A bill to be entitled
An act relating to the deregulation of professions and occupations; amending s. 20.165, F.S.; renaming the Board of Architecture and Interior Design, to conform; deleting provisions establishing the Florida Board of Auctioneers; repealing chapter 326, F.S., relating to the Yacht and Ship Brokers' Act and the licensure of yacht and ship brokers and salespersons; amending ss. 212.06 and 213.053, F.S., to conform; repealing part VI of chapter 468, F.S., relating to the licensure of auctioneers, apprentices, and auction businesses, the Florida Board of Auctioneers, the Auctioneer Recovery Fund, and the conduct of auctions; amending s. 538.03, F.S., to conform; repealing part VII of chapter 468, F.S., relating to the licensure and regulation of talent agencies; repealing part IX of chapter 468, F.S., relating to the licensure and regulation of athlete agents; amending s. 477.0132, F.S.; deleting provisions requiring the registration of persons whose occupation or practice is confined solely to hair braiding, hair wrapping, or body wrapping; providing that the Florida Cosmetology Act does not apply to such persons; amending ss. 477.019, 477.026, 477.0265, and 477.029, F.S., to conform; repealing ss. 481.2131 and 481.2251, F.S., relating to the practice of interior design by registered interior designers and disciplinary proceedings against registered interior designers; deleting provisions relating to the registration of interior designers and the regulation of interior design;
amending s. 481.201, F.S.; deleting legislative findings relating to the practice of interior design, to conform; amending s. 481.203, F.S.; revising definitions relating to the practice of architecture and deleting definitions relating to the practice of interior design; specifying that the practice of architecture includes interior design; amending s. 481.205, F.S.; renaming the Board of Architecture and Interior Design, to conform; revising membership of the board; conforming provisions; amending ss. 481.207, 481.209, 481.211, 481.213, 481.215, and 481.217, F.S., to conform; 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; conforming provisions; amending ss. 481.221, 481.222, 481.223, 481.229, 481.231, and 553.79, F.S., to conform; amending s. 558.002, F.S.; revising the definition of "design professional" for purposes of provisions relating to alternative dispute resolution of construction defects, to conform; repealing chapter 496, F.S., relating to the registration of professional fundraising consultants and professional solicitors and the regulation of solicitation of charitable contributions and charitable sales promotions; amending ss. 110.181, 316.2045, 320.023, 322.081, 413.033, 550.0351, 550.1647, 741.0305, 775.0861, 790.166, 843.16, and 849.0935, F.S., to conform; repealing
s. 500.459, F.S., relating to the regulation of water vending machines and the permitting of water vending machine operators; amending s. 500.511, F.S.; deleting provisions for the deposit of operator permitting fees, the enforcement of the state's water vending machine regulations, penalties, and the preemption of county and municipal water vending machine regulations, to conform; repealing ss. 501.012-501.019, F.S., relating to the registration of health studios and the regulation of health studio services; amending s. 501.165, F.S., to conform; repealing s. 501.143, F.S., relating to the Dance Studio Act, the registration of ballroom dance studios, and the regulation of dance studio lessons and services; repealing s. 205.1969, F.S., relating to the issuance by counties and municipalities of business tax receipts to health studios and ballroom dance studios, to conform; repealing part IV of chapter 501, F.S., relating to the Florida Telemarketing Act, the licensure of commercial telephone sellers and salespersons, and the regulation of commercial telephone solicitation; repealing s. 205.1973, F.S., relating to the issuance by counties and municipalities of business tax receipts to telemarketing businesses, to conform; amending ss. 501.165, 648.44, 772.102, and 895.02, F.S., to conform; repealing chapter 507, F.S., relating to the registration of movers and moving brokers and the regulation of household moving services; repealing s. 205.1975, F.S., relating to the issuance by counties and municipalities of business tax
receipts to movers and moving brokers, to conform; amending s. 509.242, F.S.; revising the license classifications of public lodging establishments for purposes of provisions regulating such establishments; amending s. 509.221, F.S.; conforming a cross-reference; repealing chapter 555, F.S., relating to the regulation of outdoor theaters in which audiences view performances from parked vehicles; repealing part VII of chapter 559, F.S., relating to the Sale of Business Opportunities Act and the regulation of certain business opportunities; repealing part IX of chapter 559, F.S., relating to the registration of motor vehicle repair shops, the Motor Vehicle Repair Advisory Council, and the regulation of motor vehicle repair; amending ss. 320.27, 445.025, and 713.585, F.S., to conform; repealing part XI of chapter 559, F.S., relating to the Florida Sellers of Travel Act, the registration of sellers of travel, certification of certain business activities, and the regulation of prearranged travel, tourist-related services, tour-guide services, and vacation certificates; repealing s. 205.1971, F.S., relating to the issuance by counties and municipalities of business tax receipts to sellers of travel, to conform; amending ss. 501.604, 501.608, 636.044, and 721.11, F.S., to conform; repealing s. 686.201, F.S., relating to contracts with sales representatives involving commissions; repealing s. 817.559, F.S., relating to the labeling of television picture tubes; providing an effective date.
Be It Enacted by the Legislature of the State of Florida:

Section 1. 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.
3. Barbers' Board, created under chapter 476.
4. Florida Building Code Administrators and Inspectors Board, created under part XII of chapter 468.
5. Construction Industry Licensing Board, created under part I of chapter 489.
6. Board of Cosmetology, created under chapter 477.
7. Electrical Contractors' Licensing Board, created under part II of chapter 489.
8. Board of Employee Leasing Companies, created under part XI of chapter 468.
9. Board of Landscape Architecture, created under part II of chapter 481.
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.
14.15. Mold-related services licensing program, created under part XVI of chapter 468.

