CS/CS/SB 296 by **CM, RI, Brandes**; (Compare to H 00669) Beverage Law

188094	A	S	RCS	RI, Brandes, Steube	Delete L.48 - 78:	01/25 10:03 AM
~~298022~~	A	S	WD	RI, Brandes	Delete L.55 - 114:	01/25 10:03 AM
~~576840~~	A	S	WD	RI, Steube	Delete L.62 - 63:	01/25 10:03 AM
~~258730~~	A	S	WD	RI, Steube	Delete L.66 - 114:	01/25 10:03 AM
~~235596~~	A	S	WD	RI, Steube	Delete L.48 - 64:	01/25 10:03 AM

SB 922 by **Bean**; (Similar to H 01265) Sale of Alcoholic Beverages

SB 1224 by **Bradley**; (Similar to H 00961) Beverage Law

SB 526 by **Brandes (CO-INTRODUCERS) Bracy**; (Similar to H 00015) Deregulation of Professions and Occupations

~~590398~~	A	S	WD	RI, Brandes	btw L.134 - 135:	01/25 09:57 AM
180460	A	S	RCS	RI, Brandes	Delete L.358 - 374:	01/25 09:57 AM

SB 1114 by **Brandes (CO-INTRODUCERS) Hutson, Perry**; (Similar to H 01041) Professional Regulation

~~459104~~	A	S	WD	RI, Brandes	Delete L.72 - 254:	01/24 02:57 PM

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

REGULATED INDUSTRIES
Senator Hutson, Chair
Senator Hukill, Vice Chair

MEETING DATE: Wednesday, January 24, 2018
TIME: 11:30 a.m.—1:30 p.m.
PLACE: *Toni Jennings Committee Room,* 110 Senate Office Building

MEMBERS: Senator Hutson, Chair; Senator Hukill, Vice Chair; Senators Benacquisto, Bracy, Brandes, Braynon, Gibson, Steube, Thurston, and Young

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	Continuation of bills from Tuesday, January 23, 2018		
1	**CS/CS/SB 296** Commerce and Tourism / Regulated Industries / Brandes (Compare H 669)	Beverage Law; Repealing provisions relating to limitations on the size of individual wine containers; repealing provisions relating to limitations on the size of individual cider containers; revising provisions authorizing a restaurant to allow a patron to remove bottles of wine from a restaurant for off-premises consumption; providing limitations on retail sales by a craft distillery to consumers, etc. RI 12/07/2017 Fav/CS CM 01/09/2018 Fav/CS RI 01/23/2018 Temporarily Postponed RI 01/24/2018 Fav/CS RC	Fav/CS Yeas 8 Nays 2
2	**SB 922** Bean (Similar H 1265)	Sale of Alcoholic Beverages; Providing an exception to the miniature bottle requirement for operators of intrastate railroads and sleeper cars, etc. RI 01/23/2018 Favorable RI 01/24/2018 TR RC	
3	**SB 1224** Bradley (Similar H 961)	Beverage Law; Authorizing a malt beverage distributor to give branded glassware to vendors licensed to sell malt beverages for on-premises consumption; requiring that the glassware bear certain branding; prohibiting a vendor from selling the branded glassware or returning it to a distributor for cash, credit, or replacement, etc. RI 01/23/2018 Favorable RI 01/24/2018 CM AP	

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	**SB 526** Brandes (Similar H 15)	Deregulation of Professions and Occupations; Repealing provisions relating to licensure and permit requirements for business agents; prohibiting a business organization from engaging in certain practices until it is qualified by a qualifying agent; authorizing the executive director or the chair of the board to authorize a temporary qualifying agent for a specified timeframe under certain circumstances; requiring the board to allow an applicant to qualify one or more business organizations or to operate using a fictitious name under certain circumstances, etc. RI 01/24/2018 Fav/CS CM AP RC	Fav/CS Yeas 5 Nays 4
5	**SB 1114** Brandes (Similar H 1041)	Professional Regulation; Authorizing a person to seek a declaratory statement from an agency as to the effect of the person's criminal background on his or her eligibility for certain licenses, registrations, or certificates; prohibiting the conviction of a crime before a specified date from being grounds for the denial of certain licenses, etc. RI 01/24/2018 Favorable CM RC	Favorable Yeas 10 Nays 0
	Other Related Meeting Documents		

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL: CS/ CS/CS/SB 296

INTRODUCER: Regulated Industries Committee; Commerce and Tourism Committee; Regulated Industries Committee; and Senator Brandes

SUBJECT: Beverage Law

DATE: January 24, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	McSwain	RI	**Fav/CS**
2.	Swift	McKay	CM	**Fav/CS**
3.	Oxamendi	McSwain	RI	**Fav/CS**
4.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 296 repeals the limits on the size of a wine container, which in current law may not hold more than one gallon, unless the container is reusable and holds 5.16 gallons.

The bill also repeals the limits on the size of a cider container, which in current law may not hold more than 32 ounces of cider. However, current law permits cider to be packaged and sold in bulk, in kegs or barrels, or in any individual container of one gallon or more of cider, regardless of container type.

The bill amends the current provision that permits a restaurant patron to take home a partially consumed bottle of wine under certain conditions. It revises the requirement that a restaurant patron must purchase and consume a full course meal (consisting of an entrée, salad or vegetable, beverage, and bread) in order to be able to take home a partially consumed bottle of wine. The bill replaces that requirement with a requirement that a restaurant patron purchase only a meal with the bottle of wine.

Additionally, the bill revises certain provisions applicable to craft distilleries. First, the bill increases the current distilled spirits production limit to qualify as a craft distillery from 75,000 gallons to 250,000 gallons, but limits the amount that may be transferred to the craft distillery's souvenir gift shop for sale to consumers for off-premises consumption to 75,000 gallons.

Second, the bill repeals the six individual container limit on sales of each of the craft distillery's branded products to a consumer at a craft distillery's souvenir gift shop. Third, the bill codifies a recent declaratory statement issued to a craft distillery by the Division of Alcoholic Beverages of the Department of Business and Professional Regulation. The statement interprets current law to permit a craft distillery to blend distilled spirits produced at its licensed premises with distilled spirits produced elsewhere, provided the blended product is blended and filled in factory-sealed containers, at the craft distillery's licensed premises.

CS/CS/CS/SB 296 has no fiscal impact on state government. See Section V, Fiscal Impact Statement.

The effective date of the bill is July 1, 2018.

II. Present Situation:

Division of Alcoholic Beverages and Tobacco

The Division of Alcoholic Beverages and Tobacco (division) within the Department of Business and Professional Regulation administers and enforces[1] the Beverage Law,[2] which regulates the manufacture, distribution, and sale of wine, beer, and liquor[3]. The division is also responsible for the administration and enforcement of tobacco products under ch. 569, F.S.

Wine and Cider Containers

Section 564.05, F.S., prohibits the sale of wine in an individual container that holds more than one gallon of wine. However, wine may be sold in a reusable container of 5.16 gallons. Distributors and manufacturers may sell wine to other distributors and manufacturers in containers of any size. Any person who violates the prohibition in s. 564.05, F.S., commits a second degree misdemeanor.[4]

Section 564.055, F.S., prohibits the sale of cider[5] at retail in any individual container of more than 32 ounces of cider. However, cider may be packaged and sold in bulk, in kegs or barrels, or in any individual container of one gallon or more of cider, regardless of container type.

---

[1] Section 561.02, F.S.
[2] Section 561.01(6), F.S., provides that the "Beverage Law" means chs. 561, 562, 563, 564, 565, 567, and 568, F.S.
[3] *See* s. 561.14, F.S.
[4] Section 775.082(4), F.S., provides the penalty for a misdemeanor of the second degree is a term of imprisonment not exceeding 60 days. Section 775.083(1)(e), F.S., provides the penalty for a misdemeanor of the second degree is a fine not to exceed $500.
[5] Section 564.06(4), F.S., provides that "cider" is "made from the normal alcoholic fermentation of the juice of sound, ripe apples or pears, including but not limited to flavored, sparkling, or carbonated cider and cider made from condensed apple or pear must, that contain not less than one-half of 1 percent of alcohol by volume and not more than 7 percent of alcohol by volume." "Must" is the expressed juice of a fruit before and during fermentation. *See* https://www.merriam-webster.com/dictionary/must (last visited January 4, 2018).

Restaurants - Off-Premises Consumption of Wine

Restaurants licensed to sell wine on the premises may permit patrons to remove one bottle of wine for consumption off the licensed premises under the following conditions:

- The patron must have purchased a full-course meal consisting of a salad or vegetable, entrée, a beverage, and bread and consumed a portion of the bottle of wine with the meal;
- Before the partially-consumed bottle of wine is removed from the premises, the bottle must be securely resealed by the licensee, or the licensee's employee, and placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been opened or tampered with after having been sealed;
- A dated receipt for the wine and meal must be attached to the container; and
- The container must be placed in a locked glove compartment, trunk, or other area behind the last upright seat of a motor vehicle that does not have a trunk.[6]

Distilleries and Craft Distilleries

Section 565.01, F.S., defines the terms "liquor," "distilled spirits," "spirituous liquors," "spirituous beverages," or "distilled spirituous liquors" to mean "that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced."

A "distillery" is a manufacturer of distilled spirits,[7] and a "craft distillery" is a licensed distillery that produces 75,000 or fewer gallons of distilled spirits per calendar year on its premises. A craft distillery must notify the division in writing of its decision to qualify as a craft distillery.[8]

All distilleries engaged solely in the business of manufacturing distilled spirits, or engaged in the business of blending and rectifying[9] distilled spirits must pay a state license tax for each plant or branch operating in Florida. Distilleries pay $4,000 annually for the license tax and craft distilleries pay $1,000. Persons who engage in the business of distilling spirits may also rectify and blend spirituous liquors without paying an additional license tax.[10]

Retail Sales by Distilleries

A craft distillery is allowed to sell to consumers branded products[11] distilled on the licensed premises. The products must be in factory-sealed containers that are filled at the distillery and sold for off-premises consumption.[12] The sales must occur at the distillery's souvenir gift shop located on private property contiguous to the licensed distillery premises. The craft distillery is not required to obtain, in addition to its manufacturer's license, a vendor's license in order to sell distilled spirits to consumers.

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[6] Section 564.09, F.S.
[7] Section 565.03(1)(c), F.S.
[8] Section 565.03(1)(b), F.S.
[9] Merriam-Webster defines rectify as the purification (of alcohol) especially by repeated or fractional distillation, *available at* http://www.merriam-webster.com/dictionary/rectify (last visited January 10, 2018).
[10] Section 565.03(3), F.S.
[11] Section 565.03(1)(a), F.S., defines "branded product" to mean "any distilled spirits product manufactured on site, which requires a federal certificate and label approval by the Federal Alcohol Administration Act or federal regulations."
[12] Section 565.03(2)(c), F.S.

A craft distillery must report to the division within five business days after it has reached the 75,000-gallon production limit and cease making sales to consumers on the day after it reaches the production limit.[13]

A craft distillery may not ship, arrange to ship, or deliver distilled spirits to consumers, but may ship, arrange to ship, or deliver distilled spirits to manufacturers of distilled spirits, wholesale distributors of distilled spirits, state or federal bonded warehouses, and exporters.[14]

A craft distillery may not transfer its license or any ownership interest to any individual or entity with a direct or indirect interest in another distillery licensed in any other state, territory, or country.[15] However, a craft distillery may be affiliated with another distillery that produces 75,000 or fewer gallons per calendar year of distilled spirits on its premises or in any other state, territory, or country.[16]

A craft distillery must submit beverage excise taxes on distilled spirits sold to consumers in its monthly report to the division.[17]

Declaratory Statement

On January 19, 2018, the division issued a declaratory statement interpreting s. 565.03(2)(c), F.S., to permit a craft distillery to sell to consumers, at its souvenir gift shop, a product comprised of a blend of liquors distilled on the premises of the craft distillery and liquors distilled by other manufacturers away from the premises. The craft distillery may then, at the craft distillery, fill individual containers with the final, blended liquor product for sale at its souvenir gift shop.[18]

III. Effect of Proposed Changes:

Wine Containers

Section 1 repeals the wine container size limits in s. 564.05, F.S.

Cider Containers

Section 2 repeals the cider container size limits in s. 564.055, F.S.

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[13] Section 565.03(2)(c)3., F.S.
[14] Section 565.03(2)(c)4., F.S.
[15] Section 565.03(2)(c)5., F.S.
[16] Section 565.03(2)(c)6., F.S.
[17] Section 565.03(5), F.S. Section 565.12, F.S., requires manufactures and distributors to pay an excise tax on alcoholic beverages, with the tax rate per gallon depending on the percent of alcohol by volume of the beverage. Section 565.13, F.S., requires every distributor selling spirituous beverages within the state to pay the tax to the division monthly on or before the 10th day of the following month.
[18] Final Order on Petition for Declaratory Statement, *In Re: Petition for Declaratory Statement Before the Division Of Alcoholic Beverages and Tobacco, On behalf of Drum Circle Distilling, LLC*, DS 2017-071 (DABT Case No. 2017-052675), January 19, 2018, (on file with Senate Committee on Regulated Industries).

Restaurants - Off-Premises Consumption of Wine

Section 3 amends s. 564.09, F.S., to revise the requirement that a restaurant patron must purchase and consume a full course meal in order to be able to take home a partially consumed bottle of wine. The bill retains the requirement that the restaurant patron purchase a meal with the bottle of wine.

Craft Distilleries

Section 4 amends s. 565.03, F.S., to revise the definition of "branded product" to include distilled spirits manufactured on site and blended with other distilled spirits to codify the declaratory statement entered by the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation on January 19, 2018.[19]

The bill revises the requirement that a craft distillery may only produce up to 75,000 gallons per calendar year, instead allowing for 250,000 or fewer gallons per calendar year. The bill also increases from 75,000 gallons to 250,000 gallons the maximum production per calendar year of distilled spirits a distillery affiliated with a craft distillery may produce on its premises or in any other state, territory, or country.

Under the bill, the amount allowed to be transferred to the craft distillery's souvenir gift shop for sale to consumers is limited to 75,000 gallons per calendar year.

Additionally, the bill repeals the limit of six individual containers of each branded product a consumer may purchase in a face-to-face transaction in the craft distillery's souvenir gift shop.

Effective Date

Section 5 provides the bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

[19] *See*, supra at note 18.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

CS/CS/CS/SB 296 increases from 75,000 gallons to 250,000 gallons the maximum production per calendar year to qualify as a craft distillery. Under current law, distilleries pay an annual $4,000 license tax and craft distilleries pay $1,000. There are 48 distilleries licensed in Florida. Thirty-eight of the distilleries are designated as craft distilleries and eight distilleries produce less than 75,000 gallons per calendar year but have not sought designation as craft distilleries. The remaining two distilleries produce, or are affiliated with distilleries that produce, more than the 250,000 gallons per calendar year production limit in the bill. Consequently, CS/CS/CS/SB 296 is not anticipated to have a fiscal impact.[20]

VI. Technical Deficiencies:

None.

VII. Related Issues:

The provisions repealing the limits on the size of wine containers and revising the conditions under which a restaurant patron may be permitted to take home a partially consumed bottle of wine in CS/CS/CS/SB 296 are substantively identical to provisions in CS/CS/SB 388 (2017 Regular Session), by the Rules Committee, Regulated Industries Committee, and Senator Hutson, which were amended onto the bill by the Rules Committee and passed by the Senate.[21] The provisions in CS/CS/CS/SB 296 also were passed by the Regulated Industries Committee in CS/SB 400 during the 2017 Regular Session.[22]

VIII. Statutes Affected:

This bill repeals the following sections of the Florida Statutes: 564.05 and 564.055.

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[20] *See* 2018 Agency Legislative Bill Analysis issued by the DBPR for CS/CS/SB 296, dated January 18, 2018 (on file with Senate Committee on Regulated Industries) at page 4.

[21] *See* Amendment #379250 (2017 Regular Session) offered by Senator Brandes in the Rules Committee on April 12, 2017. The Senate passed CS/CS/SB 388 on April 19, 2017, by a vote of 36-1. (Subsequently, CS/CS/SB 388 was amended by the House of Representatives to remove provisions unrelated to provisions in SB 296 and died in Returning Messages.)

[22] *See* Substitute Amendment #323682 and Amendment #193132 to Substitute Amendment #323682 (both offered by Senator Brandes) to SB 400 by Senator Perry, which were adopted by the Regulated Industries Committee on March 16, 2016. (Those provisions subsequently were removed from CS/CS/SB 400 by Amendment #887606 offered by Senator Perry, which was adopted by the Senate on April 27, 2017. CS/CS/CS/HB 689 (2017 Regular Session) was substituted for CS/CS/SB 400 and CS/CS/SB 400 then was laid on the table. CS/CS/CS/HB 689 was enacted into law as Ch. 2017-137, Laws of Fla.)

This bill substantially amends the following sections of the Florida Statutes: 564.09 and 565.03.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS/CS by Regulated Industries Committee on January 24, 2018:
The committee substitute:
- Revises the definition of "branded product" to include distilled spirits manufactured on site and blended with other distilled spirits.
- Repeals the limit of six individual containers of each branded product an individual may purchase at a craft distillery's souvenir gift shop.

CS/CS by Commerce and Tourism Committee on January 9, 2018:
- Adds to the bill the provision that craft distilleries may now produce 250,000 or fewer gallons and retain their craft distillery status.
- Retains the provision that craft distilleries may only sell up to 75,000 gallons at their souvenir shop.

CS by Regulated Industries Committee on December 7, 2017:
The committee substitute:
- Removes from the bill the provision permitting the sale of cider in 32 ounce, 64 ounce, or one gallon growlers in the same manner and with the same restrictions applicable to malt beverages;
- Repeals s. 564.055, F.S., relating to the container size limitations for cider; and
- Removes from the bill the provision that would permit a restaurant patron to take home a partially consumed and resealed bottle of beer.

B. Amendments:

None.

The Florida Senate

COMMITTEE VOTE RECORD

COMMITTEE: Regulated Industries
ITEM: CS/CS/SB 296
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Wednesday, January 24, 2018
TIME: 11:30 a.m.—1:30 p.m.
PLACE: 110 Senate Office Building

FINAL VOTE			1/24/2018 1 On 1/23/18Motion to Temporarily Postpone Brandes		1/24/2018 2 Amendment 188094 Brandes		1/24/2018 3 Amendment 298022 Brandes	
Yea	**Nay**	**SENATORS**	**Yea**	**Nay**	**Yea**	**Nay**	**Yea**	**Nay**
X		Benacquisto						
X		Bracy						
X		Brandes						
	X	Braynon						
X		Gibson						
X		Steube						
	X	Thurston						
X		Young						
X		Hukill, VICE CHAIR						
X		Hutson, CHAIR						
8	2	**TOTALS**	FAV	-	RCS	-	-	WD
Yea	**Nay**		**Yea**	**Nay**	**Yea**	**Nay**	**Yea**	**Nay**

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered
RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment
TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call
WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

REPORTING INSTRUCTION: Publish
01252018.1003

The Florida Senate

COMMITTEE VOTE RECORD

COMMITTEE: Regulated Industries
ITEM: CS/CS/SB 296
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Wednesday, January 24, 2018
TIME: 11:30 a.m.—1:30 p.m.
PLACE: 110 Senate Office Building

	1/24/2018 4 Amendment 576840 Steube		1/24/2018 5 Amendment 258730 Steube		1/24/2018 6 Amendment 235596 Steube			
SENATORS	**Yea**	**Nay**	**Yea**	**Nay**	**Yea**	**Nay**	**Yea**	**Nay**
Benacquisto								
Bracy								
Brandes								
Braynon								
Gibson								
Steube								
Thurston								
Young								
Hukill, VICE CHAIR								
Hutson, CHAIR								
TOTALS	-	WD	-	WD	-	WD		
	Yea	**Nay**	**Yea**	**Nay**	**Yea**	**Nay**	**Yea**	**Nay**

CODES: FAV=Favorable
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-R=Reconsidered
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VC=Vote Change After Roll Call
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188094

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/25/2018	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Brandes and Steube) recommended the following:

Senate Amendment (with title amendment)

Delete lines 48 - 78
and insert:
Section 4. Paragraphs(a) and (b) of subsection (1) and paragraph (c) of subsection (2) of section 565.03, Florida Statutes, are amended to read:
565.03 License fees; manufacturers, distributors, brokers, sales agents, and importers of alcoholic beverages; vendor licenses and fees; distilleries and craft distilleries.—

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11 (1) As used in this section, the term:
12 (a) "Branded product" means any distilled spirits product
13 manufactured on site, or manufactured on site and blended on
14 site with other distilled spirts, which requires a federal
15 Administration Act or federal regulations.
16 (b) "Craft distillery" means a licensed distillery that
17 produces 250,000 ~~75,000~~ or fewer gallons per calendar year of
18 distilled spirits on its premises and is designated as a craft
19 distillery by ~~has notified~~ the division upon notification in
20 writing of its decision to qualify as a craft distillery.
21 (2)
22 (c) A craft distillery licensed under this section may sell
23 to consumers, at its souvenir gift shop, up to 75,000 gallons
24 per calendar year of branded products ~~distilled on its premises~~
25 ~~in this state~~ in factory-sealed containers that are filled at
26 the distillery for off-premises consumption. Such sales are
27 authorized only on private property contiguous to the licensed
28 distillery premises in this state and included on the sketch or
29 diagram defining the licensed premises submitted with the
30 distillery's license application. All sketch or diagram
31 revisions by the distillery shall require the division's
32 approval verifying that the souvenir gift shop location operated
33 by the licensed distillery is owned or leased by the distillery
34 and on property contiguous to the distillery's production
35 building in this state.
36 1. A craft distillery may not sell any factory-sealed
37 individual containers of spirits except in face-to-face sales
38 transactions with consumers ~~who are making a purchase of no more~~
39 ~~than six individual containers of each branded product~~.

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40
41
42 ========== T I T L E A M E N D M E N T ==========
43 And the title is amended as follows:
44 Delete line 10
45 and insert:
46 F.S.; redefining the terms "branded product" and
47 "craft distillery";

By the Committees on Commerce and Tourism; and Regulated Industries; and Senator Brandes

577-01940-18 2018296c2

A bill to be entitled

An act relating to the Beverage Law; repealing s. 564.05, F.S., relating to limitations on the size of individual wine containers; repealing s. 564.055, F.S., relating to limitations on the size of individual cider containers; amending s. 564.09, F.S.; revising provisions authorizing a restaurant to allow a patron to remove bottles of wine from a restaurant for off-premises consumption; amending s. 565.03, F.S.; redefining the term "craft distillery"; providing limitations on retail sales by a craft distillery to consumers; providing that it is unlawful to transfer a distillery license, or ownership in a distillery license, for certain distilleries to certain individuals or entities; prohibiting a craft distillery from having its ownership affiliated with certain other distilleries; authorizing a craft distillery to transfer distilled spirits from certain locations to its souvenir gift shop; providing an effective date.

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

Section 1. Section 564.05, Florida Statutes, is repealed.

Section 2. Section 564.055, Florida Statutes, is repealed.

Section 3. Section 564.09, Florida Statutes, is amended to read:

564.09 Restaurants; off-premises consumption of wine.—Notwithstanding any other provision of law, a restaurant

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

30 licensed to sell wine on the premises may permit a patron to
31 remove one unsealed bottle of wine for consumption off the
32 premises if the patron has purchased a ~~full course~~ meal
33 ~~consisting of a salad or vegetable, entree, a beverage, and~~
34 ~~bread~~ and consumed a portion of the bottle of wine ~~with such~~
35 ~~meal~~ on the restaurant premises. A partially consumed bottle of
36 wine that is to be removed from the premises must be securely
37 resealed by the licensee or its employees before removal from
38 the premises. The partially consumed bottle of wine shall be
39 placed in a bag or other container that is secured in such a
40 manner that it is visibly apparent if the container has been
41 subsequently opened or tampered with, and a dated receipt for
42 the bottle of wine and ~~full course~~ meal shall be provided by the
43 licensee and attached to the container. If transported in a
44 motor vehicle, the container with the resealed bottle of wine
45 must be placed in a locked glove compartment, a locked trunk, or
46 the area behind the last upright seat of a motor vehicle that is
47 not equipped with a trunk.
48 Section 4. Paragraph (b) of subsection (1) and paragraph
49 (c) of subsection (2) of section 565.03, Florida Statutes, are
50 amended to read:
51 565.03 License fees; manufacturers, distributors, brokers,
52 sales agents, and importers of alcoholic beverages; vendor
53 licenses and fees; distilleries and craft distilleries.—
54 (1) As used in this section, the term:
55 (b) “Craft distillery” means a licensed distillery that
56 produces 250,000 ~~75,000~~ or fewer gallons per calendar year of
57 distilled spirits on its premises and is designated as a craft
58 distillery by ~~has notified~~ the division upon notification in

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

59 writing of its decision to qualify as a craft distillery.
60 (2)
61 (c) A craft distillery licensed under this section may sell
62 to consumers, at its souvenir gift shop, up to 75,000 gallons
63 per calendar year of branded products distilled on its premises
64 in this state in factory-sealed containers that are filled at
65 the distillery for off-premises consumption. Such sales are
66 authorized only on private property contiguous to the licensed
67 distillery premises in this state and included on the sketch or
68 diagram defining the licensed premises submitted with the
69 distillery's license application. All sketch or diagram
70 revisions by the distillery shall require the division's
71 approval verifying that the souvenir gift shop location operated
72 by the licensed distillery is owned or leased by the distillery
73 and on property contiguous to the distillery's production
74 building in this state.
75 1. A craft distillery may not sell any factory-sealed
76 individual containers of spirits except in face-to-face sales
77 transactions with consumers who are making a purchase of no more
78 than six individual containers of each branded product.
79 2. Each container sold in face-to-face transactions with
80 consumers must comply with the container limits in s. 565.10,
81 per calendar year for the consumer's personal use and not for
82 resale and who are present at the distillery's licensed premises
83 in this state.
84 3. A craft distillery must report to the division within 5
85 days after it reaches the production limitations provided in
86 paragraph (1)(b). Any retail sales to consumers at the craft
87 distillery's licensed premises are prohibited beginning the day

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

88 after it reaches the production limitation.
89 4. A craft distillery may not ship or arrange to ship any
90 of its distilled spirits to consumers and may sell and deliver
91 only to consumers within the state in a face-to-face transaction
92 at the distillery property. However, a craft distiller licensed
93 under this section may ship, arrange to ship, or deliver such
94 spirits to manufacturers of distilled spirits, wholesale
95 distributors of distilled spirits, state or federal bonded
96 warehouses, and exporters.
97 5. Except as provided in subparagraph 6., it is unlawful to
98 transfer a distillery license for a distillery that produces
99 250,000 ~~75,000~~ or fewer gallons per calendar year of distilled
100 spirits on its premises or any ownership interest in such
101 license to an individual or entity that has a direct or indirect
102 ownership interest in any distillery licensed in this state;
103 another state, territory, or country; or by the United States
104 government to manufacture, blend, or rectify distilled spirits
105 for beverage purposes.
106 6. A craft distillery shall not have its ownership
107 affiliated with another distillery, unless such distillery
108 produces 250,000 ~~75,000~~ or fewer gallons per calendar year of
109 distilled spirits on each of its premises in this state or in
110 another state, territory, or country.
111 7. A craft distillery may transfer up to 75,000 gallons per
112 calendar year of distilled spirits it manufactures from its
113 federal bonded space, nonbonded space at its licensed premises,
114 or storage areas to its souvenir gift shop.
115 Section 5. This act shall take effect July 1, 2018.

