**SB 1024** by **Gruters**; (Similar to CS/H 00735) Blockchain Technology

| | | | | | | |
|---|---|---|---|---|---|---|
| 847996 | D | S | RCS | IT, Gruters | Delete everything after | 04/02 03:18 PM |
| 879896 | AA | S | RCS | IT, Gibson | btw L.80 - 81: | 04/02 03:18 PM |

**CS/SB 610** by **CJ, Pizzo**; (Compare to H 01259) Condominium Associations

| | | | | | | |
|---|---|---|---|---|---|---|
| 702520 | A | S | RCS | IT, Pizzo | Delete L.411: | 04/02 04:09 PM |

**SB 1618** by **Simmons (CO-INTRODUCERS) Cruz, Mayfield, Broxson**; (Similar to H 01041) Tobacco Products

| | | | | | | |
|---|---|---|---|---|---|---|
| ~~209878~~ | A | S | WD | IT, Bracy | Delete L.213: | 04/03 11:38 AM |
| ~~639684~~ | A | S | WD | IT, Bracy | Delete L.229 - 232: | 04/03 11:38 AM |
| 803016 | A | S | RCS | IT, Brandes | Delete L.293: | 04/03 11:38 AM |

**CS/SB 1704** by **BI, Wright**; (Similar to CS/CS/H 01393) Department of Financial Services

| | | | | | | |
|---|---|---|---|---|---|---|
| 709198 | A | S | | IT, Hutson | Delete L.290 - 292: | 04/01 10:06 AM |
| 567748 | A | S | | IT, Brandes | btw L.466 - 467: | 04/02 08:31 AM |
| 824524 | A | S | | IT, Hutson | btw L.987 - 988: | 04/01 10:06 AM |

**SB 1640** by **Albritton**; (Similar to CS/H 00027) Deregulation of Professions and Occupations

| | | | | | | |
|---|---|---|---|---|---|---|
| 468322 | A | S | RCS | IT, Albritton | Delete L.326 - 2921: | 04/03 08:58 AM |

**SPB 7100** by **IT**; Public Records/Department of the Lottery

**SPB 7102** by **IT**; Hemp

**The Florida Senate**

# COMMITTEE MEETING EXPANDED AGENDA

**INNOVATION, INDUSTRY AND TECHNOLOGY**
**Senator Simpson, Chair**
**Senator Benacquisto, Vice Chair**

**MEETING DATE:** Tuesday, April 2, 2019
**TIME:** 10:00 a.m.—12:00 noon
**PLACE:** *Toni Jennings Committee Room,* 110 Senate Building

**MEMBERS:** Senator Simpson, Chair; Senator Benacquisto, Vice Chair; Senators Bracy, Bradley, Brandes, Braynon, Farmer, Gibson, Hutson, and Passidomo

| TAB | OFFICE and APPOINTMENT (HOME CITY) | FOR TERM ENDING | COMMITTEE ACTION |
|---|---|---|---|
| | **Senate Confirmation Hearing:** A public hearing will be held for consideration of the below-named executive appointment to the office indicated. | | |
| | **Florida Public Service Commission** | | |
| 1 | Brown, Julie I. (Tampa) | 01/01/2023 | Recommend Confirm<br>Yeas 10 Nays 0 |
| | **Florida Public Service Commission** | | |
| 2 | Clark, Gary F. (Chipley) | 01/01/2023 | Recommend Confirm<br>Yeas 8 Nays 0 |

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|---|---|---|---|
| 3 | **SB 1024**<br>Gruters<br>(Similar CS/H 735) | Blockchain Technology; Establishing the Florida Blockchain Working Group in the Agency for State Technology; providing for membership and duties of the working group; requiring the working group to submit a report to the Governor and the Legislature and make presentations, etc.<br><br>BI 03/18/2019 Favorable<br>IT 04/02/2019 Fav/CS<br>RC | Fav/CS<br>Yeas 10 Nays 0 |
| 4 | **CS/SB 610**<br>Criminal Justice / Pizzo<br>(Compare H 1259) | Condominium Associations; Revising criminal penalties relating to the acceptance of things or services of value or kickbacks; authorizing an association to direct certain persons to the association's website to fulfill certain obligations relating to the inspection of records; requiring certain associations to post copies of certain documents on the association's website by a specified date; providing criminal penalties for fraudulent voting activities related to association elections, etc.<br><br>CJ 03/25/2019 Fav/CS<br>IT 04/02/2019 Fav/CS<br>ACJ<br>AP | Fav/CS<br>Yeas 6 Nays 3 |

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|---|---|---|---|
| 5 | **SB 1618**<br>Simmons<br>(Similar H 1041, Compare H 1013, CS/H 1125, S 734, S 1046, S 1574) | Tobacco Products; Citing this act as the "Tobacco 21 Act"; revising shipping documentation requirements for specified sales of tobacco products; deleting provisions requiring driver license penalties for certain persons who commit tobacco-related offenses; revising the age under which it is unlawful to smoke in, on, or near school property; revising the age limitation that applies to the sale, delivery, bartering, furnishing, or giving of tobacco products, etc.<br><br>HP 03/25/2019 Favorable<br>IT 04/02/2019 Fav/CS<br>RC | Fav/CS<br>Yeas 8 Nays 2 |
| 6 | **CS/SB 1704**<br>Banking and Insurance / Wright<br>(Similar CS/CS/H 1393, Compare H 723, CS/S 908) | Department of Financial Services; Requiring the Division of Treasury to maintain, rather than turn over to the Division of Accounting and Auditing, warrants drawn by the Chief Financial Officer; deleting a requirement that trust companies, where certain care and maintenance trust funds may be established, must operate pursuant to ch. 660, F.S.; revising requirements for the supervision of licensed funeral establishments by funeral directors in charge; deleting an examination requirement for an applicant for an industrial fire insurance or burglary insurance license, etc.<br><br>BI 03/25/2019 Fav/CS<br>IT 04/02/2019 Not Considered<br>RC | Not Considered |
| 7 | **SB 1640**<br>Albritton<br>(Similar CS/H 27, Compare CS/H 827, CS/S 616) | Deregulation of Professions and Occupations; Renaming the Board of Architecture and Interior Design as the Board of Architecture within the Department of Business and Professional Regulation; repealing provisions relating to hearings for persons or labor organizations denied licensure as a business agent; requiring the Department of Business and Professional Regulation or a board to seek reciprocal licensing agreements with other states under certain circumstances; repealing provisions relating to fees and local licensing requirements, etc.<br><br>IT 04/02/2019 Fav/CS<br>CM<br>AP | Fav/CS<br>Yeas 6 Nays 4 |
| 8 | Consideration of proposed bill: | | |

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|---|---|---|---|
| 9 | **SPB 7100** | Public Records/Department of the Lottery; Exempting from public records requirements certain security information held by the Department of the Lottery, information about lottery games, personal identifying information of retailers and vendors for purposes of background checks, and certain financial information held by the department; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. | Not Considered |
| | Consideration of proposed bill: | | |
| 10 | **SPB 7102** | Hemp; Providing requirements for the distribution and retail sale of hemp extract; revising the term “cannabis” to exclude hemp for purposes of ch. 893, F.S., etc. | Not Considered |
| | Other Related Meeting Documents | | |

A black and white copy of this document is not official

2020

# STATE OF FLORIDA
# DEPARTMENT OF STATE
## Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

***Julie Imanuel Brown***

is duly appointed a member of the

## Florida Public Service Commission

for a term beginning on the Second day of January, A.D., 2019, until the First day of January, A.D., 2023 and is subject to be confirmed by the Senate during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the Thirtieth day of October, A.D., 2018.*

Ken Detzner

Secretary of State

DSDE 99 (3/03)

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8½ x 11" document.

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

RICK SCOTT
GOVERNOR

RECEIVED
2018 AUG 23 AM 10:51
DIVISION OF ELECTIONS
TALLAHASSEE, FL

August 17, 2018

Secretary Kenneth W. Detzner
*Secretary of State*
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 350.01, Florida Statutes:

Commissioner Julie Imanuel Brown
2540 Shumard Oak Boulevard
Tampa, Florida 32311

as a member of the Florida Public Service Commission, subject to confirmation by the Senate. This appointment is effective January 2, 2019, for a term ending January 1, 2023.

Sincerely,

Rick Scott
Governor

RS/sl

THE CAPITOL
TALLAHASSEE, FLORIDA 32399 • (850) 717-9249

# OATH OF OFFICE

**(Art. II. § 5(b), Fla. Const.)**

RECEIVED
DEPARTMENT OF STATE
2018 OCT 26 PM 3:14
DIVISION OF ELECTIONS
TALLAHASSEE, FL

**STATE OF FLORIDA**

**County of** ~~Leon~~ Hillsborough

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Florida Public Service Commission

(Title of Office)

on which I am now about to enter, so help me God.

**[NOTE: If you affirm, you may omit the words "so help me God." *See* § 92.52, Fla. Stat.]**

Julie I. Brown

*Signature*

*Sworn to and subscribed before me this* 25 *day of* October, 2018.

Victoria J. Dunn
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF238260
Expires 6/8/2019

*Signature of Officer Administering Oath or of Notary Public*

Victoria J. Dunn

*Print, Type, or Stamp Commissioned Name of Notary Public*

*Personally Known* ☐ ***OR*** *Produced Identification* ☒

*Type of Identification Produced* _

---

# ACCEPTANCE

**I accept the office listed in the above Oath of Office.**

Mailing Address: ☐ Home ☑ Office

2540 Shumard Oak Boulevard
Street or Post Office Box

Tallahassee, FL 32399-0850
City, State, Zip Code

Julie I. Brown
**Print Name**

Julie I. Brown
**Signature**

# CERTIFICATION

**STATE OF FLORIDA**
**COUNTY OF** Hillsborough

Before me, the undersigned Notary Public of Florida, personally appeared Julie I Brown,
who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

Julie I. Brown
Signature of Applicant-Affiant

Sworn to and subscribed before me this 25 day of October, 2018.

Signature of Notary Public-State of Florida

Victoria J. Dunn
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF238260
Expires 6/8/2019

Victoria J. Dunn
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 06/08/2019

Personally Known ☐ **OR** Produced Identification ☒

Type of Identification Produced _____

(seal)

THE FLORIDA SENATE

# COMMITTEE WITNESS OATH

**CHAIR:**

**Please raise your right hand and be sworn in as a witness.**

**Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?**

**WITNESS'S NAME:** Julie Imanuel Brown

**ANSWER:** I Do

Pursuant to §90.605(1), *Florida Statutes*: "The witness's answer shall be noted in the record."

**COMMITTEE NAME:** Innovation, Industry and Technology

**DATE:** April 2, 2019

**The Florida Senate**

# COMMITTEE RECOMMENDATION ON EXECUTIVE APPOINTMENT

**COMMITTEE:** Committee on Innovation, Industry, and Technology
**MEETING DATE:** Tuesday, April 2, 2019
**TIME:** 10:00 a.m.—12:00 noon
**PLACE:** Toni Jennings Committee Room, 110 Senate Building

---

TO: The Honorable Bill Galvano, President

FROM: Committee on Innovation, Industry, and Technology

The committee was referred the following executive appointment subject to confirmation by the Senate:

**Office:** Florida Public Service Commission

**Appointee:** Brown, Julie I.

**Term:** 1/2/2019-1/1/2023

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governor.

**The Florida Senate**

# COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Innovation, Industry, and Technology
**NAME:** Brown, Julie I.
**BOARD:** Florida Public Service Commission
**FINAL ACTION:** Recommend Confirm
**MEETING DATE:** Tuesday, April 2, 2019
**TIME:** 10:00 a.m.—12:00 noon
**PLACE:** 110 Senate Building

| FINAL VOTE | | | 4/02/2019 1<br>Motion to Recommend Confirm<br><br>Benacquisto | | | | | |
|---|---|---|---|---|---|---|---|---|
| **Yea** | **Nay** | **SENATORS** | **Yea** | **Nay** | **Yea** | **Nay** | **Yea** | **Nay** |
| X | | Bracy | | | | | | |
| X | | Bradley | | | | | | |
| X | | Brandes | | | | | | |
| X | | Braynon | | | | | | |
| X | | Farmer | | | | | | |
| X | | Gibson | | | | | | |
| X | | Hutson | | | | | | |
| X | | Passidomo | | | | | | |
| X | | Benacquisto, VICE CHAIR | | | | | | |
| X | | Simpson, CHAIR | | | | | | |
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| **Yea** | **Nay** | | **Yea** | **Nay** | **Yea** | **Nay** | **Yea** | **Nay** |

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered
TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call
WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

**THE FLORIDA SENATE**

# APPEARANCE RECORD

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

04/02/19
*Meeting Date*

*Bill Number (if applicable)*

Topic Confirmation

*Amendment Barcode (if applicable)*

Name Julie Brown

Job Title Commissioner of Florida Public Service Commission

Address 2540 Shumard Oak Blvd.
*Street*

Tallahassee, FL 32399
*City* *State* *Zip*

Phone 850-413-6030

Email Commissioner.brown@psc.state.fl.us

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

*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**

# Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of

Julie I. Brown

Florida Public Service Commission

## NOTICE OF HEARING

TO: Commissioner Julie I. Brown

YOU ARE HEREBY NOTIFIED that the Committee on Innovation, Industry, and Technology of the Florida Senate will conduct a hearing on your executive appointment on Tuesday, April 2, 2019, in the Toni Jennings Committee Room, 110 Senate Building, commencing at 10:00 a.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 29th day of March, 2019

Committee on Innovation, Industry, and Technology

Senator Wilton Simpson
As Chair and by authority of the committee

cc: Members, Committee on Innovation, Industry, and Technology
Office of the Sergeant at Arms

**The Florida Senate**

# COMMITTEE RECOMMENDATION ON EXECUTIVE APPOINTMENT

**COMMITTEE:** Committee on Innovation, Industry, and Technology
**MEETING DATE:** Tuesday, April 2, 2019
**TIME:** 10:00 a.m.—12:00 noon
**PLACE:** Toni Jennings Committee Room, 110 Senate Building

---

TO: The Honorable Bill Galvano, President

FROM: Committee on Innovation, Industry, and Technology

The committee was referred the following executive appointment subject to confirmation by the Senate:

**Office:** Florida Public Service Commission

**Appointee:** Brown, Julie I.

**Term:** 1/2/2019-1/1/2023

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governor.

REPORTING INSTRUCTION: With Chair's approval, file 1 copy with Secretary of the Senate (303 Capitol) and 2 copies with the Committee on Ethics and Elections

**The Florida Senate**

# COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Innovation, Industry, and Technology
**NAME:** Brown, Julie I.
**BOARD:** Florida Public Service Commission
**FINAL ACTION:** Recommend Confirm
**MEETING DATE:** Tuesday, April 2, 2019
**TIME:** 10:00 a.m.—12:00 noon
**PLACE:** 110 Senate Building

| FINAL VOTE | | | 4/02/2019 1<br>Motion to Recommend Confirm<br><br>Benacquisto | | | | | |
|---|---|---|---|---|---|---|---|---|
| **Yea** | **Nay** | **SENATORS** | **Yea** | **Nay** | **Yea** | **Nay** | **Yea** | **Nay** |
| X | | Bracy | | | | | | |
| X | | Bradley | | | | | | |
| X | | Brandes | | | | | | |
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| X | | Farmer | | | | | | |
| X | | Gibson | | | | | | |
| X | | Hutson | | | | | | |
| X | | Passidomo | | | | | | |
| X | | Benacquisto, VICE CHAIR | | | | | | |
| X | | Simpson, CHAIR | | | | | | |
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| 10 | 0 | **TOTALS** | FAV | - | | | | |
| **Yea** | **Nay** | | **Yea** | **Nay** | **Yea** | **Nay** | **Yea** | **Nay** |

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered
TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call
WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

A black and white copy of this document is not official

2020

# STATE OF FLORIDA
# DEPARTMENT OF STATE
## Division of Elections

I, Laurel M. Lee, Secretary of State,
do hereby certify that

***Gary F. Clark***

is duly appointed a member of the

## Florida Public Service Commission

for a term beginning on the Second day of January, A.D., 2019, until the First day of January, A.D., 2023 and is subject to be confirmed by the Senate during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the Twenty-First day of February, A.D., 2019.*

Laurel M. Lee

Secretary of State

DSDE 99 (3/03)

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8½ x 11" document.

The original document has a reflective line mark in paper. Hold at an angle to view when checking.

RICK SCOTT
GOVERNOR

RECEIVED
2018 AUG 23 AM 10:51
DIVISION OF ELECTIONS
TALLAHASSEE, FL

August 17, 2018

Secretary Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 350.01, Florida Statutes:

Commissioner Gary F. Clark
1670 Peel Road
Chipley, Florida 32428

as a member of the Florida Public Service Commission, subject to confirmation by the Senate. This appointment is effective January 2, 2019, for a term ending January 1, 2023.

Sincerely,

Rick Scott
Governor

RS/sl

THE CAPITOL
TALLAHASSEE, FLORIDA 32399 • (850) 717-9249

HAND DELIVERED

# OATH OF OFFICE

**(Art. II. § 5(b), Fla. Const.)**

2019 FEB 19 PM 3:35

**STATE OF FLORIDA**

**County of** Leon

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Pubic Service Comm.

(Title of Office)

on which I am now about to enter, so help me God.