Section 2. Chapter 326, Florida Statutes, consisting of sections 326.001, 326.002, 326.003, 326.004, 326.005, and 326.006, is repealed.

Section 3. Paragraph (e) of subsection (1) of section 212.06, Florida Statutes, is amended to read:

212.06 Sales, storage, use tax; collectible from dealers; "dealer" defined; dealers to collect from purchasers; legislative intent as to scope of tax.—

(e)1. Notwithstanding any other provision of this chapter, tax shall not be imposed on any vessel registered under s. 328.52 by a vessel dealer or vessel manufacturer with respect to a vessel used solely for demonstration, sales promotional, or testing purposes. The term "promotional purposes" shall include, but not be limited to, participation in fishing tournaments. For the purposes of this paragraph, "promotional purposes" means the entry of the vessel in a marine-related event where prospective purchasers would be in attendance, where the vessel is entered
in the name of the dealer or manufacturer, and where the vessel
is clearly marked as for sale, on which vessel the name of the
dealer or manufacturer is clearly displayed, and which vessel
has never been transferred into the dealer's or manufacturer's
accounting books from an inventory item to a capital asset for
depreciation purposes.

2. The provisions of this paragraph do not apply to any
vessel when used for transporting persons or goods for
compensation; when offered, let, or rented to another for
consideration; when offered for rent or hire as a means of
provide transportation for compensation; or when offered or used to
provide transportation for persons solicited through personal
contact or through advertisement on a "share expense" basis.

3. Notwithstanding any other provision of this chapter,
tax may not be imposed on any vessel imported into this state
for the sole purpose of being offered for sale at retail by a
yacht broker or yacht dealer registered in this state if the
vessel remains under the care, custody, and control of the
registered broker or dealer and the owner of the vessel does not
make personal use of the vessel during that time. The provisions
of this chapter govern the taxability of any sale or use of the
vessel subsequent to its importation under this provision.

Section 4. Paragraph (i) of subsection (8) of section
213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—
(8) Notwithstanding any other provision of this section,
the department may provide:

(i) Information relative to chapters 212 and
former chapter 326 to the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation in the conduct of its official duties.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.


Section 6. Paragraphs (m) through (q) of subsection (2) of section 538.03, Florida Statutes, are redesignated as paragraphs (l) through (p), respectively, and present paragraph (l) of that subsection is amended to read:

538.03 Definitions; applicability.—

(2) This chapter does not apply to:

(l) Any auction business as defined in s. 468.382(1).

Section 8. Part IX of chapter 468, Florida Statutes, consisting of sections 468.451, 468.452, 468.453, 468.4535, 468.4536, 468.454, 468.456, 468.4561, 468.45615, 468.4562, 468.4565, and 468.457, is repealed.

Section 9. Section 477.0132, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 477.0132, F.S., for present text.)

477.0132 Hair braiding, hair wrapping, and body wrapping; application of chapter.—This chapter does not apply to a person whose occupation or practice is confined solely to hair braiding, hair wrapping, or body wrapping.

Section 10. Subsection (7) of section 477.019, Florida Statutes, is amended to read:

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

(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 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 11. 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 12. Paragraph (g) 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:

(g) 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 13. Paragraphs (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 14. Sections 481.2131 and 481.2251, Florida Statutes, are repealed.

Section 15. 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 16. Section 481.203, Florida Statutes, is amended to read:

481.203 Definitions.—As used in this part, the term:
(1) "Architect" or "registered architect" means a
natural person who is licensed under this part to engage in the practice of architecture.

(2) "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) "Board" means the Board of Architecture and Interior Design.

(4) "Certificate of authorization" means a certificate issued by the department to a corporation or partnership to practice architecture or interior design.

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

(7) "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.

(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.

(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.

(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.

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

(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.

(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 (8).

(8)(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.

(9)(12) "Space planning" means the analysis, programming, or design of spatial requirements, including preliminary space layouts and final planning.

(10)(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 17. 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 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 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 18. 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 19. Section 481.209, Florida Statutes, is amended to read:

481.209 Examinations.—

(1) A person desiring to be licensed as a registered architect shall apply to the department to take the licensure examination. The department shall administer the licensure examination for architects to each applicant who the board certifies:

(1) Has completed the application form and remitted a nonrefundable application fee and an examination fee which is refundable if the applicant is found to be ineligible to take the examination;
(2) (a) 1. Is a graduate of a school or college of architecture accredited by the National Architectural Accreditation Board; or

(b) 2. Is a graduate of an approved architectural curriculum, evidenced by a degree from an unaccredited school or college of architecture approved by the board. The board shall adopt rules providing for the review and approval of unaccredited schools and colleges of architecture and courses of architectural study based on a review and inspection by the board of the curriculum of accredited schools and colleges of architecture in the United States; and

(3) 3. (c) Has completed, prior to examination, 1 year of the internship experience required by s. 481.211(1).

4. 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 20. Subsection (2) of section 481.211, Florida Statutes, is amended to read:

481.211 Architecture internship required.—

(2) Each applicant for licensure shall complete 1 year of the internship experience required by this section subsequent to
graduation from a school or college of architecture as defined in s. 481.209(1).

Section 21. 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. For the purposes of this paragraph, any applicant licensed in another state or jurisdiction after June 30, 1984, must also hold a degree in architecture and such degree must be equivalent to that required in s. 481.209(2)(1)(b). Also for the purposes of this paragraph, any applicant licensed in another state or jurisdiction after June 30, 1985, must have completed an internship equivalent to that required by s. 481.211 and any rules adopted with respect thereto.