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/24/18
Meeting Date

296
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Wine glass size/Distillery

Name: Monica Rodriguez

Job Title: Govt Affairs Ballard

Address: 7125 Sleepy Hollow Circle
Street

City State Zip

Phone

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☑ Against
(The Chair will read this information into the record.)

Representing: Southern Glazers

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.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/24/17
Meeting Date

SB 296
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Beverage Container Sizes

Name: Jeffrey Redfern

Job Title: Attorney

Address: 901 N. Glebe Rd, STE 900
Street

Arlington, VA 22203
City, State, Zip

Phone: 703-682-9320

Email: jredfern@ij.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing: Institute for Justice

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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

01/24/18
Meeting Date

294
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Beverage Law

Name: Richard Turner

Job Title: Senior VP Legal & Legislative Affairs

Address: 230 S. Adams St.
Street

Tallahassee, FL 32301
City, State, Zip

Phone: 850-224-2250

Email: rturner@frla.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing: Florida Restaurant & Lodging Association

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.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

01-24-18
Meeting Date

Wants to speak upon
Scott Ashley

CS/SB 296
Bill Number (if applicable)

188094
Amendment Barcode (if applicable)

Topic: CRAFT DISTILLERS

Name: Scott Dick

Job Title: lobbyist

Address: 210 South Monroe Street
Street

Tallahassee FL 32301
City State Zip

Phone: 850 421-9100

Email: Scott@skdgcp.com

Speaking: ☐ For ☑ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing: Florida Independent Spirits Association

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.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/24/18
Meeting Date

296
Bill Number (if applicable)

188094
Amendment Barcode (if applicable)

Topic: Distilleries

Name: Scott Ashley

Job Title: President & General Counsel

Address: 215 S. Monroe St. #800-A
Street

Talla., FL 32309
City State Zip

Phone: (850) 681-8700

Email: scott@wsdflorida.com

Speaking: ☐ For ☑ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing: Wine & Spirits Distributors

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.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/24/18
Meeting Date

296
Bill Number (if applicable)

804600
Amendment Barcode (if applicable)

Topic: De-reg

Name: Melissa Ramban

Job Title: VP Gov't Affairs

Address: 227 S Adams
Street

Tallahassee FL 32311
City State Zip

Phone: 850-570-0269

Email:

Speaking: [X] For [ ] Against [ ] Information

Waive Speaking: [X] In Support [ ] Against
(The Chair will read this information into the record.)

Representing: Florida Retail Federation

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] 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.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/24/18
Meeting Date

296
Bill Number (if applicable)

188094
Amendment Barcode (if applicable)

Topic: Distiller

Name: Monica Rodriguez

Job Title: Govt Affairs ~~Southern Glazers~~ Ballard

Address: 401 E Park Avenue
Street

Tallahassee FL 32312
City State Zip

Phone:

Email: monica@ballardfl.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☑ Against
(The Chair will read this information into the record.)

Representing: Southern Glazers

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.

S-001 (10/14/14)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL: SB 922

INTRODUCER: Senator Bean

SUBJECT: Sale of Alcoholic Beverages

DATE: January 23, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	McSwain	RI	**Favorable**
2.			TR	
3.			RC	

I. Summary:

SB 922 exempts liquor sold by an alcoholic beverage-licensed operator of *intrastate* railroads or sleeping cars from the limitation in current law that permits the licensee to only purchase and sell liquor in miniature bottles of not more than two ounces.

An alcoholic beverage license issued to an operator of railroads and sleeping cars is good throughout the state for the sale of beer, wine, liquor for consumption on any dining, club, parlor, buffet, or observation car of a passenger train operated by the licensee.

An operator of *interstate* railroads or sleeping cars remains subject to the limitation in current law that liquor may only be purchased and sold in miniature bottles of not more than two ounces.

The effective date of the bill is July 1, 2018.

II. Present Situation:

Division of Alcoholic Beverages and Tobacco

The Division of Alcoholic Beverages and Tobacco (division)[1] within the Department of Business and Professional Regulation (DBPR) administers and enforces the Beverage Law,[2] which regulates the manufacture, distribution, and sale of wine, beer, and liquor.[3] The division is also responsible for the administration and enforcement of tobacco products under ch. 569, F.S.

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[1] Section 561.02, F.S. Section 561.01(6), F.S., provides that the "Beverage Law" means chs. 561, 562, 563, 564, 565, 567, and 568, F.S.

[2] *See* s. 561.14, F.S.

[33] Section 565.01, F.S., defines the terms "liquor," "distilled spirits," "spirituous liquors," "spirituous beverages," or "distilled spirituous liquors" to mean "that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced."

Quota Licenses

The term "quota license" refers to the type of license authorized under s. 561.20, F.S., which limits the number of alcoholic beverage licenses that permit the sale of liquor along with beer and wine that may be issued per county. The number of licenses is limited to one license per 7,500 residents within the county. New quota licenses are created and issued when there is an increase in the population of a county, or when a county initially changes from a county which does not permit the sale of intoxicating liquors to one that does permit their sale. The quota license is the only type of alcoholic beverage license that is limited in number.

Quota License Exceptions

Section 561.20(2), F.S., provides several exceptions to the number of licenses that permit the sale of beer, wine, and distilled spirits. The exceptions include restaurants, caterers, hotels and motels, specialty centers built on government-owned land, bowling establishments, and airports. Quota license exceptions are known as "special licenses."

Alcoholic Beverage Licenses for Railroad Transit Stations

The Beverage Law provides a limited exception to the quota license limitation to permit the division to issue an alcoholic beverage license (for the sale of beer, wine, and liquor) to an operator of railroads or sleeping cars and a vendor in railroad transit stations.

A "railroad transit station" is a platform or terminal facility where passenger trains operating on a guided rail system according to a fixed schedule between two or more cities regularly stop to load and unload passengers or goods. The term includes the passenger waiting lounge or dining, retail, entertainment, or recreational facilities within the premises owned or leased by the railroad operator or owner.[4]

Section 565.02(2), F.S., permits the division to issue a license for the sale of beer, wine, and liquor to:

- The operator of railroads or sleeping cars; and
- A vendor in a railroad transit station.[5]

The annual license tax for these licenses is $2,500. These licenses are an exception to the quota license limitation. A municipality or county may not require an additional license or levy a tax for the privilege of selling alcoholic beverages for consumption in such cars.[6]

The license issued to the operator of railroads and sleeping cars is good throughout the state for the sale of beer, wine, liquor for consumption on any dining, club, parlor, buffet, or observation car of a passenger train operated by the licensee. Alcoholic beverages can be sold only on cars in which certified copies of the licenses are posted. [7]

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[4] *See* s. 561.01(22), F.S.
[5] Section 565.02(2), F.S.
[6] *Id.*
[7] Section 565.02(2)(a), F.S.

Operators of railroads and sleeping cars may only purchase and sell liquor in miniature bottles of not more than two ounces. However, alcoholic beverages sold within the licensed premises of a railroad transit station are not subject to the limitation on the size of the container.[8]

All Aboard Florida

All Aboard Florida is the operator of "Brightline," the under-construction, express passenger rail service between Miami and Orlando that uses the existing Florida East Coast Railway corridor between Miami and Cocoa. It is also building a new track along State Road 528 between Cocoa and Orlando. In 2018, the route is anticipated to open for service between Miami and West Palm Beach. A full-service route from Miami to Orlando will also open later that year. All Aboard Florida is constructing railroad stations in Miami, Fort Lauderdale, and West Palm Beach. The Orlando station is under construction at the Intermodal Transportation Center at Orlando International Airport.[9]

III. Effect of Proposed Changes:

The bill amends s. 565.02(a), F.S., to exempt liquor sold by the operator of *intrastate* railroads or sleeping cars from the limitation that liquor may only be purchased and sold in miniature bottles of not more than two ounces.

An operator of *interstate* railroads or sleeping cars would remain subject to the limitation that liquor may only be purchased and sold in miniature bottles of not more than two ounces.

The effective date of the bill is July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

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[8] *Id.*
[9] *See* All Aboard Florida at: http://www.allaboardflorida.com/ (Last visited January 16, 2018).

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 565.02 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Bean

4-01073-18 2018922__

A bill to be entitled

An act relating to the sale of alcoholic beverages; amending s. 565.02, F.S.; providing an exception to the miniature bottle requirement for operators of intrastate railroads and sleeper cars; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section 565.02, Florida Statutes, is amended to read:

565.02 License fees; vendors; clubs; caterers; and others.—

(2) An operator of railroads or sleeping cars, or a vendor in a railroad transit station, in this state may obtain a license to keep for sale and to sell the beverages mentioned in the Beverage Law upon the payment of an annual license tax of $2,500 to the division. A municipality or county may not require an additional license or levy a tax for the privilege of selling such beverages.

(a) Operators of railroads or sleeping cars in this state are authorized to keep for sale and to sell all beverages mentioned in the Beverage Law for consumption upon any dining, club, parlor, buffet, or observation car of a passenger train in which certified copies of the licenses issued to the operators are posted. Certified copies of such licenses shall be issued by the division upon the payment of a $10 fee. A license for the sale of alcoholic beverages on a passenger train shall be good throughout the state. Except for alcoholic beverages sold within the licensed premises of a railroad transit station <u>or by</u>

CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

30 operators of intrastate railroads or sleeping cars, it is
31 unlawful for such licensees to purchase or sell any liquor on a
32 passenger train except in miniature bottles of not more than 2
33 ounces.
34 Section 2. This act shall take effect July 1, 2018.

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

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL: SB 1224

INTRODUCER: Senator Bradley

SUBJECT: Beverage Law

DATE: January 23, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	McSwain	RI	**Favorable**
2.			CM	
3.			AP	

I. Summary:

SB 1224 creates an exception to the alcoholic beverage tied-house evil prohibitions to permit a malt beverage distributor to give, without charge, malt beverage branded glassware to a vendor licensed to sell beer or malt beverages for on-premises consumption. The bill prohibits the distributor from giving more than 10 cases that include up to 24 pieces per case of single-service glassware per brand, per licensed premises, per calendar year, and prohibits the vendor from selling the glassware or returning it to the distributor for cash or credit. Each single-service glass container may hold no more than 23 ounces of liquid volume.

The "tied house evil" prohibition in current law prohibit a member of the alcoholic beverage industry, including a manufacturer, distributor, or importer, from having a financial interest, directly or indirectly, in the establishment or business of a licensed vendor, and prohibits a manufacturer, distributor, or importer from giving gifts, loans or property, or rebates to retail vendors. Under current law, a distributor may sell glassware and other expendable retailer advertising specialties to any vendor, but must sell the items at a price not less than the actual cost to the industry member who initially purchased them, with no limit in total dollar value of the items sold to the vendor.

The bill provides an effective date of July 1, 2018.

II. Present Situation:

In Florida, alcoholic beverages are regulated by the Beverage Law,[1] which regulates the manufacture, distribution, and sale of wine, beer, and liquor by manufacturers, distributors, and

[1] Section 561.01(6), F.S., provides that the "The Beverage Law" means chs. 561, 562, 563, 564, 565, 567, and 568, F.S.

vendors.[2] The Division of Alcoholic Beverages and Tobacco (division) in the Department of Business and Professional Regulation administers and enforces the Beverage Law.[3]

"Alcoholic beverages" are defined in s. 561.01, F.S., as "distilled spirits and all beverages containing one-half of 1 percent or more alcohol by volume." "Malt beverages" are brewed alcoholic beverages containing malt.[4]

Section 561.14, F.S., specifies the license and registration classifications used in the Beverage Law.

- "Manufacturers" are those "licensed to manufacture alcoholic beverages and distribute the same at wholesale to licensed distributors and to no one else within the state, unless authorized by statute."[5]
- "Distributors" are those "licensed to sell and distribute alcoholic beverages at wholesale to persons who are licensed to sell alcoholic beverages."[6]
- "Importers" are those licensed to sell, or to cause to be sold, shipped, and invoiced, alcoholic beverages to licensed manufacturers or licensed distributors, and to no one else in this state; provided that ss. 564.045 and 565.095, F.S., relating to primary American source of supply licensure, are in no way violated by such imports.[7]
- "Vendors" are those "licensed to sell alcoholic beverages at retail only" and may not "purchase or acquire in any manner for the purpose of resale any alcoholic beverages from any person not licensed as a vendor, manufacturer, bottler, or distributor under the Beverage Law."[8]

Three-Tier System

In the United States, the regulation of alcohol since the repeal of Prohibition has traditionally been based upon a "three-tier system." The system requires separation of the manufacture, distribution, and sale of alcoholic beverages. The manufacturer creates the beverages, and the distributor obtains the beverages from the manufacturer to deliver to the vendor. The vendor makes the ultimate sale to the consumer.[9] A manufacturer, distributor, or exporter may not be licensed as a vendor to sell directly to consumers.[10]

Generally, in Florida, only licensed vendors are permitted to sell alcoholic beverages directly to consumers at retail.[11] Licensed manufacturers, distributors, and registered exporters are prohibited from also being licensed as vendors.[12] Manufacturers are also generally prohibited from having an interest in a vendor and from distributing directly to a vendor.[13]

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[2] *See* s. 561.14, F.S.
[3] Section 561.02, F.S.
[4] Section 563.01, F.S.
[5] Section 561.14(1), F.S.
[6] Section 561.14(2), F.S.
[7] Section 561.01(5), F.S.
[8] Section 561.14(3). F.S.
[9] Section 561.14, F.S.
[10] Section 561.22(1), F.S.
[11] Section 561.14(3), F.S. However, see the exceptions provided in ss. 561.221 and 565.03, F.S.
[12] Section 561.22, F.S.
[13] Sections 563.022(14) and 561.14(1), F.S.

Tied House Evil Prohibitions

States have enacted statutes designed to prevent or limit the control of retail alcoholic beverage vendors by manufacturers, wholesalers, and importers, or to prohibit "tied-house arrangements," such legislation is referred to as "tied house" or “tied house evil” statutes.[14]

Section 561.42, F.S., Florida’s “tied house evil” statute, regulates the permitted and prohibited relationships and interactions of manufacturers and distributors with vendors in order to prevent a manufacturer or distributor from having a financial interest, directly or indirectly, in the establishment or business of a licensed vendor, and to prevent a manufacturer or distributor from giving a vendor gifts, loans or property, or rebates.[15] The prohibitions also apply to an importer, primary American source of supply,[16] brand owner or registrant, broker, and sales agent (or sales person thereof).

The tied house evil statute also prohibits any distributor or vendor from receiving any financial incentives from any manufacturer. It further prohibits manufacturers or distributors from assisting retail vendors by gifts or loans of money or property or by the giving of rebates. These prohibitions do not, however, apply to any bottles, barrels, or other containers necessary for the legitimate transportation of such beverages, to advertising materials, or to the extension of credit for liquors sold, if made strictly in compliance with the provisions of s. 561.42, F.S.[17]

Section 561.42, F.S., also prohibits licensed manufacturers and distributors from:

- Making further sales to vendors that the division has certified as not having fully paid for all liquors previously purchased;[18]
- Directly or indirectly giving, lending, renting, selling, or in any other manner furnishing to a vendor any outside sign, printed, painted, electric, or otherwise;[19]
- Providing neon or electric signs, window painting and decalcomanias, posters, placards, and other advertising material herein authorized to be used or displayed by the vendor in the interior of the licensed premises;[20] and
- Providing expendable retail advertising specialties, unless sold to the vendor at not less than the actual cost to the industry member who initially purchased them.[21]

Section 561.42(14), F.S., further prohibits industry members from providing expendable retail advertising specialties, unless sold to the vendor at not less than the actual cost to the industry member who initially purchased them. A member of the malt beverage industry may provide a vendor with expendable retailer advertising specialties such as trays, coasters, mats, menu cards, napkins, cups, glasses, thermometers, and the like. The industry member must sell these items to a vendor only at a price not less than the actual cost to the industry member who initially

[14] 45 AM. JUR. 2d *Intoxicating Liquors*, s. 94 (2017).
[15] Section 561.42(1), F.S.
[16] *See* s. 564.045, F.S.
[17] Section 564.42(1). Section 561.42(2), F.S., permits distributors to extend credit for the sale of liquors to any vendor up to, but not including, the 10th day after the calendar week within which such sale was made.
[18] Section 561.42(4), F.S.
[19] Section 561.42(10), F.S.
[20] Section 561.42(12), F.S.
[21] Section 561.42(14)(a), F.S.

purchased the items, without limitation in total dollar value of such items sold to a vendor. Industry members may not engage in cooperative advertising with a vendor.[22]

III. Effect of Proposed Changes:

The bill amends s. 561.42(14), F.S., to permit a distributor to give branded glassware to a vendor licensed to sell malt beverages for on-premises consumption.

The bill replaces the term "glasses" with "glassware".

Under the bill, advertising specialties, including glassware, may only be sold by industry members to vendors licensed to sell malt beverages for on-premises consumption. Current law permits such sales to any vendor.

As required under current law, industry members may only sell the glassware at a price not less than the actual cost to the industry member who initially purchased them, with no limit in total dollar value of the items sold to the vendor.

A distributor may give glassware to a vendor licensed to sell malt beverages for on-premises consumption under the following restrictions:

- The distributor must have received the glassware at no charge from a malt beverage manufacturer or importer;
- Each piece of glassware must bear a permanent brand name intended to prominently advertise the brand;
- No more than 10 cases of glassware per calendar year per licensed premises may be given to the vendor; and
- Each single-service glass container can hold no more than 23 ounces of liquid volume.

Additionally, a vendor that receives a gift of glassware from a distributor may not sell the glassware or return it to a distributor for cash, credit, or replacement.

The effective date of the bill is July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

[22] Section 561.42(14)(e), F.S.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 561.42 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Bradley

5-00800-18 20181224__

A bill to be entitled

An act relating to the Beverage Law; amending s. 561.42, F.S.; authorizing a malt beverage distributor to give branded glassware to vendors licensed to sell malt beverages for on-premises consumption; requiring that the glassware bear certain branding; providing an annual limit on the amount of glassware a distributor may give to a vendor; prohibiting a vendor from selling the branded glassware or returning it to a distributor for cash, credit, or replacement; defining the terms “case” and “glassware”; providing an effective date.

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

Section 1. Paragraph (a) of subsection (14) of section 561.42, Florida Statutes, is amended to read:

561.42 Tied house evil; financial aid and assistance to vendor by manufacturer, distributor, importer, primary American source of supply, brand owner or registrant, or any broker, sales agent, or sales person thereof, prohibited; procedure for enforcement; exception.—

(14) The division shall adopt reasonable rules governing promotional displays and advertising. Such rules may~~, which rules shall~~ not conflict with or be more stringent than the federal regulations pertaining to such promotional displays and advertising furnished to vendors by distributors, manufacturers, importers, primary American sources of supply, or brand owners or registrants, or any sales agent or sales person thereof;

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

30 however:
31 (a) If a manufacturer, distributor, importer, brand owner,
32 or brand registrant of malt beverage, or any sales agent or
33 sales person thereof, provides a vendor licensed to sell malt
34 beverages for on-premises consumption with branded expendable
35 retailer advertising specialties such as trays, coasters, mats,
36 menu cards, napkins, cups, glassware ~~glasses~~, thermometers, and
37 the like, such items may be sold only at a price not less than
38 the actual cost to the industry member who initially purchased
39 them, without limitation in total dollar value of such items
40 sold to a vendor. However, a distributor that has received
41 glassware at no charge from a malt beverage manufacturer or
42 importer may give such glassware to a vendor licensed to sell
43 malt beverages for on-premises consumption. Each piece of
44 glassware given to a vendor by a distributor must bear a
45 permanent brand name intended to prominently advertise the
46 brand. A distributor may not give a vendor more than 10 cases of
47 glassware per calendar year per licensed premises. A vendor that
48 receives a gift of glassware from a distributor may not sell the
49 glassware or return it to a distributor for cash, credit, or
50 replacement. As used in this paragraph, the term:
51 1. "Case" means a box containing up to 24 pieces of
52 glassware.
53 2. "Glassware" means a single-service glass container that
54 can hold no more than 23 ounces of liquid volume.
55 (b) Without limitation in total dollar value of such items
56 provided to a vendor, a manufacturer, distributor, importer,
57 brand owner, or brand registrant of malt beverage, or any sales
58 agent or sales person thereof, may rent, loan without charge for

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

59 an indefinite duration, or sell durable retailer advertising
60 specialties such as clocks, pool table lights, and the like,
61 which bear advertising matter.
62 (c) If a manufacturer, distributor, importer, brand owner,
63 or brand registrant of malt beverage, or any sales agent or
64 sales person thereof, provides a vendor with consumer
65 advertising specialties such as ashtrays, T-shirts, bottle
66 openers, shopping bags, and the like, such items may be sold
67 only at a price not less than the actual cost to the industry
68 member who initially purchased them, and may be sold without
69 limitation in total value of such items sold to a vendor.
70 (d) A manufacturer, distributor, importer, brand owner, or
71 brand registrant of malt beverage, or any sales agent or sales
72 person thereof, may provide consumer advertising specialties
73 described in paragraph (c) to consumers on any vendor's licensed
74 premises.
75 (e) A manufacturer, distributor, importer, brand owner, or
76 brand registrant of malt beverages, and any sales agent or sales
77 person thereof or contracted third-party, may not engage in
78 cooperative advertising with a vendor and may not name a vendor
79 in any advertising for a malt beverage tasting authorized under
80 s. 563.09.
81 (f) A distributor of malt beverages may sell to a vendor
82 draft equipment and tapping accessories at a price not less than
83 the cost to the industry member who initially purchased them,
84 except there is no required charge, and the distributor may
85 exchange any parts that are not compatible with a competitor's
86 system and are necessary to dispense the distributor's brands. A
87 distributor of malt beverages may furnish to a vendor at no

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

88 charge replacement parts of nominal intrinsic value, including,
89 but not limited to, washers, gaskets, tail pieces, hoses, hose
90 connections, clamps, plungers, and tap markers.
91 Section 2. This act shall take effect October 1, 2018.

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

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL: CS/SB 526

INTRODUCER: Regulated Industries Committee and Senator Brandes

SUBJECT: Deregulation of Professions and Occupations

DATE: January 24, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kraemer	McSwain	RI	**Fav/CS**
2.			CM	
3.			AP	
4.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 526 addresses licensing, registration, and regulatory requirements for various professions and occupations. The bill:

- Eliminates the current licensing required for business entities engaged in certain regulated professions (architecture and interior design, landscape architecture, and asbestos abatement consulting or contracting), while retaining the license required for individuals engaged in those professions.
- Provides that licensed individuals must apply for licensure and act as qualifying agents for business organizations to be licensed to engage in architecture and interior design, landscape architecture, or asbestos abatement consulting or contracting.
- Allows certain boxing match services to be practiced without a license (announcers and knockdown timekeepers).
- Revises the current license requirements for restricted barbers to specify:
  - The services that may and may not be provided by restricted barbers; and
  - A minimum of 325 training hours.
- Specifies license requirements for specialists in practices defined as “nail specialty,” “facial specialty,” and “full specialty.”
- Eliminates license and registration requirements for those who engage solely in:
  - Hair braiding, hair wrapping, or body wrapping; or
  - The polishing of nails or applying makeup.

- Eliminates registration requirements for labor organizations and licensing of labor organization business agents, while maintaining civil causes of action and criminal penalties.
- Eliminates license requirement for yacht and ship brokers' branch offices.

The bill has a negative fiscal impact to the Department of Business and Professional Regulation and to the revenue from the General Revenue service charge. See Section V, Fiscal Impact Statement.

CS/SB 526 provides an effective date of July 1, 2018.

II. Present Situation:

For ease of reference, the Present Situation for each section of CS/SB 526 is addressed in the Effect of Proposed Changes portion of this bill analysis. Background information about the Department of Business and Professional Regulation (the DBPR) is provided below.

Organization of the Department of Business and Professional Regulation

Section 20.165, F.S., establishes the organizational structure of the DBPR, which has 12 divisions:
- Administration;
- Alcoholic Beverages and Tobacco;
- Certified Public Accounting;
- Drugs, Devices, and Cosmetics;
- Florida Condominiums, Timeshares, and Mobile Homes;
- Hotels and Restaurants;
- Pari-mutuel Wagering;
- Professions;
- Real Estate;
- Regulation;
- Service Operations; and
- Technology.

Fifteen boards and programs exist within the Division of Professions,[1] two boards are within the Division of Real Estate,[2] and one board exists in the Division of Certified Public Accounting.[3]

[1] Section 20.165(4)(a), F.S., establishes the following boards and programs which are noted with the implementing statutes: Board of Architecture and Interior Design, part I of ch. 481; Florida Board of Auctioneers, part VI of ch. 468; Barbers' Board, ch. 476; Florida Building Code Administrators and Inspectors Board, part XII of ch. 468; Construction Industry Licensing Board, part I of ch. 489; Board of Cosmetology, ch. 477; Electrical Contractors' Licensing Board, part II of ch. 489; Board of Employee Leasing Companies, part XI of ch. 468; Board of Landscape Architecture, part II of ch. 481; Board of Pilot Commissioners, ch. 310; Board of Professional Engineers, ch. 471; Board of Professional Geologists, ch. 492; Board of Veterinary Medicine, ch. 474; Home Inspection Services Licensing Program, part XV of ch. 468; and Mold-related Services Licensing Program, part XVI of ch. 468, F.S.
[2] *See* s. 20.165(4)(b), F.S. Florida Real Estate Appraisal Board, created under part II of ch. 475, F.S., and Florida Real Estate Commission, created under part I of ch. 475, F.S.
[3] *See* s. 20.165(4)(c), F.S., which establishes the Board of Accountancy, created under ch. 473, F.S.