**[NOTE: If you affirm, you may omit the words "so help me God." *See* § 92.52, Fla. Stat.]**

*Signature*

*Sworn to and subscribed before me this* 8 *day of* Jan. 2019

JACQUELINE CRUMBIE MOORE
Commission # GG 018834
Expires September 18, 2020
Bonded Thru Trey Fain Insurance 800-385-7019

Jacqueline Crumbie Moore

*Signature of Officer Administering Oath or of Notary Public*

*Print, Type, or Stamp Commissioned Name of Notary Public*

*Personally Known* ☒ *OR* *Produced Identification* ☐

*Type of Identification Produced* _____

---

# ACCEPTANCE

**I accept the office listed in the above Oath of Office.**

Mailing Address: ☒ Home ☐ Office

1670 Peel Rd
Street or Post Office Box

Chipley, FL 32428
City, State, Zip Code

Gary F. Clark
**Print Name**

**Signature**

**DS-DE 56 (Rev. 11/16)**

HAND DELIVERED

RECEIVED

2019 FEB 20 AM 11:31

DIVISION OF ELECTIONS
TALLAHASSEE, FL

# CERTIFICATION

**STATE OF FLORIDA**
**COUNTY OF** Leon

Before me, the undersigned Notary Public of Florida, personally appeared Gary F. Clark, who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

Signature of Applicant-Affiant

Sworn to and subscribed before me this 8th day of Jan., 2019.

Jacqueline Crumbie Moore
Signature of Notary Public-State of Florida

Jacqueline Crumbie Moore
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: _____

Personally Known ☒ **OR** Produced Identification ☐

Type of Identification Produced _____

JACQUELINE CRUMBIE MOORE
Commission # GG 018834
Expires September 18, 2020
Bonded Thru Troy Fain Insurance 800-385-7019

(seal)

THE FLORIDA SENATE

# COMMITTEE WITNESS OATH

**CHAIR:**

**Please raise your right hand and be sworn in as a witness.**

**Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?**

**WITNESS'S NAME:** Gary F. Clark

**ANSWER:** I DO

Pursuant to §90.605(1), *Florida Statutes*: "The witness's answer shall be noted in the record."

**COMMITTEE NAME:** Innovation, Industry and Technology

**DATE:** April 2, 2019

**The Florida Senate**

# COMMITTEE RECOMMENDATION ON EXECUTIVE APPOINTMENT

**COMMITTEE:** Committee on Innovation, Industry, and Technology
**MEETING DATE:** Tuesday, April 2, 2019
**TIME:** 10:00 a.m.—12:00 noon
**PLACE:** Toni Jennings Committee Room, 110 Senate Building

---

TO: The Honorable Bill Galvano, President

FROM: Committee on Innovation, Industry, and Technology

The committee was referred the following executive appointment subject to confirmation by the Senate:

**Office:** Florida Public Service Commission

**Appointee:** Clark, Gary F.

**Term:** 1/2/2019-1/1/2023

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governor.

**The Florida Senate**

# COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Innovation, Industry, and Technology
**NAME:** Clark, Gary F.
**BOARD:** Florida Public Service Commission
**FINAL ACTION:** Recommend Confirm
**MEETING DATE:** Tuesday, April 2, 2019
**TIME:** 10:00 a.m.—12:00 noon
**PLACE:** 110 Senate Building

| FINAL VOTE | | | 4/02/2019 1<br>Motion to Recommend Confirm<br><br>Benacquisto | | | | | |
|---|---|---|---|---|---|---|---|---|
| **Yea** | **Nay** | **SENATORS** | **Yea** | **Nay** | **Yea** | **Nay** | **Yea** | **Nay** |
| X | | Bracy | | | | | | |
| X | | Bradley | | | | | | |
| X | | Brandes | | | | | | |
| | | Braynon | | | | | | |
| X | | Farmer | | | | | | |
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| X | | Benacquisto, VICE CHAIR | | | | | | |
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| 8 | 0 | **TOTALS** | FAV | - | | | | |
| **Yea** | **Nay** | | **Yea** | **Nay** | **Yea** | **Nay** | **Yea** | **Nay** |

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered
TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call
WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

THE FLORIDA SENATE

# APPEARANCE RECORD

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

4/2/19
*Meeting Date*

*Bill Number (if applicable)*

*Amendment Barcode (if applicable)*

Topic Confirmation

Name Gary F. Clark

Job Title Commissioner

Address 1670 Peel Rd.
*Street*

Phone

Chipley FL 32428 Email Commissioner.Clark@PSC.state.FL.us
*City* *State* *Zip*

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

*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**

# COMMITTEE RECOMMENDATION ON EXECUTIVE APPOINTMENT

**COMMITTEE:** Committee on Innovation, Industry, and Technology
**MEETING DATE:** Tuesday, April 2, 2019
**TIME:** 10:00 a.m.—12:00 noon
**PLACE:** Toni Jennings Committee Room, 110 Senate Building

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TO: The Honorable Bill Galvano, President

FROM: Committee on Innovation, Industry, and Technology

The committee was referred the following executive appointment subject to confirmation by the Senate:

**Office:** Florida Public Service Commission

**Appointee:** Clark, Gary F.

**Term:** 1/2/2019-1/1/2023

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governor.

REPORTING INSTRUCTION: With Chair's approval, file 1 copy with Secretary of the Senate (303 Capitol) and 2 copies with the Committee on Ethics and Elections

**The Florida Senate**

# Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of

Gary F. Clark

Florida Public Service Commission

## NOTICE OF HEARING

TO: Mr. Gary F. Clark

YOU ARE HEREBY NOTIFIED that the Committee on Innovation, Industry, and Technology of the Florida Senate will conduct a hearing on your executive appointment on Tuesday, April 2, 2019, in the Toni Jennings Committee Room, 110 Senate Building, commencing at 10:00 a.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 29th day of March, 2019

Committee on Innovation, Industry, and Technology

Senator Wilton Simpson
As Chair and by authority of the committee

cc: Members, Committee on Innovation, Industry, and Technology
Office of the Sergeant at Arms

**The Florida Senate**

# COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

**COMMITTEE:** Innovation, Industry, and Technology
**NAME:** Clark, Gary F.
**BOARD:** Florida Public Service Commission
**FINAL ACTION:** Recommend Confirm
**MEETING DATE:** Tuesday, April 2, 2019
**TIME:** 10:00 a.m.—12:00 noon
**PLACE:** 110 Senate Building

| FINAL VOTE | | | 4/02/2019 1<br>Motion to Recommend Confirm<br><br>Benacquisto | | | | | |
|---|---|---|---|---|---|---|---|---|
| **Yea** | **Nay** | **SENATORS** | **Yea** | **Nay** | **Yea** | **Nay** | **Yea** | **Nay** |
| X | | Bracy | | | | | | |
| X | | Bradley | | | | | | |
| X | | Brandes | | | | | | |
| | | Braynon | | | | | | |
| X | | Farmer | | | | | | |
| | | Gibson | | | | | | |
| X | | Hutson | | | | | | |
| X | | Passidomo | | | | | | |
| X | | Benacquisto, VICE CHAIR | | | | | | |
| X | | Simpson, CHAIR | | | | | | |
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| 8 | 0 | **TOTALS** | FAV | - | | | | |
| **Yea** | **Nay** | | **Yea** | **Nay** | **Yea** | **Nay** | **Yea** | **Nay** |

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered
TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call
WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

**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 Innovation, Industry, and Technology

| | |
|---|---|
| BILL: | CS/SB 1024 |
| INTRODUCER: | Innovation, Industry, and Technology Committee and Senator Gruters |
| SUBJECT: | Blockchain Technology |
| DATE: | April 2, 2019 |
| REVISED: | |

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|---|---|---|---|---|
| 1. | Knudson | Knudson | BI | **Favorable** |
| 2. | Wiehle | Imhof | IT | **Fav/CS** |
| 3. | | | RC | |

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

## I. Summary:

CS/SB 1024 establishes the Florida Blockchain Task Force comprised of government and private sector representatives to study the ways in which the state, county and municipal governments can benefit from transitioning to a blockchain-based system for recordkeeping, security, and service delivery. The task force is established within the Department of Financial Services. It will explore and develop a master plan for fostering the expansion of the blockchain industry in this state, recommend policies and state investments to help make Florida a leader in blockchain technology, and issue a report to the Legislature. The task force will develop and submit recommendations to the Governor and Legislature concerning the potential for implementation of blockchain-based systems that promote government efficiencies, better services for citizens, economic development, and safer cyber-secure interaction between government and the public.

## II. Present Situation:

### Blockchain

A blockchain is a digital ledger that allows parties to conduct transactions without the use of a third party acting as a central authority to validate those transactions.[1] In a blockchain, the identities of each party to the transaction are verified, and as each transaction occurs and the parties agree to its details, it is permanently encoded into a block of data and given a unique

[1] Congressional Research Service, Blockchain: Background and Policy Issues R45116, pg. 1 (Feb. 28, 2018) https://fas.org/sgp/crs/misc/R45116.pdf (last visited Mar. 21, 2019).

digital signature.[2] Each block of data is permanently connected to the one before and after it.[3] The ledger is available to all parties to the transaction.

The ledger may be audited because each block of transactions is dependent upon the previous block, and changes to the ledger would alert other users of a change to the transaction history.[4] Blockchain is designed to allow transacting parties to avoid the use of a third-party, central validating authority, an example of which is a bank in a financial transaction between two persons.[5] Blockchain may reduce the costs associated with verifying transactions to the extent that it obviates the need for intermediaries in transactions that charge fees for their services.[6] To the extent blockchain reduces costs for parties to a transaction, it may allow individuals and small startup businesses to directly compete with more entrenched businesses. Security for the ledger is usually accomplished through cryptography.[7]

Promoters of blockchain technology point to a number of potential uses. Perhaps the most prevalent use currently is in the transfer of cryptocurrency. Cryptocurrency is digital currency that has no central issuing or regulating authority, uses a decentralized system such as blockchain to record transactions and manage the issuance of new units of currency, and relies on cryptography to prevent counterfeiting and fraud.[8]

A variety of other uses of the technology have been proposed. Blockchain may enable greater use of digital "smart contracts" that validate that the conditions of the contract are met and then transfer assets.[9] Blockchain may be a useful tool to verify the ownership of real property as a smart contract executed to the purchase of a home or automobile could update governmental title records. Blockchain technology may have useful applications within the insurance industry to facilitate the claims process, allow insurers to gather reliable loss histories, and enable efficient payments between insurers and third parties.[10] The healthcare industry may be able to use blockchain for purposes such as managing patient health information.[11]

Florida has begun addressing cryptocurrency issues that use blockchain technology. In 2017, the Florida Money Laundering Act was amended to include virtual currency.[12] The Chief Financial Officer announced the appointment of a cryptocurrency chief for the purpose of ensuring that

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[2] IBM, What is Blockchain? https://www.ibm.com/blockchain/what-is-blockchain (last visited Mar. 21, 2019).
[3] *Id*.
[4] *See* Congressional Research Service, *supra* note 1, at pg. 1.
[5] *See* Congressional Research Service, *supra* note 1, at pg. 1.
[6] Christian Catalini and Joshua S. Gans, Some Simple Economics of the Blockchain (Sept. 21, 2017). Rotman School of Management Working Paper No. 2874598; MIT Sloan Research Paper No. 51.91-16. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2874598 (last visited Mar. 21, 2019).
[7] MIT Sloan School of Management, Blockchain, Explained (May 25, 2017). http://mitsloan.mit.edu/ideas-made-to-matter/blockchain-explained (last visited Mar. 21, 2019).
[8] Merriam-Webster, Cryptocurrency. https://www.merriam-webster.com/dictionary/cryptocurrency (last visited Mar. 21, 2019).
[9] See Congressional Research Service *supra* note 1, at pg. 7.
[10] Jim Struntz, Ultimate Guide to Blockchain in Insurance (Dec. 5, 2018). https://insuranceblog.accenture.com/ultimate-guide-to-blockchain-in-insurance (last visited Mar. 21, 2019).
[11] See Congressional Research Service, *supra* note 1, at pg. 6.
[12] Ch. 2017-155, L.O.F.

cryptocurrencies are reliable forms of payment that do not expose Floridians to financial fraud.[13] The Seminole County Tax Collector's Office in April 2018, began accepting bitcoin and bitcoin cash as payment for new identification cards, license plates, and property taxes.[14]

Aspects of blockchain may hinder its use in various industries. Data portability is a significant issue, for instance if a person chooses to use one blockchain, the records may not be transferred to a new system.[15] Also, users of a blockchain access their funds using a private digital key. If the key is lost or the computer containing the key is corrupted, the user will be unable to access the resource tied to the encrypted key.[16] Also, blockchain is a new technology, and thus there are different versions of the technology and its attributes may not prove appropriate for some of the purposes being proposed for it.

## III. Effect of Proposed Changes:

The bill establishes the Florida Blockchain Task Force (task force) comprised of government and private sector representatives to study the ways in which the state, county, and municipal governments can benefit from transitioning to a blockchain-based system for recordkeeping, security, and service delivery. The task force is established within the Department of Financial Services.

The task force will explore and develop a master plan for fostering the expansion of the blockchain industry in this state, recommend policies and state investments to help make Florida a leader in blockchain technology, and issue a report to the Governor and the Legislature. The task force will develop and submit recommendations to the Governor and Legislature concerning the potential for implementation of blockchain-based systems that promote government efficiencies, better services for citizens, economic development, and safer cyber-secure interaction between government and the public.

The task force consists of 12 members as follows:

- Three agency heads or executive directors of cabinet agencies, or their designees, appointed by the Governor.
- Four members of the private sector with knowledge and experience in blockchain technology, appointed by the Governor.
- Three members from the private sector with knowledge and experience in blockchain technology, appointed by the Chief Financial Officer.
- One member from the private sector with knowledge and experience in blockchain technology, appointed by the President of the Senate.
- One member from the private sector with knowledge and experience in blockchain technology, appointed by the Speaker of the House of Representatives.

Members of the task force shall reflect the ethnic diversity of the state.

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[13] Department of Financial Services, CFO Jimmy Patronis: Florida Needs Cryptocurrency Oversight (June 26, 2018) https://www.myfloridacfo.com/sitePages/newsroom/pressRelease.aspx?id=5057 (last visited Mar. 21, 2019).
[14] Martin E. Comas, Seminole Tax Collector Joel Greenberg Hires Blockchain Director as Legislators Study Technology, Orlando Sentinel (Mar. 4, 2019) https://www.orlandosentinel.com/news/seminole/os-ne-seminole-tax-collector-greenberg-blockchain-20190304-story.html (last visited Mar. 21, 2019).
[15] See Congressional Research Service, *supra* note 1, at pg. 8.
[16] See Congressional Research Service, *supra* note 1, at pg. 9.

The task force must be appointed and hold its first meeting no later than 90 days after the effective date of the act. Members of the task force will serve without compensation but are allowed per diem and travel expenses as provided in s. 112.061, F.S.

Specific topics the task force must study include, but are not limited to:

- The opportunities and risks associated with using blockchain and distributed ledger technology for state and local government;
- Different types of blockchains, both public and private, and different consensus algorithms;
- Projects and cases currently under development in other states and local governments, and how these cases could be applied in Florida;
- Ways the Legislature can amend general law to support secure, paperless recordkeeping, increase cybersecurity, improve interactions with citizens, and encourage blockchain innovation for businesses in Florida;
- Identifying potential economic incentives for companies investing in blockchain technologies in collaboration with the state;
- Recommending projects for potential blockchain solutions, including, but not limited to, use cases for state agencies that would improve services for citizens or business; and
- Identifying the technical skills necessary to develop blockchain technology and ensuring that instruction in such skills is available at secondary and postsecondary educational institutions in this state.

The task force must, within 180 days of its first meeting, submit a report to the Governor, President of the Senate, and Speaker of the House of Representatives, and present its findings to the appropriate legislative committees. The report must include:

- A general description of the costs and benefits of state and local government agencies using blockchain technology;
- Recommendations concerning the feasibility of implementing blockchain technology in the state and the best approach to finance implementation costs;
- Recommendations for specific implementations to be developed by relevant state agencies;
- Any draft legislation the task force deems appropriate to implement blockchain technologies;
- Identification of one pilot project that may be implemented in Florida; and
- Any other information the task force deems relevant.

The Department of Financial Services must provide support staff for the task force and any relevant studies, data, and materials in its possession to assist the task force in the performance of its duties.

The task force terminates upon submission of the report and the presentation of findings.

The act is effective upon becoming a law.

## IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

## V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill does not appear to have a fiscal impact.

## VI. Technical Deficiencies:

None.

## VII. Related Issues:

None.

## VIII. Statutes Affected:

This bill creates an undesignated section of the Florida Statutes.

## 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 Innovation, Industry, and Technology on April 2, 2019:**
The committee substitute:

- Creates a task force instead of a working group;
- Reduces the number of members from 19 to 12 members;
- Revises the membership and appointments; and
- Requires that the members of the task force reflect the ethnic diversity of the state.

B. Amendments:

None.

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

847996

LEGISLATIVE ACTION

| Senate | . | House |
|---|---|---|
| Comm: RCS | . | |
| 04/02/2019 | . | |
| | . | |
| | . | |
| | . | |

The Committee on Innovation, Industry, and Technology (Gruters) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. (1) The Legislature finds that:

(a) Blockchain technology and distributed ledger technology allow the secure recording of transactions through cryptographic algorithms and distributed record sharing, and such technology has reached a point where the opportunities for efficiency, cost savings, and cybersecurity deserve study.



(b) Blockchain technology is a promising way to facilitate more efficient government service delivery models and economies of scale, including facilitating safe paperless transactions and recordkeeping that are nearly impervious to cyberattacks and data destruction.

(c) Blockchain technology can reduce the prevalence of disparate government computer systems, databases, and custom-built software interfaces; reduce costs associated with maintenance and implementation; streamline information sharing; and allow more areas of the state to electronically participate in government services.