(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 22. Subsections (3) and (5) of section 481.215, Florida Statutes, are amended to read:

481.215 Renewal of license.—

(3) A license renewal may not 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 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 23. 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 continuing education requirements for reactivating a license for a registered architect may not exceed 12 contact hours for each year the license was inactive. The minimum continuing education requirement for reactivating a license for a registered interior designer shall be those of the most recent biennium plus one-half of the requirements in s. 481.215 for each year or part thereof during which the license was inactive. The board shall only approve continuing education that builds upon the basic knowledge of interior design.

Section 24. Section 481.219, Florida Statutes, is amended to read:
481.219 Certification of partnerships, limited liability companies, and corporations.—

(1) The practice of or the offer to practice architecture or interior design by licensees through a 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) 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) 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.

(3)(4) All final construction documents and instruments of
service which include drawings, specifications, plans, reports, or other papers or documents involving the practice of architecture which are prepared or approved for the use of the corporation, limited liability company, or partnership 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.

(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.

(4) 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) The board shall certify an applicant as qualified for a certificate of authorization to offer architectural or interior design services, 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;

(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.

(6)(8) The department shall adopt rules establishing a procedure for the biennial renewal of certificates of authorization.

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

(8)(10) Each partnership, limited liability company, and corporation certified under this section shall notify the department within 30 days of any change in the information contained in the application upon which the certification is based. Any registered architect or interior designer who qualifies the corporation, limited liability company, or partnership as provided in subsection (6) (7) shall be responsible for ensuring responsible supervising control of projects of the entity and upon termination of her or his employment with a partnership, limited liability company, or corporation certified under this section shall notify the department of the termination within 30 days.

(9)(11) A corporation, limited liability company, or partnership may not be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section. However, 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.

(10) 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.

(11) Nothing in this section does not shall be
construed to mean that a certificate of registration to practice
architecture or interior design shall be held by a corporation,
limited liability company, or partnership. Nothing in this
section does not prohibit prohibits corporations, limited
liability companies, and partnerships from joining together to
offer architectural, engineering, interior design,
surveying and mapping, and landscape architectural services, or any
combination of such services, to the public, 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 25. Section 481.221, Florida Statutes, is amended
to read:

481.221 Seals; display of certificate number.—
(1) The board shall prescribe, by rule, one or more forms
of seals to be used by registered architects holding valid
certificates of registration.

(2) Each registered architect shall obtain one seal in a form approved by rule of the board and may, in addition, register her or his seal electronically in accordance with ss. 668.001-668.006. All final construction documents and instruments of service which include drawings, plans, specifications, or reports prepared or issued by the registered architect and being filed for public record shall bear the signature and seal of the registered architect 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 architect may be transmitted electronically and may be signed by the registered architect, dated, and sealed electronically with the seal in accordance with ss. 668.001-668.006.

(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.

(3)(4) No registered architect shall affix, or permit to be affixed, her or his seal or signature to any final construction document or instrument of service which includes any plan, specification, drawing, or other document which depicts work which she or he is not competent to perform.

(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.

(4)(10) Each registered architect and each interior designer, and each corporation, limited liability company, or partnership holding a certificate of authorization, shall
include its certificate number in any newspaper, telephone
directory, or other advertising medium used by the registered
architect, interior designer, corporation, limited liability
company, or partnership. 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.

(5) 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.

(6) 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 26. 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(6) and (7) 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 27. 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.

(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.

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

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

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

(g) Employ unlicensed persons to practice architecture or interior design.

(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), paragraph (1)(b), or paragraph (1)(b)(e). 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), paragraph (1)(b), or paragraph (1)(b)(e) 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 28. Subsections (5) through (8) of section 481.229, Florida Statutes, are amended to read:

481.229Exceptions; 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 § 481.209(2). For architects licensed as interior designers, satisfaction of the requirements for renewal of licensure as an architect under § 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 § 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 29. 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 30. 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 31. 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, landscape architect, engineer, or surveyor.

Section 32. Chapter 496, Florida Statutes, consisting of sections 496.401, 496.402, 496.403, 496.404, 496.405, 496.406, 496.407, 496.409, 496.410, 496.411, 496.412, 496.413, 496.414, 496.415, 496.416, 496.417, 496.418, 496.419, 496.420, 496.421, 496.422, 496.423, 496.424, 496.425, 496.4255, and 496.426, is repealed.

Section 33. Paragraph (b) of subsection (3) of section 110.181, Florida Statutes, is amended to read:

110.181 Florida State Employees' Charitable Campaign.—

(3) RULEMAKING AUTHORITY; ADMINISTRATIVE REVIEW.—

(b) Department action which adversely affects the substantial interests of a party may be subject to a hearing. The proceeding shall be conducted in accordance with chapter 120, except that the time limits set forth in s. 496.405(7)
shall prevail to the extent of any conflict.

Section 34. Subsections (2) and (3) of section 316.2045, Florida Statutes, are amended to read:

316.2045 Obstruction of public streets, highways, and roads.—

(2) It is unlawful, without proper authorization or a lawful permit, for any person or persons willfully to obstruct the free, convenient, and normal use of any public street, highway, or road by any of the means specified in subsection (1) in order to solicit. Any person who violates the provisions of this subsection is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Organizations qualified under s. 501(c)(3) of the Internal Revenue Code and registered pursuant to chapter 496, or persons or organizations acting on their behalf are exempted from the provisions of this subsection for activities on streets or roads not maintained by the state. Permits for the use of any portion of a state-maintained road or right-of-way shall be required only for those purposes and in the manner set out in s. 337.406.

(3) Permits for the use of any street, road, or right-of-way not maintained by the state may be issued by the appropriate local government. An organization that is qualified under s. 501(c)(3) of the Internal Revenue Code and registered under chapter 496, or a person or organization acting on behalf of that organization, is exempt from local requirements for a permit issued under this subsection for charitable solicitation activities on or along streets or roads that are not maintained by the state under the following conditions:
(a) The organization, or the person or organization acting on behalf of the organization, must provide all of the following to the local government:

1. No fewer than 14 calendar days prior to the proposed solicitation, the name and address of the person or organization that will perform the solicitation and the name and address of the organization that will receive funds from the solicitation.