The Florida State Boxing Commission is assigned to the DBPR for administrative and fiscal accountability purposes only.[4] The DBPR also administers the Child Labor Law and Farm Labor Contractor Registration Law.[5]

Powers and Duties of the Department

Chapter 455, F.S., applies to the regulation of professions constituting "any activity, occupation, profession, or vocation regulated by the [DBPR] in the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation,"[6] as well as the procedural and administrative framework for those divisions and all of the professional boards within the DBPR.[7]

The DBPR's regulation of professions is to be undertaken "only for the preservation of the health, safety, and welfare of the public under the police powers of the state,"[8] and regulation is required when:

- The potential for harming or endangering public health, safety, and welfare is recognizable and outweighs any anticompetitive impact that may result;
- The public is not effectively protected by other state statutes, local ordinances, federal legislation, or other means; and
- Less restrictive means of regulation are not available.[9]

However, "neither the department nor any board may create a regulation that has an unreasonable effect on job creation or job retention," or a regulation that unreasonably restricts the ability of those who desire to engage in a profession or occupation to find employment.[10]

Permitting, Registration, Licensing, and Certification

Sections 455.203 and 455.213, F.S., establish general licensing authority for the DBPR, including the authority to charge license fees and license renewal fees. Each board within the DBPR must determine by rule the amount of license fees for each profession, based on estimates of the required revenue to implement the regulatory laws affecting the profession.[11]

When a person is authorized to engage in a profession or occupation in Florida, the DBPR issues a "license," which may be referred to as either a permit, registration, certificate, or license.[12] Those who are granted licenses are referred to as licensees.[13]

In Fiscal Year 2016-2017, the Division of Accountancy had 37,580 active licensees, the Division of Real Estate had 272,578 active licensees, and the Board of Professional Engineers had 59,923

[4] Section 548.003(1), F.S.
[5] *See* Parts I and III of ch. 450, F.S.
[6] *See* s. 455.01(6), F.S.
[7] *See* s. 455.203, F.S. The DBPR must also provide legal counsel for boards within the DBPR by contracting with the Department of Legal Affairs, by retaining private counsel, or by providing DBPR staff counsel. *See* s. 455.221(1), F.S.
[8] Section 455.201(2), F.S.
[9] *Id.*
[10] Section 455.201(4)(b), F.S.
[11] Section 455.219(1), F.S.
[12] Section 455.01(4), F.S.
[13] Section 455.01(5), F.S.

licensees.[14] In Fiscal Year 2016-2017, there were 412,872 active licensees in the Division of Professions,[15] including:

- Architects and interior designers;
- Asbestos consultants and contractors;
- Athlete agents;
- Auctioneers;
- Barbers;
- Building code administrators and inspectors;
- Community association managers;
- Construction industry contractors;
- Cosmetologists;
- Electrical contractors;
- Employee leasing companies;
- Geologists;
- Home inspectors;
- Harbor pilots;
- Landscape architects;
- Mold-related services;
- Talent agencies; and
- Veterinarians.[16]

The Division of Florida Condominiums, Timeshares, and Mobile Homes (FCTMH) within the DBPR provides consumer protection for Florida residents living in regulated communities through education, complaint resolution, mediation and arbitration, and developer disclosure.[17] The FCTMH has limited regulatory authority over the following business entities and individuals:

- Condominium associations;
- Cooperative associations;
- Florida mobile home parks and related associations;
- Vacation units and timeshares;
- Yacht and ship brokers and related business entities; and
- Homeowner's associations (jurisdiction is limited to arbitration of election and recall disputes).[18]

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[14] *See* Department of Business and Professional Regulation, *Annual Report, Divisions of Professions, Certified Public Accounting, Real Estate, and Regulation, Fiscal Year 2016-2017,* at http://www.myfloridalicense.com/dbpr/os/documents/DivisionAnnualReport.pdf, at pages 21-22 (last visited Dec. 13, 2017).
[15] Of the total 434,574 licensees in the Division of Professions, 21,702 are inactive. *Id*.
[16] *Id*.
[17] *See* Department of Business and Professional Regulation, *Division of Florida Condominiums, Timeshares, and Mobile Homes*, at http://www.myfloridalicense.com/dbpr/lsc/index.html (last visited Dec. 13, 2017).
[18] *Id*.

III. Effect of Proposed Changes:

For ease of reference to each of the topics addressed in CS/SB 526, the Present Situation for each topic will be described, followed immediately by an associated section detailing the Effect of Proposed Changes.

Yacht and Ship Broker Branch Office Licenses

Present Situation:

Chapter 326, F.S., governs the licensing and regulation of yacht and ship brokers, salespersons, and related business organizations in the state. The Yacht and Ship Broker's Section, a unit of the Division of Florida Condominiums, Timeshares and Mobile Homes of the Department of Business and Professional Regulation (the DBPR), processes license applications and responds to consumer complaints and inquiries by monitoring activities and compliance within the yacht brokerage industry.[19]

A person may not act as a yacht or ship broker or salesperson unless licensed under ch. 326, F.S.[20] Each yacht or shipbroker must maintain a principal place of business in Florida and may establish branch offices in Florida. A separate license must be maintained for each branch office.[21] Applicants for a branch office license pay a $100 fee, and the license must be renewed every two years.[22]

Effect of Proposed Changes:

Section 1 of the bill amends s. 326.004, F.S., to remove the requirement that separate branch office licenses be maintained by yacht and ship brokers. The current law provisions related to licensing for yacht brokers and salespeople are retained.

Labor Organizations

Present Situation:

Chapter 447, F.S., governs the licensing and regulation of labor organizations, and related business agents in the state. The Division of Regulation within the DBPR oversees the licensing and regulation of labor organizations. The Division of Regulation processes license applications and regulate the activities of labor unions and their officers, agents, organizers, and representatives.[23]

A labor organization is defined as "[a]ny organization of employees or local or subdivision thereof, having within its membership residents of the state, whether incorporated or not,

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[19] *See* Department of Business and Professional Regulation, *Yacht and Ship Brokers; Licensing and Enforcement*, http://www.myfloridalicense.com/dbpr/lsc/YachtandShip.html (last visited Dec. 13, 2017).
[20] Section 326.004(1), F.S.
[21] Section 326.004(13), F.S.
[22] *See* Fla. Admin. Code R. 61B-60.002 (2017) at https://www.flrules.org/gateway/ChapterHome.asp?Chapter=61B-60 (last visited Dec. 13, 2017).
[23] Section 447.01, F.S., and *see* http://www.myfloridalicense.com/dbpr/reg/LaborOrganizationsandBusinessAgents.html (last visited Dec. 13, 2017).

organized for the purpose of dealing with employers concerning hours of employment, rate of pay, working conditions, or grievances of any kind relating to employment and recognized as a unit of bargaining by one or more employers doing business in this state."[24]

In Florida, all labor organizations are required to register with the DBPR and all business agents of labor organizations must obtain a license.[25] Business agents are defined as "[a]ny person, without regard to title, who shall, for a pecuniary or financial consideration, act or attempt to act for any labor organization in:

- The issuance of membership or authorization cards, work permits, or any other evidence of rights granted or claimed in, or by, a labor organization; and
- Soliciting or receiving from any employer any right or privilege for employees."[26]

Applicants for a business agent license must pay a $25 license fee and must meet a number of licensure requirements.[27] Labor organization applicants must pay an annual fee of $1.[28]

Effect of Proposed Changes:

Sections 2 through **10** of the bill amend Part I of ch. 447, F.S., to eliminate the registration and regulation of labor organizations and their business agents by the DBPR and the requirement that the Public Employees Relations Commission notify the DBPR of registrations and renewals of such organizations. Provisions relating to the right to work and strike, recordkeeping, rights of franchise for labor organizations, civil causes of action, criminal penalties, and recognition of federal regulations are not affected by the bill.

Asbestos Abatement Business Organizations

Present Situation:

Chapter 469, F.S., governs the licensing and regulation of asbestos abatement. The Asbestos Licensing Unit is a program located under the Division of Professions. The program processes license applications and responds to consumer complaints and inquiries by monitoring activities and compliance within the asbestos abatement industry.[29]

A person must be a licensed asbestos contractor in order to conduct asbestos abatement work,[30] unless exempted.[31] A person must be a licensed asbestos consultant to:

- Conduct an asbestos survey;
- Develop an operation and maintenance plan;
- Monitor and evaluate asbestos abatement; or

[24] Section 447.02(1), F.S.
[25] Sections 447.04(2) and 447.06, F.S.
[26] Section 447.02(2), F.S.
[27] Section 447.04(2), F.S.
[28] Section 447.06(2), F.S.
[29] *See* http://www.myfloridalicense.com/dbpr/pro/index.html and https://www.myfloridalicense.com/intentions2.asp?chBoard=true&boardid=59&SID (last visited Dec. 13, 2017).
[30] Section 469.003(3), F.S.
[31] Section 469.002, F.S., provides that in limited circumstances, certain governmental employees with required training may engage in asbestos abatement work solely for maintenance purposes.

- Prepare asbestos abatement specifications.[32]

An asbestos consultant's license may be issued only to an applicant who holds a current, valid, and active license as an architect, professional engineer, professional geologist, is a diplomat of the American Board of Industrial Hygiene, or has been awarded designation as a Certified Safety Professional by the Board of Certified Safety Professionals.[33]

If an applicant for licensure as an asbestos consultant or contractor intends to engage in consulting or contracting as a business organization, such as a corporation, or in any name other than the applicant's legal name, the individual applicant must apply for licensure under the fictitious name, or the business organization must apply through a qualifying agent.[34]

Each licensed business organization must have a qualifying agent who is licensed under ch. 469, F.S., is qualified to supervise the enterprise, and is financially responsible.[35] If the qualifying agent terminates his or her affiliation with the business organization and is the only qualifying agent for the business organization, the business organization must be qualified by another qualifying agent within 60 days after the termination.[36] If the DBPR has granted a temporary license to the business organization's financially responsible officer (or other specified parties), the business organization is limited during the temporary licensure to completing work under its current contracts, and may not proceed with new contracts.[37]

Applicants for an asbestos abatement business license pay an application fee of $300, an unlicensed activity fee of $5, an initial licensure fee of $250, and a biennial renewal fee of $250.[38]

Effect of Proposed Changes:

Sections 11 and 12 of the bill amend ch. 469, F.S., to require an applicant seeking to engage in asbestos abatement as a business organization, or in any name other than the applicant's legal name, to apply for licensure under the name of the business organization. However, the issued license must be in the name of the qualifying agent, and the name of the qualified business organization must be noted on the license. In addition, the bill makes conforming changes associated with qualification of business organizations by licensed qualifying agents.

Barbering

Present Situation:

The term "barbering" in ss. 476.014 through 476.254, F.S, the Barbers' Act, includes any of the following practices when done for payment by the public: shaving, cutting, trimming, coloring,

[32] Section 469.003, F.S.
[33] Section 469.004(1), F.S.
[34] Section 469.006(2), F.S.
[35] *Id*.
[36] Section 469.006(3), F.S.
[37] *Id*.
[38] *See* Fla. Admin. Code R. 61E1-3.001 (2017) at https://www.flrules.org/gateway/ChapterHome.asp?Chapter=61E1-3 (last visited Dec. 13, 2017).

shampooing, arranging, dressing, curling, or waving the hair or beard or applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical appliances.[39]

An applicant for licensure as a barber must pass an examination. To be eligible to take the examination, the applicant must:

- Be at least 16 years of age;
- Pay the application fee; and
- Have held an active valid license in another state for at least one year,[40] or have a minimum of 1,200 hours of specified training.[41]

The Barbers' Board is authorized to establish by rule a procedure for a barber school or program to certify a person to take the licensure examination following completion of a minimum of 1,000 hours of training and for the licensure of such person who passes the examination. Upon passage of the examination by the person seeking licensure, the training requirement of 1,200 hours is deemed satisfied; failing the examination requires completion of the full training requirement.[42]

Alternatively, a person may apply for and receive a "restricted license" to practice barbering, which authorizes the licensee to practice only in areas in which he or she has demonstrated competency pursuant to rules of the Barbers' Board.[43]

Effect of Proposed Changes:

Section 13 of the bill amends s. 476.034. F.S., to define the terms "restricted barber" and "restricted barbering." Restricted barbers are licensed to perform, for payment by the public, hair cutting and styling, full facial shaves, trimming of mustaches and beards, and shampooing, conditioning and blow drying hair; restricted barbers may apply only hair tonics and hair spray and may not apply other chemical preparations or solutions to hair. The bill provides similar requirements for an applicant seeking licensure to practice as a restricted barber.

Section 14 of the bill amends s. 476.114, F.S. to reduce the minimum hours of training (1,200 hours under current law) to 325 hours for restricted barbers. The bill specifies the content of the training must be in "sanitation, safety, and laws and rules."

The bill provides an applicant for a restricted barber license must also be at least 16 years of age, pay the application fee, and pass an examination. To be eligible to take the examination, an

[39] *See* s. 476.034(2), F.S. The term does not include those services when done for the treatment of disease or physical or mental ailments.
[40] Licensure by endorsement may also allow a practitioner holding an active license in another state or country to qualify for licensure in Florida. *See* s. 476.144(5), F.S.
[41] *See* s. 476.114(2), F.S.; the training must include, but is not limited to the completion of services directly related to the practice of barbering at a licensed school of barbering, a public school barbering program, or a government-operated barbering program in Florida.
[42] *See* s. 476.114(2), F.S.
[43] *See* s. 476.144(6), F.S.

applicant for restricted barbering must have held an active valid license in another state for at least one year,[44] or have a minimum of 325 hours of training.[45]

Section 15 of the bill repeals current law limiting the practice of a restricted license to areas in which the licensee has demonstrated competency.

Nail and Facial Specialists, Hair Braiders; Hair Wrappers, and Body Wrappers

Present Situation:

Chapter 477, F.S., governs the licensing and regulation of cosmetologists, hair braiders, hair wrappers, nail specialists, facial specialists, full specialists, body wrappers and related salons in the state. The Board of Cosmetology, within the DBPR's Division of Professions, processes license applications, reviews disciplinary cases, and conducts informal administrative hearings relating to licensure and discipline.[46]

Individuals are prohibited from providing manicures, pedicures or facials in Florida without first being licensed as a cosmetologist or registered as a nail specialist, facial specialist, or full specialist.[47]

A "specialist" is defined as "any person holding a specialty registration in one or more of the specialties registered under [ch. 477, F.S.]."[48] The term "specialty" is defined as "the practice of one or more of the following:

- Manicuring, or the cutting, polishing, tinting, coloring, cleansing, adding, or extending of the nails, and massaging of the hands. This term includes any procedure or process for the affixing of artificial nails, except those nails which may be applied solely by use of a simple adhesive.
- Pedicuring, or the shaping, polishing, tinting, or cleansing of the nails of the feet, and massaging or beautifying of the feet.
- Facials, or the massaging or treating of the face or scalp with oils, creams, lotions, or other preparations, and skin care services."[49]

The term "cosmetologist" is defined as "a person who is licensed to engage in the practice of cosmetology . . . ."[50] "Cosmetology" is defined as "the mechanical or chemical treatment of the head, face, and scalp for aesthetic rather than medical purposes, including, but not limited to, hair shampooing, hair cutting, hair arranging, hair coloring, permanent waving, and hair relaxing for

[44] Licensure by endorsement may also allow a practitioner holding an active license in another state or country to qualify for licensure in Florida. *See* s. 476.144(5), F.S.
[45] The training must include, but is not limited to the completion of services directly related to the practice of restricted barbering at a licensed school of barbering, a public school barbering program, or a government-operated barbering program in Florida.
[46] *See* http://www.myfloridalicense.com/dbpr/pro/cosmo/index.html (last visited Dec. 13, 2017).
[47] *See* http://www.myfloridalicense.com/dbpr/pro/cosmo/documents/cosmo_faq.pdf (last visited Dec. 13, 2017).
[48] *See* s. 477.013(5), F.S.
[49] *See* s. 477.013(6), F.S.
[50] *See* s. 477.013(3), F.S.

compensation. This term also includes performing hair removal, including wax treatments, manicures, pedicures, and skin care services."[51]

A nail specialist may complete manicures and pedicures, and a full specialist may complete manicures, pedicures, and facials.[52] Manicures and pedicures, as a part of cosmetology services, are required to be provided in a licensed specialty salon or cosmetology salon.[53] All cosmetology and specialty salons are subject to inspection by the DBPR.[54]

To qualify for a specialist license, the applicant must be at least 16 years of age, obtain a certificate of completion from an approved specialty education program, and submit an application for registration to the DBPR with the registration fee.[55]

To qualify for a license as a cosmetologist, the applicant must be at least 16 years of age, have received a high school diploma, have submitted an application with the applicable fee and examination fee, and have either a license in another state or country for at least one year, or have received 1,200 hours training including completing an education at an approved cosmetology school or program. The applicants must also pass all parts of the licensure examination.[56]

The act of applying polish to fingernails and toenails falls under the scope of manicuring, even if the individual is not cutting, cleansing, adding, or extending the nails.[57] Therefore, individuals seeking to apply polish to fingernails and toenails for compensation are required to obtain a registration as a specialist or a license as a cosmetologist, as the DBPR does not issue a separate license for polishing nails.

The application of cosmetic products (makeup) by certain persons is exempted from ch. 477, F.S., under limited conditions, including application of such products in photography studio salons, in connection with certain retail sales, or during the production of qualified films.[58] In addition, persons providing makeup in a theme park or entertainment complex to actors and others or the general public are exempt from licensing requirements.[59]

Effect of Proposed Changes:

Section 16 of the bill amends s. 477.013, F.S., to specify the activities that constitute the practice of a "nail specialty," a "facial specialty," and a "full specialty." A nail specialty, includes:

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[51] *See* s. 477.013(4), F.S. A licensed cosmetologist is not required to register separately as a hair braider, hair wrapper, body wrapper, or specialist. *See* http://www.myfloridalicense.com/dbpr/pro/cosmo/documents/cosmo_faq.pdf (last visited Dec. 13, 2017).
[52] *See* s. 477.013(6), F.S.
[53] *See* s. 477.0263, F.S. Under s. 477.0135(3), F.S., licensing is not required for a person whose occupation is confined solely to cutting, trimming, polishing, or cleansing fingernails of customers in an active, licensed barbershop, and who did so before October 1, 1985.
[54] *See* s. 477.025(9), F.S.
[55] *See* s 477.0201, F.S.
[56] *See* ss. 477.019(2) and (4), F.S.
[57] *See* s. 477.013(6)(a) and (b), F.S.
[58] *See* ss. 477.013(11), 477.0135(1)(f), and 477.0135(5), F.S.
[59] *See* s. 477.0135(6), F.S.

- Manicuring, or the cutting, polishing, tinting, coloring, cleansing, adding, or extending of the nails, and massaging of the hands, including any procedure for the affixing of artificial nails, except those that are affixed solely by a simple adhesive; and
- Pedicuring, or the shaping, polishing, tinting, or cleansing of the nails of the feet, and massaging or beautifying of the feet.

A facial specialty includes facials, or the massaging or treating of the face or scalp with oils, creams, lotions, or other preparations, and skin care services. A full specialty includes all manicuring, pedicuring, and facial services.

The bill expands the definition of "hair braiding" to include the weaving of natural human hair with commercial hair, and the use of hair extensions or wefts.[60] Under current law, the use of hair extensions or wefts is excluded from "hair braiding."

Section 17 of the bill repeals s. 477.0132, F.S., eliminating registration requirements for hair braiding, hair wrapping, and body wrapping, and requirements that those registrants take specified courses approved by the Board of Cosmetology.

The bill repeals the requirements that persons whose practice is confined solely to:
- Hair braiding take an approved two-day, 16-hour course consisting of five hours of HIV/AIDS and other communicable diseases, five hours of sanitation and sterilization, four hours of disorders and diseases of the scalp, and two hours of studies regarding laws affecting hair braiding.
- Hair wrapping take an approved one-day, 6-hour course consisting of education in HIV/AIDS and other communicable diseases, sanitation and sterilization, disorders and diseases of the scalp, and studies regarding laws affecting hair wrapping.
- Body wrapping (unless otherwise licensed or exempt from licensing) take an approved two-day, 12-hour course consisting of education in HIV/AIDS and other communicable diseases, sanitation and sterilization, disorders and diseases of the skin, and studies regarding laws affecting body wrapping.

Additionally, the bill repeals s. 477.0132(2), F.S., which provides that:
- Hair braiding, hair wrapping, and body wrapping are not required to be practiced in a cosmetology salon or specialty salon; and
- Disposable implements must be used, or all implements must be sanitized in a disinfectant approved for hospital use or approved by the federal Environmental Protection Agency, when hair braiding, hair wrapping, or body wrapping is practiced outside a cosmetology salon, or specialty salon.
-

Section 18 of the bill amends s. 477.0135, F.S., to eliminate licensure or registration requirements for a person whose occupation or practice is confined solely to hair braiding, to hair wrapping, to body wrapping, to applying polish to fingernails and toenails, or to makeup application, and to eliminate a current law exemption for certain continuing education requirements.

[60] A 'weft" of hair is a long curtain of hair that has a seam at the top and is found on wigs and hair extensions. *See* https://www.voguewigs.com/what-is-a-weft.html (last visited Dec. 13, 2017).

Section 19 of the bill deletes s. 477.019(7), F.S., relating to an exemption from continuing education requirements for hair braiders, hair wrappers, and body wrappers.

Section 20 of the bill amends s. 477.0201, F.S., on specialty registration, to include registrations for nail, facial, and full specialty practices, and minimum training requirements. As in current law, applicants for any specialist registration must be at least 16 years of age or have received a high school diploma. Training requirements, with a primary focus on sanitation and safety, and completion of services directly related to the particular specialty registration being sought, include a minimum of:

- 150 hours, for a nail specialty practice (current requirement is 240 hours);
- 165 hours, for a facial specialty practice (current requirement is 260 hours); and
- 300 hours for a full specialty practice (current requirement is 500 hours).[61]

Similar to the current law requirement for registration in a specialty within the practice of cosmetology,[62] completion of services directly related to each specialty must be received from specified types of schools or specialty programs.

Section 21 of the bill deletes s. 477.026(1)(f), F.S., relating to registration fees for hair braiders, hair wrappers, and body wrappers.

Section 22 of the bill amends s. 477.0265, F.S., to delete a reference to body wrapping in a prohibition respecting the advertising of services.

Section 23 of the bill amends s. 477.029, F.S, eliminating a criminal penalty for hair braiders, hair wrappers, and body wrappers offering or providing services without being licensed or registered.

Architecture or Interior Design Business Organizations

Present Situation:

Chapter 481, Part I, F.S., governs the licensing and regulation of architects, interior designers, and related business organizations. The Board of Architecture and Interior Design, under the DBPR's Division of Professions, processes license applications, reviews disciplinary cases, and conducts informal administrative hearings relating to licensure and discipline.[63]

The practice or offering of architectural or interior design services to the public through certain business organizations is authorized for:

- Licensees acting through a corporation, limited liability company, or partnership; or

[61] *See* http://www.myfloridalicense.com/dbpr/pro/cosmo/documents/cosmo_faq.pdf at page 3 (Question 8) (last visited Dec. 13, 2017) and *2018 Agency Legislative Bill Analysis (AGENCY: Department of Business and Professional Regulation)* for SB 526, dated Nov. 3, 2017 (on file with Senate Committee on Regulated Industries) at page 3.
[62] *See* s. 477.0201(1)(b), F.S.
[63] *See* http://www.myfloridalicense.com/dbpr/pro/arch/index.html (last visited Dec. 13, 2017).

- A corporation, limited liability company, or partnership acting through licensees as agents, employees, officers, or partners.[64]

An architecture or interior design business corporation, limited liability company, partnership, or a person practicing under a fictitious name, which is offering architecture or interior design service to the public, must obtain a certificate of authorization prior to practicing.[65]

Applicants for an architecture business certificate of authorization or interior design business certificate of authorization must pay an application fee of $100, an unlicensed activity fee of $5, and a biennial renewal fee of $125.[66] A business entity has no regulatory obligations other than to obtain licensure.

According to the DBPR, during the past four fiscal years through Fiscal Year 2016-2017, the Board of Architecture and Interior Design disciplined licensed architecture businesses only six times in cases that did not also involve discipline against the supervising architect. In most cases, the licensed business was cited for operating without a supervising architect or for failure to include license numbers in advertisements.[67]

The Board of Architecture and Interior Design disciplined licensed interior design businesses only five times during the past four fiscal years through Fiscal Year 2016-2017, in cases that did not also involve discipline against the qualifying interior designer.[68]

Effect of Proposed Changes:

Sections 24 through 27 of the bill amend ch. 481, F.S., to remove the requirement that architects and interior designers obtain a separate business license (certificate of authorization) in addition to an individual license. The bill provides that architects and interior designers must qualify their business organizations (and disclose operations under a fictitious name) through their individual licenses.

Architects and interior designers who act as qualifying agents must inform the DBPR of any change in their relationship with the qualified business, and if that qualifying agent is the business' only qualifying agent, the business has 60 days to obtain a replacement qualifying architect or interior designer. If a business does not have a qualifying agent, it may not engage in the practice of architecture or interior design, unless the executive director or chair of the Board of Architecture and Interior Design authorizes another registered architect or interior designer employed by the business organization to temporarily serve as its qualifying agent for no more than 60 days.

The bill amends s. 481.219(2)(b), F.S., to provide that the Board of Architecture and Interior Design may deny an application to qualify a business organization if the applicant (or others

[64] Section 481.219(1), F.S.; such practice must comply with all the requirements in s. 481.219, F.S.
[65] Section 481.219(2)-(3), F.S.
[66] *See* Fla. Admin. Code R. 61G1-17.001 and R. 61G1-17.002 (2017) at https://www.flrules.org/gateway/ChapterHome.asp?Chapter=61G1-17 (last visited Dec. 13, 2017).
[67] Email from J. Morris, Legislative Affairs Director, DBPR, to Senate Committee on Regulated Industries staff (Jan. 19, 2018) (on file with Senate Committee on Regulated Industries).
[68] *Id.*

identified in the application as partners, officers, directors, or stockholders who are also officers or directors) "has been involved in past disciplinary actions or on any grounds for which an individual registration may be denied."

Landscape Architecture Business Organization

Present Situation:

Chapter 481, Part II, F.S., governs the licensing and regulation of landscape architects and related business organizations in Florida. The Board of Landscape Architecture, under the DBPR's Division of Professions, processes license applications, reviews disciplinary cases, and conducts informal administrative hearings relating to licensure and discipline.[69]

A person may not knowingly practice landscape architecture[70] unless the person holds a valid license issued pursuant to ch. 481, Part II, F.S.[71] A corporation or partnership is permitted to offer landscape architectural services to the public, subject to the provisions of ch. 481, Part I, F.S., if:

- One or more of the principals of the corporation, or partners in the partnership, is a licensed landscape architect;
- One or more of the officers, directors, or owners of the corporation, or one of more of the partners of the partnership is a licensed landscape architect; and
- The corporation or partnership has been issued a certificate of authorization by the board.[72]

Applicants for a landscape architecture business certificate of authorization must pay an application fee and initial licensure fee of $450, an unlicensed activity fee of $5, and a biennial renewal fee of $337.50.[73] A business entity has no regulatory obligations other than to obtain licensure and notify the DBPR within one month of any change in the information contained in its license application.[74]

Effect of Proposed Changes:

Sections 28 through 33 of the bill amend Part II of ch. 481, F.S., to remove the requirement that landscape architects obtain a separate business license (certificate of authorization) in addition to an individual license. The bill provides that landscape architects must qualify their business organizations (and disclose operations under a fictitious name) through their individual licenses.

The bill repeals the DBPR's authority to issue a certificate of authorization to an applicant wishing to practice as a corporation or partnership offering landscape architectural services. Further, the bill repeals the Board of Landscape Architecture's ability to grant a temporary

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[69] *See* http://www.myfloridalicense.com/dbpr/pro/larch/ (last visited Dec. 13, 2017).
[70] The term "landscape architecture" includes but is not limited to the determination of building siting, drainage, and contouring of land and water forms, and other activities including design in connection with land development for the preservation, conservation, enhancement, or determination of proper land uses, natural features, or naturalistic and aesthetic values. *See* s. 481.303(6)(a)-(d), F.S., relating to the professional services included in landscape architecture.
[71] Section 481.323(1)(a), F.S.
[72] Section 481.319(1), F.S.
[73] *See* Fla. Admin. Code R. 61G10-12.002 (2017) at https://www.flrules.org/gateway/ruleNo.asp?id=61G10-12.002 (last visited Dec. 13, 2017).
[74] *See* 481.319(4), F.S.

certificate of authorization for a business organization that is seeking to work on one project in Florida for a period not to exceed one year to an out-of-state corporation, partnership, or firm.

The bill provides that a corporation or partnership is permitted to offer landscape architectural services to the public, subject to the provisions of ch. 481, Part I, F.S., if:

- One or more of the principals of the corporation, or partners in the partnership, and all of the personnel of the business organization who act in its behalf as landscape architects are registered landscape architects; and
- One or more of the officers, directors, or owners of the corporation, or one or more of the partners of the partnership is a registered landscape architect has applied to be the qualifying agent for the business organization.

Under the bill, landscape architects who qualify a business organization must inform the DBPR within one month after any change in the information in the license application for the qualified business. All landscape architects must notify the DBPR of termination of employment with a licensed business organization within one month after the termination.