(d) Nations, other states, and municipalities across the world are studying and implementing governmental reforms that bolster trust and reduce bureaucracy through verifiable open source blockchain technology in a variety of areas, including, but not limited to, medical and health records, land records, banking, tax and fee payments, smart contracts, professional accrediting, and property auctions.

(e) It is in the public interest to establish a Florida Blockchain Task Force comprised of government and industry representatives to study the ways in which state, county, and municipal governments can benefit from a transition to a blockchain-based system for recordkeeping, security, and service delivery and to develop and submit recommendations to the Governor and the Legislature concerning the potential for implementation of blockchain-based systems that promote government efficiencies, better services for citizens, economic development, and safer cyber-secure interaction between government and the public.


847996

(2) The Florida Blockchain Task Force, a task force as defined in s. 20.03, Florida Statutes, is established within the Department of Financial Services to explore and develop a master plan for fostering the expansion of the blockchain industry in the state, to recommend policies and state investments to help make this state a leader in blockchain technology, and to issue a report to the Governor and the Legislature. The task force shall study if and how state, county, and municipal governments can benefit from a transition to a blockchain-based system for recordkeeping, data security, financial transactions, and service delivery and identify ways to improve government interaction with businesses and the public.

(a) The master plan shall:

1. Identify the economic growth and development opportunities presented by blockchain technology.

2. Assess the existing blockchain industry in the state.

3. Identify innovative and successful blockchain applications currently used by industry and other governments to determine viability for state applications.

4. Review workforce needs and academic programs required to build blockchain technology expertise across all relevant industries.

5. Make recommendations to the Governor and the Legislature that will promote innovation and economic growth by reducing barriers to and expedite the expansion of the state’s blockchain industry.

(b) The task force shall consist of 12 members. Membership shall be as follows:

1. Three agency heads or executive directors of cabinet

847996

agencies, or their designees, appointed by the Governor.

2. Four members of the private sector with knowledge and experience in blockchain technology, appointed by the Governor.

3. Three members from the private sector with knowledge and experience in blockchain technology, appointed by the Chief Financial Officer.

4. One member from the private sector with knowledge and experience in blockchain technology, appointed by the President of the Senate.

5. One member from the private sector with knowledge and experience in blockchain technology, appointed by the Speaker of the House of Representatives.

(c) Within 90 days after the effective date of this act, a majority of the members of the task force must be appointed and the task force shall hold its first meeting. The task force shall elect one of its members to serve as chair. Members of the task force shall serve for the duration of the existence of the task force. Any vacancy that occurs shall be filled in the same manner as the original appointment. Task force members shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061, Florida Statutes.

(d) The task force shall study blockchain technology, including, but not limited to, the following:

1. Opportunities and risks associated with using blockchain and distributed ledger technology for state and local governments.

2. Different types of blockchains, both public and private, and different consensus algorithms.

847996

3. Projects and cases currently under development in other states and local governments, and how these cases could be applied in this state.

4. Ways the Legislature can modify general law to support secure paperless recordkeeping, increase cybersecurity, improve interactions with citizens, and encourage blockchain innovation for businesses in the state.

5. Identifying potential economic incentives for companies investing in blockchain technologies in collaboration with the state.

6. Recommending projects for potential blockchain solutions, including, but not limited to, use cases for state agencies that would improve services for citizens or businesses.

7. Identifying the technical skills necessary to develop blockchain technology and ensuring that instruction in such skills is available at secondary and postsecondary educational institutions in this state.

(3) The task force shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives and present its findings to the appropriate legislative committees in each house of the Legislature within 180 days after the initial meeting of the task force. The report must include:

(a) A general description of the costs and benefits of state and local government agencies using blockchain technology.

(b) Recommendations concerning the feasibility of implementing blockchain technology in the state and the best approach to finance the cost of implementation.

(c) Recommendations for specific implementations to be



847996

developed by relevant state agencies.

(d) Any draft legislation the task force deems appropriate to implement such blockchain technologies.

(e) Identification of one pilot project that may be implemented in the state.

(f) Any other information deemed relevant by the task force.

(4) The task force is entitled to the assistance and services of any state agency, board, bureau, or commission as necessary and available for the purposes of this act.

(5) The Department of Financial Services shall provide support staff for the task force and any relevant studies, data, and materials in its possession to assist the task force in the performance of its duties.

(6) The task force shall terminate upon submission of the report and the presentation of findings.

Section 2. This act shall take effect upon becoming a law.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to blockchain technology; providing legislative findings; establishing the Florida Blockchain Task Force within the Department of Financial Services; requiring the task force to develop a specified master plan; specifying the composition of the task force; specifying duties and



847996

procedures of the task force; providing that task force members shall serve without compensation but are entitled to certain reimbursement; requiring the task force to submit a specified report to the Governor and the Legislature and to make presentations; providing that the task force is entitled to assistance and services of state governmental entities; requiring the department to provide support staff and other assistance to the task force; providing for termination of the task force; providing an effective date.

879896

LEGISLATIVE ACTION

| Senate | . | House |
|---|---|---|
| Comm: RCS | . | |
| 04/02/2019 | . | |
| | . | |
| | . | |
| | . | |

The Committee on Innovation, Industry, and Technology (Gibson) recommended the following:

**Senate Amendment to Amendment (847996)**

Between lines 80 and 81
insert:
Members of the task force shall reflect the ethnic diversity of the state.

# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**
Commerce and Tourism, *Chair*
Finance and Tax, *Vice Chair*
Appropriations Subcommittee on Criminal and Civil Justice
Banking and Insurance

**JOINT COMMITTEE:**
Joint Committee on Public Counsel Oversight

**SENATOR JOE GRUTERS**
23rd District

March 25, 2019

The Honorable Wilton Simpson, Chair
Innovation, Industry, and Technology Committee
525 Knott Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Simpson:

I am writing to request that Senate Bill 1024, Blockchain Technology, be placed on the agenda of the next Innovation, Industry, and Technology Committee meeting.

Should you have any questions regarding this bill, please do not hesitate to reach out to me. Thank you for your time and consideration.

Warm regards,

Joe Gruters

cc: Booter Imhof, Staff Director
Lynn Koon, Committee Administrative Assistant

REPLY TO:
❒ 381 Interstate Boulevard, Sarasota, Florida 34240 (941) 378-6309
❒ 324 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023

Senate's Website: *www.flsenate.gov*

**BILL GALVANO**
**President of the Senate**

**DAVID SIMMONS**
**President Pro Tempore**

**THE FLORIDA SENATE**

# APPEARANCE RECORD

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

4/2/19
*Meeting Date*

1024
*Bill Number (if applicable)*

Topic Blockchain Technology

*Amendment Barcode (if applicable)*

Name Meredith Brock Stanfield

Job Title Director of Legislative & Cabinet Affairs

Address PL 11, The Capitol
*Street*

Phone (850) 413-2890

Tallahassee FL 32399
*City* *State* *Zip*

Email Meredith.Stanfield@myfloridaCFO.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Department of Financial Services

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)

4/2/19
*Meeting Date*

S 1024
*Bill Number (if applicable)*

*Amendment Barcode (if applicable)*

Topic BLOCKCHAIN

Name AMANDA BOWEN

Job Title EXECUTIVE DIRECTOR

Address 1625 SUMMIT LAKE DRIVE
*Street*

Phone 850 402 2954

TALLAHASSEE FL 32317
*City* *State* *Zip*

Email abower@nstephens.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing MANUFACTURERS ASSOCIATION 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.*

***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)

4/2/19
*Meeting Date*

1024
*Bill Number (if applicable)*

Topic BLOCKCHAIN

*Amendment Barcode (if applicable)*

Name JEFF STARKEY

Job Title CEO, CAO.

Address 106 E College Ave
*Street*

Phone 850 224 1660

TH FL 32301
*City* *State* *Zip*

Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FLORIDA BLOCKCHAIN ALLIANCE & FL. BLOCKCHAIN FOUNDATION

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**

# COMMITTEE VOTE RECORD

**COMMITTEE:** Innovation, Industry, and Technology
**ITEM:** SB 1024
**FINAL ACTION:** Favorable with Committee Substitute
**MEETING DATE:** Tuesday, April 2, 2019
**TIME:** 10:00 a.m.—12:00 noon
**PLACE:** 110 Senate Building

| FINAL VOTE | | | 4/02/2019 1 Amendment 847996 Gruters | | 4/02/2019 2 Amendment 879896 Gibson | | | |
|---|---|---|---|---|---|---|---|---|
| **Yea** | **Nay** | **SENATORS** | **Yea** | **Nay** | **Yea** | **Nay** | **Yea** | **Nay** |
| X | | Bracy | | | | | | |
| X | | Bradley | | | | | | |
| X | | Brandes | | | | | | |
| X | | Braynon | | | | | | |
| X | | Farmer | | | | | | |
| X | | Gibson | | | | | | |
| X | | Hutson | | | | | | |
| X | | Passidomo | | | | | | |
| X | | Benacquisto, VICE CHAIR | | | | | | |
| X | | Simpson, CHAIR | | | | | | |
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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

**By** the Committee on Innovation, Industry, and Technology; and Senator Gruters

580-03763-19 20191024c1

A bill to be entitled

An act relating to blockchain technology; providing legislative findings; establishing the Florida Blockchain Task Force within the Department of Financial Services; requiring the task force to develop a specified master plan; specifying the composition of the task force; specifying duties and procedures of the task force; providing that task force members shall serve without compensation but are entitled to certain reimbursement; requiring the task force to submit a specified report to the Governor and the Legislature and to make presentations; providing that the task force is entitled to assistance and services of state governmental entities; requiring the department to provide support staff and other assistance to the task force; providing for termination of the task force; providing an effective date.

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

Section 1. (1) The Legislature finds that:

(a) Blockchain technology and distributed ledger technology allow the secure recording of transactions through cryptographic algorithms and distributed record sharing, and such technology has reached a point where the opportunities for efficiency, cost savings, and cybersecurity deserve study.

(b) Blockchain technology is a promising way to facilitate more efficient government service delivery models and economies



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

of scale, including facilitating safe paperless transactions and recordkeeping that are nearly impervious to cyberattacks and data destruction.

(c) Blockchain technology can reduce the prevalence of disparate government computer systems, databases, and custom-built software interfaces; reduce costs associated with maintenance and implementation; streamline information sharing; and allow more areas of the state to electronically participate in government services.

(d) Nations, other states, and municipalities across the world are studying and implementing governmental reforms that bolster trust and reduce bureaucracy through verifiable open source blockchain technology in a variety of areas, including, but not limited to, medical and health records, land records, banking, tax and fee payments, smart contracts, professional accrediting, and property auctions.

(e) It is in the public interest to establish a Florida Blockchain Task Force comprised of government and industry representatives to study the ways in which state, county, and municipal governments can benefit from a transition to a blockchain-based system for recordkeeping, security, and service delivery and to develop and submit recommendations to the Governor and the Legislature concerning the potential for implementation of blockchain-based systems that promote government efficiencies, better services for citizens, economic development, and safer cyber-secure interaction between government and the public.

(2) The Florida Blockchain Task Force, a task force as defined in s. 20.03, Florida Statutes, is established within the



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Department of Financial Services to explore and develop a master plan for fostering the expansion of the blockchain industry in the state, to recommend policies and state investments to help make this state a leader in blockchain technology, and to issue a report to the Governor and the Legislature. The task force shall study if and how state, county, and municipal governments can benefit from a transition to a blockchain-based system for recordkeeping, data security, financial transactions, and service delivery and identify ways to improve government interaction with businesses and the public.

(a) The master plan shall:

1. Identify the economic growth and development opportunities presented by blockchain technology.

2. Assess the existing blockchain industry in the state.

3. Identify innovative and successful blockchain applications currently used by industry and other governments to determine viability for state applications.

4. Review workforce needs and academic programs required to build blockchain technology expertise across all relevant industries.

5. Make recommendations to the Governor and the Legislature that will promote innovation and economic growth by reducing barriers to and expedite the expansion of the state’s blockchain industry.

(b) The task force shall consist of 12 members. Membership shall be as follows:

1. Three agency heads or executive directors of cabinet agencies, or their designees, appointed by the Governor.

2. Four members of the private sector with knowledge and



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experience in blockchain technology, appointed by the Governor.

3. Three members from the private sector with knowledge and experience in blockchain technology, appointed by the Chief Financial Officer.

4. One member from the private sector with knowledge and experience in blockchain technology, appointed by the President of the Senate.

5. One member from the private sector with knowledge and experience in blockchain technology, appointed by the Speaker of the House of Representatives.

Members of the task force shall reflect the ethnic diversity of the state.

(c) Within 90 days after the effective date of this act, a majority of the members of the task force must be appointed and the task force shall hold its first meeting. The task force shall elect one of its members to serve as chair. Members of the task force shall serve for the duration of the existence of the task force. Any vacancy that occurs shall be filled in the same manner as the original appointment. Task force members shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061, Florida Statutes.

(d) The task force shall study blockchain technology, including, but not limited to, the following:

1. Opportunities and risks associated with using blockchain and distributed ledger technology for state and local governments.

2. Different types of blockchains, both public and private,

and different consensus algorithms.

3. Projects and cases currently under development in other states and local governments, and how these cases could be applied in this state.

4. Ways the Legislature can modify general law to support secure paperless recordkeeping, increase cybersecurity, improve interactions with citizens, and encourage blockchain innovation for businesses in the state.

5. Identifying potential economic incentives for companies investing in blockchain technologies in collaboration with the state.

6. Recommending projects for potential blockchain solutions, including, but not limited to, use cases for state agencies that would improve services for citizens or businesses.

7. Identifying the technical skills necessary to develop blockchain technology and ensuring that instruction in such skills is available at secondary and postsecondary educational institutions in this state.

(3) The task force shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives and present its findings to the appropriate legislative committees in each house of the Legislature within 180 days after the initial meeting of the task force. The report must include:

(a) A general description of the costs and benefits of state and local government agencies using blockchain technology.

(b) Recommendations concerning the feasibility of implementing blockchain technology in the state and the best approach to finance the cost of implementation.



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(c) Recommendations for specific implementations to be developed by relevant state agencies.

(d) Any draft legislation the task force deems appropriate to implement such blockchain technologies.

(e) Identification of one pilot project that may be implemented in the state.

(f) Any other information deemed relevant by the task force.

(4) The task force is entitled to the assistance and services of any state agency, board, bureau, or commission as necessary and available for the purposes of this act.

(5) The Department of Financial Services shall provide support staff for the task force and any relevant studies, data, and materials in its possession to assist the task force in the performance of its duties.

(6) The task force shall terminate upon submission of the report and the presentation of findings.

Section 2. This act shall take effect upon becoming a law.



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**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 Innovation, Industry, and Technology

| | |
|---|---|
| BILL: | CS/CS/SB 610 |
| INTRODUCER: | Innovation, Industry, and Technology Committee; Criminal Justice Committee and Senator Pizzo |
| SUBJECT: | Condominium Associations |
| DATE: | April 2, 2019 REVISED: |

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|---|---|---|---|---|
| 1. | Erickson | Jones | CJ | **Fav/CS** |
| 2. | Oxamendi | Imhof | IT | **Fav/CS** |
| 3. | | | ACJ | |
| 4. | | | AP | |

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

## I. Summary:

CS/CS/SB 610 amends s. 718.111, F.S., relating to condominium associations, to prohibit certain activities related to an association's obligation to comply with the right of a unit owner or a tenant to inspect and copy official records of the association. The bill also prohibits officers, directors, and managers of an association from performing certain acts related to the association's management, financial obligations, or conduct of elections. The bill provides criminal penalties for certain violations, such as a:

- Third degree felony[1] for an officer, director, or manager of a condominium association to knowingly solicit, offer to accept, or accept anything or service of value or kickback;
- Second degree misdemeanor[2] for any director or member of the board or association to knowingly, willfully, and "repeatedly" violate (two or more violations within a 12-month period) any specified requirements relating to inspection and copying of official records of an association;

[1] A third degree felony is punishable by up to five years in state prison and a fine of up to $5,000. Sections 775.082 and 775.083, F.S.

[2] A second degree misdemeanor is punishable by up to 60 days in county jail and a fine of up to $500. Sections 775.082 and 775.083, F.S.

- First degree misdemeanor[3] to knowingly or intentionally deface or destroy required accounting records or knowingly and intentionally fail to create or maintain required accounting records, with the intent of causing harm to the association or one or more of its members;
- Third degree felony to willfully and knowingly refuse to release or otherwise produce association records, with the intent to avoid or escape detection, arrest, trial, or punishment for the commission of a crime, or to assist another person with such avoidance or escape; and

The bill also provides that a person commits theft by use of a debit card, if the person uses a debit card issued in the name of, or billed directly to, an association for any expense that is not a lawful obligation of the association.

The bill also creates s. 718.129, F.S., which specifies acts constituting fraudulent voting activities related to an association election and acts taken in furtherance of such fraudulent voting activities, and provides that commission of any of those acts is a third degree felony.

Some of the changes made by the bill regarding condominium association records and elections are similar to changes recommended in a 2017 report by a Miami-Dade County grand jury.

The Legislature's Office of Economic and Demographic Research preliminarily estimates that the bill will have a "positive indeterminate" prison bed impact (an unquantifiable increase in prison beds). *See* Section V. Fiscal Impact Statement.

The bill is effective October 1, 2019.