2. For review and comment, a plan for the safety of all persons participating in the solicitation, as well as the motoring public, at the locations where the solicitation will take place.

3. Specific details of the location or locations of the proposed solicitation and the hours during which the solicitation activities will occur.

4. Proof of commercial general liability insurance against claims for bodily injury and property damage occurring on streets, roads, or rights-of-way or arising from the solicitor's activities or use of the streets, roads, or rights-of-way by the solicitor or the solicitor's agents, contractors, or employees. The insurance shall have a limit of not less than $1 million per occurrence for the general aggregate. The certificate of insurance shall name the local government as an additional insured and shall be filed with the local government no later than 72 hours before the date of the solicitation.

5. Proof of registration with the Department of Agriculture and Consumer Services pursuant to s. 496.405 or proof that the soliciting organization is exempt from the registration requirement.
(b) Organizations or persons meeting the requirements of subparagraphs (a)1.–5. may solicit for a period not to exceed 10 cumulative days within 1 calendar year.

c (c) All solicitation shall occur during daylight hours only.

d Solicitation activities shall not interfere with the safe and efficient movement of traffic and shall not cause danger to the participants or the public.

e No person engaging in solicitation activities shall persist after solicitation has been denied, act in a demanding or harassing manner, or use any sound or voice-amplifying apparatus or device.

(f) All persons participating in the solicitation shall be at least 18 years of age and shall possess picture identification.

(g) Signage providing notice of the solicitation shall be posted at least 500 feet before the site of the solicitation.

(h) The local government may stop solicitation activities if any conditions or requirements of this subsection are not met.

Section 35. Subsection (8) of section 320.023, Florida Statutes, is amended to read:

320.023 Requests to establish voluntary checkoff on motor vehicle registration application.—

(8) All organizations seeking to establish a voluntary contribution on a motor vehicle registration application that are required to operate under the Solicitation of Contributions Act, as provided in chapter 496, must do so before funds may be
Section 36. Subsection (8) of section 322.081, Florida Statutes, is amended to read:

322.081 Requests to establish voluntary checkoff on driver's license application.—

(8) All organizations seeking to establish a voluntary contribution on a driver's license application that are required to operate under the Solicitation of Contributions Act, as provided in chapter 496, must do so before funds may be distributed.

Section 37. Paragraph (d) of subsection (3) and paragraph (d) of subsection (4) of section 413.033, Florida Statutes, are amended to read:

413.033 Definitions.—As used in ss. 413.032-413.037:

(3) "Qualified nonprofit agency for the blind" means an agency:

(d) Which meets the criteria for determining nonprofit status under the provisions of s. 196.195 and is registered and in good standing as a charitable organization with the Department of Agriculture and Consumer Services under the provisions of chapter 496.

(4) "Qualified nonprofit agency for other severely handicapped" means an agency:

(d) Which meets the criteria for determining nonprofit status under the provisions of s. 196.195 and is registered and in good standing as a charitable organization with the Department of Agriculture and Consumer Services under the provisions of chapter 496.
Section 38. Subsection (2) of section 550.0351, Florida Statutes, is amended to read:

550.0351 Charity racing days.—

(2) The proceeds of charity performances shall be paid to qualified beneficiaries selected by the permitholders from an authorized list of charities on file with the division. Eligible charities include any charity that provides evidence of compliance with the provisions of chapter 496 and evidence of possession of a valid exemption from federal taxation issued by the Internal Revenue Service. In addition, the authorized list must include the Racing Scholarship Trust Fund, the Historical Resources Operating Trust Fund, major state and private institutions of higher learning, and Florida community colleges.

Section 39. Section 550.1647, Florida Statutes, is amended to read:

550.1647 Greyhound permitholders; unclaimed tickets; breaks.—All money or other property represented by any unclaimed, uncashed, or abandoned pari-mutuel ticket which has remained in the custody of or under the control of any permitholder authorized to conduct greyhound racing pari-mutuel pools in this state for a period of 1 year after the date the pari-mutuel ticket was issued, if the rightful owner or owners thereof have made no claim or demand for such money or other property within that period of time, shall, with respect to live races conducted by the permitholder, be remitted to the state pursuant to s. 550.1645; however, such permitholder shall be entitled to a credit in each state fiscal year in an amount equal to the actual amount remitted in the prior state fiscal...
year which may be applied against any taxes imposed pursuant to this chapter. In addition, each permitholder shall pay, from any source, including the proceeds from performances conducted pursuant to s. 550.0351, an amount not less than 10 percent of the amount of the credit provided by this section to any bona fide organization that promotes or encourages the adoption of greyhounds. As used in this chapter, the term "bona fide organization that promotes or encourages the adoption of greyhounds" means any organization that provides evidence of compliance with chapter 496 and possesses a valid exemption from federal taxation issued by the Internal Revenue Service. Such bona fide organization, as a condition of adoption, must provide sterilization of greyhounds by a licensed veterinarian before relinquishing custody of the greyhound to the adopter. The fee for sterilization may be included in the cost of adoption.

Section 40. Paragraph (a) of subsection (3) of section 741.0305, Florida Statutes, is amended to read:

**741.0305 Marriage fee reduction for completion of premarital preparation course.—**

(3)(a) All individuals electing to participate in a premarital preparation course shall choose from the following list of qualified instructors:

1. A psychologist licensed under chapter 490.
2. A clinical social worker licensed under chapter 491.
3. A marriage and family therapist licensed under chapter 491.
4. A mental health counselor licensed under chapter 491.
5. An official representative of a religious institution
which is recognized under s. 496.404(19), if the representative has relevant training.