The bill eliminates a duplicate requirement in s. 481.319(5), F.S., for disciplinary action against a corporation or partnership to be administered similar to disciplinary action against a registered landscape architect. Under current law, practicing landscape architecture through a corporation or partnership does not relieve a landscape architect from personal liability for professional acts, unless otherwise agreed by contract.[75] According to the DBPR, the Board of Landscape Architecture has issued no disciplinary orders against landscape architecture businesses during the past four fiscal years through Fiscal Year 2016-2017.[76]

State Boxing Commission

Present Situation:

Chapter 548, F.S., provides for the regulation of professional and amateur boxing, kickboxing,[77] and mixed martial arts[78] by the Florida State Boxing Commission (commission), which is assigned to the DBPR for administrative and fiscal purposes.[79]

The commission has exclusive jurisdiction over every boxing, kickboxing, and mixed martial arts match held in Florida[80] which involves a professional.[81] Professional matches held in Florida must meet the requirements set forth in ch. 548, F.S., and the rules adopted by the commission.[82]

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[75] *See* s. 481.319(6), F.S., and s. 558.0035, F.S.
[76] Email from J. Morris, Legislative Affairs Director, DBPR, to Senate Committee on Regulated Industries staff (Jan. 19, 2018) (on file with Senate Committee on Regulated Industries).
[77] The term "kickboxing" means the unarmed combat sport of fighting by striking with the fists, hands, feet, legs, or any combination, but does not include ground fighting techniques. *See* s. 548.002(12), F.S.
[78] The term "mixed martial arts" means the unarmed combat sport involving the use of a combination of techniques, including, but not limited to, grappling, kicking, striking, and using techniques from martial arts disciplines, including, but not limited to, boxing, kickboxing, Muay Thai, jujitsu, and wrestling. *See* s. 548.002(16), F.S.
[79] *See* s. 548.003(1), F.S.
[80] *See* s. 548.006(1), F.S.
[81] The term "professional" means a person who has "received or competed for a purse or other article of a value greater than $50, either for the expenses of training or for participating in a match. *See* s. 548.002(19), F.S.
[82] *See* s. 548.006(4), F.S.

Chapter 548, F.S. does not apply to certain professional or amateur "martial arts," such as karate, aikido, judo, and kung fu; the term "martial arts" is distinct from and does not include "mixed martial arts."[83]

However, as to amateur matches, the commission's jurisdiction is limited to the approval, disapproval, suspension of approval, and revocation of approval of all amateur sanctioning organizations for amateur boxing, kickboxing, and mixed martial arts matches held in Florida.[84] Amateur sanctioning organizations are business entities organized for sanctioning and supervising matches involving amateurs.[85] During Fiscal Year 2016-2017, of the 164 amateur events in Florida, the Division of Regulation in the DBPR conducted 26 checks for compliance with health and safety standards and proper supervision of the events.[86]

Under current law, certain persons providing certain services for a match involving a professional competing in a boxing, kickboxing, or mixed martial arts match must be licensed by the commission before directly or indirectly performing those services. Licensing is mandated for a participant, manager, trainer, second, timekeeper, referee, judge, announcer, physician, matchmaker, or promoter.[87]

Effect of Proposed Changes:

Sections 35 and **36** of the bill amend s. 548.017, F.S., to eliminate the licensure requirement for persons serving as timekeepers and announcers for a match involving a participant and amend s. 548.003(2)(i), F.S., to conform to the elimination of licensing timekeepers by deleting a reference to a "knockdown timekeeper." In Fiscal Year 2016-2017, the Division issued licenses to 13 announcers and 6 timekeepers.[88]

Conforming Revisions

Section 34 of the bill amends s. 287.055, F.S., the Consultants' Competitive Negotiation Act, to conform cross references in the definition of "design-build firm." The bill substitutes the term "qualified" for "certified," in references to entities practicing architecture or landscape architecture. *See also* **Sections 25 and 31** of the bill.

Effective Date

The bill provides an effective date of July 1, 2018.

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[83] *See* s. 548.007(6), F.S., and *see supra* note 78 for the definition of "mixed martial arts."
[84] *See* s. 548.006(3), F.S.
[85] Section 548.002(2), F.S.
[86] *See* Department of Business and Professional Regulation, *Florida State Boxing Commission Annual Report, Fiscal Year 2016-2017* at http://www.myfloridalicense.com/dbpr/os/documents/FY2016-2017BoxingCommissionAnnualReport.pdf (Message from Secretary) (last visited Dec. 13, 2017).
[87] The term "participant" means a professional competing in a boxing, kickboxing, or mixed martial arts match. *See* s. 548.002, F.S., for the definitions of "participant," "manager," "second," "judge," "physician," "matchmaker," and "promoter." The terms "trainer," "timekeeper," "referee," and "announcer" are not defined in ch. 548, F.S.
[88] *See* Boxing Commission Annual Report, *supra* note 86 at page 7.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

According to the Department of Business and Professional Regulation (DBPR), SB 526 will result in a reduction of license fees, license renewal fees, and unlicensed activity fees paid by the private sector of approximately $812,130 in Fiscal Year 2018-2019, $419,505 in Fiscal Year 2019-2020, and $925,205 in Fiscal Year 2020-2021.[89]

The Division of Condominiums, Timeshares, and Mobile Homes (Yacht and Ship Brokers) of the DBPR estimates that the bill will result in a reduction of license and license renewal fees paid by the private sector of approximately $4,300 in Fiscal Year 2018-2019, $4,300 in Fiscal Year 2019-2020, and $4,300 in Fiscal Year 2020-2021.[90]

The DBPR estimates that SB 526 will result in a reduction of license and license renewal fees paid by the private sector to the Florida State Boxing Commission of approximately $1,000 in Fiscal Year 2018-2019, $1,000 in Fiscal Year 2019-2020, and $1,000 in Fiscal Year 2020-2021.[91]

B. Private Sector Impact:

CS/SB 526 repeals licensing requirements for certain professions. According to the DBPR, the bill will result in a reduction in license fees, license renewal fees, and unlicensed activity fees paid by the private sector of approximately $812,130 in Fiscal Year 2018-2019, $419,505 in Fiscal Year 2019-2020, and $925,205 in Fiscal Year 2020-2021.[92]

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[89] *See 2018 Agency Legislative Bill Analysis (AGENCY: Department of Business and Professional Regulation)* for SB 526, dated Nov. 3, 2017 (on file with Senate Committee on Regulated Industries) at page 7.
[90] *Id*. at page 6.
[91] *Id*. at page 7.
[92] *See 2018 Agency Legislative Bill Analysis (AGENCY: Department of Business and Professional Regulation)* for SB 526, dated Nov. 3, 2017 (on file with Senate Committee on Regulated Industries) at page 6.

The Division of Condominiums, Timeshares, and Mobile Homes (Yacht and Ship Brokers) of the DBPR estimates that the bill will result in a reduction of license and license renewal fees paid by the private sector of approximately $4,300 in Fiscal Year 2018-2019, $4,300 in Fiscal Year 2019-2020, and $4,300 in Fiscal Year 2020-2021.[93]

The DBPR estimates that SB 526 will result in a reduction of license and license renewal fees paid by the private sector to the Florida State Boxing Commission of approximately $1,000 in Fiscal Year 2018-2019, $1,000 in Fiscal Year 2019-2020, and $1,000 in Fiscal Year 2020-2021.[94]

C. Government Sector Impact:

According to the DBPR, the total revenue reduction to state government by the elimination in SB 526 of professional licensing requirements is anticipated to be $817,430 in Fiscal Year 2018-2019, $424,805 in Fiscal Year 2019-2020, and $930,505 in Fiscal Year 2020-2021. As a result, revenue from the General Revenue service charge[95] is anticipated to be reduced by $65,394 in Fiscal Year 2018-2019, $33,984 in Fiscal Year 2019-2020, and $74,440 in Fiscal Year 2020-2021.[96]

The Bureau of Education and Testing in the DBPR also indicates SB 526 will have minimal impact on its workload, although some examination content may require updating; such updating is a part of the Bureau's standard procedure to address statutory changes.[97]

A reduction in the license fees collected by the DBPR paid to the State Boxing Commission could increase the amounts required to be transferred from the General Revenue Fund to the Professional Regulation Trust Fund to support operation of the State Boxing Commission. For Fiscal Year 2016-2017, recurring revenue of $326,527 and non-recurring revenue of $178,000, (a total transfer of $505,027) from the General Revenue Fund was used to support the State Boxing Commission's operations.[98] Annual transfers of $326,527 in recurring revenue are projected for each fiscal year from Fiscal Year 2017-2018 through Fiscal Year 2021-2022.[99]

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[93] *Id*.
[94] *Id*.
[95] A service charge of eight percent is appropriated from revenue income deposited in specified trust funds, representing the estimated pro rata share of the cost of general government. *See* s. 215.20(1), F.S., relating to the service charge. Section 455.116, F.S., lists the seven trust funds in the DBPR, including the Professional Regulation Trust Fund and the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund, which receive revenues from fees paid by licensees in the professions and occupations affected by CS/SB 526.
[96] *Id*.
[97] *Id*. at page 8.
[98] *See* Department of Business and Professional Regulation, *Annual Report, Divisions of Professions, Certified Public Accounting, Real Estate, and Regulation, Fiscal Year 2016-2017,* at http://www.myfloridalicense.com/dbpr/os/documents/DivisionAnnualReport.pdf, at page 68 (last visited Dec. 13, 2017).
[99] *Id*.

All license and registration fees paid by labor organizations and labor organization business agents to the DBPR are credited to the General Revenue Fund.[100] According to the DBPR, licensure records for Fiscal Year 2016-2017 reflect:

- 329 licensed labor organizations (a $1 annual fee);
- 502 licensed labor organization business agents (a $25 one-time fingerprinting fee) paid fees of $44,207 annually; and
- 62,116 labor organization business agents (a $25 fee) paid fees of $1,552,900 annually.[101]

A reduction in the license fees collected by the DBPR could increase the amounts required to be transferred from the General Revenue Fund to the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund to support the regulation of yacht and ship brokers. According to the DBPR, for Fiscal Year 2016-2017, license fees of $865,099.45 were collected from yacht and ship brokers, and $310,200 was transferred to the General Revenue Fund.[102]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 326.004, 447.02, 447.09, 447.305, 469.006, 469.009, 476.034, 476.114, 476.144, 477.013, 477.0135, 477.019, 477.0201, 477.026, 477.0265, 477.029, 481.203, 481.219, 481.221, 481.229, 481.303, 481.311, 481.317, 481.319, 481.321, 481.329, 287.055, 548.003, and 548.017.

This bill repeals the following sections of the Florida Statutes: 447.04, 447.041, 447.045, 447.06, 447.12, 447.16, and 477.0132.

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[100] *See* 447.12, F.S.
[101] Email from J. Morris, Legislative Affairs Director, DBPR, to Senate Committee on Regulated Industries staff (Dec. 15, 2017) (on file with Senate Committee on Regulated Industries).
[102] *Id*. The DBPR also noted the account balance for yacht and ship brokers funds as of July 1, 2016 was $759,772.96; actual revenue and expenses for the period were $898,592.21 and $521,442.25, respectively; and the account balance as of June 30, 2017 was $826,722.92.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Regulated Industries on January 24, 2018:
The committee substitute maintains the current law that the minimum number of training hours required for barber licensure is 1,200 hours, and that applicants seeking a barber's license may take the required examination after completing only 1,000 hours of training.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

The Florida Senate

COMMITTEE VOTE RECORD

COMMITTEE: Regulated Industries
ITEM: SB 526
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Wednesday, January 24, 2018
TIME: 11:30 a.m.—1:30 p.m.
PLACE: 110 Senate Office Building

FINAL VOTE			1/24/2018 1 Amendment 590398 Brandes		1/24/2018 2 Amendment 180460 Brandes			
Yea	**Nay**	**SENATORS**	**Yea**	**Nay**	**Yea**	**Nay**	**Yea**	**Nay**
		Benacquisto						
X		Bracy						
X		Brandes						
	X	Braynon						
	X	Gibson						
X		Steube						
	X	Thurston						
X		Young						
	X	Hukill, VICE CHAIR						
X		Hutson, CHAIR						
5	4	**TOTALS**	-	WD	RCS	-		
Yea	**Nay**		**Yea**	**Nay**	**Yea**	**Nay**	**Yea**	**Nay**

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered
RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment
TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call
WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

REPORTING INSTRUCTION: Publish
01252018.0957

590398

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/25/2018	.	
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	.	

The Committee on Regulated Industries (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 134 and 135
insert:
Section 11. Section 454.18, Florida Statutes, is amended to read:
454.18 Persons ~~Officers~~ not allowed to practice; exceptions.—
(1) No sheriff or clerk of any court, or full-time deputy thereof, shall practice in this state, nor shall any person not

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11 of good moral character, or who has been convicted of an
12 infamous crime be entitled to practice. A person may not be
13 denied the right to practice on account of sex, race, or color.
14 ~~And~~ Any person, regardless of whether he or she is an attorney
15 or falls ~~not, or whether~~ within the exceptions specified in this
16 section ~~mentioned above or not~~, may:
17 (a) Conduct his or her own cause in any court of this
18 state, or before any public board, committee, or officer,
19 subject to the lawful rules and discipline of such court, board,
20 committee, or officer.
21 (b) Use a digital network, also known as a traffic
22 infraction network, to process and resolve a traffic citation
23 and to procure an independent attorney licensed to practice in
24 this state.
25 (2) The provisions of this section restricting the practice
26 of law by a sheriff or clerk, or full-time deputy thereof, do
27 not apply in a case where such person is representing the office
28 or agency in the course of his or her duties as an attorney.
29 Section 12. Section 454.23, Florida Statutes, is amended to
30 read:
31 454.23 Penalties for unlicensed practice of law;
32 exception.—
33 (1) A ~~Any~~ person not licensed or otherwise authorized to
34 practice law in this state who practices law in this state or
35 holds himself or herself out to the public as qualified to
36 practice law in this state, or who willfully pretends to be, or
37 willfully takes or uses any name, title, addition, or
38 description implying that he or she is qualified, or recognized
39 by law as qualified, to practice law in this state, commits a

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40 felony of the third degree, punishable as provided in s.
41 775.082, s. 775.083, or s. 775.084.
42 (2) This section does not apply to a person employed or
43 contracted by a digital network or a traffic infraction network
44 as provided under s. 454.18(1)(b) who assists only with the
45 processing and resolution of a traffic citation or facilitates
46 the procurement of an independent attorney licensed to practice
47 in this state.
48
49 ========== T I T L E A M E N D M E N T ==========
50 And the title is amended as follows:
51 Delete line 25
52 and insert:
53 Professional Regulation; amending s. 454.18, F.S.;
54 authorizing the use of digital networks or traffic
55 infraction networks to process and resolve a traffic
56 citation and to facilitate the procurement of an
57 independent attorney licensed to practice in this
58 state; amending s. 454.23, F.S.; providing
59 applicability; amending s. 469.006, F.S.;

180460

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/25/2018	.	
	.	
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The Committee on Regulated Industries (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 358 - 374
and insert:
2. Has received a minimum of 1,200 hours of training as established by the board, which shall include, but ~~shall~~ not be limited to, the equivalent of completion of services directly related to the practice of barbering at one of the following:
a. A school of barbering licensed pursuant to chapter 1005;
b. A barbering program within the public school system; or

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11 c. A government-operated barbering program in this state.
12
13 The board shall establish by rule procedures whereby the school
14 or program may certify that a person is qualified to take the
15 required examination after the completion of a minimum of 1,000
16 actual school hours. If the person passes the examination, she
17 or he shall have satisfied this requirement; but if the person
18 fails the examination, she or he shall not be qualified to take
19 the examination again until the completion of the full
20 requirements provided by this section.
21
22 ========== T I T L E A M E N D M E N T ==========
23 And the title is amended as follows:
24 Delete lines 32 - 33
25 and insert:
26 amending s. 476.114, F.S.; providing

By Senator Brandes

24-00757-18 2018526__

A bill to be entitled

An act relating to the deregulation of professions and occupations; amending s. 326.004, F.S.; deleting the requirement for a yacht broker to maintain a separate license for each branch office; deleting the requirement for the Division of Florida Condominiums, Timeshares, and Mobile Homes to establish a fee; amending s. 447.02, F.S.; conforming provisions; repealing s. 447.04, F.S., relating to licensure and permit requirements for business agents; repealing s. 447.041, F.S., relating to hearings for persons or labor organizations denied licensure as a business agent; repealing s. 447.045, F.S., relating to confidential information obtained during the application process; repealing s. 447.06, F.S., relating to required registration of labor organizations; amending s. 447.09, F.S.; deleting certain prohibited actions relating to the right of franchise of a member of a labor organization; repealing s. 447.12, F.S., relating to registration fees; repealing s. 447.16, F.S., relating to applicability; amending s. 447.305, F.S.; deleting a provision that requires notification of registrations and renewals to the Department of Business and Professional Regulation; amending s. 469.006, F.S.; revising licensure requirements for asbestos abatement consulting or contracting as a partnership, corporation, business trust, or other legal entity; amending s. 469.009, F.S.; conforming provisions;

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

30 amending s. 476.034, F.S.; defining the terms
31 “restricted barber” and “restricted barbering”;
32 amending s. 476.114, F.S.; revising training
33 requirements for licensure as a barber; providing
34 requirements for licensure by examination as a
35 restricted barber; amending s. 476.144, F.S.;
36 requiring the department to license an applicant who
37 the board certifies is qualified to practice
38 restricted barbering; amending s. 477.013, F.S.;
39 revising and providing definitions; repealing s.
40 477.0132, F.S., relating to registration for hair
41 braiding, hair wrapping, and body wrapping; amending
42 s. 477.0135, F.S.; providing that licensure or
43 registration is not required for persons whose
44 occupation or practice is confined solely to hair
45 braiding, hair wrapping, body wrapping, nail
46 polishing, and makeup application; amending s.
47 477.019, F.S.; conforming provisions; amending s.
48 477.0201, F.S.; providing requirements for
49 registration as a nail specialist, facial specialist,
50 or full specialist; amending ss. 477.026, 477.0265,
51 and 477.029, F.S.; conforming provisions; amending s.
52 481.203, F.S.; revising a definition; amending s.
53 481.219, F.S.; revising the process by which a
54 business organization obtains the requisite license to
55 perform architectural services or interior design;
56 requiring that a licensee or an applicant apply to
57 qualify a business organization to practice
58 architecture or interior design; providing application

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59 requirements; authorizing the Board of Architecture
60 and Interior Design to deny an application under
61 certain circumstances; providing notice requirements;
62 prohibiting a business organization from engaging in
63 certain practices until it is qualified by a
64 qualifying agent; authorizing the executive director
65 or the chair of the board to authorize a temporary
66 qualifying agent for a specified timeframe under
67 certain circumstances; requiring the board to allow an
68 applicant to qualify one or more business
69 organizations or to operate using a fictitious name
70 under certain circumstances; deleting a requirement
71 for the administration of disciplinary action against
72 a corporation, limited liability company, or
73 partnership conforming provisions to changes made by
74 the act; amending s. 481.221, F.S.; requiring a
75 business organization to include the license number of
76 a certain registered architect or interior designer in
77 any advertising; providing an exception; conforming
78 provisions to changes made by the act; amending s.
79 481.229, F.S.; conforming provisions to changes made
80 by the act; amending s. 481.303, F.S.; revising
81 definitions; amending ss. 481.311 and 481.317, F.S.;
82 conforming provisions; amending s. 481.319, F.S.;
83 deleting the requirement for a certificate of
84 authorization; authorizing landscape architects to
85 practice through a corporation or partnership;
86 amending s. 481.321, F.S.; revising requirements
87 related to the display of a certificate number;

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88 amending s. 481.329, F.S.; conforming a cross-
89 reference; amending s. 287.055, F.S.; conforming a
90 provision; amending s. 548.003, F.S.; deleting the
91 requirement that the Florida State Boxing Commission
92 adopt rules relating to a knockdown timekeeper;
93 amending s. 548.017, F.S.; deleting the licensure
94 requirement for a timekeeper or announcer; providing
95 an effective date.
96
97 Be It Enacted by the Legislature of the State of Florida:
98
99 Section 1. Subsection (13) of section 326.004, Florida
100 Statutes, is amended to read:
101 326.004 Licensing.—
102 (13) Each broker must maintain a principal place of
103 business in this state and may establish branch offices in the
104 state. ~~A separate license must be maintained for each branch~~
105 ~~office. The division shall establish by rule a fee not to exceed~~
106 ~~$100 for each branch office license.~~
107 Section 2. Subsection (3) of section 447.02, Florida
108 Statutes, is amended to read:
109 447.02 Definitions.—The following terms, when used in this
110 chapter, shall have the meanings ascribed to them in this
111 section:
112 ~~(3) The term "department" means the Department of Business~~
113 ~~and Professional Regulation.~~
114 Section 3. <u>Section 447.04, Florida Statutes, is repealed.</u>
115 Section 4. <u>Section 447.041, Florida Statutes, is repealed.</u>
116 Section 5. <u>Section 447.045, Florida Statutes, is repealed.</u>

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117 Section 6. Section 447.06, Florida Statutes, is repealed.
118 Section 7. Subsections (6) and (8) of section 447.09,
119 Florida Statutes, are amended to read:
120 447.09 Right of franchise preserved; penalties.—It shall be
121 unlawful for any person:
122 ~~(6) To act as a business agent without having obtained and~~
123 ~~possessing a valid and subsisting license or permit.~~
124 ~~(8) To make any false statement in an application for a~~
125 ~~license.~~
126 Section 8. Section 447.12, Florida Statutes, is repealed.
127 Section 9. Section 447.16, Florida Statutes, is repealed.
128 Section 10. Subsection (4) of section 447.305, Florida
129 Statutes, is amended to read:
130 447.305 Registration of employee organization.—
131 ~~(4) Notification of registrations and renewals of~~
132 ~~registration shall be furnished at regular intervals by the~~
133 ~~commission to the Department of Business and Professional~~
134 ~~Regulation.~~
135 Section 11. Paragraphs (a) and (e) of subsection (2),
136 subsection (3), paragraph (b) of subsection (4), and subsection
137 (6) of section 469.006, Florida Statutes, are amended to read:
138 469.006 Licensure of business organizations; qualifying
139 agents.—
140 (2)(a) If the applicant proposes to engage in consulting or
141 contracting as a partnership, corporation, business trust, or
142 other legal entity, or in any name other than the applicant's
143 legal name, the ~~legal entity must apply for licensure through a~~
144 ~~qualifying agent or the~~ individual applicant must apply for
145 licensure under the ~~fictitious~~ name of the business

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146 organization.
147 (e) A ~~The~~ license~~, when issued upon application of a~~
148 ~~business organization,~~ must be in the name of the qualifying
149 agent ~~business organization~~, and the name of the business
150 organization ~~qualifying agent~~ must be noted on the license
151 ~~thereon~~. If there is a change in any information that is
152 required to be stated on the application, the qualifying agent
153 ~~business organization~~ shall, within 45 days after such change
154 occurs, mail the correct information to the department.
155 (3) The qualifying agent must ~~shall~~ be licensed under this
156 chapter in order for the business organization to be qualified
157 ~~licensed~~ in the category of the business conducted for which the
158 qualifying agent is licensed. If any qualifying agent ceases to
159 be affiliated with such business organization, the agent shall
160 so inform the department. In addition, if such qualifying agent
161 is the only licensed individual affiliated with the business
162 organization, the business organization shall notify the
163 department of the termination of the qualifying agent and has
164 ~~shall have~~ 60 days after ~~from~~ the date of termination of the
165 qualifying agent's affiliation with the business organization ~~in~~
166 ~~which~~ to employ another qualifying agent. The business
167 organization may not engage in consulting or contracting until a
168 qualifying agent is employed, unless the department has granted
169 a temporary nonrenewable license to the financially responsible
170 officer, the president, the sole proprietor, a partner, or, in
171 the case of a limited partnership, the general partner, who
172 assumes all responsibilities of a primary qualifying agent for
173 the entity. This temporary license only allows ~~shall only allow~~
174 the entity to proceed with incomplete contracts.

