

THE FLORIDA LEGISLATURE



May 5, 2011

The Honorable Mike Haridopolos
President of the Senate

The Honorable Dean Cannon
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on CS/HB 5007, same being:

An act relating to reducing and streamlining regulations.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the Senate recede from its Amendment 1.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment attached hereto, and by reference made a part of this report.

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The Conference Committee Amendment for CS/HB 5007, relating to reducing and streamlining regulations, provides for the following:

- Authorizes the Department of Highway Safety and Motor Vehicles to provide copies of driver licenses to the Department of Business and Professional Regulation (DBPR) to assist in investigations of unlicensed activity.
- Authorizes the DBPR to grant fee waivers for financial hardship or because of errors caused by the department.
- Provides that inactive license holders may only be required to complete one full cycle of continuing education requirements, regardless of how many years they have been inactive.
- Authorizes the Board of Architecture and Interior Design to contract for services.
- Decriminalizes rule violations for real estate and cosmetology related professionals.
- Removes references to the Uniform Professional Appraisal Practice and replaces it with professional practices established by board rule.
- Extends the effective date for the regulation of appraisal management companies, from July 1, 2011, to July 1, 2014.
- Amends the grandfather provision for home inspector licensees to permit Division I contractors and building code inspectors to qualify for licensure. The grandfather provision is extended from March 1, 2011 until July 1, 2012.
- Reduces education requirements for persons licensed as mold assessors or mold remediators to require that the applicant have a high school diploma or its equivalent rather than college coursework. The amendment eliminates the requirement for mold related professionals to have documented coursework in water, mold, and respiratory protection.
- Amends the grandfather provision for mold related services to permit persons with at least one year of experience who have completed at least 10 remediations or assessments to qualify for license. The grandfather provision is extended from March 1, 2011 to July 2012.
- Eliminates the requirement for a licensed asbestos consultant or asbestos contractor to obtain an additional license when operating a sole proprietorship.
- Authorizes accountants with a Masters degree from an accredited state college or university to be licensed without course reviews.
- Authorizes an accountant licensed in another state to become licensed in Florida if the accountant has five years of experience and all applicable fees are paid, regardless of the scope of the out-of-state applicant's coursework.
- Revises the post-licensure education requirements for real estate brokers and sales associates, to provide that the post-licensure requirements do not apply if the broker or associate has received a bachelor's or higher degree in real estate from an accredited institution.
- Eliminates the requirement for a licensed architect to obtain an additional license when operating a sole proprietorship.
- Authorizes landscape designers to submit plans to governmental agencies for approval.
- Preempts to the state matters related to nutritional content and marketing of foods offered by public lodging establishments and public food service establishments.

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- Requires public food service establishments that have violated ch. 509, F.S., to complete remedial food safety training from a provider whose program has been approved by the Division of Hotels and Restaurants within the DBPR.
- Increases the inactive license period from two to eight years for Fire Sprinkler Installers.
- Transfers the Department of Agriculture and Consumer Services' responsibilities under the Motor Vehicle Warranty Enforcement Act (or "Lemon Law") to the Attorney General.
- Deletes the authority for the Department of Agriculture and Consumer Services to enforce the prohibition against unconscionable prices relating to the rental or sale of essential commodities during a declared state of emergency (also known as the statutory "Price Gouging" restriction). In addition, the amendment allows consideration of "regional" commodity trends, in addition to the national and international commodity trends, which may be relied upon for legally pricing commodities during declared emergencies.
- Creates a regulatory system for cottage food operations, to exempt from permitting by the Department of Agriculture and Consumer Services a cottage food operation that sells less than \$15,000 annually, and provides for labeling requirements of cottage food products.
- Amends ch. 493, F.S., to allow application fees for firearms instructors, managers, recovery agents, private investigators, and others to be paid by electronic funds transfer and deletes authority to pay fees by certified checks.
- Requires the Department of Financial Services to review the merits of consolidating the regulatory structure of the title insurance industry – agents and agencies, as well as title insurance companies – under the department.
- Provides an effective date of July 1, 2011.