6. Any other provider designated by a judicial circuit, including, but not limited to, school counselors who are certified to offer such courses. Each judicial circuit may establish a roster of area course providers, including those who offer the course on a sliding fee scale or for free.

Section 41. Paragraph (a) of subsection (1) of section 775.0861, Florida Statutes, is amended to read:

775.0861 Offenses against persons on the grounds of religious institutions; reclassification.—

(1) For purposes of this section, the term:

(a) "Religious institution" means any church, ecclesiastical or denominational organization, or established physical place for worship in this state at which nonprofit religious services and activities are regularly conducted and carried on, and includes those bona fide religious groups which do not maintain specific places of worship. The term includes any separate group or corporation which forms an integral part of a religious institution which is exempt from federal income tax under the provisions of s. 501(c)(3) of the Internal Revenue Code, and which is not primarily supported by funds solicited outside its own membership or congregation as defined in s. 496.404.

Section 42. Paragraph (a) of subsection (8) of section 790.166, Florida Statutes, is amended to read:

790.166 Manufacture, possession, sale, delivery, display, use, or attempted or threatened use of a weapon of mass
destruction or hoax weapon of mass destruction prohibited;
definitions; penalties.—

(8) For purposes of this section, the term "weapon of mass
destruction" does not include:

(a) A device or instrument that emits or discharges smoke
or an offensive, noxious, or irritating liquid, powder, gas, or
chemical for the purpose of immobilizing, incapacitating, or
thwarting an attack by a person or animal and that is lawfully
possessed or used by a person for the purpose of self-protection
or, as provided in subsection (7), is lawfully possessed or used
by any member or employee of the Armed Forces of the United
States, a federal or state governmental agency, or a private
entity. A member or employee of a federal or state governmental
agency includes, but is not limited to, a law enforcement
officer, as defined in s. 784.07; a federal law enforcement
officer, as defined in s. 901.1505; a firefighter, as defined in
s. 633.30; and an ambulance driver, emergency medical
technician, or paramedic, as defined in s. 401.23 emergency
service employee, as defined in s. 496.404.

Section 43. Paragraph (d) of subsection (3) of section
843.16, Florida Statutes, is amended to read:

843.16 Unlawful to install or transport radio equipment
using assigned frequency of state or law enforcement officers;
definitions; exceptions; penalties.—

(3) This section does not apply to the following:

(d) Any sworn law enforcement officer as defined in s.
943.10; a firefighter, as defined in s. 633.30; or an ambulance
driver, emergency medical technician, or paramedic, as defined
in s. 401.23 or emergency service employee as defined in s. 496.404 while using personal transportation to and from work.

Section 44. Subsection (2) of section 849.0935, Florida Statutes, is amended to read:

849.0935 Charitable, nonprofit organizations; drawings by chance; required disclosures; unlawful acts and practices; penalties.—

(2) Section The provisions of s. 849.09 does shall not be construed to prohibit an organization qualified under 26 U.S.C. s. 501(c)(3), (4), (7), (8), (10), or (19) from conducting drawings by chance pursuant to the authority granted by this section, provided the organization has complied with all applicable provisions of chapter 496.

Section 45. Section 500.459, Florida Statutes, is repealed.

Section 46. Section 500.511, Florida Statutes, is amended to read:

500.511 Bottled water plants; packed ice plants; Fees; enforcement; preemption.—

(1) FEES. All fees collected under s. 500.459 shall be deposited into the General Inspection Trust Fund and shall be accounted for separately and used for the sole purpose of administering the provisions of such section.

(2) ENFORCEMENT AND PENALTIES. In addition to the provisions contained in s. 500.459, the department may enforce s. 500.459 in the manner provided in s. 500.121. Any person who violates a provision of s. 500.459 or any rule adopted under such section shall be punished as provided in such section.
However, criminal penalties may not be imposed against any person who violates a rule.

(3) PREEMPTION OF AUTHORITY TO REGULATE. Regulation of bottled water plants, water vending machines, water vending machine operators, and packaged ice plants is preempted by the state. No county or municipality may adopt or enforce any ordinance that regulates the licensure or operation of bottled water plants, water vending machines, or packaged ice plants, unless it is determined that unique conditions exist within the county which require the county to regulate such entities in order to protect the public health. This subsection does not prohibit a county or municipality from requiring a business tax pursuant to chapter 205.


Section 48. Paragraph (d) of subsection (2) of section 501.165, Florida Statutes, is amended to read:

501.165 Automatic renewal of service contracts.—
(2) SERVICE CONTRACTS WITH AUTOMATIC RENEWAL PROVISIONS.—
(d) This subsection does not apply to:
1. A financial institution as defined in s. 655.005(1)(h) or any depository institution as defined in 12 U.S.C. s. 1813(c)(2).
2. A foreign bank maintaining a branch or agency licensed under the laws of any state of the United States.
3. Any subsidiary or affiliate of an entity described in subparagraph 1. or subparagraph 2.
4. A health studio as defined in s. 501.0125(1).

4.5. Any entity licensed under chapter 624, chapter 627, chapter 634, chapter 636, or chapter 641.

5.6. Any electric utility as defined in s. 366.02(2).

6.7. Any private company as defined in s. 180.05 providing services described in chapter 180 that is competing against a governmental entity or has a governmental entity providing billing services on its behalf.

Section 49. Section 501.143, Florida Statutes, is repealed.

Section 50. Section 205.1969, Florida Statutes, is repealed.


Section 52. Section 205.1973, Florida Statutes, is repealed.