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175 (4)
176 (b) Upon a favorable determination by the department, after
177 investigation of the financial responsibility, credit, and
178 business reputation of the qualifying agent and the new business
179 organization, the department shall issue, without any
180 examination, a new license in the qualifying agent's ~~business~~
181 ~~organization's~~ name, and the name of the business organization
182 ~~qualifying agent~~ shall be noted thereon.
183 (6) Each qualifying agent shall pay the department an
184 amount equal to the original fee for licensure ~~of a new business~~
185 ~~organization.~~ if the qualifying agent for a business
186 organization desires to qualify additional business
187 organizations.~~,~~ The department shall require the agent to
188 present evidence of supervisory ability and financial
189 responsibility of each such organization. Allowing a licensee to
190 qualify more than one business organization must ~~shall~~ be
191 conditioned upon the licensee showing that the licensee has both
192 the capacity and intent to adequately supervise each business
193 organization. The department may ~~shall~~ not limit the number of
194 business organizations that ~~which~~ the licensee may qualify
195 except upon the licensee's failure to provide such information
196 as is required under this subsection or upon a finding that the
197 ~~such~~ information or evidence ~~as is~~ supplied is incomplete or
198 unpersuasive in showing the licensee's capacity and intent to
199 comply with the requirements of this subsection. A qualification
200 for an additional business organization may be revoked or
201 suspended upon a finding by the department that the licensee has
202 failed in the licensee's responsibility to adequately supervise
203 the operations of the business organization. Failure to

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204 adequately supervise the operations of a business organization
205 is ~~shall be~~ grounds for denial to qualify additional business
206 organizations.
207 Section 12. Subsection (1) of section 469.009, Florida
208 Statutes, is amended to read:
209 469.009 License revocation, suspension, and denial of
210 issuance or renewal.—
211 (1) The department may revoke, suspend, or deny the
212 issuance or renewal of a license; reprimand, censure, or place
213 on probation any contractor, consultant, or financially
214 responsible officer~~, or business organization~~; require financial
215 restitution to a consumer; impose an administrative fine not to
216 exceed $5,000 per violation; require continuing education; or
217 assess costs associated with any investigation and prosecution
218 if the contractor or consultant, or business organization or
219 officer or agent thereof, is found guilty of any of the
220 following acts:
221 (a) Willfully or deliberately disregarding or violating the
222 health and safety standards of the Occupational Safety and
223 Health Act of 1970, the Construction Safety Act, the National
224 Emission Standards for Asbestos, the Environmental Protection
225 Agency Asbestos Abatement Projects Worker Protection Rule, the
226 Florida Statutes or rules promulgated thereunder, or any
227 ordinance enacted by a political subdivision of this state.
228 (b) Violating any provision of chapter 455.
229 (c) Failing in any material respect to comply with the
230 provisions of this chapter or any rule promulgated hereunder.
231 (d) Acting in the capacity of an asbestos contractor or
232 asbestos consultant under any license issued under this chapter

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233 except in the name of the licensee as set forth on the issued
234 license.
235 (e) Proceeding on any job without obtaining all applicable
236 approvals, authorizations, permits, and inspections.
237 (f) Obtaining a license by fraud or misrepresentation.
238 (g) Being convicted or found guilty of, or entering a plea
239 of nolo contendere to, regardless of adjudication, a crime in
240 any jurisdiction which directly relates to the practice of
241 asbestos consulting or contracting or the ability to practice
242 asbestos consulting or contracting.
243 (h) Knowingly violating any building code, lifesafety code,
244 or county or municipal ordinance relating to the practice of
245 asbestos consulting or contracting.
246 (i) Performing any act which assists a person or entity in
247 engaging in the prohibited unlicensed practice of asbestos
248 consulting or contracting, if the licensee knows or has
249 reasonable grounds to know that the person or entity was
250 unlicensed.
251 (j) Committing mismanagement or misconduct in the practice
252 of contracting that causes financial harm to a customer.
253 Financial mismanagement or misconduct occurs when:
254 1. Valid liens have been recorded against the property of a
255 contractor’s customer for supplies or services ordered by the
256 contractor for the customer’s job; the contractor has received
257 funds from the customer to pay for the supplies or services; and
258 the contractor has not had the liens removed from the property,
259 by payment or by bond, within 75 days after the date of such
260 liens;
261 2. The contractor has abandoned a customer’s job and the

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262 percentage of completion is less than the percentage of the
263 total contract price paid to the contractor as of the time of
264 abandonment, unless the contractor is entitled to retain such
265 funds under the terms of the contract or refunds the excess
266 funds within 30 days after the date the job is abandoned; or
267 3. The contractor's job has been completed, and it is shown
268 that the customer has had to pay more for the contracted job
269 than the original contract price, as adjusted for subsequent
270 change orders, unless such increase in cost was the result of
271 circumstances beyond the control of the contractor, was the
272 result of circumstances caused by the customer, or was otherwise
273 permitted by the terms of the contract between the contractor
274 and the customer.
275 (k) Being disciplined by any municipality or county for an
276 act or violation of this chapter.
277 (l) Failing in any material respect to comply with the
278 provisions of this chapter, or violating a rule or lawful order
279 of the department.
280 (m) Abandoning an asbestos abatement project in which the
281 asbestos contractor is engaged or under contract as a
282 contractor. A project may be presumed abandoned after 20 days if
283 the contractor terminates the project without just cause and
284 without proper notification to the owner, including the reason
285 for termination; if the contractor fails to reasonably secure
286 the project to safeguard the public while work is stopped; or if
287 the contractor fails to perform work without just cause for 20
288 days.
289 (n) Signing a statement with respect to a project or
290 contract falsely indicating that the work is bonded; falsely

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291 indicating that payment has been made for all subcontracted
292 work, labor, and materials which results in a financial loss to
293 the owner, purchaser, or contractor; or falsely indicating that
294 workers' compensation and public liability insurance are
295 provided.
296 (o) Committing fraud or deceit in the practice of asbestos
297 consulting or contracting.
298 (p) Committing incompetency or misconduct in the practice
299 of asbestos consulting or contracting.
300 (q) Committing gross negligence, repeated negligence, or
301 negligence resulting in a significant danger to life or property
302 in the practice of asbestos consulting or contracting.
303 (r) Intimidating, threatening, coercing, or otherwise
304 discouraging the service of a notice to owner under part I of
305 chapter 713 or a notice to contractor under chapter 255 or part
306 I of chapter 713.
307 (s) Failing to satisfy, within a reasonable time, the terms
308 of a civil judgment obtained against the licensee, or the
309 business organization qualified by the licensee, relating to the
310 practice of the licensee's profession.
311
312 For the purposes of this subsection, construction is considered
313 to be commenced when the contract is executed and the contractor
314 has accepted funds from the customer or lender.
315 Section 13. Subsections (2) and (3) of section 476.034,
316 Florida Statutes, are amended, and subsections (6) and (7) are
317 added to that section, to read:
318 476.034 Definitions.—As used in this act:
319 (2) "Barbering" means any of the following practices when

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320 done for remuneration and for the public, but not when done for
321 the treatment of disease or physical or mental ailments:
322 shaving, cutting, trimming, coloring, shampooing, arranging,
323 dressing, curling, or waving the hair or beard or applying oils,
324 creams, lotions, or other preparations to the face, scalp, or
325 neck, either by hand or by mechanical appliances, and includes
326 any services defined as restricted barbering.
327 (3) "Barbershop" means any place of business wherein the
328 practice of barbering or restricted barbering is carried on.
329 (6) "Restricted barber" means a person who is licensed to
330 engage in the practice of restricted barbering in this state
331 under the authority of this chapter and is subject to the same
332 requirements and restrictions as a barber, except as
333 specifically provided in s. 476.114.
334 (7) "Restricted barbering" means any of the following
335 practices when done for remuneration and for the public, but not
336 when done for the treatment of disease or physical or mental
337 ailments:
338 (a) Hair cutting and styling, including the application of
339 hair tonics and hair spray, but not including the application of
340 other chemical preparations or solutions to the hair;
341 (b) Full facial shaves;
342 (c) Mustache and beard trimming; and
343 (d) Shampooing hair, including the application of shampoos
344 and conditioners, and blow drying the hair.
345 Section 14. Section 476.114, Florida Statutes, is amended
346 to read:
347 476.114 Examination; prerequisites.—
348 (1) A person desiring to be licensed as a barber shall

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349 apply to the department for licensure and~~.~~
350 ~~(2) An applicant~~ shall be eligible for licensure by
351 examination to practice barbering if the applicant:
352 (a) Is at least 16 years of age;
353 (b) Pays the required application fee; and
354 (c)1. Holds an active valid license to practice barbering
355 in another state, has held the license for at least 1 year, and
356 does not qualify for licensure by endorsement as provided for in
357 s. 476.144(5); or
358 2. Has received a minimum of 600 ~~1,200~~ hours of training in
359 sanitation, safety, and laws and rules, as established by the
360 board, which must ~~shall~~ include, but ~~shall~~ not be limited to,
361 the equivalent of completion of services directly related to the
362 practice of barbering at one of the following:
363 a. A school of barbering licensed pursuant to chapter 1005;
364 b. A barbering program within the public school system; or
365 c. A government-operated barbering program in this state.
366
367 ~~The board shall establish by rule procedures whereby the school~~
368 ~~or program may certify that a person is qualified to take the~~
369 ~~required examination after the completion of a minimum of 1,000~~
370 ~~actual school hours. If the person passes the examination, she~~
371 ~~or he shall have satisfied this requirement; but if the person~~
372 ~~fails the examination, she or he shall not be qualified to take~~
373 ~~the examination again until the completion of the full~~
374 ~~requirements provided by this section.~~
375 (2) A person desiring to be licensed as a restricted barber
376 shall apply to the department for licensure and shall be
377 eligible for licensure by examination to practice restricted

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378 barbering if the applicant:
379 (a) Is at least 16 years of age;
380 (b) Pays the required application fee; and
381 (c)1. Holds an active valid license to practice barbering
382 in another state, has held the license for at least 1 year, and
383 does not qualify for licensure by endorsement as provided for in
384 s. 476.144(5); or
385 2. Has received a minimum of 325 hours of training in
386 sanitation, safety, and laws and rules, as established by the
387 board, which must include, but not be limited to, the equivalent
388 of completion of services directly related to the practice of
389 restricted barbering at one of the following:
390 a. A school of barbering licensed pursuant to chapter 1005;
391 b. A barbering program within the public school system; or
392 c. A government-operated barbering program in this state.
393 (3) An applicant who meets the requirements set forth in
394 subparagraphs (1)(c)1. and 2. ~~subparagraphs (2)(c)1. and 2.~~ who
395 fails to pass the examination may take subsequent examinations
396 as many times as necessary to pass, except that the board may
397 specify by rule reasonable timeframes for rescheduling the
398 examination and additional training requirements for applicants
399 who, after the third attempt, fail to pass the examination.
400 Before ~~Prior to~~ reexamination, the applicant must file the
401 appropriate form and pay the reexamination fee as required by
402 rule.
403 Section 15. Subsections (1) and (6) of section 476.144,
404 Florida Statutes, are amended to read:
405 476.144 Licensure.—
406 (1) The department shall license any applicant who the

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407 board certifies is qualified to practice barbering or restricted
408 barbering in this state.
409 (6) A person may apply for a restricted license to practice
410 barbering. The board shall adopt rules specifying procedures for
411 an applicant to obtain a restricted license if the applicant:
412 (a)1. Has successfully completed a restricted barber
413 course, as established by rule of the board, at a school of
414 barbering licensed pursuant to chapter 1005, a barbering program
415 within the public school system, or a government-operated
416 barbering program in this state; or
417 2.a. Holds or has within the previous 5 years held an
418 active valid license to practice barbering in another state or
419 country or has held a Florida barbering license which has been
420 declared null and void for failure to renew the license, and the
421 applicant fulfilled the requirements of s. 476.114(2)(c)2. for
422 initial licensure; and
423 b. Has not been disciplined relating to the practice of
424 barbering in the previous 5 years; and
425 (b) Passes a written examination on the laws and rules
426 governing the practice of barbering in Florida, as established
427 by the board.
428
429 ~~The restricted license shall limit the licensee's practice to~~
430 ~~those specific areas in which the applicant has demonstrated~~
431 ~~competence pursuant to rules adopted by the board.~~
432 Section 16. Subsections (6) and (9) of section 477.013,
433 Florida Statutes, are amended to read:
434 477.013 Definitions.—As used in this chapter:
435 (6) "Specialty" means the practice of one or more of the

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436 following:
437 (a) "Nail specialty" means manicuring, or the cutting,
438 polishing, tinting, coloring, cleansing, adding, or extending of
439 the nails, and massaging of the hands. This term includes any
440 procedure or process for the affixing of artificial nails,
441 except those nails which may be applied solely by use of a
442 simple adhesive; and~~.~~
443 ~~(b)~~ pedicuring, or the shaping, polishing, tinting, or
444 cleansing of the nails of the feet, and massaging or beautifying
445 of the feet.
446 (b) ~~(c)~~ "Facial specialty" means facials, or the massaging
447 or treating of the face or scalp with oils, creams, lotions, or
448 other preparations, and skin care services.
449 (c) "Full specialty" means all services within the
450 definition of nail specialty and facial specialty, including
451 manicuring, pedicuring, and facial services.
452 (9) "Hair braiding" means the weaving or interweaving of
453 natural human hair or commercial hair, including the use of hair
454 extensions or wefts, for compensation without cutting, coloring,
455 permanent waving, relaxing, removing, or chemical treatment ~~and~~
456 ~~does not include the use of hair extensions or wefts~~.
457 Section 17. Section 477.0132, Florida Statutes, is
458 repealed.
459 Section 18. Subsections (7), (8), (9), (10), and (11) are
460 added to section 477.0135, Florida Statutes, to read:
461 477.0135 Exemptions.—
462 (7) A license or registration is not required for a person
463 whose occupation or practice is confined solely to hair braiding
464 as defined in s. 477.013(9).

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465 (8) A license or registration is not required for a person
466 whose occupation or practice is confined solely to hair wrapping
467 as defined in s. 477.013(10).
468 (9) A license or registration is not required for a person
469 whose occupation or practice is confined solely to body wrapping
470 as defined in s. 477.013(12).
471 (10) A license or registration is not required for a person
472 whose occupation or practice is confined solely to applying
473 polish to fingernails and toenails.
474 (11) A license or registration is not required for a person
475 whose occupation or practice is confined solely to makeup
476 application.
477 Section 19. Paragraph (b) of subsection (7) of section
478 477.019, Florida Statutes, is amended to read:
479 477.019 Cosmetologists; qualifications; licensure;
480 supervised practice; license renewal; endorsement; continuing
481 education.—
482 (7)
483 ~~(b) Any person whose occupation or practice is confined~~
484 ~~solely to hair braiding, hair wrapping, or body wrapping is~~
485 ~~exempt from the continuing education requirements of this~~
486 ~~subsection.~~
487 Section 20. Present subsections (2) through (6) of section
488 477.0201, Florida Statutes, are redesignated as subsections (4)
489 through (8), respectively, new subsections (2) and (3) are added
490 to that section, and subsection (1) of that section is amended
491 to read:
492 477.0201 Specialty registration; qualifications;
493 registration renewal; endorsement.—

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494 (1) Any person is qualified for registration as a
495 specialist in a nail ~~any one or more of the~~ specialty practice
496 ~~practices~~ within the practice of cosmetology under this chapter
497 who:
498 (a) Is at least 16 years of age or has received a high
499 school diploma.
500 (b) Has received at least 150 hours of training as
501 established by the board, which must focus primarily on
502 sanitation and safety and must include, but not be limited to,
503 the equivalent of completion of services directly related to the
504 practice of a nail ~~a certificate of completion in a~~ specialty
505 pursuant to s. 477.013(6)(a) ~~477.013(6)~~ from one of the
506 following:
507 1. A school licensed pursuant to s. 477.023.
508 2. A school licensed pursuant to chapter 1005 or the
509 equivalent licensing authority of another state.
510 3. A specialty program within the public school system.
511 4. A specialty division within the Cosmetology Division of
512 the Florida School for the Deaf and the Blind, provided the
513 training programs comply with minimum curriculum requirements
514 established by the board.
515 (2) Any person is qualified for registration as a
516 specialist in a facial specialty practice within the practice of
517 cosmetology under this chapter who:
518 (a) Is at least 16 years of age or has received a high
519 school diploma.
520 (b) Has received at least 165 hours of training as
521 established by the board, which must focus on sanitation and
522 safety and must include, but not be limited to, the equivalent

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523 of completion of services directly related to the practice of
524 facial specialty pursuant to s. 477.013(6)(b) from one of the
525 following:
526 1. A school licensed pursuant to s. 477.023.
527 2. A school licensed pursuant to chapter 1005 or the
528 equivalent licensing authority of another state.
529 3. A specialty program within the public school system.
530 4. A specialty division within the Cosmetology Division of
531 the Florida School for the Deaf and the Blind, provided the
532 training programs comply with minimum curriculum requirements
533 established by the board.
534 (3) Any person is qualified for registration as a
535 specialist in a full specialty practice within the practice of
536 cosmetology under this chapter who:
537 (a) Is at least 16 years of age or has received a high
538 school diploma.
539 (b) Has received at least 300 hours of training as
540 established by the board, which must focus primarily on
541 sanitation and safety and must include, but not be limited to,
542 the equivalent of completion of services directly related to the
543 practice of full specialty pursuant to s. 477.013(6)(c) from one
544 of the following:
545 1. A school licensed pursuant to s. 477.023.
546 2. A school licensed pursuant to chapter 1005 or the
547 equivalent licensing authority of another state.
548 3. A specialty program within the public school system.
549 4. A specialty division within the Cosmetology Division of
550 the Florida School for the Deaf and the Blind, provided the
551 training programs comply with minimum curriculum requirements

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552 established by the board.
553 Section 21. Paragraph (f) of subsection (1) of section
554 477.026, Florida Statutes, is amended to read:
555 477.026 Fees; disposition.—
556 (1) The board shall set fees according to the following
557 schedule:
558 ~~(f) For hair braiders, hair wrappers, and body wrappers,~~
559 ~~fees for registration shall not exceed $25.~~
560 Section 22. Paragraph (f) of subsection (1) of section
561 477.0265, Florida Statutes, is amended to read:
562 477.0265 Prohibited acts.—
563 (1) It is unlawful for any person to:
564 (f) Advertise or imply that skin care services ~~or body~~
565 ~~wrapping~~, as performed under this chapter, have any relationship
566 to the practice of massage therapy as defined in s. 480.033(3),
567 except those practices or activities defined in s. 477.013.
568 Section 23. Paragraph (a) of subsection (1) of section
569 477.029, Florida Statutes, is amended to read:
570 477.029 Penalty.—
571 (1) It is unlawful for any person to:
572 (a) Hold himself or herself out as a cosmetologist or~~,~~
573 specialist~~, hair wrapper, hair braider, or body wrapper~~ unless
574 duly licensed or registered, or otherwise authorized, as
575 provided in this chapter.
576 Section 24. Subsection (5) of section 481.203, Florida
577 Statutes, is amended to read:
578 481.203 Definitions.—As used in this part:
579 (5) "Business organization" means a partnership, a limited
580 liability company, a corporation, or an individual operating

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581 under a fictitious name ~~"Certificate of authorization" means a~~
582 ~~certificate issued by the department to a corporation or~~
583 ~~partnership to practice architecture or interior design~~.
584 Section 25. Section 481.219, Florida Statutes, is amended
585 to read:
586 481.219 Business organization; qualifying agents
587 ~~Certification of partnerships, limited liability companies, and~~
588 ~~corporations.—~~
589 (1) A licensee may ~~The practice of or the offer to~~ practice
590 architecture or interior design ~~by licensees~~ through a business
591 organization that offers ~~corporation, limited liability company,~~
592 ~~or partnership offering~~ architectural or interior design
593 services to the public, or through ~~by~~ a business organization
594 that offers ~~corporation, limited liability company, or~~
595 ~~partnership offering~~ architectural or interior design services
596 to the public through such licensees ~~under this part~~ as agents,
597 employees, officers, or partners~~, is permitted, subject to the~~
598 ~~provisions of this section~~.
599 (2) If a licensee or an applicant proposes to engage in the
600 practice of architecture or interior design as a business
601 organization, the licensee or applicant must apply to qualify
602 the business organization ~~For the purposes of this section, a~~
603 ~~certificate of authorization shall be required for a~~
604 ~~corporation, limited liability company, partnership, or person~~
605 ~~practicing under a fictitious name, offering architectural~~
606 ~~services to the public jointly or separately. However, when an~~
607 ~~individual is practicing architecture in her or his own name,~~
608 ~~she or he shall not be required to be certified under this~~
609 ~~section. Certification under this subsection to offer~~

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610 ~~architectural services shall include all the rights and~~
611 ~~privileges of certification under subsection (3) to offer~~
612 ~~interior design services~~.
613 (a) An application to qualify a business organization must:
614 1. If the business is a partnership, state the names of the
615 partnership and its partners.
616 2. If the business is a corporation, state the names of the
617 corporation and its officers and directors and the name of each
618 of its stockholders who is also an officer or a director.
619 3. If the business is operating under a fictitious name,
620 state the fictitious name under which it is doing business.
621 4. If the business is not a partnership, a corporation, or
622 operating under a fictitious name, state the name of such other
623 legal entity and its members.
624 (b) The board may deny an application to qualify a business
625 organization if the applicant or any person required to be named
626 pursuant to paragraph (a) has been involved in past disciplinary
627 actions or on any grounds for which an individual registration
628 may be denied.
629 (3)(a) A business organization may not engage in the
630 practice of architecture unless its qualifying agent is a
631 registered architect under this part. A business organization
632 may not engage in the practice of interior design unless its
633 qualifying agent is a registered architect or a registered
634 interior designer under this part. A qualifying agent who
635 terminates her or his affiliation with a business organization
636 shall immediately notify the department of such termination. If
637 the qualifying agent who terminates her or his affiliation is
638 the only qualifying agent for a business organization, the

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639 business organization must be qualified by another qualifying
640 agent within 60 days after the termination. Except as provided
641 in paragraph (b), the business organization may not engage in
642 the practice of architecture or interior design until it is
643 qualified by a qualifying agent.
644 (b) In the event a qualifying architect or interior
645 designer ceases employment with the business organization, the
646 executive director or the chair of the board may authorize
647 another registered architect or interior designer employed by
648 the business organization to temporarily serve as its qualifying
649 agent for a period of no more than 60 days. The business
650 organization is not authorized to operate beyond such period
651 under this chapter absent replacement of the qualifying
652 architect or interior designer who has ceased employment.
653 (c) A qualifying agent shall notify the department in
654 writing before engaging in the practice of architecture or
655 interior design in her or his own name or in affiliation with a
656 different business organization, and she or he or such business
657 organization shall supply the same information to the department
658 as required of applicants under this part ~~For the purposes of~~
659 ~~this section, a certificate of authorization shall be required~~
660 ~~for a corporation, limited liability company, partnership, or~~
661 ~~person operating under a fictitious name, offering interior~~
662 ~~design services to the public jointly or separately. However,~~
663 ~~when an individual is practicing interior design in her or his~~
664 ~~own name, she or he shall not be required to be certified under~~
665 ~~this section~~.
666 (4) All final construction documents and instruments of
667 service which include drawings, specifications, plans, reports,

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668 or other papers or documents that involve ~~involving~~ the practice
669 of architecture which are prepared or approved for the use of
670 the business organization ~~corporation, limited liability~~
671 ~~company, or partnership~~ and filed for public record within the
672 state must ~~shall~~ bear the signature and seal of the licensee who
673 prepared or approved them and the date on which they were
674 sealed.
675 (5) All drawings, specifications, plans, reports, or other
676 papers or documents prepared or approved for the use of the
677 business organization ~~corporation, limited liability company, or~~
678 ~~partnership~~ by an interior designer in her or his professional
679 capacity and filed for public record within the state must ~~shall~~
680 bear the signature and seal of the licensee who prepared or
681 approved them and the date on which they were sealed.
682 ~~(6) The department shall issue a certificate of~~
683 ~~authorization to any applicant who the board certifies as~~
684 ~~qualified for a certificate of authorization and who has paid~~
685 ~~the fee set in s. 481.207.~~
686 (6)~~(7)~~ The board shall allow ~~certify~~ an applicant to
687 qualify one or more business organizations ~~as qualified for a~~
688 ~~certificate of authorization~~ to offer architectural or interior
689 design services, or to use a fictitious name to offer such
690 services, if ~~provided that~~:
691 (a) One or more of the principal officers of the
692 corporation or limited liability company, or one or more
693 partners of the partnership, and all personnel of the
694 corporation, limited liability company, or partnership who act
695 in its behalf in this state as architects, are registered as
696 provided by this part; or

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697 (b) One or more of the principal officers of the
698 corporation or one or more partners of the partnership, and all
699 personnel of the corporation, limited liability company, or
700 partnership who act in its behalf in this state as interior
701 designers, are registered as provided by this part.
702 ~~(8) The department shall adopt rules establishing a~~
703 ~~procedure for the biennial renewal of certificates of~~
704 ~~authorization.~~
705 ~~(9) The department shall renew a certificate of~~
706 ~~authorization upon receipt of the renewal application and~~
707 ~~biennial renewal fee.~~
708 (7) ~~(10)~~ Each qualifying agent approved to qualify a
709 business organization ~~partnership, limited liability company,~~
710 ~~and corporation certified~~ under this section shall notify the
711 department within 30 days after ~~of~~ any change in the information
712 contained in the application upon which the qualification
713 ~~certification~~ is based. Any registered architect or interior
714 designer who qualifies the business organization shall ensure
715 ~~corporation, limited liability company, or partnership as~~
716 ~~provided in subsection (7) shall be responsible for ensuring~~
717 responsible supervising control of projects of the business
718 organization ~~entity~~ and shall notify the department of the ~~upon~~
719 termination of her or his employment with a business
720 organization qualified ~~partnership, limited liability company,~~
721 ~~or corporation certified~~ under this section ~~shall notify the~~
722 ~~department of the termination~~ within 30 days after such
723 termination.
724 (8) ~~(11)~~ A business organization is not ~~No corporation,~~
725 ~~limited liability company, or partnership shall be~~ relieved of

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726 responsibility for the conduct or acts of its agents, employees,
727 or officers by reason of its compliance with this section.
728 However, except as provided in s. 558.0035, the architect who
729 signs and seals the construction documents and instruments of
730 service is ~~shall be~~ liable for the professional services
731 performed, and the interior designer who signs and seals the
732 interior design drawings, plans, or specifications is ~~shall be~~
733 liable for the professional services performed.
734 ~~(12) Disciplinary action against a corporation, limited~~
735 ~~liability company, or partnership shall be administered in the~~
736 ~~same manner and on the same grounds as disciplinary action~~
737 ~~against a registered architect or interior designer,~~
738 ~~respectively.~~
739 (9) ~~(13)~~ ~~Nothing in~~ This section may not ~~shall~~ be construed
740 to mean that a certificate of registration to practice
741 architecture or interior design must ~~shall~~ be held by a business
742 organization ~~corporation, limited liability company, or~~
743 ~~partnership~~. ~~Nothing in~~ This section does not prohibit a
744 business organization from offering ~~prohibits corporations,~~
745 ~~limited liability companies, and partnerships from joining~~
746 ~~together to offer~~ architectural, engineering, interior design,
747 surveying and mapping, and landscape architectural services, or
748 any combination of such services, to the public if the business
749 organization~~, provided that each corporation, limited liability~~
750 ~~company, or partnership~~ otherwise meets the requirements of law.
751 (10) ~~(14)~~ A business organization that is qualified by a
752 registered architect may use ~~Corporations, limited liability~~
753 ~~companies, or partnerships holding a valid certificate of~~
754 ~~authorization to practice architecture shall be permitted to use~~

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755 ~~in their title~~ the term “interior designer” or “registered
756 interior designer” in its title. ~~designer.”~~
757 Section 26. Subsection (10) of section 481.221, Florida
758 Statutes, is amended to read:
759 481.221 Seals; display of certificate number.—
760 (10) Each registered architect or interior designer must~~,~~
761 ~~and each corporation, limited liability company, or partnership~~
762 ~~holding a certificate of authorization, shall~~ include her or his
763 license ~~its certificate~~ number in any newspaper, telephone
764 directory, or other advertising medium used by the registered
765 licensee ~~architect, interior designer, corporation, limited~~
766 ~~liability company, or partnership~~. Each business organization
767 must include the license number of the registered architect or
768 interior designer who serves as the qualifying agent for that
769 business organization in any newspaper, telephone directory, or
770 other advertising medium used by the business organization, but
771 is not required to display the license numbers of other
772 registered architects or interior designers employed by the
773 business organization ~~A corporation, limited liability company,~~
774 ~~or partnership is not required to display the certificate number~~
775 ~~of individual registered architects or interior designers~~
776 ~~employed by or working within the corporation, limited liability~~
777 ~~company, or partnership~~.
778 Section 27. Paragraphs (a) and (c) of subsection (5) of
779 section 481.229, Florida Statutes, are amended to read:
780 481.229 Exceptions; exemptions from licensure.—
781 (5)(a) ~~Nothing contained in~~ This part does not prohibit
782 ~~shall prevent~~ a registered architect or a qualified business
783 organization ~~partnership, limited liability company, or~~

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784 ~~corporation holding a valid certificate of authorization to~~
785 ~~provide architectural services~~ from performing any interior
786 design service or from using the title “interior designer” or
787 “registered interior designer.”
788 (c) Notwithstanding any other provision of this part, a
789 registered architect or business organization qualified ~~any~~
790 ~~corporation, partnership, or person operating under a fictitious~~
791 ~~name which holds a certificate of authorization~~ to provide
792 architectural services must ~~shall~~ be qualified, without fee, ~~for~~
793 ~~a certificate of authorization~~ to provide interior design
794 services upon submission of a completed application for
795 qualification ~~therefor~~. ~~For corporations, partnerships, and~~
796 ~~persons operating under a fictitious name which hold a~~
797 ~~certificate of authorization to provide interior design~~
798 ~~services, satisfaction of the requirements for renewal of the~~
799 ~~certificate of authorization to provide architectural services~~
800 ~~under s. 481.219 shall be deemed to satisfy the requirements for~~
801 ~~renewal of the certificate of authorization to provide interior~~
802 ~~design services under that section.~~
803 Section 28. Section 481.303, Florida Statutes, is reordered
804 and amended to read:
805 481.303 Definitions.—As used in this chapter:
806 (1) “Board” means the Board of Landscape Architecture.
807 (2) “Business organization” means any partnership, limited
808 liability company, corporation, or individual operating under a
809 fictitious name.
810 (4) ~~(2)~~ “Department” means the Department of Business and
811 Professional Regulation.
812 (7) ~~(3)~~ “Registered landscape architect” means a person who