## II. Present Situation:

### Division of Florida Condominiums, Timeshares, and Mobile Homes

Division of Florida Condominiums, Timeshares, and Mobile Homes (division) within the Department of Business and Professional Regulation (DBPR) administers the provisions of ch. 718, F.S., (the "Condominium Act") for condominium associations. The division may investigate complaints and enforce compliance with ch. 718, F.S., with respect to associations that are still under developer control.[4] The division also has the authority to investigate complaints against developers involving improper turnover or failure to transfer control to the association.[5] After control of the condominium is transferred from the developer to the unit owners, the division's jurisdiction is limited to investigating complaints related to financial issues, elections, and unit owner access to association records.[6]

[3] A first degree misdemeanor is punishable by up to one year in county jail and a fine of up to $1,000. Sections 775.082 and 775.083, F.S.
[4] Sections 718.501(1), F.S.
[5] *Id.*
[6] Section 718.501(1), F.S.

As part of the division's authority to investigate complaints, the division may subpoena witnesses, take sworn statements from witnesses, issue cease and desist orders, and impose civil penalties against developers and associations.[7]

If the division has a reasonable cause to believe that a violation of any provision of the Condominium Act, or related rule has occurred, the division may institute enforcement proceedings in its own name against any developer, bulk assignee, bulk buyer, association, officer, or member of the board of administration, or its assignees or agents. The division may conduct an investigation and issue an order to cease and desist from unlawful practices and to take affirmative action to carry out the purpose of the applicable chapter. In addition, the division is authorized to petition a court to appoint a receiver or conservator to implement a court order, or to enforce of an injunction or temporary restraining order. The division may also impose civil penalties.[8]

**Condominium Associations**

The Condominium Act "give[s] statutory recognition to the condominium form of ownership of real property and establish[es] procedures for the creation, sale and operation of condominiums."[9] A condominium is a form of ownership of real property created pursuant to ch. 718, F.S., which is comprised entirely of units that may be owned by one or more persons, and in which there is, appurtenant to each unit, an undivided share in common elements.[10]

A condominium association, which is a Florida corporation for profit or a Florida corporation not for profit,[11] "manages and operates the condominium community, maintains the common elements, and provides services in furtherance of its duties to the members. Each purchaser, by accepting title to his or her unit, automatically becomes an association member, and is bound by the association rules and regulations."[12]

"The board of directors, initially appointed by the developer and subsequently elected by the unit owners, is responsible for managing the affairs of the association. The board may appoint committees to assist with the various duties of the association."[13] "It is the board's duty and responsibility to determine the association's needs, limited by the association's fiscal resources. An association may be self-managed or hire professional management."[14]

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[7] *Id.*
[8] *Id.*
[9] *Citizen Property Insurance Corp. v. River Manor Condominium Assoc., Inc*., 125 So.3d 846, 850 (Fla. 4th DCA 2013) (citation omitted).
[10] Section 718.103(11), F.S. "Common elements" are the portions of the condominium property not included in the units. Section 718.103(8), F.S. "The structure of the building including the roof, walls, conduit and hallways, and recreation facilities are examples of items that are usually part of the common elements. Common elements are legally attached to each unit and are transferred with the unit when it is sold." *Condominium Living in Florida* (Revised Jan. 2018), Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, available at http://www.myfloridalicense.com/dbpr/lsc/documents/CondominiumLiving.pdf (last visited on March 18, 2019). This document is further cited in this analysis as "*Condominium Living in Florida*."
[11] Section 718.111(1)(a), F.S.
[12] *Condominium Living in Florida*, *supra.* note 10. Owners of units are shareholders or association members. Section 718.111(1)(a), F.S.
[13] Id.
[14] *Id.*

**Miami-Dade County Grand Jury Report "Addressing Condo Owners' Pleas for Help: Recommendations for Legislative Action"**

The increasing numbers of condominiums in Florida, the increasing numbers of problems for people living in them, and the increasing numbers of complaints against the DBPR, motivated a Miami-Dade County grand jury to conduct an investigation of complaints by condominium residents and the DBPR's responses to their complaints.[15] The grand jury's report contains numerous findings and recommendations, but those relevant to the provisions of the bill are discussed below.

**Breaches of a Fiduciary Duty and Prohibited Acts**

Officers and directors of a condominium association have a fiduciary relationship to the unit owners, and may be sanctioned for breach of their fiduciary duty.[16] An officer, director, or manager may not solicit, offer to accept, or accept anything or service of value or kickback for which consideration has not been provided for the benefit of such person (or immediate family members) from any person providing or proposing to provide goods or services to the association.[17]

Any such officer, director, or manager who knowingly solicits, offers to accept, or accepts anything or service of value or kickback is subject to a civil penalty pursuant to s. 718.501(1)(d), F.S., and, if applicable, a criminal penalty as provided in s. 718.111(1)(d), F.S.
Section 718.111(1)(d), F.S., requires an officer, director, or agent to discharge his or her duties in good faith, with the care an ordinarily prudent person in a similar position would exercise under similar circumstances, and in a manner he or she reasonably believes to be in the interests of the association. An officer, director, or agent is liable for monetary damages as provided in s. 617.0834, F.S., if such officer, director, or agent breaches or fails to perform his or her duties and the breach of, or failure to perform, such duties constitutes:

- A violation of criminal law as provided in s. 617.0834, F.S.;
- A transaction from which the officer or director derived an improper personal benefit, either directly or indirectly; or
- Recklessness or an act or omission that was in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

Section 718.111(1)(d), F.S., also criminalizes the following acts:

- Forgery of a ballot envelope or voting certificate used in a condominium association election is punishable as provided in s. 831.01, F.S.;
- Theft or embezzlement of funds of a condominium association is punishable as provided in s. 812.014, F.S.; and

[15] *Final Report of the Miami-Dade County Grand Jury (Addressing Condo Owner's Pleas for Help: Recommendations for Legislative Action)* (Filed Feb. 6, 2017), Eleventh Judicial Circuit, available at http://www.miamisao.com/wp-content/uploads/2017/02/Grand-Jury-Report-Final.pdf (last visited on March 18, 2019). This document is further cited in this analysis as "*Final Report of the Miami-Dade County Grand Jury*."
[16] Section 718.111(1)(a), F.S.
[17] Section 718.111(1)(a), F.S., does not prohibit an officer, director, or manager from accepting services or items received in connection with trade fairs or education programs.

- Destruction of or refusal to allow inspection or copying of an official record of a condominium association that is accessible to unit owners within the time periods required by general law in furtherance of any crime is punishable as tampering with physical evidence as provided in s. 918.13, F.S., or as obstruction of justice as provided in ch. 843, F.S.

Finally, s. 718.111(1)(d), F.S., provides that an officer or director charged by information or indictment with any crime referenced in this paragraph[18] must be removed from office, and the vacancy must be filled as provided in s. 718.112(2)(d)2., F.S., until the end of the officer's or director's period of suspension or the end of his or her term of office, whichever occurs first. If a criminal charge is pending against the officer or director, he or she may not be appointed or elected to a position as an officer or a director of any association and may not have access to the official records of any association, except pursuant to a court order. However, if the charges are resolved without a finding of guilt, the officer or director must be reinstated for the remainder of his or her term of office, if any.

The Miami-Dade County grand jury found:

> Although the directors have a legally mandated fiduciary obligation toward their unit owners, it appears that some of them are more involved in self-dealing and looking out for their own financial interests. The position of board director is not generally a paid position. Yet, some directors appear to view the ability to get into office as an opportunity to cash in. This should not be countenanced.[19]

The grand jury did not make any specific recommendation to criminalize the prohibition against receiving kickbacks in s. 718.111(1)(a), F.S.

**Access to Records of a Condominium Association**

Section 718.111(12)(a), F.S., requires a condominium association to maintain various records, including but not limited to, the association's recorded bylaws and amendments to those bylaws, articles of incorporation and amendments to those articles, bills of sale or transfer for association-owned property, accounting records, voting ballots, contracts for work to be performed, and bids.

Section 718.111(12)(b), F.S., requires that some of these records (e.g., bylaws and articles of incorporation) be permanently maintained from the inception of the association. All other official records must be maintained within the state for at least seven years, unless otherwise provided by

[18] The only crimes specifically referenced in s. 718.111(1)(d), F.S., are the previously-described offenses relating to forgery of a ballot envelope or voting certificate, theft or embezzlement of association funds, and destruction of or refusal to allow inspection or copying of association records. Additionally, s. 718.111(1)(d), F.S., states that an officer, director, or agent shall be liable for monetary damages as provided in s. 617.0834, F.S., if such officer, director, or agent breached or failed to perform his or her duties and the breach of, or failure to perform, his or her duties constitutes a violation of criminal law as provided in s. 617.0834, F.S. The reference to criminal violations in s. 718.111(1)(d), F.S., is slightly different than the reference to criminal violations in s. 718.112(2)(o), F.S., which provides that a director or officer charged by information or indictment with a felony theft or embezzlement offense involving the association's funds or property must be removed from office. The latter provision appears to be more limited than the former provision.

[19] *Final Report of the Miami-Dade County Grand Jury*, *supra* note 15, at page 10 (citation omitted).

general law.[20] The records must be made available to a unit owner within 45 miles of the condominium property or within the county in which the condominium property is located within 10 working days after receipt of a written request by the board or its designee. An association must make a copy of the records available for inspection or copying by a unit owner on the condominium property or association property or offer the option of making the records available electronically via the Internet or allow the records to be viewed in electronic format on a computer screen and printed upon request.

Section 718.111(12)(c)1., F.S., provides that official records of the association are open to inspection by any association member or the authorized representative of such member at all reasonable times.[21] A renter of a unit has a right to inspect and copy the association's bylaws and rules. The failure of an association to provide the records within 10 working days after receipt of a written request creates a rebuttable presumption that the association willfully failed to comply with these requirements. A unit owner who is denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply. The failure to permit inspection entitles any person prevailing in an enforcement action to recover reasonable attorney fees from the person in control of the records who, directly or indirectly, knowingly denied access to the records.

Section 718.111(12)(c)2., F.S., provides that any person who knowingly or intentionally defaces or destroys accounting records that are required by the Condominium Act, to be maintained during the period for which such records are required to be maintained, or who knowingly or intentionally fails to create or maintain accounting records that are required to be created or maintained, with the intent of causing harm to the association or one or more of its members, is personally subject to a civil penalty pursuant to s. 718.501(1)(d), F.S.

Section 718.111(12)(g), F.S., provides that by January 1, 2019, an association managing a condominium with 150 or more units which does not contain timeshare units must post digital copies of specified records on its website. These documents include, but are not limited to: the recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration, the recorded association bylaws and amendments to those bylaws, articles of incorporation of the association and amendments to those articles, the annual and proposed budget, and various contracts, including any contract or document regarding a conflict of interest or possible conflict of interest. The failure of the association to post required information is not in and of itself sufficient to invalidate any action or decision of the association's board or its committees.

The Miami-Dade County grand jury found that provisions of s. 718,111, F.S., "are not effectively protecting unit owners' right to access records."[22] "Under the law, if the association fails to comply with a valid request, monetary damages can be awarded to the unit owner. The

[20] Section 718.111(12)(b), F.S.
[21] The right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the member or authorized representative of such member. The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying.
[22] *Final Report of the Miami-Dade County Grand Jury*, *supra* note 15, at page 5.

problem is that the source of those funds will come from assessments levied against all owners."[23] The grand jury also found:

> It does not seem right to us that a recalcitrant board, acting against the interests of the association, can take willful action and not personally suffer serious consequences. To the extent that the association can engage in these tactics when a unit owner is making record requests for budget, accounting, audit or financial records, is most troubling. The willful failure to provide such documents may be part of a broader scheme to cover up embezzlement or other financial wrongdoing committed by the board or association. In furtherance of possible cover-ups, directors may also chose to intentionally deface or destroy accounting records or knowingly or intentionally create or maintain false accounting records that are required to be maintained by statute. Even such willful action, which again, may be done to cover-up theft of funds from the association, is only punishable by a civil penalty.[24]

The grand jury made three recommendations regarding violations relating to access or destruction of association records that are relevant to directors:

- Section 718.11, F.S., should be amended to provide that directors and members of the board "who willfully and repeatedly fail to comply with their statutory obligation to appropriately and timely respond to written requests for official records of the association (more than two (2) violations within a rolling twelve(12) month period) shall be personally liable for payment of damages to the requesting unit owner(s)[.]"
- "… [D]irectors and members of the board or association who knowingly or intentionally deface or destroy accounting records or fail to create or maintain such records that are required by law shall be criminally liable for such conduct. We recommend that each such act will constitute a 2nd degree misdemeanor for a first offense, and that any subsequent offenses or violations will constitute a first degree misdemeanor[.]"
- "… [A]ny association, board director, management company or management company employee who willfully, knowingly, or intentionally refuses to release or otherwise produce official association records, and such refusal is done to facilitate or cover-up the commission of a crime, shall be criminally liable for such conduct. The violation shall be classified as a 3rd degree felony[.]"[25]

**Sanctions Relating to Unauthorized Use of Association-Related Debit Cards**

Section 718.111(15)(b), F.S., prohibits the use of a debit card issued in the name of, or billed directly to, the association for any expense that is not a lawful obligation of the association. A violation of this prohibition may be prosecuted as credit card fraud pursuant to s. 817.61, F.S.[26]

[23] *Id.*
[24] *Final Report of the Miami-Dade County Grand Jury*, *supra* note 15, at page 6 (citation omitted).
[25] *Final Report of the Miami-Dade County Grand Jury*, *supra* note 15, at pages 8-9.
[26] The applicable penalties for a violation range from a misdemeanor of the first degree to a felony of the third degree depending on the number of violations during a six-month period and the value of the property that was subject to the fraud. *See* s. 817.61, F.S.

**Civil Immunity**

As previously noted, s. 718.111(1)(d), F.S., provides that an association officer, director, or agent is liable for monetary damages as provided in s. 617.0834, F.S., if such officer, director, or agent breaches or fails to perform his or her duties as provided in that paragraph. Section 617.0834(1), F.S., in part, provides that an officer or director of a nonprofit organization recognized under s. 501(c)(3) or s. 501(c)(4) or s. 501(c)(6) of the Internal Revenue Code of 1986, as amended, is not personally liable for monetary damages to any person for any statement, vote, decision, or failure to take an action, regarding organizational management or policy by an officer or director, unless:

- The officer[27] or director[28] breached or failed to perform his or her duties as an officer or director; and
- The officer's or director's breach of, or failure to perform, his or her duties constitutes:
  - A violation of the criminal law, unless the officer or director had reasonable cause to believe his or her conduct was lawful or had no reasonable cause to believe his or her conduct was unlawful. A judgment or other final adjudication against an officer or director in any criminal proceeding for violation of the criminal law estops that officer or director from contesting the fact that his or her breach, or failure to perform, constitutes a violation of the criminal law, but does not estop the officer or director from establishing that he or she had reasonable cause to believe that his or her conduct was lawful or had no reasonable cause to believe that his or her conduct was unlawful;
  - A transaction from which the officer or director derived an improper personal benefit, directly or indirectly; or
  - Recklessness[29] or an act or omission that was committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

Section 617.0830, F.S., provides general standards for directors of a non-profit corporation, and also specifies when a director is not personally liable for actions he or she takes or fails to take as a director. A director must discharge his or her duties as a director, including his or her duties as a member of a committee, in good faith, with the care an ordinarily prudent person in a similar position would exercise under similar circumstances, and in a manner he or she reasonably believes to be in the best interests of the corporation.[30] A director is not liable for any action taken as a director, or any failure to take any action, if the duties of office are performed in compliance with s. 617.0830, F.S.[31]

[27] "Officer" means a person who serves as an officer without compensation except reimbursement for actual expenses incurred or to be incurred. Section 617.0834(2)(c), F.S.
[28] "Director" means a person who serves as a director, trustee, or member of the governing board of an organization. Section 617.0834(2)(b), F.S.
[29] "Recklessness" means the acting, or omission to act, in conscious disregard of a risk: known, or so obvious that it should have been known, to the officer or director; and known to the officer or director, or so obvious that it should have been known, to be so great as to make it highly probable that harm would follow from such action or omission. Section 617.0834(2)(a), F.S.
[30] Section 617.0830(1), F.S.
[31] Section 617.0830(4), F.S.

**Civil Penalties by the Division**

As previously noted, s. 718.111(1)(d), F.S., provides that a condominium association officer, director, or manager who knowingly solicits, offers to accept, or accepts any thing or service of value or kickback is subject to a civil penalty pursuant to s. 718.501(1)(d), F.S. Section 718.111(12)(c)2., F.S., provides that any person who knowingly or intentionally defaces or destroys accounting records of the association or knowingly or intentionally fails to create or maintain the required accounting records is personally subject to a civil penalty pursuant to s. 718.501(1)(d), F.S.

Section 718.501(1), F.S., authorizes the division to enforce and ensure compliance with the provisions of the Condominium Act, and rules relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units. The division may impose a civil penalty individually against an officer or board member who willfully and knowingly[32] violates a provision of the Condominium Act, adopted rule, or a final order of the division.[33]

**Condominium Association Elections**

Section 718.112, F.S., relating to condominium association bylaws, addresses condominium association elections. Association board members are generally selected through elections.[34] However, candidates for election to the board may not include a person who is delinquent in the payment of any monetary obligation due to the association.[35] Similarly, the association may suspend the voting rights of members who are delinquent in paying any monetary obligation to the association by more than 90 days.[36]

Section 718.112, F.S., requires the association to provide notice of the election date and a ballot to unit owners entitled to vote, and for an eligible person to provide notice to the association of his or her intent to be a candidate.[37]

Elections are decided by a plurality of ballots cast.[38] There is no quorum requirement; however, at least 20 percent of the eligible voters must cast a ballot in order to have a valid election.[39] A unit owner may not authorize any other person to vote his or her ballot, and any ballots improperly cast are invalid.[40] The election must be by secret ballot.[41]

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[32] The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates ch. 718, F.S., a rule adopted under ch. 718, F.S., or a final order of the Division and that the officer or board member refused to comply with the requirements of ch. 718, F.S., a rule adopted under ch. 718, F.S., or a final order of the division. Section 718.501(1)(d)6., F.S.
[33] Section 718.501(1)(d)6., F.S.
[34] *See* s. 718.112(2)(d)4., F.S.
[35] Section 718.112(2)(d)2., F.S.
[36] Section 718.303(5), F.S.
[37] Section 718.112(2)(d)4.a., F.S.
[38] *Id*.
[39] *Id*.
[40] *Id*.
[41] Section 718.112(2)(d)1., F.S.