Section 53. Paragraph (b) of subsection (1) of section 501.165, Florida Statutes, is amended to read:

501.165 Automatic renewal of service contracts.—

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

(b) "Consumer" means a natural person an individual, as defined in s. 501.603, receiving service, maintenance, or repair under a service contract. The term does not include an individual engaged in business or employed by or otherwise
acting on behalf of a governmental entity if the individual
enters into the service contract as part of or ancillary to the
individual's business activities or on behalf of the business or
governmental entity.

Section 54. Paragraph (c) of subsection (1) of section
648.44, Florida Statutes, is amended to read:
648.44 Prohibitions; penalty.—
(1) A bail bond agent or temporary bail bond agent may
not:
(c) Initiate in-person or telephone solicitation after
9:00 p.m. or before 8:00 a.m., in the case of domestic violence
cases, at the residence of the detainee or the detainee's
family. Any solicitation not prohibited by this chapter must
comply with the telephone solicitation requirements in s. 501.059(2) and (4), 501.613, and 501.616(6).

Section 55. Paragraph (a) of subsection (1) of section
772.102, Florida Statutes, is amended to read:
772.102 Definitions.—As used in this chapter, the term:
(1) "Criminal activity" means to commit, to attempt to
commit, to conspire to commit, or to solicit, coerce, or
intimidate another person to commit:
(a) Any crime that is chargeable by indictment or
information under the following provisions:
1. Section 210.18, relating to evasion of payment of
cigarette taxes.
2. Section 414.39, relating to public assistance fraud.
3. Section 440.105 or s. 440.106, relating to workers'
4. Part IV of chapter 501, relating to telemarketing.
4.5. Chapter 517, relating to securities transactions.
5.6. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.
6.7. Chapter 550, relating to jai alai frontons.
7.8. Chapter 552, relating to the manufacture, distribution, and use of explosives.
8.9. Chapter 562, relating to beverage law enforcement.
9.10. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.
10.11. Chapter 687, relating to interest and usurious practices.
11.12. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.
12.13. Chapter 782, relating to homicide.
14.15. Chapter 787, relating to kidnapping or human trafficking.
15.16. Chapter 790, relating to weapons and firearms.
16.17. Section 796.03, s. 796.04, s. 796.045, s. 796.05, or s. 796.07, relating to prostitution.
17.18. Chapter 806, relating to arson.
18.19. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.
19.20. Chapter 812, relating to theft, robbery, and
related crimes.

20.24. Chapter 815, relating to computer-related crimes.
21.22. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.
22.23. Section 827.071, relating to commercial sexual exploitation of children.
23.24. Chapter 831, relating to forgery and counterfeiting.
24.25. Chapter 832, relating to issuance of worthless checks and drafts.
25.26. Section 836.05, relating to extortion.
26.27. Chapter 837, relating to perjury.
27.28. Chapter 838, relating to bribery and misuse of public office.
28.29. Chapter 843, relating to obstruction of justice.
29.30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.
30.31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.
31.32. Chapter 893, relating to drug abuse prevention and control.
32.33. Section 914.22 or s. 914.23, relating to witnesses, victims, or informants.
33.34. Section 918.12 or s. 918.13, relating to tampering with jurors and evidence.

Section 56. Paragraph (a) of subsection (1) of section 895.02, Florida Statutes, is amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the
“Racketeering activity” means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by petition, indictment, or information under the following provisions of the Florida Statutes:

1. Section 210.18, relating to evasion of payment of cigarette taxes.
2. Section 316.1935, relating to fleeing or attempting to elude a law enforcement officer and aggravated fleeing or eluding.
3. Section 403.727(3)(b), relating to environmental control.
4. Section 409.920 or s. 409.9201, relating to Medicaid fraud.
5. Section 414.39, relating to public assistance fraud.
6. Section 440.105 or s. 440.106, relating to workers’ compensation.
7. Section 443.071(4), relating to creation of a fictitious employer scheme to commit unemployment compensation fraud.
8. Section 465.0161, relating to distribution of medicinal drugs without a permit as an Internet pharmacy.
9. Section 499.0051, relating to crimes involving contraband and adulterated drugs.
10. Part IV of chapter 501, relating to telemarketing.
investor protection.

Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

Chapter 550, relating to jai alai frontons.

Section 551.109, relating to slot machine gaming.

Chapter 552, relating to the manufacture, distribution, and use of explosives.

Chapter 560, relating to money transmitters, if the violation is punishable as a felony.

Chapter 562, relating to beverage law enforcement.

Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.

Chapter 687, relating to interest and usurious practices.

Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

Section 775.13(5)(b), relating to registration of persons found to have committed any offense for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.

Section 777.03, relating to commission of crimes by accessories after the fact.

Chapter 782, relating to homicide.
24. Chapter 784, relating to assault and battery.
25. Chapter 787, relating to kidnapping or human trafficking.
26. Chapter 790, relating to weapons and firearms.
27. Chapter 794, relating to sexual battery, but only if such crime was committed with the intent to benefit, promote, or further the interests of a criminal gang, or for the purpose of increasing a criminal gang member's own standing or position within a criminal gang.

28. Section 796.03, s. 796.035, s. 796.04, s. 796.045, s. 796.05, or s. 796.07, relating to prostitution and sex trafficking.
29. Chapter 806, relating to arson and criminal mischief.
30. Chapter 810, relating to burglary and trespass.
31. Chapter 812, relating to theft, robbery, and related crimes.
32. Chapter 815, relating to computer-related crimes.
33. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.
34. Chapter 825, relating to abuse, neglect, or exploitation of an elderly person or disabled adult.

35. Section 827.071, relating to commercial sexual exploitation of children.
36. Chapter 831, relating to forgery and counterfeiting.
37. Chapter 832, relating to issuance of worthless checks and drafts.
Section 836.05, relating to extortion.