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813 holds a license to practice landscape architecture in this state
814 under the authority of this act.
815 (3) ~~(4)~~ “Certificate of registration” means a license issued
816 by the department to a natural person to engage in the practice
817 of landscape architecture.
818 ~~(5) “Certificate of authorization” means a license issued~~
819 ~~by the department to a corporation or partnership to engage in~~
820 ~~the practice of landscape architecture.~~
821 (5) ~~(6)~~ “Landscape architecture” means professional
822 services, including, but not limited to, the following:
823 (a) Consultation, investigation, research, planning,
824 design, preparation of drawings, specifications, contract
825 documents and reports, responsible construction supervision, or
826 landscape management in connection with the planning and
827 development of land and incidental water areas, including the
828 use of Florida-friendly landscaping as defined in s. 373.185,
829 where, and to the extent that, the dominant purpose of such
830 services or creative works is the preservation, conservation,
831 enhancement, or determination of proper land uses, natural land
832 features, ground cover and plantings, or naturalistic and
833 aesthetic values;
834 (b) The determination of settings, grounds, and approaches
835 for and the siting of buildings and structures, outdoor areas,
836 or other improvements;
837 (c) The setting of grades, shaping and contouring of land
838 and water forms, determination of drainage, and provision for
839 storm drainage and irrigation systems where such systems are
840 necessary to the purposes outlined herein; and
841 (d) The design of such tangible objects and features as are

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842 necessary to the purpose outlined herein.
843 (6) ~~(7)~~ “Landscape design” means consultation for and
844 preparation of planting plans drawn for compensation, including
845 specifications and installation details for plant materials,
846 soil amendments, mulches, edging, gravel, and other similar
847 materials. Such plans may include only recommendations for the
848 conceptual placement of tangible objects for landscape design
849 projects. Construction documents, details, and specifications
850 for tangible objects and irrigation systems shall be designed or
851 approved by licensed professionals as required by law.
852 Section 29. Subsection (4) of section 481.311, Florida
853 Statutes, is amended to read:
854 481.311 Licensure.—
855 ~~(4) The board shall certify as qualified for a certificate~~
856 ~~of authorization any applicant corporation or partnership who~~
857 ~~satisfies the requirements of s. 481.319.~~
858 Section 30. Subsection (2) of section 481.317, Florida
859 Statutes, is amended to read:
860 481.317 Temporary certificates.—
861 ~~(2) Upon approval by the board and payment of the fee set~~
862 ~~in s. 481.307, the department shall grant a temporary~~
863 ~~certificate of authorization for work on one specified project~~
864 ~~in this state for a period not to exceed 1 year to an out-of-~~
865 ~~state corporation, partnership, or firm, provided one of the~~
866 ~~principal officers of the corporation, one of the partners of~~
867 ~~the partnership, or one of the principals in the fictitiously~~
868 ~~named firm has obtained a temporary certificate of registration~~
869 ~~in accordance with subsection (1).~~
870 Section 31. Section 481.319, Florida Statutes, is amended

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871 to read:
872 481.319 Corporate and partnership practice of landscape
873 architecture~~; certificate of authorization~~.~~—~~
874 (1) The practice of or offer to practice landscape
875 architecture by registered landscape architects registered under
876 this part through a corporation or partnership offering
877 landscape architectural services to the public, or through a
878 corporation or partnership offering landscape architectural
879 services to the public through individual registered landscape
880 architects as agents, employees, officers, or partners, is
881 permitted, subject to the provisions of this section, if:
882 (a) One or more of the principal officers of the
883 corporation, or partners of the partnership, and all personnel
884 of the corporation or partnership who act in its behalf as
885 landscape architects in this state are registered landscape
886 architects; and
887 (b) One or more of the officers, one or more of the
888 directors, one or more of the owners of the corporation, or one
889 or more of the partners of the partnership is a registered
890 landscape architect and has applied to be the qualifying agent
891 for the business organization~~; and~~
892 ~~(c) The corporation or partnership has been issued a~~
893 ~~certificate of authorization by the board as provided herein~~.
894 (2) All documents involving the practice of landscape
895 architecture which are prepared for the use of the corporation
896 or partnership shall bear the signature and seal of a registered
897 landscape architect.
898 (3) A landscape architect applying to practice in the name
899 of a ~~An applicant~~ corporation must ~~shall~~ file with the

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900 department the names and addresses of all officers and board
901 members of the corporation, including the principal officer or
902 officers, duly registered to practice landscape architecture in
903 this state and, also, of all individuals duly registered to
904 practice landscape architecture in this state who shall be in
905 responsible charge of the practice of landscape architecture by
906 the corporation in this state. A landscape architect applying to
907 practice in the name of a ~~An applicant~~ partnership must ~~shall~~
908 file with the department the names and addresses of all partners
909 of the partnership, including the partner or partners duly
910 registered to practice landscape architecture in this state and,
911 also, of an individual or individuals duly registered to
912 practice landscape architecture in this state who shall be in
913 responsible charge of the practice of landscape architecture by
914 said partnership in this state.
915 (4) Each landscape architect qualifying a partnership or
916 ~~and~~ corporation ~~licensed~~ under this part must ~~shall~~ notify the
917 department within 1 month after ~~of~~ any change in the information
918 contained in the application upon which the license is based.
919 Any landscape architect who terminates her or his ~~or her~~
920 employment with a partnership or corporation licensed under this
921 part shall notify the department of the termination within 1
922 month after such termination.
923 ~~(5) Disciplinary action against a corporation or~~
924 ~~partnership shall be administered in the same manner and on the~~
925 ~~same grounds as disciplinary action against a registered~~
926 ~~landscape architect.~~
927 (5) ~~(6)~~ Except as provided in s. 558.0035, the fact that a
928 registered landscape architect practices landscape architecture

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929 through a corporation or partnership as provided in this section
930 does not relieve the landscape architect from personal liability
931 for her or his ~~or her~~ professional acts.
932 Section 32. Subsection (5) of section 481.321, Florida
933 Statutes, is amended to read:
934 481.321 Seals; display of certificate number.—
935 (5) Each registered landscape architect must ~~and each~~
936 ~~corporation or partnership holding a certificate of~~
937 ~~authorization shall~~ include her or his ~~its~~ certificate number in
938 any newspaper, telephone directory, or other advertising medium
939 used by the registered landscape architect, corporation, or
940 partnership. A corporation or partnership must ~~is not required~~
941 ~~to~~ display the certificate number ~~numbers~~ of at least one
942 officer, director, owner, or partner who is a ~~individual~~
943 registered landscape architect ~~architects~~ employed by or
944 practicing with the corporation or partnership.
945 Section 33. Subsection (5) of section 481.329, Florida
946 Statutes, is amended to read:
947 481.329 Exceptions; exemptions from licensure.—
948 (5) This part does not prohibit any person from engaging in
949 the practice of landscape design, as defined in s. 481.303(6)
950 ~~481.303(7)~~, or from submitting for approval to a governmental
951 agency planting plans that are independent of, or a component
952 of, construction documents that are prepared by a Florida-
953 registered professional. Persons providing landscape design
954 services may ~~shall~~ not use the title, term, or designation
955 “landscape architect,” “landscape architectural,” “landscape
956 architecture,” “L.A.,” “landscape engineering,” or any
957 description tending to convey the impression that she or he is a

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958 landscape architect unless she or he is registered as provided
959 in this part.
960 Section 34. Paragraph (h) of subsection (2) of section
961 287.055, Florida Statutes, is amended to read:
962 287.055 Acquisition of professional architectural,
963 engineering, landscape architectural, or surveying and mapping
964 services; definitions; procedures; contingent fees prohibited;
965 penalties.—
966 (2) DEFINITIONS.—For purposes of this section:
967 (h) A "design-build firm" means a partnership, corporation,
968 or other legal entity that:
969 1. Is certified under s. 489.119 to engage in contracting
970 through a certified or registered general contractor or a
971 certified or registered building contractor as the qualifying
972 agent; or
973 2. Is certified under s. 471.023 to practice or to offer to
974 practice engineering; qualified ~~certified~~ under s. 481.219 to
975 practice or to offer to practice architecture; or qualified
976 ~~certified~~ under s. 481.319 to practice or to offer to practice
977 landscape architecture.
978 Section 35. Present paragraphs (j) and (k) of subsection
979 (2) of section 548.003, Florida Statutes, are redesignated as
980 paragraphs (i) and (j), respectively, and present paragraph (i)
981 of that subsection is amended, to read:
982 548.003 Florida State Boxing Commission.—
983 (2) The Florida State Boxing Commission, as created by
984 subsection (1), shall administer the provisions of this chapter.
985 The commission has authority to adopt rules pursuant to ss.
986 120.536(1) and 120.54 to implement the provisions of this

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987 chapter and to implement each of the duties and responsibilities
988 conferred upon the commission, including, but not limited to:
989 ~~(i) Designation and duties of a knockdown timekeeper.~~
990 Section 36. Subsection (1) of section 548.017, Florida
991 Statutes, is amended to read:
992 548.017 Participants, managers, and other persons required
993 to have licenses.—
994 (1) A participant, manager, trainer, second, ~~timekeeper,~~
995 referee, judge, ~~announcer,~~ physician, matchmaker, or promoter
996 must be licensed before directly or indirectly acting in such
997 capacity in connection with any match involving a participant. A
998 physician approved by the commission must be licensed pursuant
999 to chapter 458 or chapter 459, must maintain an unencumbered
1000 license in good standing, and must demonstrate satisfactory
1001 medical training or experience in boxing, or a combination of
1002 both, to the executive director before working as the ringside
1003 physician.
1004 Section 37. This act shall take effect July 1, 2018.

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The Florida Senate

Committee Agenda Request

To: Senator Travis Hutson
Committee on Regulated Industries

Subject: Committee Agenda Request

Date: November 3, 2017

I respectfully request that **Senate Bill #526**, relating to **Deregulation of Professions and Occupations**, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Jeff Brandes
Florida Senate, District 24

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date: _____

Bill Number (if applicable): 526

Amendment Barcode (if applicable): _____

Topic: Andrew Hosoc

Name: Andrew Hosoc

Job Title: Analyst

Address: 200 W College Ave
Street

Tallahassee FL
City State Zip

Phone: _____

Email: _____

Speaking: [x] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against
(The Chair will read this information into the record.)

Representing: Americans for Prosperity

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [x] 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.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/24/18
Meeting Date

526
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: DEREGULATION

Name: GAIL MARIE PERRY

Job Title: CHAIR

Address: PO BOX 1766
Street

POMPANO BCH FL 33061
City State Zip

Phone: 954/850-4055

Email: workingfolk@rocketmail.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing: COMMUNICATIONS WORKERS OF AMERICA COUNCIL of FLORIDA

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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/24/18
Meeting Date

SB 526
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: DEREGULATION BARBER + BEAUTY

Name: DAN WASHBURN

Job Title: PRESIDENT SPRINGLINE CORP. dba GREAT CLIPS

Address: 1750 W. BROADWAY ST. #120
Street

OVIEDO, FL 32765
City, State, Zip

Phone: 407-256-5618

Email: DAN.WASHBURN@GREATCLIPS.NET

Speaking: ☐ For ☑ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing: GREAT CLIPS

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.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1-24-18
Meeting Date

526
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Deregulation Beauty & Barber Programs

Name: MICHAEL HALMON

Job Title: President American Inst. of Beauty

Address: 3605 East Bay Dr #164
Street

Largo FL 33771
City State Zip

Phone: 727-686-2509

Email: michaelhalmon@AIBschool.com

Speaking: ☐ For ☑ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing: Florida Association of Cosmetology & Technical Schools

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.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/24/2018
Meeting Date

SB 526
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Dereg Barber & Beauty Licenses

Name: Mez Varol

Job Title: President International Academy

Address: 2550 South Ridgewood Ave
Street

South Daytona, FL 32119
City, State, Zip

Phone: 386-767-4600

Email: mez@intl-academy.com

Speaking: [X] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against
(The Chair will read this information into the record.)

Representing: International Academy

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.

S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/24/2018
Meeting Date

526
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Occupational Licensing

Name: Sal Nuzzo

Job Title: VP of Policy

Address: 100 N Duval Street
Street

Tallahassee — *City*
FL — *State*
32301 — *Zip*

Phone: 850-322-9941

Email: snuzzo@jamesmadison.org

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing: The James Madison Institute

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.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/24/17
Meeting Date

SB 526
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Occupational Licensing

Name: Jeffrey Redfern

Job Title: Attorney

Address: 901 N. Glebe Rd, STE 900
Street

Arlington, VA 22203
City, State, Zip

Phone: 703-682-9320

Email: jredfern@ij.org

Speaking: [X] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against
(The Chair will read this information into the record.)

Representing: Institute for Justice

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [ ] Yes [X] 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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/29/18
Meeting Date

526
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Dereg Barbers/Nails Facials

Name: Monica Rodriguez

Job Title: Govt Affairs Ballard Partners

Address: 201 E Park Avenue
Street

Tallahassee Fl 32312
City State Zip

Phone:

Email: monica@ballardfl.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☑ Against
(The Chair will read this information into the record.)

Representing: Florida Ass. of Cosmetology & Technical Schools

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/24/2018
Meeting Date

SB0526
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic DEREGULATION OF PROFESSIONS + OCCUPATIONS

Name ROBERT REDMOND

Job Title TECHNICIAN/TELECOMMUNICATIONS

Address PO BOX 21088
Street

ST PETERSBURG FL 33742
City State Zip

Phone 727 851 6342

Email LFSBAND@GMAIL.COM

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/24/2018
Meeting Date

526
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic

Name Curtis C. Austin

Job Title Executive Director FL Assn of Post Secondary Schools & Colleges

Address P.O. Box 13654
Street

Tallahassee FL 32317
City State Zip

Phone

Email Curtis@fapsc.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☑ Against
(The Chair will read this information into the record.)

Representing Florida Assn of Post secondary Schools & Colleges

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1-24-18
Meeting Date

SB-0526
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Deregulation of Professional lic.

Name: Scott A. Losey

Job Title: Consultant

Address: 725 Shore Dr. East
Street

Oldsmar, Fl. 33742
City, State, Zip

Phone: 541-661-5645

Email: skyelfsproductions@gmail.com

Speaking: ☐ For ☑ Against ☐ Information

Waive Speaking: ☐ In Support ☑ Against
(The Chair will read this information into the record.)

Representing: Self

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/24/18
Meeting Date

526
Bill Number (if applicable)

590398
Amendment Barcode (if applicable)

Topic: Amendment - Practice of Law

Name: Eric Beller

Job Title: Retired Judge/ Attorney

Address: 1300 S Miami Ave
Street

Miami, FL 33129
City, State, Zip

Phone: 7542464091

Email: ebell51230gmail.com

Speaking: ☐ For ☑ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing:

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/24/18
Meeting Date

526
Bill Number (if applicable)

590398
Amendment Barcode (if applicable)

Topic: Amendment - Practice of Law

Name: Mark Gold

Job Title: Attorney

Address: 2240 S. Dixie Hwy
Street

Miami FL 33133
City State Zip

Phone: 305 775 7996

Email: markgold@thetrialclinic.com

Speaking: ☐ For ☑ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing:

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

January 24, 2018
Meeting Date

526
Bill Number (if applicable)

590398
Amendment Barcode (if applicable)

Topic: Deregulation of Professions and Occupations

Name: Mat Forrest

Job Title:

Address: 201 E. Park Ave.
Street

Tallahassee — *City*
FL — *State*
32301 — *Zip*

Phone: 850-577-0444

Email: mat@ballardfl.com

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing: TiKD.com (pronounced "ticked")

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/24/2018
Meeting Date

526
Bill Number (if applicable)

590398
Amendment Barcode (if applicable)

Topic: Traffic Infraction Networks

Name: Warren Husband

Job Title:

Address: PO Box 10909
Street

Tallahassee, FL 32302
City, State, Zip

Phone: (850) 205-9000

Email:

Speaking: ☐ For ☐ Against ☑ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing: The Florida Bar

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/24/18
Meeting Date

SB 526
Bill Number (if applicable)

~~180460~~
Amendment Barcode (if applicable)

Topic: DEREGULATION BARBER + BEAUTY

Name: DAN WASHBURN

Job Title: PRESIDENT SPRINGLAND CORP dba GREAT CLIPS

Address: 1750 W. BROADWAY ST. #120
Street

OVIEDO FL 32765
City State Zip

Phone: 407-256-5618

Email: DAN.WASHBURN@GREATCLIPS.NET

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing: GREAT CLIPS

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/24/18
Meeting Date

526
Bill Number (if applicable)

180460
Amendment Barcode (if applicable)

Topic: De-Reg

Name: Melissa Ramba

Job Title: VP Gov't Affairs

Address: 227 S Adams St
Street

Tallahassee FL
City State Zip

Phone:

Email: Melissa@FRF.org

Speaking: [x] For [ ] Against [ ] Information

Waive Speaking: [x] In Support [ ] Against
(The Chair will read this information into the record.)

Representing: Florida Retail Federation

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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1·24·18
Meeting Date

521
Bill Number (if applicable)

180460
Amendment Barcode (if applicable)

Topic DEREGULATION BEAUTY & BARBER

Name MICHAEL HALMON

Job Title PRESIDENT

Address 3665 EAST BAY DR #164
Street

City State Zip

Phone 727-686-7508

Email MICHAELHALMON@AIB SCHOOL.COM

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FLORIDA ASSOC. COSMETOLOGY & TECHNICAL SCHOOLS

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/24/18
Meeting Date

SB 526
Bill Number (if applicable)

180460
Amendment Barcode (if applicable)

Topic: DeReg Barber & Beauty Licenses

Name: Mez Varol

Job Title: President

Address: 2550 South Ridgewood Ave
Street

South Daytona FL 32119
City State Zip

Phone: 386-767-4600

Email: mez@intl-academy.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing: International Academy

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL: SB 1114

INTRODUCER: Senators Brandes and Hutson

SUBJECT: Professional Regulation

DATE: January 24, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	McSwain	RI	**Favorable**
2.			CM	
3.			RC	

I. Summary:

SB 1114 creates a declaratory statement process under the Administrative Procedures Act to permit a person considering or desiring entry into a state-regulated profession or occupation to obtain a binding determination of whether a criminal conviction or sanction will prevent licensure, registration, or certification. A person may seek the agency's opinion prior to the person possessing the required training or education for the profession or occupation.

The petition for a declaratory statement may include mitigating factors or other information the petitioner believes relevant to establish the petitioner's eligibility for licensure, registration, or certification. A person may request the declaratory statement while under criminal confinement or supervision. Although the agency's conclusion is binding on the agency as to the petitioner, the petitioner's subsequent criminal history may form an independent basis for denial of an application for a license, registration, or certificate. The fee for the declaratory may not exceed $100, and the petitioner is also responsible for the actual cost of state and federal fingerprint processing in addition to the fee for the declaratory statement.

The bill also creates a process for reviewing the criminal history of applicants for specified professions or occupations regulated by the Department of Business and Professional Regulation (DBPR) and the Department of Health (DOH). The process in the bill applies to certified nursing assistants, regulated by the Department of Health, and to barbers, cosmetologists, and cosmetology specialists, i.e., hair braiders, hair wrappers, and body wrappers, and specified construction professionals, all regulated by the DBPR.

The process in the bill permits a person to apply for a license while under criminal confinement or supervision. It limits the period during which an agency may consider the criminal history as an impairment to licensure to seven years from the date of the criminal conviction. However, as required under current law, the DOH must deny a certified nursing assistant application, if the applicant has a criminal history of more than seven years from the date of the application, and

the applicant's criminal history relates to certain violent felonies, crimes against children, or sexual offenses.

The bill also requires the DBPR and DOH to identify by rule the crimes that do and do not impair a person's qualifications for the licenses specified in the bill.

The bill provides an effective date of July 1, 2018.

II. Present Situation:

Agency Declaratory Statements

A declaratory statement is a means under the Administrative Procedures Act for a member of the public (petitioner) to seek an agency's opinion regarding the applicability of a statutory provision, or of any rule or order of the agency, to the petitioner's particular set of circumstances.[1] A petition for a declaratory statement must state with particularity the petitioner's set of circumstances and specify the statutory provision, rule, or order the petitioner believes may apply to the set of circumstances.[2]

When a petition for a declaratory statement is filed with an agency, the agency must file a notice of the petition in the next available issue of the Florida Administrative Register and transmit copies of the petition to the Joint Administrative Procedures Committee.[3] The agency must issue a declaratory statement or deny the petition within 90 days after the petition is filed, and the declaratory statement or its denial must be noticed in the next available issue of the Florida Administrative Register.[4]

Current law does not require a fee for filing a petition for declaratory statement with an agency.

Department of Business and Professional Regulation

Section 20.165, F.S., establishes the organizational structure of the Department of Business and Professional Regulation (DBPR), which has 12 divisions tasked with the regulation of several professions and businesses.[5] Fifteen boards and programs exist within the Division of

[1] Section 120.565(1), F.S.
[2] Section 120.565(2), F.S.
[3] *See* s. 120.545, F.S. The Joint Administrative Procedures Committee (JAPC) is a joint standing committee of the Legislature created by Rule 4.1 of the Joint Rules of the Florida Legislature. It is composed of five Senators appointed by the President of the Senate and six Representatives appointed by the Speaker of the House. The primary function of JAPC is to generally review agency action pursuant to the operation of the Administrative Procedure Act in ch. 120, F.S., related to the rulemaking process, to ensure that rules adopted by the executive branch agencies do not create new law and stay within the authority specifically delegated to them by the Legislature.
[4] Section 120.565(3), F.S.
[5] *See* Section 20.165, F.S, creating the divisions of Administration; Alcoholic Beverages and Tobacco; Certified Public Accounting; Drugs, Devices, and Cosmetics; Florida Condominiums, Timeshares, and Mobile Homes; Hotels and Restaurants; Pari-mutuel Wagering; Professions; Real Estate; Regulation; Service Operations; and Technology.

Professions,[6] two boards are within the Division of Real Estate,[7] and one board exists in the Division of Certified Public Accounting.[8] The Florida State Boxing Commission is assigned to the DBPR for administrative and fiscal accountability purposes only.[9] The DBPR also administers the Child Labor Law and Farm Labor Contractor Registration Law pursuant to parts I and III of ch. 450, F.S.

Chapter 455, F.S., applies to the regulation of professions constituting "any activity, occupation, profession, or vocation regulated by the DBPR in the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation."[10]

Under Florida law, regulation of professions is undertaken "only for the preservation of the health, safety, and welfare of the public under the police powers of the state."[11] Regulation is required when:

- The potential for harming or endangering public health, safety, and welfare is recognizable and outweighs any anticompetitive impact that may result;
- The public is not effectively protected by other state statutes, local ordinances, federal legislation, or other means; and
- Less restrictive means of regulation are not available.[12]

However, "neither the department nor any board may create a regulation that has an unreasonable effect on job creation or job retention," or a regulation that unreasonably restricts the ability of those who desire to engage in a profession or occupation to find employment.[13]

Chapter 455, F.S., provides the general powers of the DBPR and sets forth the procedural and administrative framework for all of the professional boards housed under the DBPR as well as the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation.[14] When a person is authorized to engage in a profession or occupation in Florida, the DBPR issues a "permit, registration, certificate, or license" to the licensee.[15]

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[6] Section 20.165(4)(a), F.S., establishes the following boards and programs which are noted with the implementing statutes: Board of Architecture and Interior Design, part I of ch. 481; Florida Board of Auctioneers, part VI of ch. 468; Barbers' Board, ch. 476; Florida Building Code Administrators and Inspectors Board, part XII of ch. 468; Construction Industry Licensing Board, part I of ch. 489; Board of Cosmetology, ch. 477; Electrical Contractors' Licensing Board, part II of ch. 489; Board of Employee Leasing Companies, part XI of ch. 468; Board of Landscape Architecture, part II of ch. 481; Board of Pilot Commissioners, ch. 310; Board of Professional Engineers, ch. 471; Board of Professional Geologists, ch. 492; Board of Veterinary Medicine, ch. 474; Home Inspection Services Licensing Program, part XV of ch. 468; and Mold-related Services Licensing Program, part XVI of ch. 468, F.S.
[7] *See* s. 20.165(4)(b), F.S. Florida Real Estate Appraisal Board, created under part II of ch. 475, F.S., and Florida Real Estate Commission, created under part I of ch. 475, F.S.
[8] *See* s. 20.165(4)(c), F.S., which establishes the Board of Accountancy, created under ch. 473, F.S.
[9] Section 548.003(1), F.S.
[10] Section 455.01(6), F.S.
[11] Section 455.201(2), F.S.
[12] *Id*.
[13] Section 455.201(4)(b), F.S.
[14] *See* s. 455.203, F.S. The DBPR must also provide legal counsel for boards within the DBPR by contracting with the Department of Legal Affairs, by retaining private counsel, or by providing DBPR staff counsel. *See* s. 455.221(1), F.S.
[15] Section 455.01(4) and (5), F.S.

In Fiscal Year 2015-2016, there were 434,574 licensees in the Division of Professions,[16] including, in relevant part:

- Barbers (19,098 active and 199 inactive);
- Cosmetologists (237,090 active and 1,600 inactive);
- Construction industry contractors (71,818 active and 15,004 inactive); and
- Electrical contractors (11,960 active and 1,285 inactive).

Sections 455.203 and 455.213, F.S., establish general licensing authority for the DBPR, including the authority to charge license fees and license renewal fees. Each board within the DBPR must determine by rule the amount of license fees for each profession, based on estimates of the required revenue to implement the regulatory laws affecting the profession.[17]

DBPR Licensing and Criminal Background

The regulatory boards of the DBPR, or the department when there is no board, may deny a license application for any person who it finds guilty of any of the grounds for discipline set forth in s. 455.227(1), F.S., or set forth in the profession's practice act.[18] Specifically, the regulatory board, or the department when there is no board, may deny a license application for any person having been:

> convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction <u>which relates to the practice of, or the ability to practice, a licensee's profession</u>.[19] (Emphasis added.)

Section 455.227, F.S., does not specifically require the DBPR or the applicable regulatory board to consider the passage of time since the disqualifying criminal offense before denying or granting a license.

Barbers

Barbers are regulated under ch. 476, F.S., by the Barber's Board within the DBPR. To be licensed as a barber, a person must be at least 16 years of age, satisfactorily complete a licensure examination, and pay the required application fee. In order to be eligible to sit for the licensure examination, a person must have held a license to practice barbering in another state for at least one year or have received a minimum of 1,200 hours of training.[20]

"Barbering" includes any of the following practices when done for payment by the public, but not when done for the treatment of disease or physical or mental ailments: shaving, cutting, trimming, coloring, shampooing, arranging, dressing, curling, or waving the hair or beard or

[16] *See* Department of Business and Professional Regulation, *Annual Report, Fiscal Year 2016-2017*, at http://www.myfloridalicense.com/dbpr/os/documents/DivisionAnnualReport.pdf?x40199 (last visited January 13, 2018) at pages 21 and 22. Of the total 434,574 licensees in the Division of Professions, 21,702 are inactive. *Id*. at page 22.
[17] Section 455.219(1), F.S.
[18] Section 455.227(2), F.S.
[19] Section 455.227(1)(c), F.S.
[20] *See* s. 476.114, F.S.

applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical appliances.[21]

Chapter 476, F.S., does not provide a basis for denial of a license application based on a person's criminal background. However, a person may be denied a license application as a barber for any violation of s. 455.227, F.S., which authorizes the denial of a license on the basis of a criminal background related to the practice of, or the ability to practice, a licensee's profession.[22]

Cosmetologists

Chapter 477, F.S., governs the licensing and regulation of cosmetologists, hair wrappers, hair braiders, nail specialists, facial specialists, full specialists, body wrappers and related salons in the state. The Board of Cosmetology processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the cosmetology industry.