The Miami-Dade County grand jury found that "[f]raud in the election process was a major factor impacting unit owners."[42] Some of the fraudulent activity noted by the jury regarding one condominium association election included:

- The Election Monitor discovered what appeared to be double voting by many unit owners.
- "The candidate realized that some of the double votes were of owners from whom she had collected their ballot personally."
- "Those owners identified their signatures on the true ballots and saw their names on other ballots, purportedly signed by those owners. The signatures on the other ballots were forged, notarized, and dated[.]"
- "Other owners identified their true ballots and identified forged signatures on ballots containing their names. Those ballots were also notarized and dated[.]"
- "All ballots with forged signatures were notarized by the same notary on the same day[.]"
- "Some unit owners whose names were on forged ballots were not in the country on the date the notary verified their signature and identity[.]"
- "None of the unit owners whose signatures were forged and notarized had ever met the notary[.]"
- The notary "later admitted the ballots were not signed in her presence[.]"[43]

Two recommendations of the grand jury pertained to criminal penalties:

- "… [W]e recommend that any person or entity that engages in any fraudulent activity conducted in connection with the election of board members for the association shall be subject to criminal liability."
- "We further recommend that any director, LCAM,[44] management company, notary, attorney, or any other person who engages in, or conspires with another person to engage in fraudulent election activity shall be subject to criminal charges classified as a 3rd degree felony."[45]

## III. Effect of Proposed Changes:

The bill amends s. 718.111(1), F.S., to revise requirements related to the maintenance of condominium association's official records and a unit owner or tenant's right to access such records. The bill:

- Requires additional financial records (e.g., bank statements and invoices) to be maintained by a condominium association and made available for inspection by association members;
- Provides that the association's duty to maintain association records includes maintaining the records in an organized manner and obtaining and recreating lost, destroyed, or otherwise unavailable records to the fullest extent possible;
- Requires that a written request for inspection of the association's records must comply with the association's document inspection rule;
- Provides that the assessment of minimum damages for an association's willful failure to copy inspection records begins on the eleventh working day after receipt of the written request that complies with the association's document inspection rule; and

[42] *Final Report of the Miami-Dade County Grand Jury*, *supra* note 15, at page 21.
[43] *Final Report of the Miami-Dade County Grand Jury*, *supra* note 15, at page 22.
[44] "LCAM" refers to a licensed condominium association manager.
[45] *Final Report of the Miami-Dade County Grand Jury*, *supra* note 15, at page 24.

- Permits an association to comply with its obligations related to a member's right access certain official records and right to copies of such records by posting the records on the association's website and directing an authorized requester to such website.

The bill amends s. 718.111(1)(g)1., F.S., to expand the application of a requirement to provide digital copies of specified documents on an association's website to condominium associations of 25 or more units (and no timeshare units) from associations of 150 or more units (and no timeshares). The bill also extends the date by which an association must comply with this requirement from January 1, 2019 to January 1, 2021.

The bill amends s. 718.112(12)(g)5., F.S., to exclude timeshare units from the number of units managed by a condominium association when determining whether the association manages 25 units or more and is therefore subject to the requirement in this paragraph to post on its website all official records subject to inspection or copying by tenants or unit owners or their authorized representatives.

The bill amends s. 718.111, F.S., to provide additional criminal prohibitions relating to the management of a condominium association, and provides penalties for violations, such as:

- Third degree felony for an officer, director, or manager of a condominium association to knowingly solicit, offer to accept, or accept anything or service of value or kickback;
- Second degree misdemeanor for any director or member of the board or association to knowingly, willfully, and "repeatedly" violate (two or more violations within a 12-month period) any specified requirements relating to inspection and copying of official records of an association;
- First degree misdemeanor to knowingly or intentionally deface or destroy required accounting records or knowingly and intentionally fail to create or maintain required accounting records, with the intent of causing harm to the association or one or more of its members (and deletes the provision that such an offense is punishable by a civil penalty);[46]
- Third degree felony to willfully and knowingly refuse to release or otherwise produce association records, with the intent to avoid or escape detection, arrest, trial, or punishment for the commission of a crime, or to assist another person with such avoidance or escape;[47]

The bill amends s. 718.111(15), to revise the prohibitions related to use of an association's credit card. Under the bill, a person commits theft[48] by use of a debit card, if the person uses a debit card issued in the name of, or billed directly to, an association for any expense that is not a

[46] This provision is similar to the Miami-Dade County grand jury's recommendation to criminally punish directors and members of the board or association who knowingly or intentionally deface or destroy accounting records or fail to create or maintain such records. The grand jury recommended a second degree misdemeanor for a first offense, and a first degree misdemeanor for any subsequent offenses. *Final Report of the Miami-Dade County Grand Jury*, *supra* note 15, at pages 8-9.
[47] This provision is similar to the Miami-Dade County grand jury's recommendation to make it a third degree felony for any association, board director, management company, or management company employee to willfully, knowingly, or intentionally refuse to release or otherwise produce official association records, if such refusal is done to facilitate or cover-up the commission of a crime. *Final Report of the Miami-Dade County Grand Jury*, *supra* note 15, at pages 8-9.
[48] Theft is generally punishable based upon the value of the property stolen. Petit theft is generally a second degree misdemeanor or first degree misdemeanor. Section 812.014(3)(a) and (b), F.S. Grand theft is generally a third degree felony, second degree felony, or first degree felony. Section 812.014(1)(a)-(c), F.S. A second degree felony is punishable by up to 15 years in state prison and a fine of up to $10,000. Sections 775.082 and 775.083, F.S. A first degree felony is generally punishable by up to 30 years in state prison and a fine of up to $10,000. *Id.*

lawful obligation of the association. The bill defines a "lawful obligation of the association" as an obligation that has been properly preapproved by the board and is reflected in the meeting minutes or the written budget. The bill deletes the current provision that the unlawful use of an association's credit card constitutes credit card fraud pursuant to s. 817.61, F.S.

The bill creates s. 718.129(1), F.S., to provide that the commission of any of the following acts is a third degree felony:[49]

- Willfully and falsely swearing or affirming any oath or affirmation, or willfully procuring another person to swear or affirm falsely to an oath of affirmation, in connection with or arising out of voting or elections;
- Perpetrating or attempting to perpetrate, or aiding in the perpetration of, any fraud in connection with any vote cast, to be cast, or attempted to be cast;[50]
- Preventing an elector from voting, or preventing an elector from voting as the elector intended, by fraudulently changing or attempting to change a ballot, ballot envelope, vote, or voting certificate of the elector;
- Using bribery, menace, threat, or any other corruption to attempt, directly or indirectly, to influence, deceive, or deter any elector in voting;
- Directly or indirectly giving or promising anything of value to another person with the intent to buy the vote of that person or another person or to corruptly influence that person or another person in casting his or her vote;[51] or
- Directly or indirectly using or threatening to use force, violence, or intimidation or any tactic of coercion or intimidation to induce or compel an individual to vote or refrain from voting in an election or on any particular ballot measure.

Section 718.129(2), F.S., also specifies that the commission of any of the following acts in furtherance of the previously-described fraudulent voting activity is a third degree felony: [52]

- Knowingly aiding, abetting, or advising a person in the commission of a fraudulent voting activity related to association elections;
- Agreeing, conspiring, combining, or confederating with at least one other person to commit a fraudulent voting activity related to association elections; or
- Having knowledge of a fraudulent voting activity related to association elections and giving any aid to the offender with intent that the offender avoid or escape detection, arrest, trial, or punishment.[53]

[49] This provision is similar to the Miami-Dade County grand jury's recommendation to provide that it is a third degree felony for any director, LCAM, management company, notary, attorney, or any other person to engages in fraudulent election activity. *Final Report of the Miami-Dade County Grand Jury*, *supra* note 15, at page 24.
[50] The bill deletes the current prohibition in s. 718.111(1)(d), F.S., against forgery of a ballot.
[51] The bill provides that this offense does not apply to the serving of food to be consumed at an election rally or meeting or to any item of nominal value which is used as an election advertisement, including a campaign message designed to be worn by a person.
[52] This provision is similar to the Miami-Dade County grand jury's recommendation to provide that it is a third degree felony for any director, LCAM, management company, notary, attorney, or any other person to conspire with another person to engage in fraudulent election activity. *Final Report of the Miami-Dade County Grand Jury*, *supra* note 15, at page 24.
[53] The bill provides that this offense does not apply to a licensed attorney giving legal advice to a client.

The bill transfers the current prohibitions in s. 718.111(1)(d), F.S., relating to forgery of a ballot, and destruction of or refusal to allow inspection of, or access to, official records. These prohibitions are included in s. 718.129, F.S.

Some of the changes made by the bill regarding condominium association records and elections are similar to changes recommended in a 2017 report by a Miami-Dade County grand jury.[54] The bill is effective October 1, 2019.

## IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

## V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Legislature's Office of Economic and Demographic Research (EDR) preliminarily estimates that the bill will have a "positive indeterminate" prison bed impact (an unquantifiable increase in prison beds).[55]

[54] *See* s. 718.112(2)(d)4.a., F.S.; and *Final Report of the Miami-Dade County Grand Jury*, *supra* note 15, at pages 22 and 24.
[55] The EDR estimate is on file with the Senate Committee on Innovation, Industry, and Technology.

## VI. Technical Deficiencies:

None.

## VII. Related Issues:

None.

## VIII. Statutes Affected:

This bill substantially amends section 718.111 of the Florida Statutes.

This bill creates section 718.129 of the Florida Statutes.

## 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 Innovation, Industry, and Technology on April 2, 2019:**
The committee substitute amends s. 718.112(12)(g)5., F.S., to exclude timeshare units from the number of units managed by a condominium association when determining whether the association manages 25 units or more and is therefore subject to the requirement in this paragraph to post certain documents on its website.

**CS by Criminal Justice on March 25, 2019:**
The Committee Substitute:

- Requires additional financial records (e.g., bank statements and invoices) to be maintained by a condominium association and made available for inspection by association members;
- Provides that maintaining association records includes maintaining them in an organized manner and obtaining and recreating lost, destroyed, or otherwise unavailable records to the fullest extent possible;
- Relevant to the rebuttable presumption that an association willfully failed to copy inspection records, requires that the written request for inspection comply with the association's document inspection rule;
- Provides that the assessment of minimum damages for an association's willful failure to copy inspection records begins on the eleventh working day after receipt of the written request that complies with the association's document inspection rule; and
- Removes a requirement that an association managing a condominium of 150 or more units (and no timeshare units) provide digital copies of specified documents on the association's website and substitutes a requirement that, by January 1, 2021, an association managing a condominium of 25 or more units (and no timeshare units) provide on its website digital copies of those specified documents and records subject to inspection by tenants or unit owners or their authorized representatives.

B. Amendments:

None.

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



LEGISLATIVE ACTION

| Senate | . | House |
|---|---|---|
| Comm: RCS | . | |
| 04/02/2019 | . | |
| | . | |
| | . | |
| | . | |

The Committee on Innovation, Industry, and Technology (Pizzo) recommended the following:

**Senate Amendment**

Delete line 411

and insert:

units, not including timeshare units, shall post on its website digital copies of all official

The Florida Senate

# Committee Agenda Request

**To:** Senator Wilton Simpson, Chair
Committee on Innovation, Industry, and Technology

**Subject:** Committee Agenda Request

**Date:** March 25, 2019

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I respectfully request that **Senate Bill #CS/SB 610**, relating to Condominium Associations, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Jason W.B. Pizzo
Florida Senate, District 38

File signed original with committee office

S-020 (03/2004)

# HB 1259 – Division of Florida Condominiums, Timeshares, and Mobile Homes (Similar SB 610)

This bill amends s. 781.111, F.S., creating an **unranked, 3rd degree felony** for an officer, director, or manager knowingly soliciting, offering to accept, or accepting any thing or service of value or kickback for which consideration has not been provided for his or her own benefit or that of his or her immediate family, from any person providing or proposing to provide goods or services to the association." Previously, any potential criminal penalty was referred to paragraph (d), the reference now deleted. Furthermore, an **unranked, 3rd degree felony** is also created for "any person who willfully and knowingly refuses to release or otherwise produce association records with the intent to avoid or escape detection, arrest, trial, or punishment for the commission of a crime, or to assist another person with such avoidance or escape." It also adds that "a person who uses a debit card issued in the name of the association, or billed directly to the association, for any expense that is not a lawful obligation of the association commits theft under s. 812.014, F.S." It originally had this act prosecuted as credit card fraud pursuant to s. 817.61, F.S.

Additionally, it deletes the following language under s. 781.111(1)(d), F.S.: "Forgery of a ballot envelope or voting certificate used in a condominium association election is punishable as provided in s. 831.01, F.S., the theft or embezzlement of funds of a condominium association is punishable as provided in s. 812.014, F.S., and the destruction of or the refusal to allow inspection or copying of an official record of a condominium association that is accessible to unit owners within the time periods required by general law in furtherance of any crime is punishable as tampering with physical evidence as provided in s. 918.13, F.S. or as obstruction of justice as provided in chapter 843."

It also creates s. 718.129, F.S., adding multiple felonies for fraudulent voting activities relating to association elections, creating an **unranked, 3rd degree felony** for each of the following:

- willfully and falsely swearing or affirming any oath or affirmation, or willfully procuring another person to swear or affirm falsely to an oath or affirmation, in connection with or arising out of voting or elections
- perpetrating or attempting to perpetrate, or aiding in the perpetration of, any fraud in connection with any vote cast, to be cast, or attempted to be cast
- preventing an elector from voting, or preventing an elector from voting as the elector intended, by fraudulently changing or attempting to change a ballot, ballot envelope, vote, or voting certificate of the elector
- using bribery, menace, threat, or any other corruption to attempt, directly or indirectly, to influence, deceive, or deter any elector in voting
- directly or indirectly giving or promising anything of value to another person with the intent to buy the vote of that person or another person or to corruptly influence that person or another person in casting his or her vote (with exceptions)

- directly or indirectly using or threatening to use force, violence, or intimidation or any tactic of coercion or intimidation to induce or compel an individual to vote or refrain from voting in an election or on any particular ballot measure
- knowingly aiding, abetting, or advising a person in the commission of a fraudulent voting activity related to association elections
- agreeing, conspiring, combining, or confederating with at least one other person to commit a fraudulent voting activity related to association elections
- having knowledge of a fraudulent voting activity related to association elections and giving any aid to the offender with intent that the offender avoid or escape detection, arrest, trial, or punishment.

Per DOC, in FY 17-18 there were 549 (adj.) offenders sentenced for the Level 2, 3rd degree felony under s. 817.61, F.S., with 54 (adj.) of these offenders sentenced to prison (mean sentence length=35.9 m, incarceration rate: 9.8% adj-9.8% unadj). By moving this to s. 812.014, F.S., this increases the minimum threshold for this felony from $100 to $300, while also removing the requirement that it be used more than two times in a six month period when under the $100 threshold.

Per DOC, in FY 17-18 there were 199 (adj.) offenders sentenced for the Level 2, 3rd degree felony under s. 831.01, F.S., with 21 (adj.) of these offenders sentenced to prison (mean sentence length=26.2 m, incarceration rate: 10.6% adj-10.8% unadj).

Per DOC, in FY 17-18 there were 10,351 (adj.) offenders sentenced for the Level 2, 3rd degree felony under s. 812.014, F.S., with 1,131 (adj.) of these offenders sentenced to prison (mean sentence length=25.7 m, incarceration rate: 10.9% adj-10.9% unadj). For the Level 3, 3rd degree felony, there were 334 (adj.) offenders sentenced, with 33 (adj.) of these offenders sentenced to prison (mean sentence length=25.1 m, incarceration rate: 9.9% adj-9.9% unadj). There were 506 (adj.) offenders sentenced for the Level 4, 3rd degree felony, with 110 (adj.) of these offenders sentenced to prison (mean sentence length=26.7 m, incarceration rate: 21.7% adj-21.8% unadj). There were 420 (adj.) offenders sentenced for the Level 6, 2nd degree felony, with 119 (adj.) of these offenders sentenced to prison (mean sentence length=34.7 m, incarceration rate: 28.3% adj-28.3% unadj). Finally, there were 8 (adj.) offenders sentenced for the Level 7, 1st degree felony, with 4 (adj.) of these offenders sentenced to prison (mean sentence length=155.8 m, incarceration rate: 50.0% adj-57.1% unadj).

Per DOC, in FY 17-18 there were 742 (adj.) offenders sentenced for the Level 3, 3rd degree felony under s. 918.13, F.S., with 82 (adj.) of these offenders sentenced to prison (mean sentence length=32.3 m, incarceration rate: 11.1% adj-11.0% unadj). It is not known what felonies under Chapter 843 would be used in the acts described in s. 781.111(1)(d), F.S.

Per DOC, in FY 17-18, 24 (adj.) offenders were sentenced under s. 838.015, F.S. (Level 7, 2nd degree felony), involving bribery of a public servant, and 9 (adj.) were sentenced to prison (mean sentence length=29.9 m, incarceration rate: 37.5% adj.-36.4% unadj.). Nobody was sentenced under s. 836.12, F.S. (unranked, 3rd degree felony), for a

second or subsequent act of threatening a public official with death or serious bodily harm.