Chapter 837, relating to perjury.

Chapter 838, relating to bribery and misuse of public office.

Chapter 843, relating to obstruction of justice.

Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

Chapter 874, relating to criminal gangs.

Chapter 893, relating to drug abuse prevention and control.

Chapter 896, relating to offenses related to financial transactions.

Sections 914.22 and 914.23, relating to tampering with or harassing a witness, victim, or informant, and retaliation against a witness, victim, or informant.

Sections 918.12 and 918.13, relating to tampering with jurors and evidence.

Section 57. Chapter 507, Florida Statutes, consisting of sections 507.01, 507.02, 507.03, 507.04, 507.05, 507.06, 507.07, 507.08, 507.09, 507.10, 507.11, 507.12, and 507.13, is repealed.

Section 58. Section 205.1975, Florida Statutes, is repealed.

Section 59. Subsection (1) of section 509.242, Florida Statutes, is amended to read:

509.242 Public lodging establishments; classifications.—

(1) A public lodging establishment shall be classified as
a hotel, motel, resort condominium, nontransient apartment, transient apartment, roominghouse, bed and breakfast inn, or resort dwelling if the establishment satisfies the following criteria:

(a) Hotel.—A hotel is any public lodging establishment containing sleeping room accommodations for 25 or more guests and providing the services generally provided by a hotel and recognized as a hotel in the community in which it is situated or by the industry.

(b) Motel.—A motel is any public lodging establishment which offers rental units with an exit to the outside of each rental unit, daily or weekly rates, offstreet parking for each unit, a central office on the property with specified hours of operation, a bathroom or connecting bathroom for each rental unit, and at least six rental units, and which is recognized as a motel in the community in which it is situated or by the industry.

(c) Resort condominium.—A resort condominium is any unit or group of units in a condominium, cooperative, or timeshare plan which is rented more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented for periods of less than 30 days or 1 calendar month, whichever is less.

(d) Nontransient apartment or roominghouse.—A nontransient apartment or roominghouse is a building or complex of buildings in which 75 percent or more of the units are available for rent to nontransient tenants.
(e) Transient apartment or roominghouse.—A transient apartment or roominghouse is a building or complex of buildings in which more than 25 percent of the units are advertised or held out to the public as available for transient occupancy.

(f) Roominghouse.—A roominghouse is any public lodging establishment that may not be classified as a hotel, motel, resort condominium, nontransient apartment, bed and breakfast inn, or transient apartment under this section. A roominghouse includes, but is not limited to, a boardinghouse.

(f)(g) Resort dwelling.—A resort dwelling is any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit which is rented more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented for periods of less than 30 days or 1 calendar month, whichever is less.

(g)(h) Bed and breakfast inn.—A bed and breakfast inn is a family home structure, with no more than 15 sleeping rooms, which has been modified to serve as a transient public lodging establishment, which provides the accommodation and meal services generally offered by a bed and breakfast inn, and which is recognized as a bed and breakfast inn in the community in which it is situated or by the hospitality industry.

Section 60. Subsection (9) of section 509.221, Florida Statutes, is amended to read:

509.221 Sanitary regulations.—

(9) Subsections (2), (5), and (6) do not apply to any
facility or unit classified as a resort condominium,
nontransient apartment, or resort dwelling as described in s.
509.242(1)(c), (d), and (f).

Section 61. Chapter 555, Florida Statutes, consisting of
sections 555.01, 555.02, 555.03, 555.04, 555.05, 555.07, and
555.08, is repealed.

Section 62. Part VIII of chapter 559, Florida Statutes,
consisting of sections 559.80, 559.801, 559.802, 559.803,
559.805, 559.807, 559.809, 559.811, 559.813, and 559.815, is
repealed.

Section 63. Part IX of chapter 559, Florida Statutes,
consisting of sections 559.901, 559.902, 559.903, 559.904,
559.905, 559.907, 559.909, 559.911, 559.915, 559.916, 559.917,
559.919, 559.920, 559.921, 559.9215, 559.922, 559.92201, and
559.9221, is repealed.

Section 64. Paragraph (a) of subsection (9) of section
320.27, Florida Statutes, is amended to read:
320.27  Motor vehicle dealers.—
(9)  DENIAL, SUSPENSION, OR REVOCATION.—
(a)  The department may deny, suspend, or revoke any
license issued hereunder or under the provisions of s. 320.77 or
s. 320.771 upon proof that an applicant or a licensee has:
1.  Committed fraud or willful misrepresentation in
application for or in obtaining a license.
2.  Been convicted of a felony.
3.  Failed to honor a bank draft or check given to a motor
vehicle dealer for the purchase of a motor vehicle by another
motor vehicle dealer within 10 days after notification that the
bank draft or check has been dishonored. If the transaction is disputed, the maker of the bank draft or check shall post a bond in accordance with the provisions of s. 559.917, and no proceeding for revocation or suspension shall be commenced until the dispute is resolved.

4.a. Failed to provide payment within 10 business days to the department for a check payable to the department that was dishonored due to insufficient funds in the amount due plus any statutorily authorized fee for uttering a worthless check. The department shall notify an applicant or licensee when the applicant or licensee makes payment to the department by a check that is subsequently dishonored by the bank due to insufficient funds. The applicant or licensee shall, within 10 business days after receiving the notice, provide payment to the department in the form of cash in the amount due plus any statutorily authorized fee. If the applicant or licensee fails to make such payment within 10 business days, the department may deny, suspend, or revoke the applicant's or licensee's motor vehicle dealer license.

b. Stopped payment on a check payable to the department, issued a check payable to the department from an account that has been closed, or charged back a credit card transaction to the department. If an applicant or licensee commits any such act, the department may deny, suspend, or revoke the applicant's or licensee's motor vehicle dealer license.