Individuals are prohibited from providing manicures or pedicures in Florida without first being registered as a nail specialist, full specialist, or cosmetologist.[23]

A "specialist" is defined as "any person holding a specialty registration in one or more of the specialties registered under [ch. 477, F.S.]."[24] The term "specialty" is defined as "the practice of one or more of the following:

- Manicuring, or the cutting, polishing, tinting, coloring, cleansing, adding, or extending of the nails, and massaging of the hands. This term includes any procedure or process for the affixing of artificial nails, except those nails which may be applied solely by use of a simple adhesive;
- Pedicuring, or the shaping, polishing, tinting, or cleansing of the nails of the feet, and massaging or beautifying of the feet;
- Facials, or the massaging or treating of the face or scalp with oils, creams, lotions, or other preparations, and skin care services."[25]

A "cosmetologist" is a person who is licensed to engage in the practice of cosmetology in Florida under the authority of ch. 477, F.S.[26] "Cosmetology" is defined as "the mechanical or chemical treatment of the head, face, and scalp for aesthetic rather than medical purposes, including, but not limited to, hair shampooing, hair cutting, hair arranging, hair coloring, permanent waving, and hair relaxing for compensation. This term also includes performing hair removal, including wax treatments, manicures, pedicures, and skin care services."[27]

A nail specialist may complete manicures and pedicures. A full specialist may complete manicures, pedicures, and facials. Manicures and pedicures, as a part of cosmetology services,

[21] Section 476.034(2), F.S.
[22] *See* s. 455.227(1)(c), F.S.
[23] Section 477.014, F.S.
[24] Section 477.013(5), F.S.
[25] Section 477.013(6), F.S.
[26] Section 477.013(3), F.S.
[27] Section 477.013(4), F.S.

are required to be provided in a licensed specialty salon or cosmetology salon.[28] All cosmetology and specialty salons are subject to inspection by the DBPR.[29]

To qualify for a specialist license, the applicant must be at least 16 years old or have a high school diploma, obtain a certificate of completion from an approved specialty education program, and submit an application for registration with the DBPR with the registration fee.[30]

To qualify for a license as a cosmetologist, the applicant must be at least 16 years old, have received a high school diploma, have submitted an application with the applicable fee and examination fee, and have either a license in another state or country for at least one year, or have received 1,200 hours training including completing an education at an approved cosmetology school or program. The applicants must also pass all parts of the licensure examination.[31]

The act of painting nails with fingernail polish falls under the scope of manicuring, even if the individual is not cutting, cleansing, adding, or extending the nails. Therefore, individuals seeking to add polish to fingernails and toenails for compensation are required to obtain a registration as a specialist or a license as a cosmetologist.

The Board of Cosmetology may deny a cosmetology license or specialty registration application based on a person's criminal background. The board may deny a license or application for any violation of s. 455.227, F.S., which authorizes the denial of a license on the basis of a criminal background related to the practice of, or the ability to practice, a licensee's profession.[32]

Construction Contracting Professionals

The Construction Industry Licensing Board (CILB) within the DBPR is responsible for licensing and regulating the construction industry in this state under part I of ch. 489, F.S.[33] The CILB is divided into two divisions with separate jurisdictions:

- Division I is comprised of the general contractor, building contractor, and residential contractor members of the CILB. Division I has jurisdiction over the regulation of general contractors, building contractors, and residential contractors.
- Division II is comprised of the roofing contractor, sheet metal contractor, air-conditioning contractor, mechanical contractor, pool contractor, plumbing contractor, and underground utility and excavation contractor members of the CILB. Division II has jurisdiction over the regulation of roofing contractors, sheet metal contractors, class A, B, and C air-conditioning contractors, mechanical contractors, commercial pool/spa contractors, residential pool/spa contractors, swimming pool/spa servicing contractors, plumbing contractors, underground utility and excavation contractors, solar contractors, and pollutant storage systems contractors.

[28] Section 477.0263, F.S.
[29] Section 477.025, F.S.
[30] Section 477.0201, F.S.
[31] Section 477.019(2), F.S.
[32] *See* s 477.029(1)(h), F.S.
[33] *See* s. 489.107, F.S.

A specialty contractor is one whose scope of work and responsibility is limited to a particular phase of construction as detailed in an administrative rule adopted by the CILB. Jurisdiction is dependent on the scope of work and whether Division I or Division II has jurisdiction over such work in accordance with the applicable administrative rule.[34]

The Electrical Contractors' Licensing Board (ECLB) within the DBPR is responsible for licensing and regulating electrical contractors in this state under part II of Ch. 489, F.S.[35]

Construction contractors under part I of ch. 489, F.S., and electrical contractors under part II of ch. 489, F.S., must satisfactorily complete a licensure examination before being licensed.[36]

Master septic tank contractors and septic tank contractors are regulated by the DBPR under part III of ch. 489, F.S. Septic tank contractors must pass an examination and register with the DBPR before engaging in the occupation.[37] A master septic tank contractor" must have at least 3 years' experience as a registered septic tank contractor or a plumbing contractor certified under part I of ch. 489, F.S., who has provided septic tank contracting services for at least 3 years.

The CILB and the ECLB may deny a license application for any person who it finds guilty of any of the grounds for discipline set forth in s. 455.227(1), F.S., or set forth in the profession's practice act.[38] Specifically, the CILB may deny a license application for any person having been convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction <u>which directly relates to the practice of, or the ability to practice, a licensee's profession</u>.[39]

The CILB and the ECLB may also deny a registration application under s. 455.227, F.S., which authorizes the denial of a license on the basis of a criminal background related to the practice of, or the ability to practice, a profession.[40]

To be eligible for registration by the DBPR, master septic tank contractors and septic tank contractors must be of good moral character. In considering good moral character, the DBPR may consider any matter that has a substantial connection between the good moral character of the applicant and the professional responsibilities of a registered contractor, including, but not limited to:

> the applicant being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which <u>directly relates to the practice of contracting or the ability to practice contracting…</u>[41] (Emphasis added.)

[34] For example, specialty swimming pool contractors have limited scopes of work for the construction of pools, spas, hot tub, and decorative or interactive water displays. *See* Fla. Admin. Code R. 61G4-15.032 (2016).
[35] Section 489.507, F.S.
[36] *See* ss. 489.113 and 489.516, F.S., respectively.
[37] Sections 489.552 and 489.553, F.S.
[38] Section 455.227(2), F.S.
[39] Sections 489.129(1)(b) and 489.553(1)(d), F.S., proving the disciplinary grounds for construction contractors and electrical contractors, respectively.
[40] *See* s 477.029(1)(h), F.S.
[41] Section 489.553(4)(a), F.S.

The DBPR may also deny a registration application under s. 455.227, F.S., which authorizes the denial of a license on the basis of a criminal background related to the practice of, or the ability to practice, a profession.[42]

Ch. 489, F.S., does not specifically require the DBPR, the CILB, or the ECLB to consider the passage of time since the disqualifying criminal offense before denying or granting a license or registration.

Certified Nursing Assistants

The Board of Nursing within the Department of Health is responsible for licensing and regulating the certified nursing assistants under part II of ch. 464, F.S.[43] In Fiscal Year 2015-2016, there were 146,495 active certified nursing assistants.[44]

The "practice of a certified nursing assistant" means:

> providing care and assisting persons with tasks relating to the activities of daily living. Such tasks are those associated with personal care, maintaining mobility, nutrition and hydration, toileting and elimination, assistive devices, safety and cleanliness, data gathering, reporting abnormal signs and symptoms, postmortem care, patient socialization and reality orientation, end-of-life care, cardiopulmonary resuscitation and emergency care, residents' or patients' rights, documentation of nursing-assistant services, and other tasks that a certified nurse assistant may perform after training beyond that required for initial certification and upon validation of competence in that skill by a registered nurse.[45]

The definition of "practice of a certified nursing assistant" does not restrict the ability of any person who is otherwise trained and educated from performing the tasks specified in the definition.[46]

To be certified, a person must have a high school diploma, or its equivalent; or be at least 18 years of age, and pass a nursing assistant competency examination. Alternatively, a person may be certified if in another state and not have been found to have committed abuse, neglect, or exploitation in that state.[47]

Although the qualifications for certification as a certified nursing assistant do not specifically reference a person's criminal background, applicant for certification must successfully pass the

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[42] *See* s 477.029(1)(h), F.S.
[43] *See* s. 489.107, F.S.
[44] See Florida Department of Health, Division of Medical Quality Assurance, *Annual Report & Long-range Plan, Fiscal Year 2016-2017*, at http://mqawebteam.com/annualreports/1617/#1/z (last visited January 18, 2018) at page 13. Of the total 193,637certified nursing assistants, 42,209 are in-state delinquent, 2,019 are out-of-state delinquent, and are active military.
[45] Section 464.201(5), F.S.
[46] *Id*.
[47] Section 464.203, F.S.

required background screening pursuant to s. 400.215, F.S., which requires the personnel of nursing homes and related healthcare facilities to pass a level 2 background screening, or s. 408.809, F.S., which also requires pre-employment, level 2 background screening for specified persons, including employees of medical facilities.[48] The background screening must be completed every five years following licensure, employment, or entering into contract in a capacity that requires background screening.[49]

Under s. 435.04, F.S., level 2 background screening is meant to ensure a person subject to the screening has not been arrested for and is not awaiting final disposition of, has not been found guilty of, regardless of adjudication, or not entered a plea of nolo contendere or guilty to, or has been adjudicated delinquent and the record has not been sealed or expunged for, any of the 52 prohibited offenses listed in s. 435.04(2), F.S. The prohibited offenses include violent crimes, property crimes, and sexual offenses.[50]

In addition to the crimes specified under s. 435.04, F.S., an certified nursing assistant may not have a felony record for certain specified felony financial crimes, including Medicaid fraud and forgery.[51]

A level 2 background screening includes but is not limited to fingerprinting for statewide criminal history records checks through the Florida Department of Law Enforcement (FDLE) and national criminal history checks through the Federal Bureau of Investigation (FBI), and may include local criminal records checks through local law enforcement agencies. Once the background screening is completed, and FDLE receives the information from the FBI, the criminal history information is transmitted to Department of Health. The Department of Health then determines if the screening contains any disqualifying information for employment.

If a person is disqualified from employment due to failing the required background screening, the Department of Health may grant an exemption from disqualification for:

> 1. Felonies for which at least three years have elapsed since the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court for the disqualifying felony;
> 2. Misdemeanors prohibited under any of the statutes cited in this chapter or under similar statutes of other jurisdictions for which the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court;
> 3. Offenses that were felonies when committed but that are now misdemeanors and for which the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court; or
> 4. Findings of delinquency.[52]

[48] Section 408.809(1), F.S.
[49] Section 408.809(2), F.S.
[50] *See* 435.04(2), F.S.
[51] *See* 408.809(4), F.S.
[52] Section 435.07(1)(a), F.S.

However, if the delinquency would be felonies if committed by an adult and the record has not been sealed or expunged, the exemption may not be granted until at least three years have elapsed since completion or lawfully released from confinement, supervision, or nonmonetary condition imposed by the court for the disqualifying offense.[53]

To be granted an exemption, a person must have paid any court-ordered amount for any fee, fine, fund, lien, civil judgment, application, costs of prosecution, trust, or restitution as part of the judgment and sentence for the disqualifying crime.[54]

However, the Department of Health may not grant an exemption to an individual who is found guilty of, regardless of adjudication, or who has entered a plea of nolo contendere or guilty to, any felony covered by s. 435.03 or s. 435.04, F.S., solely by reason of any pardon, executive clemency, or restoration of civil rights.[55]

An exemption may also not be granted to anyone who is a sexual predator, career offender, or sexual offender (unless not required to register).[56] The agency may not grant an exemption from disqualification to persons with a criminal history that includes other violent felonies, crimes against children, and sex-related crimes, such as felony domestic violence, luring or enticing a child, sexual battery, child pornography, and child abuse.[57]

III. Effect of Proposed Changes:

Declaratory Statements

The bill amends s. 120.565, F.S., to create a declaratory statement process to permit a person considering or desiring entry into a state-regulated profession or occupation to obtain a binding determination of whether a criminal conviction or sanction will prevent licensure, registration, or certification in the profession or occupation based on the applicable statutes or rules.

A person may seek the agency's opinion prior to the person possessing the training or education required for the license, registration, or certificate in the profession or occupation.

The petition may include mitigating factors or other information the petitioner believes relevant to establish the petitioner's eligibility, including, but not limited to:

- The time elapsed since completion of or lawful release from confinement, supervision, or nonmonetary condition imposed by the court for a disqualifying offense; and
- The petitioner's standing in his or her community.

A person may request the agency's determination while under criminal confinement or supervision.

[53] *Id.*
[54] Section 435.07(1)(b), F.S.
[55] *See* s. 435.07(4)(a), F.S
[56] *See* s. 435.07(4)(b), F.S.
[57] *See* s. 435.07(4)(c), F.S.

If the agency concludes that the petitioner's criminal background is disqualifying, the declaratory statement must state whether the agency's conclusion may be reversed upon the petitioner's presentation of evidence of rehabilitation or mitigation identified by the agency in the declaratory statement at any time subsequent to the issuance of the declaratory statement.

The declaratory statement must also indicate whether any federal laws or regulations or any conditions or restrictions imposed by the court on the petitioner may impede the petitioner's licensure, registration, or certification in the profession or occupation.

Although the agency's conclusion is binding on the agency as to the petitioner, the petitioner's subsequent criminal history may form an independent basis for denial of an application for a license, registration, or certificate.

The petitioner must submit to the agency a fee of not more than $100, a certified copy of each criminal judgment rendered against the petitioner, and a complete set of fingerprints. The agency must submit the fingerprints to the Department of Law Enforcement (FDLE) for a state criminal history record check and the FDLE must forward the fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The petitioner is responsible for the actual cost of state and federal fingerprint processing in addition to the fee for the declaratory statement.

Licensing and Criminal Background

The bill creates a process for reviewing the criminal history of applicants for specified professions or occupations regulated by the Department of Business and Professional Regulation (DBPR) and the Department of Health (DOH).

The bill amends s. 455.213, F.S., dealing with the general licensing provisions of the DBPR, and s. 464.203, F.S., dealing with the certification requirements for certified nursing assistants under the DOH.

The license application review process in the bill applies to the following professions and occupations:

- Certified Nursing Assistants.
- Barbers.
- Cosmetologists and cosmetology specialists (i.e., hair braiders, hair wrappers, and body wrappers).
- Construction Professionals:
  - Electrical Contractors;
  - Alarm System Contractors;
  - Septic Tank Contractors;
  - Swimming pool and spa contractors;
  - Sheet metal contractors;
  - Roofing contractors;
  - Air-conditioning contractors;
  - Mechanical contractors;
  - Plumbing contractors;

- Underground utility and excavation contractors;
- Solar contractors;
- Pollutant storage systems contractor; and
- Other specialty contractors whose scope of work and responsibility is limited to a particular phase of construction, e.g. drywall, glazing, swimming pool excavation, etc.

The process created in the bill:

- Permits a person to apply for a license while under criminal confinement (incarceration) or supervision.
- Limits the period during which the agency may consider criminal history as an impairment to licensure to seven years from the date of the criminal conviction.
- Requires each agency to identify by rule the crimes that do not impair a person's qualifications for licensure.
- Requires each agency to identify by rule the crimes that do impair a person's qualifications for licensure.
- Does not change license qualifications in current law for any of the professions, including any disqualifications in current law based on the applicant's criminal history or moral character.
- Requires the licensing agency to permit applicants who are incarcerated or under supervision to appear by teleconference or video conference at a meeting of a board or the agency for a hearing concerning the person's license application.
- Requires the Department of Corrections to cooperate and coordinate with the board or department, as applicable, to facilitate the appearance of the license applicant at the hearing in person, by teleconference, or by video conference, as appropriate.

However, as required under current law, the DOH must deny a certified nursing assistant application, if the applicant has a criminal history of more than seven years from the date of the application and the criminal history includes a violent felony, crime against children, or sexual offense identified in s. 435.07(4), F.S.

Effective Date

The bill provides an effective date of July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

SB 1114 requires the petitioner for the declaratory statement provided in the bill to pay a filing fee not to exceed $100 and the actual cost of state and federal processing related to the criminal background check.

B. Private Sector Impact:

Persons who submit a petition for a declaratory statement from an agency to determine whether the petitioner's criminal history affects the person's eligibility for a license, registration, or certificate, must pay a filing fee not to exceed $100 for the petition and the actual cost of state and federal processing related to the criminal background check.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 120.565, 455.213, 464.203, and 400.211.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

The Florida Senate

COMMITTEE VOTE RECORD

COMMITTEE: Regulated Industries
ITEM: SB 1114
FINAL ACTION: Favorable
MEETING DATE: Wednesday, January 24, 2018
TIME: 11:30 a.m.—1:30 p.m.
PLACE: 110 Senate Office Building

FINAL VOTE			1/24/2018 1 Amendment 459104 Brandes					
Yea	**Nay**	**SENATORS**	**Yea**	**Nay**	**Yea**	**Nay**	**Yea**	**Nay**
X		Benacquisto						
X		Bracy						
X		Brandes						
X		Braynon						
X		Gibson						
X		Steube						
X		Thurston						
X		Young						
X		Hukill, VICE CHAIR						
X		Hutson, CHAIR						
10	0	**TOTALS**	-	WD				
Yea	**Nay**		**Yea**	**Nay**	**Yea**	**Nay**	**Yea**	**Nay**

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered
RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment
TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call
WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/24/2018	.	
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	.	
	.	

The Committee on Regulated Industries (Brandes) recommended the following:

1 **Senate Amendment (with title amendment)**
2
3 Delete lines 72 - 254
4 and insert:
5 certificate issued by the agency. The petition may include
6 mitigating factors or other information the petitioner believes
7 relevant to establish the petitioner's eligibility, including,
8 but not limited to, the time elapsed since completion of or
9 lawful release from confinement, supervision, or nonmonetary
10 condition imposed by the court for a disqualifying offense, and

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11 the petitioner's standing in his or her community. A person may
12 seek a declaratory statement under this subsection before
13 attaining any education, training, experience, or other
14 prerequisites for the license, registration, or certification.
15 (b) The agency may not determine that a petitioner's
16 criminal background makes him or her ineligible for a specific
17 occupational or professional license, registration, or
18 certificate unless:
19 1. The petitioner has been convicted of a felony or a
20 violent misdemeanor; and
21 2. The agency determines by clear and convincing evidence
22 that such offense is substantially related to the state's
23 interest of protecting the public health and safety and that
24 granting the license would place the petitioner in a position
25 where the petitioner is likely to harm consumers.
26 (c) The agency's conclusion in the declaratory statement
27 must indicate whether:
28 1. The petitioner is disqualified from obtaining the
29 license, registration, or certification due to the petitioner's
30 criminal background, regardless of the petitioner's education,
31 training, experience, or other prerequisites required for the
32 license, registration, or certification.
33 2. The petitioner is not eligible for a specified
34 occupational or professional license, registration, or
35 certification because of his or her criminal background, but
36 that the conclusion may be reversed upon the petitioner's
37 presentation of evidence of rehabilitation or mitigation
38 identified by the agency in the declaratory statement at any
39 time subsequent to the issuance of the declaratory statement.

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40 3. Federal laws or regulations may impede the petitioner's
41 licensure, registration, or certification in the profession or
42 occupation.
43 4. Conditions or restrictions imposed by the court on the
44 petitioner for a disqualifying offense may impede the
45 petitioner's licensure, registration, or certification in the
46 profession or occupation.
47 (d) The agency's conclusion in the declaratory statement
48 shall be binding on the agency as to the petitioner, unless the
49 petitioner's subsequent criminal history constitutes an
50 independent basis for denial of the petitioner's application for
51 a license, registration, or certification in the profession or
52 occupation. The agency's conclusion is subject to judicial
53 review pursuant to s. 120.68.
54 (e) A person seeking a declaratory statement under this
55 subsection must submit to the agency, in addition to the
56 petition for a declaratory statement:
57 1. A fee set by the agency not to exceed $100;
58 2. A certified copy of each criminal judgment rendered
59 against the petitioner; and
60 3. A complete set of electronic fingerprints.
61 (f) The agency shall submit the fingerprints to the
62 Department of Law Enforcement for a state criminal history
63 record check and the Department of Law Enforcement shall forward
64 them to the Federal Bureau of Investigation for a national
65 criminal history record check. The agency shall review the
66 criminal history record results to determine if the petitioner
67 meets licensure, registration, or certification requirements.
68 The petitioner shall pay the actual cost of state and federal

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69 processing in addition to the fee in subparagraph (e)1.
70 Section 2. Present subsections (3) through (12) of section
71 455.213, Florida Statutes, are redesignated as subsections (4)
72 through (13), respectively, subsection (2) of that section is
73 amended, and a new subsection (3) is added to that section, to
74 read:
75 455.213 General licensing provisions.—
76 (2) Before the issuance of any license, the department may
77 charge an initial license fee as determined by rule of the
78 applicable board or, if no such board exists, by rule of the
79 department. Upon receipt of the appropriate license fee, except
80 as provided in subsection (4) ~~(3)~~, the department shall issue a
81 license to any person certified by the appropriate board, or its
82 designee, or the department when there is no board, as having
83 met the applicable requirements imposed by law or rule. However,
84 an applicant who is not otherwise qualified for licensure is not
85 entitled to licensure solely based on a passing score on a
86 required examination. Upon a determination by the department
87 that it erroneously issued a license, or upon the revocation of
88 a license by the applicable board, or by the department when
89 there is no board, the licensee must surrender his or her
90 license to the department.
91 (3)(a) Notwithstanding any other provision of law, the
92 board shall use the process in this subsection for review of an
93 applicant's criminal record to determine his or her eligibility
94 for licensure as a:
95 1. Barber under chapter 476;
96 2. Cosmetologist or cosmetology specialist under chapter
97 477; or

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98 3. Any of the following construction professions under
99 chapter 489:
100 a. Air-conditioning contractor;
101 b. Electrical contractor;
102 c. Mechanical contractor;
103 d. Plumbing contractor;
104 e. Pollutant storage systems contractor;
105 f. Roofing contractor;
106 g. Septic tank contractor;
107 h. Sheet metal contractor;
108 i. Solar contractor;
109 j. Swimming pool and spa contractor;
110 k. Underground utility and excavation contractor; and
111 l. Other specialty contractors.
112 (b) The board may not find an applicant ineligible for a
113 license based on his or her criminal background unless:
114 1. The applicant has been convicted of a felony or a
115 violent misdemeanor; and
116 2. The board determines by clear and convincing evidence
117 that such offense is substantially related to the state's
118 interest of protecting the public health and safety.
119 (c)1. A person may apply for a license before his or her
120 lawful release from confinement or supervision. The department
121 may not charge an applicant an additional fee for being confined
122 or under supervision. The board may not deny an application for
123 a license solely on the basis of the applicant's current
124 confinement or supervision.
125 2. After a license application is approved, the board may
126 stay the issuance of a license until the applicant is lawfully

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127 released from confinement or supervision and the applicant
128 notifies the board of such release. The board must verify the
129 applicant's release with the Department of Corrections before it
130 issues a license.
131 3. If an applicant is unable to appear in person due to his
132 or her confinement or supervision, the board must permit the
133 applicant to appear by teleconference or video conference, as
134 appropriate, at any meeting of the board or other hearing by the
135 agency concerning his or her application.
136 4. If an applicant is confined or under supervision, the
137 Department of Corrections and the board shall cooperate and
138 coordinate to facilitate the appearance of the applicant at a
139 board meeting or agency hearing in person, by teleconference, or
140 by video conference, as appropriate.
141 Section 3. Present subsections (2) through (8) of section
142 464.203, Florida Statutes, are redesignated as subsections (3)
143 through (9), respectively, and a new subsection (2) is added to
144 that section, to read:
145 464.203 Certified nursing assistants; certification
146 requirement.—
147 (2)(a)1. Except as provided in s. 435.07(4), the board may
148 not deny a person a certificate based on his or her criminal
149 background unless:
150 a. The person has been convicted of a felony or a violent
151 misdemeanor; and
152 b. The board determines by clear and convincing evidence
153 that such offense is substantially related to the state's
154 interest of protecting the public health and safety.
155 (b)1. A person may apply for a certificate to practice as a

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156 certified nursing assistant before his or her lawful release
157 from confinement or supervision. The department may not charge
158 an applicant an additional fee for being confined or under
159 supervision. The board may not deny an application for a
160 certificate solely on the basis of the person's current
161 confinement or supervision.
162 2. After a certification application is approved, the board
163 may stay the issuance of a certificate until the applicant
164 notifies the board of his or her lawful release from confinement
165 or supervision. The board must verify the applicant's release
166 with the Department of Corrections before it issues a license.
167 3. If an applicant is unable to appear in person due to his
168 or her confinement or supervision, the board must permit the
169 applicant to appear by teleconference or video conference, as
170 appropriate, at any meeting of the board or other hearing by the
171 agency concerning his or her application.
172 4. If an applicant is confined or under supervision, the
173 Department of Corrections and the board shall cooperate and
174 coordinate to facilitate the appearance of the applicant at a
175 board meeting or agency hearing in person, by teleconference, or
176 by video conference, as appropriate.
177
178 ========== T I T L E A M E N D M E N T ==========
179 And the title is amended as follows:
180 Delete lines 10 - 60
181 and insert:
182 prohibiting an agency from determining that a
183 petitioner's criminal background makes him or her
184 ineligible for a specific occupational or professional

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185 license, registration, or certificate unless certain
186 conditions are met; requiring that an agency's
187 conclusion in the declaratory statement contain
188 certain statements; providing that the agency's
189 conclusion is binding except under certain
190 circumstances; requiring a person seeking a
191 declaratory statement to submit certain items to the
192 agency and pay certain fees and costs; providing
193 requirements for the processing of the fingerprints;
194 requiring the petitioner to pay the actual cost of
195 processing the fingerprints; amending s. 455.213,
196 F.S.; conforming a cross-reference; requiring the
197 board to use a specified process for the review of an
198 applicant's criminal record to determine the
199 applicant's eligibility for certain licenses;
200 prohibiting the board from finding an applicant
201 ineligible for a license based on his or her criminal
202 background unless certain conditions are met;
203 authorizing a person to apply for a license before his
204 or her lawful release from confinement or supervision;
205 prohibiting additional fees for an applicant confined
206 or under supervision; prohibiting the board from
207 basing a denial of a license application solely on the
208 applicant's current confinement or supervision;
209 authorizing the board to stay the issuance of an
210 approved license under certain circumstances;
211 requiring the board to verify an applicant's release
212 with the Department of Corrections; providing
213 requirements for the appearance of certain applicants

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214 at certain meetings; amending s. 464.203, F.S.;
215 prohibiting the board from denying a person a
216 certificate based on his or her criminal background
217 unless certain conditions are met; authorizing a
218 person to apply for certification before his or her
219 lawful release from confinement or supervision;
220 prohibiting additional fees for an applicant confined
221 or under supervision; prohibiting the board from
222 basing the denial of a certification solely on the
223 applicant’s current confinement or supervision;
224 authorizing the board to stay the issuance of an
225 approved certificate under certain circumstances;
226 requiring the board to verify an applicant’s release
227 with the Department of Corrections; providing
228 requirements for the appearance of certain applicants
229 at certain meetings; amending s. 400.211, F.S.;
230 conforming a

By Senator Brandes

24-01276A-18 20181114__

A bill to be entitled

An act relating to professional regulation; amending s. 120.565, F.S.; authorizing a person to seek a declaratory statement from an agency as to the effect of the person's criminal background on his or her eligibility for certain licenses, registrations, or certificates; specifying that a person may seek a declaratory statement before meeting any prerequisites for the license, registration, or certification; requiring that an agency's conclusion in the declaratory statement contain certain statements; providing that the agency's conclusion is binding except under certain circumstances; requiring a person seeking a declaratory statement to submit certain items to the agency and pay certain fees and costs; providing requirements for the processing of the fingerprints; requiring the petitioner to pay the actual cost of processing the fingerprints; amending s. 455.213, F.S.; conforming a cross-reference; requiring the board to use a specified process for the review of an applicant's criminal record to determine the applicant's eligibility for certain licenses; prohibiting the conviction of a crime before a specified date from being grounds for the denial of certain licenses; defining the term "conviction"; authorizing a person to apply for a license before his or her lawful release from confinement or supervision; prohibiting additional fees for an applicant confined or under supervision; prohibiting the board from