Per DBPR, in FY 17-18, there were 3,405 condominium complaints received statewide, with 214 of these allegations recommended for arbitration, 368 with the association brought into compliance, and 18 recommended for administrative action.

In FY 17-18, the incarceration rate for an unranked, 3rd degree felony was 8.7%.

## EDR PROPOSED ESTIMATE: Positive Indeterminate

**Requested by: Senate**

THE FLORIDA SENATE

# APPEARANCE RECORD

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

4/2/19
*Meeting Date*

610
*Bill Number (if applicable)*

Topic _____

702520
*Amendment Barcode (if applicable)*

Name Gary Hunter

Job Title Attorney

Address 119 S. Monroe St Suite 300 *Street*

Phone 222-7500

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

Email garyh@hgslaw.com

Speaking: ☑ For ☐ Against ☐ Information

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

Representing American Resort Development 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)

4-2-19
*Meeting Date*

610
*Bill Number (if applicable)*

Topic _____

*Amendment Barcode (if applicable)*

Name Richard Pinsky

Job Title _____

Address 106 E. College Ave. #1200
*Street*

Tallahassee FL. 32301
*City* *State* *Zip*

Phone _____

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Cyber Citizens

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)

4/2/19
*Meeting Date*

CO/O
*Bill Number (if applicable)*

Topic Condo Associations

*Amendment Barcode (if applicable)*

Name TRAVIS MOORE

Job Title

Address P.O. Box 2020
*Street*

Phone 727.421.6902

St. Petersburg FL 33731
*City* *State* *Zip*

Email travis@moore-relations.com

Speaking: ☐ For ☑ Against ☐ Information

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

Representing Community Associations Institute (CAI)

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)

4.2.19
*Meeting Date*

SB 610
*Bill Number (if applicable)*

Topic SB 610

*Amendment Barcode (if applicable)*

Name Mark Anderson

Job Title

Address 110 S. Monroe St
*Street*

Phone 813-205-0658

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

Email Mark@consultanderson.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Community Association Managers

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**

# COMMITTEE VOTE RECORD

**COMMITTEE:** Innovation, Industry, and Technology
**ITEM:** CS/SB 610
**FINAL ACTION:** Favorable with Committee Substitute
**MEETING DATE:** Tuesday, April 2, 2019
**TIME:** 10:00 a.m.—12:00 noon
**PLACE:** 110 Senate Building

| FINAL VOTE | | | 4/02/2019 1<br>Amendment 702520<br><br>Pizzo | | | | | |
|---|---|---|---|---|---|---|---|---|
| **Yea** | **Nay** | **SENATORS** | **Yea** | **Nay** | **Yea** | **Nay** | **Yea** | **Nay** |
| X | | Bracy | | | | | | |
| | X | Bradley | | | | | | |
| X | | Brandes | | | | | | |
| X | | Braynon | | | | | | |
| X | | Farmer | | | | | | |
| | | Gibson | | | | | | |
| X | | Hutson | | | | | | |
| | X | Passidomo | | | | | | |
| | X | Benacquisto, VICE CHAIR | | | | | | |
| X | | Simpson, CHAIR | | | | | | |
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| 6 | 3 | **TOTALS** | 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

**By** the Committees on Innovation, Industry, and Technology; and Criminal Justice; and Senator Pizzo

580-03764-19 2019610c2

A bill to be entitled

An act relating to condominium associations; amending s. 718.111, F.S.; revising criminal penalties relating to the acceptance of things or services of value or kickbacks; revising the documents required to be included with accounting records; requiring an association to maintain official records in a specified manner; revising requirements for the creation of a rebuttable presumption relating to the provision of records; authorizing an association to direct certain persons to the association's website to fulfill certain obligations relating to the inspection of records; providing criminal penalties for certain violations relating to official association records; defining the term "repeatedly"; requiring certain associations to post copies of certain documents on the association's website by a specified date; revising criminal penalties relating to the use of association debit cards; defining the term "lawful obligation of the association"; creating s. 718.129, F.S.; providing criminal penalties for fraudulent voting activities related to association elections; providing an effective date.

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

Section 1. Paragraphs (a) and (d) of subsection (1), paragraphs (a), (b), (c), and (g) of subsection (12), and paragraph (b) of subsection (15) of section 718.111, Florida



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Statutes, are amended to read:

718.111 The association.—

(1) CORPORATE ENTITY.—

(a) The operation of the condominium shall be by the association, which must be a Florida corporation for profit or a Florida corporation not for profit. However, any association which was in existence on January 1, 1977, need not be incorporated. The owners of units shall be shareholders or members of the association. The officers and directors of the association have a fiduciary relationship to the unit owners. It is the intent of the Legislature that nothing in this paragraph shall be construed as providing for or removing a requirement of a fiduciary relationship between any manager employed by the association and the unit owners. An officer, director, or manager may not solicit, offer to accept, or accept any thing or service of value or kickback for which consideration has not been provided for his or her own benefit or that of his or her immediate family, from any person providing or proposing to provide goods or services to the association. Any such officer, director, or manager who knowingly so solicits, offers to accept, or accepts any thing or service of value or kickback commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and is subject to a civil penalty pursuant to s. 718.501(1)(d) ~~and, if applicable, a criminal penalty as provided in paragraph (d)~~. However, this paragraph does not prohibit an officer, director, or manager from accepting services or items received in connection with trade fairs or education programs. An association may operate more than one condominium.

(d) As required by s. 617.0830, an officer, director, or agent shall discharge his or her duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances, and in a manner he or she reasonably believes to be in the interests of the association. An officer, director, or agent shall be liable for monetary damages as provided in s. 617.0834 if such officer, director, or agent breached or failed to perform his or her duties and the breach of, or failure to perform, his or her duties constitutes a violation of criminal law as provided in s. 617.0834; constitutes a transaction from which the officer or director derived an improper personal benefit, either directly or indirectly; or constitutes recklessness or an act or omission that was in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. ~~Forgery of a ballot envelope or voting certificate used in a condominium association election is punishable as provided in s. 831.01, the theft or embezzlement of funds of a condominium association is punishable as provided in s. 812.014, and the destruction of or the refusal to allow inspection or copying of an official record of a condominium association that is accessible to unit owners within the time periods required by general law in furtherance of any crime is punishable as tampering with physical evidence as provided in s. 918.13 or as obstruction of justice as provided in chapter 843.~~ An officer or director charged by information or indictment with a crime referenced in this paragraph must be removed from office, and the vacancy shall be filled as provided in s. 718.112(2)(d)2. until the end of the officer’s or director’s period of

suspension or the end of his or her term of office, whichever occurs first. If a criminal charge is pending against the officer or director, he or she may not be appointed or elected to a position as an officer or a director of any association and may not have access to the official records of any association, except pursuant to a court order. However, if the charges are resolved without a finding of guilt, the officer or director must be reinstated for the remainder of his or her term of office, if any.

(12) OFFICIAL RECORDS.—

(a) From the inception of the association, the association shall maintain each of the following items, if applicable, which constitutes the official records of the association:

1. A copy of the plans, permits, warranties, and other items provided by the developer pursuant to s. 718.301(4).

2. A photocopy of the recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.

3. A photocopy of the recorded bylaws of the association and each amendment to the bylaws.

4. A certified copy of the articles of incorporation of the association, or other documents creating the association, and each amendment thereto.

5. A copy of the current rules of the association.

6. A book or books that contain the minutes of all meetings of the association, the board of administration, and the unit owners.

7. A current roster of all unit owners and their mailing addresses, unit identifications, voting certifications, and, if



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known, telephone numbers. The association shall also maintain the e-mail addresses and facsimile numbers of unit owners consenting to receive notice by electronic transmission. The e-mail addresses and facsimile numbers are not accessible to unit owners if consent to receive notice by electronic transmission is not provided in accordance with sub-subparagraph (c)3.e. However, the association is not liable for an inadvertent disclosure of the e-mail address or facsimile number for receiving electronic transmission of notices.

8. All current insurance policies of the association and condominiums operated by the association.

9. A current copy of any management agreement, lease, or other contract to which the association is a party or under which the association or the unit owners have an obligation or responsibility.

10. Bills of sale or transfer for all property owned by the association.

11. Accounting records for the association and separate accounting records for each condominium that the association operates. Any person who knowingly or intentionally defaces or destroys such records, or who knowingly or intentionally fails to create or maintain such records, with the intent of causing harm to the association or one or more of its members, is personally subject to a civil penalty pursuant to s. 718.501(1)(d). The accounting records must include, but are not limited to:

a. Accurate, itemized, and detailed records of all receipts and expenditures.

b. A current account and a monthly, bimonthly, or quarterly



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statement of the account for each unit designating the name of the unit owner, the due date and amount of each assessment, the amount paid on the account, and the balance due.

c. All audits, reviews, accounting statements, and financial reports of the association or condominium.

d. All contracts for work to be performed. Bids for work to be performed are also considered official records and must be maintained by the association.

e. All bank statements, canceled checks, and credit card statements.

f. All invoices, transaction receipts, deposit slips, or other underlying documentation that substantiates any receipt or expenditure of funds by the association.

12. Ballots, sign-in sheets, voting proxies, and all other papers and electronic records relating to voting by unit owners, which must be maintained for 1 year from the date of the election, vote, or meeting to which the document relates, notwithstanding paragraph (b).

13. All rental records if the association is acting as agent for the rental of condominium units.

14. A copy of the current question and answer sheet as described in s. 718.504.

15. All other written records of the association not specifically included in the foregoing which are related to the operation of the association.

16. A copy of the inspection report as described in s. 718.301(4)(p).

17. Bids for materials, equipment, or services.

(b) The official records specified in subparagraphs (a)1.-

6. must be permanently maintained from the inception of the association. All other official records must be maintained within the state for at least 7 years, unless otherwise provided by general law. The official records must be maintained in an organized manner that facilitates inspection of the records by a unit owner. The obligation to maintain official records includes the obligation to obtain and recreate those records to the fullest extent possible in the event that the records are lost, destroyed, or otherwise unavailable. The records of the association shall be made available to a unit owner within 45 miles of the condominium property or within the county in which the condominium property is located within 10 working days after receipt of a written request by the board or its designee. However, such distance requirement does not apply to an association governing a timeshare condominium. This paragraph may be complied with by having a copy of the official records of the association available for inspection or copying on the condominium property or association property, or the association may offer the option of making the records available to a unit owner electronically via the Internet or by allowing the records to be viewed in electronic format on a computer screen and printed upon request. The association is not responsible for the use or misuse of the information provided to an association member or his or her authorized representative pursuant to the compliance requirements of this chapter unless the association has an affirmative duty not to disclose such information pursuant to this chapter.

(c)1. The official records of the association are open to inspection by any association member or the authorized

representative of such member at all reasonable times. The right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the member or authorized representative of such member. A renter of a unit has a right to inspect and copy the association's bylaws and rules. The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying. The failure of an association to provide the records within 10 working days after receipt of a written request that complies with the association's document inspection rule creates a rebuttable presumption that the association willfully failed to comply with this paragraph. A unit owner who is denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply. Minimum damages are $50 per calendar day for up to 10 days, beginning on the 11th working day after receipt of the written request that complies with the association's document inspection rule. The failure to permit inspection entitles any person prevailing in an enforcement action to recover reasonable attorney fees from the person in control of the records who, directly or indirectly, knowingly denied access to the records. If the requested records are posted on an association's website, the association may fulfill its obligations as provided under this paragraph by directing to the website all persons authorized to request access to official records pursuant to this paragraph.

2. Any director or member of the board or association or a community association manager who knowingly, willfully, and repeatedly violates subparagraph 1. commits a misdemeanor of the



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second degree, punishable as provided in s. 775.082 or s. 775.083. For the purposes of this subparagraph, the term "repeatedly" means two or more violations within a 12-month period.

3.~~2.~~ Any person who knowingly or intentionally defaces or destroys accounting records that are required by this chapter to be maintained during the period for which such records are required to be maintained, or who knowingly or intentionally fails to create or maintain accounting records that are required to be created or maintained, with the intent of causing harm to the association or one or more of its members, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 ~~is personally subject to a civil penalty pursuant to s. 718.501(1)(d)~~.

4. Any person who willfully and knowingly refuses to release or otherwise produce association records with the intent to avoid or escape detection, arrest, trial, or punishment for the commission of a crime, or to assist another person with such avoidance or escape, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

5.~~3.~~ The association shall maintain an adequate number of copies of the declaration, articles of incorporation, bylaws, and rules, and all amendments to each of the foregoing, as well as the question and answer sheet as described in s. 718.504 and year-end financial information required under this section, on the condominium property to ensure their availability to unit owners and prospective purchasers, and may charge its actual costs for preparing and furnishing these documents to those requesting the documents. An association shall allow a member or



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his or her authorized representative to use a portable device, including a smartphone, tablet, portable scanner, or any other technology capable of scanning or taking photographs, to make an electronic copy of the official records in lieu of the association's providing the member or his or her authorized representative with a copy of such records. The association may not charge a member or his or her authorized representative for the use of a portable device. Notwithstanding this paragraph, the following records are not accessible to unit owners:

a. Any record protected by the lawyer-client privilege as described in s. 90.502 and any record protected by the work-product privilege, including a record prepared by an association attorney or prepared at the attorney's express direction, which reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the association, and which was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings, or which was prepared in anticipation of such litigation or proceedings until the conclusion of the litigation or proceedings.

b. Information obtained by an association in connection with the approval of the lease, sale, or other transfer of a unit.

c. Personnel records of association or management company employees, including, but not limited to, disciplinary, payroll, health, and insurance records. For purposes of this sub-subparagraph, the term "personnel records" does not include written employment agreements with an association employee or management company, or budgetary or financial records that indicate the compensation paid to an association employee.

d. Medical records of unit owners.

e. Social security numbers, driver license numbers, credit card numbers, e-mail addresses, telephone numbers, facsimile numbers, emergency contact information, addresses of a unit owner other than as provided to fulfill the association's notice requirements, and other personal identifying information of any person, excluding the person's name, unit designation, mailing address, property address, and any address, e-mail address, or facsimile number provided to the association to fulfill the association's notice requirements. Notwithstanding the restrictions in this sub-subparagraph, an association may print and distribute to parcel owners a directory containing the name, parcel address, and all telephone numbers of each parcel owner. However, an owner may exclude his or her telephone numbers from the directory by so requesting in writing to the association. An owner may consent in writing to the disclosure of other contact information described in this sub-subparagraph. The association is not liable for the inadvertent disclosure of information that is protected under this sub-subparagraph if the information is included in an official record of the association and is voluntarily provided by an owner and not requested by the association.

f. Electronic security measures that are used by the association to safeguard data, including passwords.

g. The software and operating system used by the association which allow the manipulation of data, even if the owner owns a copy of the same software used by the association. The data is part of the official records of the association.

(g)1. By January 1, 2021 ~~2019~~, an association managing a

condominium with 25 ~~150~~ or more units which does not contain timeshare units shall post digital copies of the documents specified in subparagraph 2. on its website.

a. The association's website must be:

(I) An independent website or web portal wholly owned and operated by the association; or

(II) A website or web portal operated by a third-party provider with whom the association owns, leases, rents, or otherwise obtains the right to operate a web page, subpage, web portal, or collection of subpages or web portals dedicated to the association's activities and on which required notices, records, and documents may be posted by the association.

b. The association's website must be accessible through the Internet and must contain a subpage, web portal, or other protected electronic location that is inaccessible to the general public and accessible only to unit owners and employees of the association.

c. Upon a unit owner's written request, the association must provide the unit owner with a username and password and access to the protected sections of the association's website that contain any notices, records, or documents that must be electronically provided.

2. A current copy of the following documents must be posted in digital format on the association's website:

a. The recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.

b. The recorded bylaws of the association and each amendment to the bylaws.

c. The articles of incorporation of the association, or other documents creating the association, and each amendment thereto. The copy posted pursuant to this sub-subparagraph must be a copy of the articles of incorporation filed with the Department of State.

d. The rules of the association.

e. A list of all executory contracts or documents to which the association is a party or under which the association or the unit owners have an obligation or responsibility and, after bidding for the related materials, equipment, or services has closed, a list of bids received by the association within the past year. Summaries of bids for materials, equipment, or services which exceed $500 must be maintained on the website for 1 year. In lieu of summaries, complete copies of the bids may be posted.

f. The annual budget required by s. 718.112(2)(f) and any proposed budget to be considered at the annual meeting.

g. The financial report required by subsection (13) and any monthly income or expense statement to be considered at a meeting.

h. The certification of each director required by s. 718.112(2)(d)4.b.

i. All contracts or transactions between the association and any director, officer, corporation, firm, or association that is not an affiliated condominium association or any other entity in which an association director is also a director or officer and financially interested.

j. Any contract or document regarding a conflict of interest or possible conflict of interest as provided in ss.

468.436(2)(b)6. and 718.3027(3).

k. The notice of any unit owner meeting and the agenda for the meeting, as required by s. 718.112(2)(d)3., no later than 14 days before the meeting. The notice must be posted in plain view on the front page of the website, or on a separate subpage of the website labeled "Notices" which is conspicuously visible and linked from the front page. The association must also post on its website any document to be considered and voted on by the owners during the meeting or any document listed on the agenda at least 7 days before the meeting at which the document or the information within the document will be considered.

l. Notice of any board meeting, the agenda, and any other document required for the meeting as required by s. 718.112(2)(c), which must be posted no later than the date required for notice pursuant to s. 718.112(2)(c).

