

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

REGULATED INDUSTRIES
Senator Stargel, Chair
Senator Braynon, Vice Chair

MEETING DATE: Wednesday, October 9, 2013
TIME: 4:00 —6:00 p.m.
PLACE: 301 Senate Office Building

MEMBERS: Senator Stargel, Chair; Senator Braynon, Vice Chair; Senators Detert, Flores, Galvano, Gibson, Legg, Sachs, Sobel, and Thrasher

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
		Update by the Department of Business and Professional Regulation on the Implementation of 2013 Legislation	Presented

Other Related Meeting Documents

Florida Department of
Business
Professional
Regulation



License efficiently. Regulate fairly.

Ken Lawson
Secretary

Implementation of 2013 Legislation

Senate Committee on Regulated
Industries

October 9, 2013

HB 57 Implementation

Florida Homeowners' Construction Industry Recovery Fund (FHCIRF)

- The FHCIRF is a fund of last resort available to compensate homeowners who suffered monetary damages due to the financial misconduct or fraud of a construction contractor.
- HB 57 permitted the transfer of excess funds from the Florida Building Code Administrators and Inspectors Board (BCAIB) to the FHCIRF when those funds are not necessary for the operation of the BCAIB
- Effective date is October 1, 2013

FY 2013-14

- Beginning Status
 - 589 pending claims valued at \$13,153,267 in anticipated recovery payments
- Annual Appropriation: \$8 Million
- Anticipated Claim Payout
 - 371 claims = \$7,986,624
- Remaining Claims
 - 218 claims valued at \$5,166,643 in anticipated recovery payments
- Claims Rate
 - Received an average of 333 claims per year during the previous 5 fiscal years

HB 7119 Implementation

Homeowners' Association Online Registration

- Website went live on September 27, 2013
- Deadline for initial reports is November 22, 2013
- To date, more than 1,699 associations have registered
- HOA registration website:
www.myfloridalicense.com/hoa

Community Association Manager (CAM) Discipline

- HB 7119 provides that CAMs may be disciplined for violating any provision of Chs. 718, 719 or 720, F.S.
- The Statute requires the Regulatory Council of Community Association Managers to specify by rule which specific acts would provide a basis for discipline
- The Department suggested modifications to the CAM standards of practice rule that were approved by the Council on August 23rd
- The Council anticipates rule adoption by November 28, 2013

Florida Real Estate Appraisal Board (FREAB)

- Most recent compliance review determined that the FREAB is in substantial compliance with federal regulations
- Additional 3 attorney positions, 3 investigator positions, and 3 administrative assistant positions added to:
 - Ensure continued compliance
 - Allow DBPR to handle increased case loads and reduce or eliminate year old cases

SB 1398 Implementation

- SB 1398 authorizes the FREAB to accept distance education courses for qualifying education
- Effective date was July 1, 2013
- The FREAB considered changes to Rule 61J1-4.001, F.A.C., to incorporate standards for distance education courses at its meeting on October 7, 2013

HB 667 Implementation

- HB 667 authorizes the FREAB to incorporate the standards of the 2015 Appraiser Qualifications Board (AQB) into the Florida Statutes, effective January 1, 2014
- The official rulemaking process for further changes will commence January 1, 2014
- Rules anticipated to be developed with a specific effective date that will provide notice to appraisers, ensure adequate time to licensees and applicants, and comply with the federal deadline of January 1, 2015

SB 328 Implementation

Certified Public Accountants

- Requires the Board of Accountancy to adopt rules for peer review programs, authorizes the board to establish a peer review oversight committee, and requires public accounting firms performing audits to enroll in a peer review program by January 1, 2015.
- August 3, 2013 - presentation to the full board regarding steps needed to promulgate rules and the issues that must be considered when promulgating rules.
- October 3, 2013 - The Florida Board of Accountancy voted to notice for rule development and approved text for newly created Chapter 61H1-39.001 – 61H1-39.005 F.A.C.

HB 795 Implementation

Risk-Based Food Service Inspections

- Requires the Division of Hotels and Restaurants to adopt by rule a risk-based inspection frequency for public food service establishments using the following criteria:
 - One to four routine annual inspections;
 - Frequency based on inspection and compliance history, type of food and food preparation, type of service; and
 - Reassess establishments' inspection frequency annually.
- Rule development workshop held and draft frequency provided to industry and public.
- On track for rule adoption and implementation by the bill effective date, July 1, 2014

HB 347 Implementation

Craft Distilleries

- The law creates/defines a new type of distillery, craft distilleries, and allows the distillery to sell their product to consumers in face-to-face transactions on retail premises contiguous to the distillery's premises.
- Craft Distillery is defined as a licensed distillery that produces 75,000 or fewer gallons of distilled spirits on its premises.
- Effective date was July 1, 2013
- The law has been implemented: license type enabled in system and staff trained.
- There are currently 20 distilleries licensed by the Division of Alcoholic Beverages and Tobacco but none have completed the process of obtaining craft distillery status.

Pari-Mutuel Wagering Rule Workshops

- The Division of Pari-Mutuel Wagering will host a series of rule-development workshops for draft pari-mutuel rules to be held throughout the state.
- A notice to the public will be issued prior to each meeting, as well as an agenda.
- The rulemaking process is necessary to ensure the continued integrity of pari-mutuel wagering and designed to clarify terms and maintain traditional pari-mutuel standards.
- The workshops will provide the opportunity for the industry and other stakeholders to offer input and suggestions to the draft rules.
- The first rule-development workshop will be held in Fort Lauderdale on October 16, 2013.

Contact Information

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

10/9/13

Meeting Date

Topic Implementation of bills passed in 2013

Bill Number N/A
(if applicable)

Name Matilde Miller

Amendment Barcode _____
(if applicable)

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Speaking: For Against Information

Representing DBPR

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

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10/9/2013
Meeting Date

Topic DBPR 2013 LEGISLATION IMPLEMENTATION Bill Number DBPR PRESENTATION
(if applicable)

Name John MacIVER Amendment Barcode N/A
(if applicable)

Job Title ASST. GEN. COUNSEL

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TALLAHASSEE FL. 32399 E-mail JOHN.MACIVER@MYFLORIDA LICENSE.COM
City State Zip

Speaking: For Against Information

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10/9/2013
Meeting Date

Bill Implementation Presentation

Topic ~~DBPR~~ HB 795 Risk Based Insp freq. Bill Number 795
(if applicable)

Name RICK AKIN Amendment Barcode _____
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Speaking: For Against Information

Representing DBPR

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/20/11)

CourtSmart Tag Report

Room: SB 301

Case:

Type:

Caption: Senate Regulated Industries Committee

Judge:

Started: 10/9/2013 4:03:55 PM

Ends: 10/9/2013 4:28:56 PM

Length: 00:25:02

4:04:48 PM Chair Comments on Implementation of 2013 Legislation
4:05:52 PM Matilda Phillips, Legislative Director, DBPR
4:14:09 PM Sen Detert with questions
4:14:19 PM Matilda Miller responding
4:16:29 PM Matilda Miller responding
4:17:19 PM Matilda Miller omtinung with presentation
4:23:31 PM Rick Aken,m Director of Hotels and Restaurants, Department of Business and Professional Regulation
4:26:29 PM Matilda Phillips, Legislative Affairs, Director, DBPR
4:28:37 PM Chairs Comments
4:28:47 PM Meeting Adjourn