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

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

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59 may affect an applicant's eligibility for
60 certification; amending s. 400.211, F.S.; conforming a
61 cross-reference; providing an effective date.
62
63 Be It Enacted by the Legislature of the State of Florida:
64
65 Section 1. Subsection (4) is added to section 120.565,
66 Florida Statutes, to read:
67 120.565 Declaratory statement by agencies.—
68 (4)(a) Any person may seek a declaratory statement
69 regarding an agency's opinion as to the effect of the
70 petitioner's criminal background on his or her eligibility for a
71 specific occupational or professional license, registration, or
72 certificate issued by the agency based on the applicable
73 statutes and rules for the occupation or profession. The
74 petition may include mitigating factors or other information the
75 petitioner believes relevant to establish the petitioner's
76 eligibility, including, but not limited to, the time elapsed
77 since completion of or lawful release from confinement,
78 supervision, or nonmonetary condition imposed by the court for a
79 disqualifying offense, and the petitioner's standing in his or
80 her community. A person may seek a declaratory statement under
81 this subsection before attaining any education, training,
82 experience, or other prerequisites for the license,
83 registration, or certification.
84 (b) The agency's conclusion in the declaratory statement
85 must indicate whether:
86 1. The petitioner is disqualified from obtaining the
87 license, registration, or certification due to the petitioner's

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88 criminal background, regardless of the petitioner's education,
89 training, experience, or other prerequisites required for the
90 license, registration, or certification.
91 2. The petitioner is not eligible for a specified
92 occupational or professional license, registration, or
93 certification because of his or her criminal background, but
94 that the conclusion may be reversed upon the petitioner's
95 presentation of evidence of rehabilitation or mitigation
96 identified by the agency in the declaratory statement at any
97 time subsequent to the issuance of the declaratory statement.
98 3. Federal laws or regulations may impede the petitioner's
99 licensure, registration, or certification in the profession or
100 occupation.
101 4. Conditions or restrictions imposed by the court on the
102 petitioner for a disqualifying offense may impede the
103 petitioner's licensure, registration, or certification in the
104 profession or occupation.
105 (c) The agency's conclusion in the declaratory statement
106 shall be binding on the agency as to the petitioner, unless the
107 petitioner's subsequent criminal history constitutes an
108 independent basis for denial of the petitioner's application for
109 a license, registration, or certification in the profession or
110 occupation. The agency's conclusion is subject to judicial
111 review pursuant to s. 120.68.
112 (d) A person seeking a declaratory statement under this
113 subsection must submit to the agency, in addition to the
114 petition for a declaratory statement:
115 1. A fee set by the agency not to exceed $100;
116 2. A certified copy of each criminal judgment rendered

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117 against the petitioner; and
118 3. A complete set of electronic fingerprints.
119 (e) The agency shall submit the fingerprints to the
120 Department of Law Enforcement for a state criminal history
121 record check and the Department of Law Enforcement shall forward
122 them to the Federal Bureau of Investigation for a national
123 criminal history record check. The agency shall review the
124 criminal history record results to determine if the petitioner
125 meets licensure, registration, or certification requirements.
126 The petitioner shall pay the actual cost of state and federal
127 processing in addition to the fee in subparagraph (d)1.
128 Section 2. Present subsections (3) through (12) of section
129 455.213, Florida Statutes, are redesignated as subsections (4)
130 through (13), respectively, subsection (2) of that section is
131 amended, and a new subsection (3) is added to that section, to
132 read:
133 455.213 General licensing provisions.—
134 (2) Before the issuance of any license, the department may
135 charge an initial license fee as determined by rule of the
136 applicable board or, if no such board exists, by rule of the
137 department. Upon receipt of the appropriate license fee, except
138 as provided in subsection (4) ~~(3)~~, the department shall issue a
139 license to any person certified by the appropriate board, or its
140 designee, or the department when there is no board, as having
141 met the applicable requirements imposed by law or rule. However,
142 an applicant who is not otherwise qualified for licensure is not
143 entitled to licensure solely based on a passing score on a
144 required examination. Upon a determination by the department
145 that it erroneously issued a license, or upon the revocation of

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146 a license by the applicable board, or by the department when
147 there is no board, the licensee must surrender his or her
148 license to the department.
149 (3)(a) Notwithstanding any other provision of law, the
150 board shall use the process in this subsection for review of an
151 applicant's criminal record to determine his or her eligibility
152 for licensure as a:
153 1. Barber under chapter 476;
154 2. Cosmetologist or cosmetology specialist under chapter
155 477; or
156 3. Any of the following construction professions under
157 chapter 489:
158 a. Air-conditioning contractor;
159 b. Electrical contractor;
160 c. Mechanical contractor;
161 d. Plumbing contractor;
162 e. Pollutant storage systems contractor;
163 f. Roofing contractor;
164 g. Septic tank contractor;
165 h. Sheet metal contractor;
166 i. Solar contractor;
167 j. Swimming pool and spa contractor;
168 k. Underground utility and excavation contractor; and
169 l. Other specialty contractors.
170 (b) A conviction for a crime more than 5 years before the
171 date of the application may not be grounds for denial of a
172 license specified in paragraph (a). For purposes of this
173 paragraph, the term "conviction" means a determination of guilt
174 that is the result of a plea or trial, regardless of whether

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175 adjudication is withheld.
176 (c)1. A person may apply for a license before his or her
177 lawful release from confinement or supervision. The department
178 may not charge an applicant an additional fee for being confined
179 or under supervision. The board may not deny an application for
180 a license solely on the basis of the applicant's current
181 confinement or supervision.
182 2. After a license application is approved, the board may
183 stay the issuance of a license until the applicant is lawfully
184 released from confinement or supervision and the applicant
185 notifies the board of such release. The board must verify the
186 applicant's release with the Department of Corrections before it
187 issues a license.
188 3. If an applicant is unable to appear in person due to his
189 or her confinement or supervision, the board must permit the
190 applicant to appear by teleconference or video conference, as
191 appropriate, at any meeting of the board or other hearing by the
192 agency concerning his or her application.
193 4. If an applicant is confined or under supervision, the
194 Department of Corrections and the board shall cooperate and
195 coordinate to facilitate the appearance of the applicant at a
196 board meeting or agency hearing in person, by teleconference, or
197 by video conference, as appropriate.
198 (d) The board shall adopt rules specifying the crimes that,
199 if committed, and regardless of adjudication, do not relate to
200 the practice of the profession or the ability to practice the
201 profession and do not constitute grounds for denial of a
202 license.
203 (e) The board shall adopt rules specifying the crimes that,

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204 if committed, and regardless of adjudication, relate to the
205 practice of the profession or the ability to practice the
206 profession and may constitute grounds for denial of a license.
207 Section 3. Present subsections (2) through (8) of section
208 464.203, Florida Statutes, are redesignated as subsections (3)
209 through (9), respectively, and a new subsection (2) is added to
210 that section, to read:
211 464.203 Certified nursing assistants; certification
212 requirement.—
213 (2)(a)1. Except as provided in s. 435.07(4), a conviction
214 for a crime more than 7 years before the date of the application
215 may not be grounds for denial of a certificate to practice as a
216 certified nursing assistant.
217 2. Except as provided in s. 435.07(4), a conviction for a
218 crime more than 7 years before the date of the application may
219 not be grounds for failure of a required background screening.
220 3. For purposes of this paragraph, the term "conviction"
221 means a determination of guilt that is the result of a plea or
222 trial, regardless of whether adjudication is withheld.
223 (b)1. A person may apply for a certificate to practice as a
224 certified nursing assistant before his or her lawful release
225 from confinement or supervision. The department may not charge
226 an applicant an additional fee for being confined or under
227 supervision. The board may not deny an application for a
228 certificate solely on the basis of the person's current
229 confinement or supervision.
230 2. After a certification application is approved, the board
231 may stay the issuance of a certificate until the applicant
232 notifies the board of his or her lawful release from confinement

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233 or supervision. The board must verify the applicant's release
234 with the Department of Corrections before it issues a license.
235 3. If an applicant is unable to appear in person due to his
236 or her confinement or supervision, the board must permit the
237 applicant to appear by teleconference or video conference, as
238 appropriate, at any meeting of the board or other hearing by the
239 agency concerning his or her application.
240 4. If an applicant is confined or under supervision, the
241 Department of Corrections and the board shall cooperate and
242 coordinate to facilitate the appearance of the applicant at a
243 board meeting or agency hearing in person, by teleconference, or
244 by video conference, as appropriate.
245 (d) The board shall adopt rules specifying the crimes that,
246 if committed, and regardless of adjudication, do not relate to
247 the practice of the profession or the ability to practice the
248 profession and do not constitute grounds for denial of a
249 certification.
250 (e) The board shall adopt rules specifying the crimes that,
251 if committed, and regardless of adjudication, relate to the
252 practice of the profession or the ability to practice the
253 profession and may constitute grounds for denial of a
254 certification.
255 Section 4. Subsection (4) of section 400.211, Florida
256 Statutes, is amended to read:
257 400.211 Persons employed as nursing assistants;
258 certification requirement.—
259 (4) When employed by a nursing home facility for a 12-month
260 period or longer, a nursing assistant, to maintain
261 certification, shall submit to a performance review every 12

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262 months and must receive regular inservice education based on the
263 outcome of such reviews. The inservice training must meet all of
264 the following requirements:
265 (a) Be sufficient to ensure the continuing competence of
266 nursing assistants and must meet the standard specified in s.
267 464.203(8). ~~s. 464.203(7);~~
268 (b) Include, at a minimum:
269 1. Techniques for assisting with eating and proper feeding;
270 2. Principles of adequate nutrition and hydration;
271 3. Techniques for assisting and responding to the
272 cognitively impaired resident or the resident with difficult
273 behaviors;
274 4. Techniques for caring for the resident at the end-of-
275 life; and
276 5. Recognizing changes that place a resident at risk for
277 pressure ulcers and falls.~~; and~~
278 (c) Address areas of weakness as determined in nursing
279 assistant performance reviews and may address the special needs
280 of residents as determined by the nursing home facility staff.
281
282 Costs associated with this training may not be reimbursed from
283 additional Medicaid funding through interim rate adjustments.
284 Section 5. This act shall take effect July 1, 2018.

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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)

Meeting Date: _____

Bill Number (if applicable): 1114

Amendment Barcode (if applicable): _____

Topic: Andrew Hosek

Name: Andrew Hosek

Job Title: Analyst

Address: 200 W College Ave
Street

Tallahassee, FL
City, State, Zip

Phone: _____

Email: _____

Speaking: [x] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against
(The Chair will read this information into the record.)

Representing: Americans for Prosperity

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [x] 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.

S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

1.24.18
Meeting Date

1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Professional Regulation

Name: Barney Bishop

Job Title: CEO

Address: 204 South Monroe Street
Street

Tallahassee, FL 32301
City *State* *Zip*

Phone: 510-9922

Email: Barney@BarneyBishop.com

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing: Florida Smart Justice Alliance

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.

S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/24/2018
Meeting Date

1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic: Professional Regulation

Name: Sal Nuzzo

Job Title: VP of Policy

Address: 100 N Duval Street
Street

Tallahassee — *City*
FL — *State*
32301 — *Zip*

Phone: 850-322-9941

Email: snuzzo@jamesmadison.org

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing: The James Madison Institute

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.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

01/24/2018
Meeting Date

1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic PROFESSIONAL REGULATION

Name CESAR GRAJALES

Job Title COALITION DIRECTOR

Address 200 W. COLLEGE AVE
Street

TALLAHASSEE, FL. 32301
City State Zip

Phone 786.260.9283

Email cgrajales@belibre.org

Speaking: [x] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against
(The Chair will read this information into the record.)

Representing THE LIBRE INITIATIVE

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [x] 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.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/24/17
Meeting Date

SB 1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic

Name Jeff Redfern

Job Title Attorney

Address 900 N Glebe Rd, Ste 901
Street

Arlington VA 22203
City State Zip

Phone

Email jredfern@ij.org

Speaking: [X] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against
(The Chair will read this information into the record.)

Representing Institute for Justice

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [ ] Yes [X] 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.

S-001 (10/14/14)

CourtSmart Tag Report

Room: EL 110 **Case No.:** **Type:**
Caption: Senate Regulated Industries Committee **Judge:**

Started: 1/24/2018 11:36:01 AM
Ends: 1/24/2018 1:28:49 PM Length: 01:52:49

11:36:04 AM	Meeting called to order by Chair Hutson
11:36:10 AM	Pledge of Allegiance led by Senator Brandes
11:36:35 AM	Roll call by Lynn Koon, quorum present
11:37:00 AM	Comments from Chair Hutson
11:37:09 AM	Tab 1 SB 296
11:37:25 AM	Explanation of SB 296 by Senator Brandes
11:38:22 AM	Questions?
11:38:31 AM	Question from Senator Thurston
11:38:51 AM	Response from Senator Brandes
11:38:59 AM	Follow-up question from Senator Thurston
11:39:10 AM	Repsonse from Senator Brandes
11:40:13 AM	Follow-up question from Senator Thurston
11:40:34 AM	Response from Senator Brandes
11:41:06 AM	Follow-up question from Senator Thurston
11:41:11 AM	Response from Senator Brandes
11:41:18 AM	Questions?
11:41:30 AM	Amendment Barcode Number 188094 by Senator Brandes and Senator Steube
11:41:41 AM	Explanation of Amendment 188094 by Senator Brandes
11:42:43 AM	Questions?
11:42:51 AM	Question from Senator Thurston
11:43:04 AM	Response from Senator Brandes
11:43:49 AM	Follow-up question from Senator Thurston
11:44:21 AM	Response from Senator Brandes
11:44:28 AM	Question from Senator Gibson
11:44:44 AM	Response from Senator Brandes
11:44:50 AM	Follow-up question from Senator Gibson
11:44:59 AM	Response from Chair Hutson
11:45:07 AM	Follow-up question from Senator Gibson
11:45:17 AM	Response from Senator Brandes
11:45:41 AM	Follow-up question from Senator Gibson
11:46:00 AM	Response from Senator Brandes
11:46:27 AM	Follow-up question from Senator Gibson
11:46:40 AM	Response from Senator Brandes
11:47:17 AM	Follow-up uestion by Senator Gibson
11:47:25 AM	Response from Senator Brandes
11:47:40 AM	Follow-up question from Senator Gibson
11:48:08 AM	Response from Senator Brandes
11:48:22 AM	Follow-up question from Senator Gibson
11:48:26 AM	Response from Senator Brandes
11:48:36 AM	Questions?
11:48:45 AM	Monica Rodriguez, Southern Glazers, waives in opposition
11:48:48 AM	Melissa Rumba, Florida Retail Federation, waives in support
11:49:21 AM	Scott Ashley, Wine and Spirits Distributors, speaking in opposition
11:50:36 AM	Question from Senator Steube
11:50:44 AM	Response from Scott Ashley
11:50:48 AM	Follow-up question from Senator Steube
11:50:52 AM	Reponse from Scott Ashley
11:50:57 AM	Follow-up question from Senator Steube
11:51:04 AM	Response from Scott Ashley
11:51:08 AM	Question from Senator Thurston
11:51:17 AM	Response from Scott Ashley
11:52:12 AM	Follow-up question from Senator Thurston

11:52:27 AM Response from Scott Ashley
11:53:13 AM Follow-up question from Senator Thurston
11:53:19 AM Response from Scott Ashley
11:54:05 AM Follow-up question from Senator Thurston
11:54:18 AM Response from Scott Ashley
11:54:37 AM Follow-up question from Senator Thurston
11:54:46 AM Response from Scott Ashley
11:55:24 AM Scott Dick, Independent Spirits Association, waives in opposition
11:55:31 AM Debate on amendment?
11:55:39 AM Senator Brandes recognized to close on Amendment 188094
11:56:39 AM Vote
11:56:45 AM Amendment adopted
11:56:48 AM On bill as amended
11:56:53 AM Questions?
11:57:00 AM Public comments on bill as amended
11:57:06 AM Richard Turner, Florida Restaurant and Lodging Association, waives in support
11:57:14 AM Jeffrey Redfern, Institute for Justice, waives in support
11:57:23 AM Monica Rodriguez, Southern Glazers, waives in opposition
11:57:28 AM Debate on bill
11:57:39 AM Senator Gibson in debate
11:59:12 AM Senator Brandes recognized to close
12:00:38 PM Roll call on SB 296 by Lynn Koon
12:01:05 PM SB 296 reported favorably as CS
12:01:13 PM Tab 5 SB 1114
12:01:22 PM Explanation of SB 1114 by Senator Brandes
12:03:29 PM Questions?
12:03:48 PM Senator from Senator Benaquisto
12:04:09 PM Response from Senator Brandes
12:04:16 PM Question from Senator Hukill
12:04:53 PM Response from Senator Brandes
12:05:51 PM Follow-up question from Senator Hukill
12:06:04 PM Response from Senator Brandes
12:06:18 PM Follow-up question from Senator Hukill
12:06:26 PM Response from Senator Brandes
12:07:43 PM Follow-up question from Senator Hukill
12:08:13 PM Response from Senator Brandes
12:08:28 PM Follow-up question from Senator Hukill
12:08:31 PM Response from Senator Brandes
12:09:06 PM Follow-up question from Senator Hukill
12:09:24 PM Response from Senator Brandes
12:10:10 PM Question from Chair Hutson
12:10:22 PM Response from Senator Brandes
12:10:31 PM Question from Senator Benaquisto
12:10:52 PM Response from Senator Brandes
12:11:02 PM Follow-up question from Senator Benaquisto
12:11:06 PM Response from Senator Brandes
12:11:10 PM Questions?
12:11:19 PM Question from Senator Gibson
12:11:58 PM Response from Senator Brandes
12:12:31 PM Public appearance
12:12:44 PM Jeff Redfern, Institute for Justice, speaking in support
12:14:52 PM Cesar Grajales, The Libre Initiative, speaking in support
12:15:49 PM Sal Nuzzo, The James Madison Institute, waives in support
12:16:00 PM Barney Bishop, Florida Smart Justice Alliance, waives in support
12:16:14 PM Andrew Hosek, Americans for Prosperity, speaking in support
12:16:38 PM Debate on bill?
12:16:44 PM Senator Gibson in debate
12:18:15 PM Chair Hutson in debate
12:18:25 PM Senator Brandes recognized to close on SB 1114
12:19:08 PM Roll call by Lynn Koon
12:19:25 PM SB 1114 reported favorably
12:19:37 PM Tab 4 SB 526

12:19:48 PM	Explanation of SB 526 by Senator Brandes
12:21:09 PM	Explanation of Amendment Barcode 590398 by Senator Brandes
12:21:31 PM	Questions on amendment?
12:21:44 PM	Question from Senator Gibson
12:22:02 PM	Response from Senator Brandes
12:22:13 PM	Follow-up question from Senator Gibson
12:22:18 PM	Response from Senator Brandes
12:22:50 PM	Question from Senator Benaquisto
12:22:58 PM	Response from Chair Hutson
12:23:24 PM	Request to hear from Florida Bar by Senator Benaquisto
12:23:31 PM	Florida Bar representative doesn't have position at this time
12:23:36 PM	Question from Senator Hukill
12:23:51 PM	Florida Bar representative speaking on no position
12:23:59 PM	Question from Senator Thurston
12:24:22 PM	Chair Hutson speaking
12:24:31 PM	Warren Husband, Florida Bar, speaking on issue
12:25:04 PM	Question from Senator Braynon
12:25:13 PM	Response from Warren Husband
12:25:20 PM	Question from Senator Thurston
12:25:26 PM	Response from Warren Husband
12:25:41 PM	Follow-up question from Senator Thurston
12:25:46 PM	Response from Warren Husband
12:26:06 PM	Public testimony
12:26:19 PM	Question from Senator Hukill
12:26:33 PM	Response from Senator Brandes
12:26:51 PM	Follow-up question from Senator Hukill
12:26:54 PM	Response from Senator Brandes
12:27:19 PM	Follow-up question from Senator Hukill
12:27:24 PM	Response from Senator Brandes
12:27:41 PM	Follow-up question from Senator Hukill
12:27:47 PM	Chair Hutson speaking
12:27:50 PM	Public comments
12:28:49 PM	Mat Forrest, TiKD.com, answering Senator Hukill's question
12:31:29 PM	Question from Senator Hukill
12:31:57 PM	Response from Mat Forrest
12:32:57 PM	Follow-up question from Senator Hukill
12:33:06 PM	Response from Mat Forrest
12:33:13 PM	Follow-up question from Senator Hukill
12:33:26 PM	Response from Mat Forrest
12:33:39 PM	Follow-up question from Senator Hukill
12:33:45 PM	Response from Mat Forrest
12:33:56 PM	Follow-up statement from Senator Hukill
12:34:08 PM	Response from Mat Forrest
12:34:14 PM	Follow-up question from Senator Hukill
12:34:18 PM	Response from Mat Forrest
12:34:53 PM	Question from Senator Benaquisto
12:35:11 PM	Response from Mat Forrest
12:35:25 PM	Follow-up statement from Senator Benaquisto
12:35:33 PM	Response from Mat Forrest
12:35:46 PM	Question from Senator Gibson
12:35:57 PM	Response from Mat Forrest
12:36:12 PM	Follow-up question from Senator Gibson
12:36:16 PM	Response from Mat Forrest
12:36:29 PM	Follow-up question from Senator Gibson
12:36:35 PM	Response from Mat Forrest
12:36:44 PM	Follow-up question from Senator Gibson
12:36:48 PM	Response from Mat Forrest
12:37:19 PM	Mark Gold, Ticket Clinic, answering questions and speaking in opposition
12:41:46 PM	Questions?
12:41:52 PM	Question from Senator Brandes
12:42:06 PM	In absentia Amedment 590398 withdrawn
12:42:16 PM	Amendment Barcode 180460

12:42:24 PM	Questions?
12:42:36 PM	Mez Varol waiving in support
12:42:40 PM	Michael Halmon, Florida Association Cosmetology and Technical Schools, waives in support
12:42:46 PM	Melissa Ramba waives in support
12:42:54 PM	Dan Washburn, Great Clips, waives in support
12:42:57 PM	Debate on amendment
12:43:01 PM	Close waived
12:43:05 PM	Vote on Amendment Barcode 180460
12:43:07 PM	Amendment Barcode Number 180460 passes
12:43:10 PM	Back on bill as amended
12:43:15 PM	Questions on bill?
12:43:38 PM	Question from Senator Gibson
12:44:19 PM	Response from Senator Brandes
12:44:49 PM	Follow-up question from Senator Gibson
12:45:03 PM	Response from Senator Brandes
12:45:15 PM	Follow-up question from Senator Gibson
12:45:19 PM	Response from Senator Brandes
12:45:31 PM	Follow-up question from Senator Gibson
12:45:36 PM	Response from Senator Brandes
12:45:39 PM	Question from Senator Hukill
12:46:15 PM	Response from Senator Brandes
12:46:23 PM	Follow-up question from Senator Hukill
12:46:28 PM	Response from Senator Brandes
12:47:24 PM	Follow-up question from Senator Hukill
12:47:27 PM	Response from Senator Brandes
12:47:55 PM	Follow-up question from Senator Hukill
12:47:59 PM	Response from Senator Brandes
12:48:03 PM	Follow-up question from Senator Hukill
12:48:07 PM	Response from Senator Brandes
12:48:31 PM	Mary Kraemer, Regulated Industries Staff Analyst, answering question
12:48:53 PM	Follow-up question from Senator Hukill
12:48:57 PM	Response from Senator Brandes
12:49:51 PM	Follow-up question from Senator Hukill
12:50:03 PM	Response from Senator Brandes
12:51:14 PM	Follow-up question from Senator Hukill
12:51:20 PM	Response from Senator Brandes
12:51:39 PM	Question from Senator Gibson
12:52:50 PM	Response from Senator Brandes
12:53:08 PM	Follow-up question from Senator Gibson
12:54:03 PM	Response from Senator Brandes
12:54:14 PM	Follow-up question from Senator Gibson
12:54:19 PM	Response from Senator Brandes
12:54:25 PM	Follow-up question from Senator Gibson
12:54:53 PM	Response from Senator Brandes
12:55:05 PM	Follow-up question from Senator Gibson
12:55:53 PM	Response from Senator Brandes
12:56:43 PM	Follow-up question from Senator Gibson
12:56:47 PM	Response from Senator Brandes
12:57:05 PM	Follow-up response from Senator Gibson
12:57:21 PM	Public comment
12:57:37 PM	Scott Losey waives in opposition
12:57:43 PM	Curtis Austin, Florida Association of Postsecondary Schools and Colleges, waives in opposition
12:57:50 PM	Robert Redmond waives in opposition
12:57:58 PM	Monica Rodriguez, Florida Association of Cosmetologist Technical Schools, waives in opposition
12:58:13 PM	Sal Nuzzo, James Madison Institute, speaking in support
1:00:43 PM	Mez Varol, International Academy, speaking in opposition (form says support)
1:04:16 PM	Question from Chair Hutson
1:04:31 PM	Response from Mez Varol
1:05:34 PM	Follow-up question from Chair Hutson
1:05:37 PM	Response from Mez Varol
1:06:49 PM	Question from Senator Bracy
1:07:22 PM	Response from Senator Brandes

1:08:10 PM	Question from Senator Gibson
1:08:48 PM	Response from Mez Varol
1:08:59 PM	Follow-up question from Senator Gibson
1:09:16 PM	Response from Mez Varol
1:09:22 PM	Follow-up question from Senator Gibson
1:10:04 PM	Response from Mez Varol
1:10:23 PM	Question from Senator Bracy
1:10:42 PM	Response from Senator Brandes
1:11:07 PM	Follow-up question from Senator Bracy
1:11:19 PM	Response from Senator Brandes
1:11:39 PM	Follow-up question from Senator Bracy
1:11:54 PM	Response from Chair Hukill
1:12:00 PM	Response from Mary Kraemer, Regulated Industries Staff Analyst
1:12:55 PM	Michael Halmon, Florida Assn of Cosmetology and Technical Schools, speaking in opposition
1:15:05 PM	Question from Senator Brandes
1:15:13 PM	Response from Michael Halmon
1:15:17 PM	Follow-up question from Senator Brandes
1:15:24 PM	Response from Michael Halmon
1:15:33 PM	Follow-up questoin from Senator Brandes
1:15:47 PM	Response from Michael Halmon
1:16:07 PM	Dan Washburn, Great Clips, speaking in opposition
1:18:35 PM	Gail Perry, Communication Workers of American Counsel of Fla, speaking in opposition
1:20:54 PM	Andrew Hosek, Americans for Prosperity, speaking in support
1:22:47 PM	Jeffrey Redfern, Institute for Justice, speaking in support
1:24:16 PM	Debate
1:24:19 PM	Senator Bracy in debate
1:25:04 PM	Senator Gibson in debate
1:26:22 PM	Senator Hukill in debate
1:27:18 PM	Senator Brandes recognized to close on SB 526
1:28:07 PM	Roll call on SB 526 by Lynn Koon
1:28:24 PM	SB 526 reported favorably as CS
1:28:41 PM	Chair Hutson moves to adjourn without objection