee's failure to provide such information as is required under this subsection or upon a finding that the ~~such~~ information or evidence ~~as is~~ supplied is incomplete or unpersuasive in showing the licensee's capacity and intent to comply with the requirements of this subsection. A qualification for an additional business organization may be revoked or suspended upon a finding by the department that the licensee has failed in the licensee's responsibility to adequately supervise the operations of the business organization. Failure to adequately supervise the operations of a business organization

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

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

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

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

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

(b) Violating any provision of chapter 455.

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

provisions of this chapter or any rule promulgated hereunder.

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

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

(f) Obtaining a license by fraud or misrepresentation.

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

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

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

(j) Committing mismanagement or misconduct in the practice of contracting that causes financial harm to a customer. Financial mismanagement or misconduct occurs when:

1. Valid liens have been recorded against the property of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

471.015 Licensure.—

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

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

~~engineering experience~~.

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

473.308 Licensure.—

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

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

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

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

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

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

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

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

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

474.202 Definitions.—As used in this chapter:

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

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

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

474.203 Exemptions.—This chapter does not apply to:

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

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

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

474.207 Licensure by examination.—

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

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

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

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

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

474.217 Licensure by endorsement.—

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

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

the board, knowledge of the laws and rules governing the practice of veterinary medicine in this state; and

(b)1. ~~Either~~ Holds, and has held for the 3 years immediately preceding the application for licensure, a valid, active license to practice veterinary medicine in another state of the United States, the District of Columbia, or a territory of the United States, provided that the applicant has successfully completed a state, regional, national, or other examination that is equivalent to or more stringent than the examination required by the board ~~requirements for licensure in the issuing state, district, or territory are equivalent to or more stringent than the requirements of this chapter~~; or

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

Section 64. Subsection (2) of section 476.114, Florida Statutes, is amended to read:

476.114 Examination; prerequisites.—

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

(a) Is at least 16 years of age;

(b) Pays the required application fee; and

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

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

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

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

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

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

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

476.144 Licensure.—

(5) The board shall certify as qualified for licensure by endorsement as a barber in this state an applicant who holds a current active license to practice barbering in another state. The board shall adopt rules specifying procedures for the licensure by endorsement of practitioners desiring to be licensed in this state who hold a current active license in another ~~state or~~ country and who have met qualifications substantially similar to, equivalent to, or greater than the qualifications required of applicants from this state.

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

477.013 Definitions.—As used in this chapter:

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

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

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

477.0135 Exemptions.—

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

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

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

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

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

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

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

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

~~apprenticeship program.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

1. A school licensed pursuant to s. 477.023.

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

3. A specialty program within the public school system.

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

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

477.026 Fees; disposition.—

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

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

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

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

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

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

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

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

477.0265 Prohibited acts.—

(1) It is unlawful for any person to:

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

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

477.029 Penalty.—

(1) It is unlawful for any person to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

furnishings not subject to regulation under applicable building codes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

481.209 Examinations.—

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

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

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

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

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

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

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

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

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

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

481.213 Licensure.—

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

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

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

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

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

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

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

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

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

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

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

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

electronically signed by the interior designer.

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

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

481.215 Renewal of license.—

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

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

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

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

481.217 Inactive status.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

481.221 Seals; display of certificate number; permitting

requirements.—

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

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

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

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

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

(6)~~(10)~~ Each registered architect must ~~or interior designer, and each corporation, limited liability company, or partnership holding a certificate of authorization, shall~~ include her or his license ~~its certificate~~ number in any newspaper, telephone directory, or other advertising medium used by the registered licensee ~~architect, interior designer, corporation, limited liability company, or partnership~~. Each business organization must include the license number of the registered architect who serves as the qualifying agent for that business organization in any newspaper, telephone directory, or other advertising medium used by the business organization. A business organization is not required to display the license numbers of other registered architects employed by the business organization ~~A corporation, limited liability company, or partnership is not required to display the certificate number of individual registered architects or interior designers employed by or working within the corporation, limited liability company,~~

~~or partnership~~.

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

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

Section 86. Section 481.222, Florida Statutes, is amended

to read:

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

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

481.223 Prohibitions; penalties; injunctive relief.—

(1) A person may not knowingly:

(a) Practice architecture unless the person is an architect or a registered architect; however, a licensed

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

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

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

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

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

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

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

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

(2) Any person who violates any provision of subsection

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

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

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

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

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

481.229 Exceptions; exemptions from licensure.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

481.231 Effect of part locally.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

481.311 Licensure.—

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

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

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

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

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

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

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

481.313 Renewal of license.—

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

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

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

481.317 Temporary certificates.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

481.321 Seals; display of certificate number.—

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

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

481.329 Exceptions; exemptions from licensure.—

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

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

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

489.103 Exemptions.—This part does not apply to:

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

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

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

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

489.111 Licensure by examination.—

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

(a) Is 18 years of age;

(b) Is of good moral character; and

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

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

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

3. Has a combination of not less than 1 year of experience as a foreman and not less than 3 years of credits for any accredited college-level courses; has a combination of not less than 1 year of experience as a skilled worker, 1 year of experience as a foreman, and not less than 2 years of credits for any accredited college-level courses; or has a combination

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

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

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

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

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

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

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

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

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

b. An active certified swimming pool servicing contractor

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

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

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

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

489.113 Qualifications for practice; restrictions.—

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

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

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

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

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

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

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

criteria for issuance of such license were substantially equivalent to Florida's current certification criteria; ~~or~~

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

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

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

489.511 Certification; application; examinations; endorsement.—

(5) The board shall certify as qualified for certification

by endorsement any individual applying for certification who:

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

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

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

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

489.517 Renewal of certificate or registration; continuing education.—

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

(4)

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

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

489.518 Alarm system agents.—

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

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

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

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

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

administrative process and shall be established as follows:

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

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

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

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

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

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

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

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

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

492.108 Licensure by endorsement; requirements; fees.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

professional geologist or professional geologists who prepared or approved them.

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

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

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

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

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

492.113 Disciplinary proceedings.—

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

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

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

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

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

548.003 Florida State Boxing Commission.—

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

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

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

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

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

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

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

553.5141 Certifications of conformity and remediation plans.—

(1) For purposes of this section:

(d) "Qualified expert" means:

1. An engineer licensed pursuant to chapter 471.

2. A certified general contractor licensed pursuant to chapter 489.

3. A certified building contractor licensed pursuant to chapter 489.

4. A building code administrator licensed pursuant to chapter 468.

5. A building inspector licensed pursuant to chapter 468.

6. A plans examiner licensed pursuant to chapter 468.

7. An interior designer who has passed the qualification examination prescribed by either the National Council for Interior Design Qualifications or the California Council for Interior Design Certification or who was licensed as an interior designer by the Department of Business and Professional Regulation ~~licensed pursuant to chapter 481~~.

8. An architect licensed pursuant to chapter 481.

9. A landscape architect licensed pursuant to chapter 481.

10. Any person who has prepared a remediation plan related to a claim under Title III of the Americans with Disabilities Act, 42 U.S.C. s. 12182, that has been accepted by a federal court in a settlement agreement or court proceeding, or who has been qualified as an expert in Title III of the Americans with Disabilities Act, 42 U.S.C. s. 12182, by a federal court.

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

553.74 Florida Building Commission.—

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

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

(b) One structural engineer registered to practice in this

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

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

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

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

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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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

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

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

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

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

~~Services.~~

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

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

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

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

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

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

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

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

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

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

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

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

Environmental Design (LEED).

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

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

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

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

553.79 Permits; applications; issuance; inspections.—

(5)

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

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

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

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

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

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

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

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

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

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

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