3. The association shall ensure that the information and records described in paragraph (c), which are not allowed to be accessible to unit owners, are not posted on the association's website. If protected information or information restricted from being accessible to unit owners is included in documents that are required to be posted on the association's website, the association shall ensure the information is redacted before posting the documents online. Notwithstanding the foregoing, the association or its agent is not liable for disclosing information that is protected or restricted pursuant to this paragraph unless such disclosure was made with a knowing or intentional disregard of the protected or restricted nature of such information.

4. The failure of the association to post information



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required under subparagraph 2. is not in and of itself sufficient to invalidate any action or decision of the association's board or its committees.

5. By January 1, 2021, an association managing 25 or more units, not including timeshare units, shall post on its website digital copies of all official records subject to inspection by tenants or unit owners or their authorized representatives.

(15) DEBIT CARDS.—

(b) A person who uses ~~Use of~~ a debit card issued in the name of the association, or billed directly to the association, for any expense that is not a lawful obligation of the association commits theft under s. 812.014. For the purposes of this paragraph, a "lawful obligation of the association" means an obligation that has been properly preapproved by the board and is reflected in the meeting minutes or the written budget ~~may be prosecuted as credit card fraud pursuant to s. 817.61~~.

Section 2. Section 718.129, Florida Statutes, is created to read:

718.129 Fraudulent voting activities related to association elections; penalties.—

(1) Each of the following acts is a fraudulent voting activity related to association elections and constitutes a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Willfully and falsely swearing or affirming any oath or affirmation, or willfully procuring another person to swear or affirm falsely to an oath of affirmation, in connection with or arising out of voting or elections.

(b) Perpetrating or attempting to perpetrate, or aiding in



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the perpetration of, any fraud in connection with any vote cast, to be cast, or attempted to be cast.

(c) Preventing an elector from voting, or preventing an elector from voting as the elector intended, by fraudulently changing or attempting to change a ballot, ballot envelope, vote, or voting certificate of the elector.

(d) Using bribery, menace, threat, or any other corruption to attempt, directly or indirectly, to influence, deceive, or deter any elector in voting.

(e) Directly or indirectly giving or promising anything of value to another person with the intent to buy the vote of that person or another person or to corruptly influence that person or another person in casting his or her vote. However, this paragraph does not apply to the serving of food to be consumed at an election rally or meeting or to any item of nominal value which is used as an election advertisement, including a campaign message designed to be worn by a person.

(f) Directly or indirectly using or threatening to use force, violence, or intimidation or any tactic of coercion or intimidation to induce or compel an individual to vote or refrain from voting in an election or on any particular ballot measure.

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

(a) Knowingly aiding, abetting, or advising a person in the commission of a fraudulent voting activity related to association elections.

(b) Agreeing, conspiring, combining, or confederating with



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at least one other person to commit a fraudulent voting activity related to association elections.

(c) Having knowledge of a fraudulent voting activity related to association elections and giving any aid to the offender with intent that the offender avoid or escape detection, arrest, trial, or punishment. This paragraph does not apply to a licensed attorney giving legal advice to a client.

Section 3. This act shall take effect October 1, 2019.



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**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 Innovation, Industry, and Technology

| | |
|---|---|
| BILL: | CS/SB 1618 |
| INTRODUCER: | Innovation, Industry, and Technology Committee and Senator Simmons |
| SUBJECT: | Tobacco Products |
| DATE: | April 2, 2019 |
| REVISED: | |

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|---|---|---|---|---|
| 1. | Williams | Brown | HP | **Favorable** |
| 2. | Oxamendi | Imhof | IT | **Fav/CS** |
| 3. | | | RC | |

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

## I. Summary:


CS/SB 1618 increases the minimum age to lawfully purchase tobacco products (not including cigars) from 18 to 21 years of age. Under the bill, the minimum age to purchase cigars remains 18 years of age. The provisions of the bill may be cited as the "Tobacco 21 Act."

The bill defines "tobacco products" to include electronic smoking devices, such as electronic cigarettes. The sale of tobacco products through a vending machine is also prohibited by the bill.

The bill decriminalizes the penalties for any person who sells, delivers, barters, furnishes, or gives cigars to persons under the age of 18 or other tobacco products to a person under the age of 21. Instead of criminal penalties, the bill provides a noncriminal penalty of a fine of no more than $500 for the first offense and a fine of no more than $1,000 for a second or subsequent offense within one year of the first violation.

Additionally, the bill repeals the current prohibitions against the possession of tobacco products by persons under the minimum age of lawful possession. However, the bill maintains the current prohibition against any person who misrepresents his or her age for the purpose of inducing a retail tobacco dealer, or an agent or employee of the dealer, to sell any tobacco product or to attempt to purchase any tobacco product from a person or vending machine. The bill provides a noncriminal penalty of 20 hours of community service for a first offense and at least 40 hours of community service for subsequent offenses within one year of the first violation.

CS/SB 1618 may have an indeterminate fiscal impact on state government, the courts, and the clerks of court. See Section V, Fiscal Impact Statement.

The effective date of the bill is October 1, 2019.

## II. Present Situation:

### Tobacco Products Regulation in Florida

The Division of Alcoholic Beverage and Tobacco (division) within the Department of Business and Professional Regulation is the state agency responsible for the regulation and enforcement of the tobacco products under ch. 569, F.S.

Section 569.002(6), F.S., defines the term "tobacco products" to include:

> loose tobacco leaves, and products made from tobacco leaves, in whole or in part, and cigarette wrappers, which can be used for smoking, sniffing, or chewing.

Section 210.25(11), F.S., relating to the tax on tobacco products other than cigarettes or cigars, defines the term "tobacco products" to mean:

> loose tobacco suitable for smoking; snuff; snuff flour; Cavendish; plug and twist tobacco; fine cuts and other chewing tobaccos; shorts; refuse scraps; clippings, cuttings, and sweepings of tobacco, and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing; but "tobacco products" does not include cigarettes, as defined by s. 210.01(1), F.S., or cigars.

A retail tobacco dealer permit is required for each place of business where tobacco products are sold at retail.[1]

### Tobacco Products and Minors

Section 569.0075, F.S., prohibits the giving of sample tobacco products to persons under the age of 18.

Section 569.101, F.S., prohibits the sale, delivery, bartering, furnishing or giving of tobacco products to persons under the age of 18. A violation of this prohibition is a second degree misdemeanor.[2] A second or subsequent violation within one year of the first violation is a first degree misdemeanor.[3]

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[1] Section 569.003(1), F.S.

[2] Section 775.082, F.S., provides that the penalty for a misdemeanor of the second degree is punishable by a term of imprisonment not exceeding 60 days. Section 775.083, F.S. provides that the penalty for a misdemeanor of the second degree is punishable by a fine not to exceed $500.

[3] Section 775.082, F.S., provides that the penalty for a misdemeanor of the first degree is punishable by a term of imprisonment not exceeding one year. Section 775.083, F.S. provides that the penalty for a misdemeanor of the first degree is punishable by a fine not to exceed $1,000.

It is a complete defense to a person charged with a violation of s. 569.101, F.S., if the buyer or recipient falsely evidenced that he or she was 18 years of age or older, a prudent person would believe the buyer or recipient to be 18 years of age or older, and the buyer or recipient presented false identification[4] upon which the person relied in good faith.[5]

Section 569.11, F.S., prohibits persons under the age of 18 years from possessing, directly or indirectly, any tobacco products:

- A first violation of this prohibition is a non-criminal violation with a penalty of 16 hours of community service or a $25 fine, and attendance at a school-approved anti-tobacco program, if locally available.
- A second violation within 12 weeks of the first violation is punishable with a $25 fine.
- A third or subsequent violation within 12 weeks of the first violation requires that the person be punished with the suspension or revocation of his or her driver license or driving privilege, as provided in s. 322.056, F.S.[6]

However, a person "under the age of 18" does not include any person under the age of 18 who:

- Has had his or her disability of nonage removed under ch. 743, F.S.;
- Is in the military reserve or on active duty in the Armed Forces of the United States;
- Is otherwise emancipated by a court of competent jurisdiction and released from parental care and responsibility; or
- Is acting in his or her scope of lawful employment with an entity licensed under the provisions of ch. 210, F.S., relating to taxation of cigarettes and other tobacco products, or ch. 569, F.S., relating to tobacco products.[7]

Eighty percent of all civil penalties received by a county court under s. 569.11, F.S., must be remitted to the Department of Revenue for transfer to the Department of Education for teacher training and for research and evaluation to reduce and prevent the use of tobacco products, nicotine products, or nicotine dispensing devices by children. The remaining 20 percent of civil penalties received by a county court must remain with the clerk of the county court to cover administrative costs.[8]

Retail tobacco product dealers (retailers) must post a clear and conspicuous sign that the sale of tobacco products is prohibited to persons under the age of 18 and that proof of age is required for purchase. The division is required to make the signs available to retailers. Retailers must also

[4] Identification includes carefully checking "a driver license or an identification card issued by this state or another state of the United States, a passport, or a United States armed services identification card presented by the buyer or recipient and acted in good faith and in reliance upon the representation and appearance of the buyer or recipient in the belief that the buyer or recipient was 18 years of age or older." See s. 569.101(2)(c), F.S.

[5] Section 569.101(3), F.S.

[6] Section 322.056, F.S., requires the mandatory revocation or suspension of, or delay of eligibility for, a driver license for persons under 18 years of age found guilty of certain alcohol, drug, tobacco or nicotine product and nicotine dispensing device offenses. Penalties range from a 30-day suspension to a two-year revocation of a driver license. However, a court may, in its discretion, order a restricted driver license for business or employment purposes.

[7] Section 569.002(7), F.S.

[8] Section 569.11(6), F.S.

have instructional material in the form of a calendar or similar format to assist in determining the age of the person attempting to purchase a tobacco product.[9]

To prevent persons under 18 years of age from purchasing or receiving tobacco products, the sale or delivery of tobacco products is prohibited, except when those products are under the direct control or line of sight of the dealer or the dealer's agent or employee. If a tobacco product is sold from a vending machine, the vending machine must have:

- An operational lock-out device which is under the control of the dealer or the dealer's agent or employee who directly regulates the sale of items through the machine by triggering the lock-out device to allow the dispensing of one tobacco product;
- A mechanism on the lock-out device to prevent the machine from functioning if the power source for the lock-out device fails or if the lock-out device is disabled; and
- A mechanism to ensure that only one tobacco product is dispensed at a time.[10]

These requirements for the sale of tobacco products do not apply to an establishment that prohibits persons under 18 years of age on premises and do not apply to the sale or delivery of cigars and pipe tobacco.[11]

Section 386.212, F.S., in the Florida Clean Indoor Air Act, prohibits any person under the age of 18 from smoking tobacco within 1,000 feet of a public or private elementary, middle, or secondary school between the hours of 6 a.m. and midnight. A violation of this prohibition is punishable by a maximum noncriminal civil penalty not to exceed $25, or 50 hours of community service or, where available, successful completion of a school-approved anti-tobacco "alternative to suspension" program.

**Mail Order, Internet, and Other Remote Sales of Tobacco Products**

Section 210.095(5), F.S., provides requirements for the delivery of mail order, Internet, and other remote sales of tobacco products, referred to as "delivery sales." Each person who mails, ships, or otherwise delivers tobacco products in connection with an order for a delivery sale is required to:

- Include, as part of the shipping documents, in a clear and conspicuous manner, the following statement: "Tobacco Products: Florida law prohibits shipping to individuals under 18 years of age and requires the payment of all applicable taxes."
- Use a method of mailing, shipping, or delivery which obligates the delivery service to:
    - Require the signature of an adult who resides at the delivery address and obtain proof of the legal minimum purchase age of the individual accepting delivery, if the individual appears to be under 27 years of age.
    - Require proof that the individual accepting delivery is either the addressee or the adult designated by the addressee, in the form of a valid, government-issued identification card bearing a photograph of the individual who signs to accept delivery of the shipping container.

[9] Section 569.14, F.S.
[10] Section 569.007(1), F.S.
[11] Sections 569.007(2) and (3), F.S.

- Provide to the delivery service, if such service is used, evidence of full compliance with requirements for the collection and remittance of all taxes imposed on tobacco products by this state with respect to the delivery sale.[12]

If a person accepts a purchase order for a delivery sale and delivers the tobacco products without using a delivery service, the person must comply with all of the requirements that apply to a delivery service.[13]

Section 210.095(8), F.S., currently provides that the penalty for the following violations of the delivery sale requirements is a misdemeanor of the third degree:[14]

- A delivery sale delivers tobacco products, on behalf of a delivery service, to an individual who is under 18 years of age.
- A violation of any provision in s. 210.095, F.S., by an individual who is under 18 years of age.

Florida law does not provide a criminal penalty classification for a misdemeanor of the third degree. However, the prohibitions and penalties in s. 569.101, F.S., prohibiting the sale, delivery, bartering, furnishing, or giving, directly or indirectly, to any person who is under 18 years of age, any tobacco product, and s. 569.11, F.S., prohibiting persons under 18 years of age from possessing, directly or indirectly, any tobacco products, apply to s. 210.095, F.S., related to the delivery of tobacco products to persons under the age of 18.

**Nicotine Dispensing Devices**

Section 877.112, F.S., provides for the regulation of nicotine dispensing devices and nicotine products, such as electronic cigarettes (e-cigarettes). This statute extends the current prohibitions related to tobacco products to the sale, gifting, possession, or use of nicotine dispensing devices and nicotine products to and by persons under 18 years of age.

A "nicotine dispensing device" is:

> any product that employs an electronic, chemical, or mechanical means to produce vapor from a nicotine product, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product, any replacement cartridge for such device, and any other container of nicotine in a solution or other form intended to be used with or within an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product.[15]

A "nicotine product" is any product that contains nicotine, including liquid nicotine intended for human consumption, whether inhaled, chewed, absorbed, dissolved or ingested by any means.

[12] Section 210.095(5), F.S.
[13] *Id.*
[14] Section 775.082, F.S., provides that a misdemeanor of the second degree is punishable by a term of imprisonment not to exceed 60 days. Section 775.083, F.S. provides that a misdemeanor of the second degree is punishable by a fine not to exceed $500.
[15] Section 877.112(1)(a), F.S.

The definition does not include a tobacco product under Florida law, a drug or device under federal law, or a product that contains incidental nicotine.[16]

The sale or giving of nicotine products or nicotine dispensing devices to any person under 18 years of age is prohibited and punishable as a second degree misdemeanor.[17] It is a complete defense to a violation if an underage person falsely misrepresented his or her age, the underage person had the appearance to a prudent person to 18 years of age or older, and the person carefully checked, and relied on, the driver license or identification card of the recipient.[18]

Persons under 18 years of age possessing, purchasing, or misrepresenting their age or military service to obtain nicotine products or nicotine dispensing devices commit a noncriminal violation.[19] The penalty is 16 hours of community service or a $25 fine for a first violation, and attendance at a school-approved anti-tobacco and nicotine program, if available. A second violation within 12 weeks of the first violation requires a $25 fine. A third violation within 12 weeks of the first violation requires the suspension or revocation of the person's driver license, as provided in s. 322.056, F.S.[20]

Eighty percent of civil penalties specific to possession of nicotine products or nicotine dispensing devices by minors and misrepresenting age in making such purchases are remitted to the Department of Revenue for transfer to the Department of Education for teacher training and for research and evaluation to reduce and prevent the use of tobacco products, nicotine products, or nicotine dispensing devices by children. The remaining 20 percent of civil penalties received by a county court are retained by the clerk of the county court to cover administrative costs.[21]

Section 877.112(10), F.S., requires a retail dealer of nicotine products and nicotine dispensing devices to post signs that the sale of nicotine products and nicotine dispensing devices to persons under 18 years of age is prohibited.

Nicotine products or nicotine dispensing devices may not be sold or delivered by self-service merchandising, except when such products are under the direct control of, or in the line of sight where effective control may be reasonably maintained by, the retailer or their agent or employee.[22]

To prevent persons under 18 years of age from purchasing or receiving nicotine products or nicotine dispensing devices, s. 877.112(12), F.S., requires retailers to comply with restrictions identical to the restrictions on the sale of tobacco products in s. 569.007(1), F.S., such as requiring the products to be sold or delivered only when under the direct control or line of sight

[16] Section 877.112(1)(b), F.S.
[17] Section 775.082, F.S., provides that a misdemeanor of the second degree is punishable by a term of imprisonment not to exceed 60 days. Section 775.083, F.S. provides that a misdemeanor of the second degree is punishable by a fine not to exceed $500.
[18] Section 877.112(5), F.S.
[19] Sections 877.112(6) and (7), F.S.
[20] Section 877.112(8), F.S.
[21] Section 877.112(9), F.S.
[22] Section 877.112(11), F.S.

of the retailer and requiring a lock-out device if the products are sold or delivered from a vending machine.

**Responsible Retail Tobacco Products Dealers**

Section 569.008, F.S., provides a process for a retail tobacco product dealer to mitigate penalties imposed against a dealer because of an employee's illegal sale of a tobacco product to a person under 18 years of age.[23] The process encourages retail tobacco product dealers to comply with responsible practices. The division may mitigate penalties, if:

- The dealer is qualified as a responsible dealer having established and implemented specified practices designed to ensure that the dealer's employees comply with ch. 569, F.S., such as employee training.
- The dealer had no knowledge of that employee's violation at the time of the violation and did not direct, approve, or participate in the violation.
- The sale was made through a vending machine equipped with an operational lock-out device.[24]

**Administrative Penalties**

A retail tobacco dealer permit-holder can be disciplined under the division's penalty guidelines. For a violation of the prohibition in s. 569.06, F.S., against the sale of tobacco products to persons under 18 years of age, the guidelines provide:[25]

- 1st occurrence - $500 fine.
- 2nd occurrence - $1,000 fine.
- 3rd occurrence – $2,000 fine and a 20-day suspension of the dealer permit.
- 4th occurrence – revocation of the dealer permit.