Section 65. Paragraph (a) of subsection (1) of section 445.025, Florida Statutes, is amended to read:

445.025 Other support services.—Support services shall be
provided, if resources permit, to assist participants in complying with work activity requirements outlined in s. 445.024. If resources do not permit the provision of needed support services, the regional workforce board may prioritize or otherwise limit provision of support services. This section does not constitute an entitlement to support services. Lack of provision of support services may be considered as a factor in determining whether good cause exists for failing to comply with work activity requirements but does not automatically constitute good cause for failing to comply with work activity requirements, and does not affect any applicable time limit on the receipt of temporary cash assistance or the provision of services under chapter 414. Support services shall include, but need not be limited to:

(1) TRANSPORTATION.—Transportation expenses may be provided to any participant when the assistance is needed to comply with work activity requirements or employment requirements, including transportation to and from a child care provider. Payment may be made in cash or tokens in advance or through reimbursement paid against receipts or invoices. Transportation services may include, but are not limited to, cooperative arrangements with the following: public transit providers; community transportation coordinators designated under chapter 427; school districts; churches and community centers; donated motor vehicle programs, van pools, and ridesharing programs; small enterprise developments and entrepreneurial programs that encourage participants to become transportation providers; public and private transportation
partnerships; and other innovative strategies to expand
transportation options available to program participants.

(a) Regional workforce boards may provide payment for
vehicle operational and repair expenses, including repair
expenditures necessary to make a vehicle functional; vehicle
registration fees; driver's license fees; and liability
insurance for the vehicle for a period of up to 6 months.
Request for vehicle repairs must be accompanied by an estimate
of the cost prepared by a repair facility registered under s.
559.994.

Section 66. Paragraph (i) of subsection (1) of section
713.585, Florida Statutes, is redesignated as paragraph (h),
subsections (12) and (13) of that section are renumbered as
subsections (11) and (12), respectively, and present paragraph
(h) of subsection (1) and present subsection (11) of that
section are amended, to read:

713.585  Enforcement of lien by sale of motor vehicle.—A
person claiming a lien under s. 713.58 for performing labor or
services on a motor vehicle may enforce such lien by sale of the
vehicle in accordance with the following procedures:

(1) The lienor must give notice, by certified mail, return
receipt requested, within 15 business days, excluding Saturday
and Sunday, from the beginning date of the assessment of storage
charges on said motor vehicle, to the registered owner of the
vehicle, to the customer as indicated on the order for repair,
and to all other persons claiming an interest in or lien
thereon, as disclosed by the records of the Department of
Highway Safety and Motor Vehicles or of a corresponding agency
of any other state in which the vehicle appears registered. Such notice must contain:

(h) Notice that the owner of the vehicle has a right to recover possession of the vehicle without instituting judicial proceedings by posting bond in accordance with the provisions of s. 559.917.

(11) Nothing in this section shall operate in derogation of the rights and remedies established by s. 559.917.

Section 67. Part XI of chapter 559, Florida Statutes, consisting of sections 559.926, 559.927, 559.928, 559.9285, 559.929, 559.9295, 559.931, 559.932, 559.933, 559.9335, 559.934, 559.935, 559.9355, 559.936, 559.937, 559.938, and 559.939, is repealed.

Section 68. Section 205.1971, Florida Statutes, is repealed.

Section 69. Subsections (21) through (28) of section 501.604, Florida Statutes, are renumbered as subsections (20) through (28), respectively, and present subsection (20) of that section is amended to read:

501.604  Exemptions.—The provisions of this part, except ss. 501.608 and 501.616(6) and (7), do not apply to:

(20) A person who is registered pursuant to part XI of chapter 559 and who is soliciting within the scope of the registration.

Section 70. Paragraph (b) of subsection (1) of section 501.608, Florida Statutes, is amended to read:

501.608  License or affidavit of exemption; occupational license.—
(b) Any commercial telephone seller claiming to be exempt from the act under s. 501.604(2), (3), (5), (6), (9), (10), (11), (12), (17), (20) (21), (21) (22), (23) (24), or (25) (26) must file with the department a notarized affidavit of exemption. The affidavit of exemption must be on forms prescribed by the department and must require the name of the commercial telephone seller, the name of the business, and the business address. Any commercial telephone seller maintaining more than one business may file a single notarized affidavit of exemption that clearly indicates the location of each place of business. If a change of ownership occurs, the commercial telephone seller must notify the department.

Section 71. Subsection (5) of section 636.044, Florida Statutes, is amended to read:

636.044 Agent licensing.—

(5) A person registered as a seller of travel under s. 559.928 is not required to be licensed under this section in order to sell prepaid limited health service contracts that cover the cost of transportation provided by an air ambulance service licensed pursuant to s. 401.251. The prepaid limited health service contract for such coverage is, however, subject to all applicable provisions of this chapter.

Section 72. Paragraph (d) of subsection (3) of section 721.11, Florida Statutes, is amended to read:

721.11 Advertising materials; oral statements.—

(3) The term "advertising material" does not include:

(d) Any audio, written, or visual publication or material
relating to the promotion of the availability of any accommodations or facilities, or both, for transient rental, including any arrangement governed by part XI of chapter 559, so long as a mandatory tour of a timeshare plan or attendance at a mandatory sales presentation is not a term or condition of the availability of such accommodations or facilities, or both, and so long as the failure of any transient renter to take a tour of a timeshare plan or attend a sales presentation does not result in the transient renter receiving less than what was promised to the transient renter in such materials.

Section 73. Section 686.201, Florida Statutes, is repealed.

Section 74. Section 817.559, Florida Statutes, is repealed.

Section 75. This act shall take effect July 1, 2011.