These penalties are based on a single violation in which the permit-holder committed or knew about the violation; or a pattern of at least three violations on different dates within a 12-week period by employees, independent contractors, agents, or patrons on the licensed premises or in the scope of employment in which the permit-holder did not participate; or violations which were occurring in an open and notorious manner on the licensed premises.[26]

## III. Effect of Proposed Changes:

**"Tobacco 21 Act"**

**Section 1** of the bill provides that this act may be cited as the "Tobacco 21 Act."

[23] The Florida Responsible Vendor Act in ss. 561.701 - 561.706, F.S., provides a comparable process for mitigation of penalties against vendors of alcoholic beverages.
[24] *See* s. 569.008(3), F.S.
[25] Fla. Admin. Code R. 61A-2.022 (2019).
[26] Fla. Admin. Code R. 61A-2.022(1) (2019).

**Mail Order, Internet, and Other Remote Sales of Tobacco Products**

**Section 2** amends s. 210.095, F.S., to increase the minimum age to purchase tobacco products (not including cigars) from 18 to 21 years of age. The minimum age to purchase cigars remains 18 years of age. The bill revises the penalties in s. 210.095, F.S., by:

- Decriminalizing a violation for a person who omits the required disclaimer from the shipping documents.
- Reducing the penalty from a "third degree misdemeanor" to a noncriminal violation with a penalty for a first offense of at least 20 hours of community service, and a penalty for a second or subsequent violation within one year of the first violation of least 40 hours of community service.
- Providing a penalty of a second degree misdemeanor (instead of the current "third degree misdemeanor") for a person who, in connection with a delivery sale, delivers tobacco products on behalf of a delivery service to an individual who is not an adult.

**Mandatory Driver License Penalties**

**Section 3** amends s. 322.056, F.S., to repeal the mandatory revocation or suspension of, or the delay of eligibility for, a driver's license for persons under 18 years of age found guilty of certain tobacco or nicotine product and nicotine dispensing device offenses.

**Definitions**

**Section 5** revises the definition of the term "tobacco products" and defines the terms "minimum age of purchase" and "electronic smoking device."

The term "minimum age of purchase" is defined to mean 18 years of age for cigars and 21 years of age for any other tobacco product.

The bill defines the term "electronic smoking device" as:

> any device that can be used to deliver aerosolized or vaporized nicotine to the person inhaling from the device, including but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. The term includes any component, part, or accessory of such a device, sold separately or with the device, and includes any substance intended to be aerosolized or vaporized during the use of the device. The term does not include drugs, devices, or combination products authorized for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

The bill revises the definition of "tobacco products" to mean:

> any product that is made from or derived from tobacco or that contains nicotine and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus.

Under the bill, the term "tobacco products" includes electronic smoking devices and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, and liquids used in electronic smoking devices, whether or not they contain nicotine. However, the term does not include drugs, devices, or combination products authorized for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

By revising the definition of "tobacco products" to include electronic smoking devices, the bill requires a retail dealer of electronic smoking devices to obtain a retail tobacco dealer permit from the division.[27]

**Section 14** repeals s. 877.112, F.S., which defines nicotine dispensing devises and nicotine products and prohibits the sale of such products to persons under the age of 18.

Retail sellers of electronic smoking devices are required by the bill to be licensed as retail tobacco products dealers because of the bill's amended definition of the term "tobacco products."

**Decriminalization and Penalties**

**Section 9** amends s. 569.101, F.S., to decriminalize penalties for any person who sells, delivers, barters, furnishes, or gives a cigar to a person under 18 years of age or a tobacco product to a person under the age of 21. Under the bill, a violation of the prohibition on such acts is a noncriminal violation punishable by a fine of no more than $500 for the first offense, and a fine of no more than $1,000 for a second or subsequent offense within one year of the first violation.

**Section 10** amends s. 569.11, F.S., relating to prohibitions on the possession of tobacco products by persons under the minimum age of purchase, to delete the current prohibition on the possession of tobacco products by a person who is under the minimum age for lawful possession of tobacco products and the related penalties for violations of the prohibition.

In lieu of criminal penalties, a person misrepresenting his or her age for the purpose of inducing a dealer or an agent or employee of the dealer to sell any tobacco product, or attempts to purchase any tobacco product from a person or vending machine, is subject to a noncriminal penalty of 20 hours of community service for a first offense, and at least 40 hours of community service for a second or subsequent offense within one year of the first violation.

The bill requires a person accused of a violation of s. 561.11, F.S., to appear before the county court for a hearing. The bill removes the option in current law permitting the accused to pay the applicable fine without having to appear in county court.

**Section 12** amends s. 569.14(5), F.S., to decrease the applicable penalties for a retail tobacco dealer who fails to post a clear and conspicuous sign stating that the sale of tobacco to a person under the legal age is prohibited under Florida law. A violation of this prohibition remains a second degree misdemeanor, punishable by a fine of no more than $500, as provided in

[27] *See* s. 569.003(1), F.S.

s. 775.083, F.S., and the bill deletes the criminal penalty of a maximum 60-day period of incarceration provided in s. 775.082, F.S.

**Sales Restrictions**

**Section 6** amends s. 569.007(1), F.S., and **Section 14** repeals s. 877.112, F.S., to eliminate the general restrictions on the sale or delivery of tobacco products, nicotine dispensing devises, and nicotine products. The bill requires that tobacco products and electronic smoking devices be sold from behind a counter where the products are required to be retrieved and hand delivered by an employee to the consumer. The bill repeals the current authorization for sales of nicotine products and nicotine dispensing devices from a vending machine.

**Responsible Retail Tobacco Products Dealers**

**Section 8** amends s. 569.008, F.S., to remove the authority for the division to mitigate penalties based on a dealer's adherence to the responsible practices provided in this section. However, the bill retains the current conditions to qualify as a responsible retail tobacco products dealer.

**Conforming Provisions**

**Sections 4, 7, 11, and 13** amend ss. 386.212, 569.075, 569.14, and 569.19, F.S., to increase the minimum age for the purchase or sale of tobacco and nicotine products (not including cigars) in these provisions from 18 years of age to 21 years of age. Under the bill, the minimum age to purchase cigars remains 18 years of age.

**Effective Date**

**Section 15** provides for an effective date of October 1, 2019.

## IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

The bill amends s. 569.002(7), F.S., to revise the definition of "tobacco products" to include electronic smoking devices. The bill requires retail dealers of electronic smoking devices, such as electronic cigarettes, to obtain a retail tobacco product dealer permit,

which has an annual license fee of $50.[28] The bill addresses additional subjects related to tobacco products, including the legal age for possession of tobacco products and applicable penalties.

To the extent the bill imposes a fee on retail dealers of electronic smoking devices while addressing other subjects, the bill may be unconstitutional as a violation the single-subject requirement for the imposition, authorization, or raising of a state tax or fee under Article VII, Section 19 of the Florida Constitution. Under that section, a "state tax or fee imposed, authorized, or raised under this section must be contained in a separate bill that contains no other subject." A "fee" is defined by the Florida Constitution to mean "any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service."[29]

E. Other Constitutional Issues:

None.

## V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons who violate the current criminal prohibitions in ss. 569.101 and 569.11, F.S., will no longer incur costs under the bill related to the payment of criminal fines or costs related to incarceration.

Retail dealers of electronic smoking devices, such as electronic cigarettes, are required by the bill to obtain a retail tobacco product dealer permit, which has an annual license fee of $50.[30]

C. Government Sector Impact:

The Department of Business and Professional Regulation may incur indeterminate expenses related to personnel or modification of operational priorities needed to accommodate the additional licensure of dealers of electronic smoking devices.

Under current law, clerks of county courts may retain 20 percent of civil penalties received by a county court from penalties imposed for violations of the prohibitions in ss. 569.101 and 569.11, F.S., to cover administrative costs.[31] The bill repeals those penalties, which will eliminate this funding source.

[28] *See* s. 569.003(1)(c), F.S.
[29] FLA. CONST. art. VII, s. 19(d)(1)
[30] *See* s. 569.003(1)(c), F.S.
[31] *See* ss. 569.11(6) and 877.112(9), F.S.

The bill requires a person accused of a violation of s. 561.11, F.S., to appear before the county court for a hearing and removes the option in current law permitting an accused person to pay the applicable fine without having to appear in county court. This may have an indeterminate impact on county courts due to the additional time and personnel required to schedule and hold these hearings.

## VI. Technical Deficiencies:

None.

## VII. Related Issues:

Section 5 repeals s. 569.002(7), F.S. This subsection provides exclusions from the meaning of "any person under the age of 18." The bill does not provide comparable exclusions for persons under 21 years of age. The elimination of these exceptions to the minimum age to purchase tobacco products, coupled with the increase of the minimum age to 21 years of age, may require active duty or reserve military personnel to be 21 to purchase or possess tobacco products, including electronic smoking devices.

The bill does not revise the definition of "tobacco products" in ch. 210, F.S., which governs the excise tax and surcharge imposed and collected on cigarettes and other tobacco products. Consequently, the bill does not affect:

- The collection of excise taxes and surcharge taxes on tobacco products; and
- The licensure, reporting, and recordkeeping of manufacturers and distributors of the additional nicotine delivery products.

Seven states, and the U.S. Territory of Guam, have raised the minimum age for a person to lawfully possess or purchase tobacco products to 21 years of age: California, New Jersey, Oregon, Hawaii, Maine, Massachusetts, and Virginia (effective July 1, 2019). At least 445 localities, including New York City, Chicago, San Francisco, San Antonio, Boston, Cincinnati, Cleveland, Columbus, and Kansas City (in Kansas and Missouri), plus Washington, D.C., have also raised the minimum to 21 years of age.[32]

## VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 210.095, 322.056, 386.212, 569.002, 569.007, 569.0075, 569.008, 569.101, 569.11, 569.12, 569.14, and 569.19.

This bill repeals section 877.112 of the Florida Statutes.

This bill creates an undesignated section of Florida law.

[32] *See* Campaign for Tobacco-Free Kids, States and Localities that have Raised the Minimum Legal Sale Age for Tobacco Products to 21, *available at* https://www.tobaccofreekids.org/assets/content/what_we_do/state_local_issues/sales_21/states_localities_MLSA_21.pdf (Last visited Mar. 15, 2019).

## 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 Innovation, Industry, and Technology on April 2, 2019:**
Under the committee substitute, the minimum age to purchase cigars remains 18 years of age.

B. Amendments:

None.

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

209878

LEGISLATIVE ACTION

| Senate | . | House |
|---|---|---|
| Comm: WD | . | |
| 04/03/2019 | . | |
| | . | |
| | . | |
| | . | |

The Committee on Innovation, Industry, and Technology (Bracy) recommended the following:

**Senate Amendment**

Delete line 213
and insert:
be used to deliver aerosolized or vaporized nicotine at a quantity of no more than 0.2 milligrams per unit to the

639684

LEGISLATIVE ACTION

| Senate | . | House |
|---|---|---|
| Comm: WD | . | |
| 04/03/2019 | . | |
| | . | |
| | . | |
| | . | |

The Committee on Innovation, Industry, and Technology (Bracy) recommended the following:

**Senate Amendment**

Delete lines 229 - 232

and insert:

snus. The term includes any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, and pipes, whether or not they contain

803016

LEGISLATIVE ACTION

| Senate | . | House |
|---|---|---|
| Comm: RCS | . | |
| 04/03/2019 | . | |
| | . | |
| | . | |
| | . | |

The Committee on Innovation, Industry, and Technology (Brandes) recommended the following:

**Senate Amendment**

Delete line 293

and insert:

products to persons under 21 ~~18~~ years of age, except for the sale of cigars which may be sold to persons 18 years of age or older, and to encourage

The Florida Senate

# Committee Agenda Request

**To:** Senator Wilton Simpson, Chair
Committee on Innovation, Industry, and Technology

**Subject:** Committee Agenda Request

**Date:** March 25, 2019

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I respectfully request that **Senate Bill 1618**, relating to Tobacco Products, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator David Simmons
Florida Senate, District 9

File signed original with committee office

S-020 (03/2004)

**THE FLORIDA SENATE**

# APPEARANCE RECORD

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

4/2/19
*Meeting Date*

1618
*Bill Number (if applicable)*

Topic Tobacco Products

209878
*Amendment Barcode (if applicable)*

Name Heather Yarnes

Job Title Sen. Gov Relations Director

Address 2501 Riverside Trail
*Street*

St. Augustine FL 32092
*City* *State* *Zip*

Phone 800-257-2111

Email heather.yarnes@cancer.org

Speaking: ☐ For ☒ Against ☐ Information

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

Representing American Cancer Society

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

4/2/19
*Meeting Date*

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

1418
*Bill Number (if applicable)*

209878
*Amendment Barcode (if applicable)*

Topic TOBACCO

Name RIVERS BUFORD III

Job Title GOV RELATIONS

Address 2851 REMINGTON GREEN
*Street*

TALLY FL 32308
*City* *State* *Zip*

Phone 850-566-9115

Email RiversBuford@heart.org

Speaking: ☐ For ☒ Against ☐ Information

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

Representing AMERICAN HEART ASSOCIATION

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)

4/2/19
*Meeting Date*

1618
*Bill Number (if applicable)*

*Amendment Barcode (if applicable)*
963984

Topic _____

Name Rivers Bryant

Job Title Govt Relations

Address 2851
*Street*

Phone _____

Tallahassee FL
*City* *State* *Zip*

Email _____

Speaking: ☐ For ☒ Against ☐ Information

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

Representing American Heart

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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**THE FLORIDA SENATE**

# APPEARANCE RECORD

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

4-2-19
*Meeting Date*

1618
*Bill Number (if applicable)*

Topic Tobacco

*Amendment Barcode (if applicable)*

Name Matt Jordan

Job Title GRD

Address 1922 Dellwood Dr
*Street*

Phone 850-514-2801

Tallahassee FL 32303
*City* *State* *Zip*

Email matt.jordan@cancer.org

Speaking: ☐ For ☐ Against ☑ Information

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

Representing American Cancer Society

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)

4/2
*Meeting Date*

SB1618
*Bill Number (if applicable)*

Topic _____

*Amendment Barcode (if applicable)*

Name T.D. Bowen

Job Title _____

Address 15812 DAWSON Ridge Dr
*Street*

Phone 813-992-0878

Tampa FL 33647
*City* *State* *Zip*

Email Terry1.Bowen@gmail.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

*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)

Duplicate

**THE FLORIDA SENATE**

# APPEARANCE RECORD

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

4/2/19
*Meeting Date*

SB 1618
*Bill Number (if applicable)*

Topic _____

*Amendment Barcode (if applicable)*

Name Robert Lovett

Job Title President - Florida Smoke Free Association

Address 4001 Conway Place Circle
*Street*

Phone 352-281-4913

Orlando FL 32812
*City* *State* *Zip*

Email _____

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

*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)

Duplicate

**THE FLORIDA SENATE**

# APPEARANCE RECORD

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

04/02/19
*Meeting Date*

SB1618
*Bill Number (if applicable)*

Topic _____

*Amendment Barcode (if applicable)*

Name Adrien Taylor

Job Title _____

Address 8114 Villa Grande Ct
*Street*

Sarasota FL 34243
*City* *State* *Zip*

Phone (941) 807-3412

Email adrienSCT@Hotmail.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

*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)

Duplicate

**THE FLORIDA SENATE**

# APPEARANCE RECORD

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

April 2 2019
*Meeting Date*

SB1618
*Bill Number (if applicable)*

Topic _____

*Amendment Barcode (if applicable)*

Name Joshua Unger

Job Title _____

Address 1970 Hillview Street
*Street*

Phone 941 306 9380

Sarasota FL 34239
*City* *State* *Zip*

Email Jungerizzo@aol.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

*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

April 2. 2019
*Meeting Date*

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

SB 1618
*Bill Number (if applicable)*

Topic _____

*Amendment Barcode (if applicable)*

Name Daniel Marlin

Job Title _____

Address 326 Ferris St.
*Street*

Green Cove Springs, Fl 32043
*City* *State* *Zip*

Phone _____

Email _____

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

*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)

Duplicate

**THE FLORIDA SENATE**

# APPEARANCE RECORD

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

4/2/2019
*Meeting Date*

SB 1618
*Bill Number (if applicable)*

Topic _____

*Amendment Barcode (if applicable)*

Name Cindi Kinch

Job Title _____

Address 370 Grand Oak Dr
*Street*

Tarpon Springs FL 34689
*City* *State* *Zip*

Phone 727-504-7773

Email Cindi.Kinch@Gmail.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)

Duplicate

**THE FLORIDA SENATE**

# APPEARANCE RECORD

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

April 2 2019
*Meeting Date*

SB 1618
*Bill Number (if applicable)*

Topic _____

*Amendment Barcode (if applicable)*

Name Cheryl Lockhart

Job Title _____

Address 4122 Woodacre Lane
*Street*

Tampa FL 33624
*City* *State* *Zip*

Phone 304-989-9116

Email Clockhart5567@gmail.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

*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)

Duplicate

**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) |
|---|---|
| 01-2-19 | SB1618 |

Amendment Barcode (if applicable)

Topic _____

Name Anthony Niebla

Job Title _____

Address 3066 englewood dr
*Street*

Largo FL 33771
*City* *State* *Zip*

Phone 727-421-3847

Email _____

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

*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)

Duplicate

**THE FLORIDA SENATE**

# APPEARANCE RECORD

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

April 2, 2019.
*Meeting Date*

SB1618
*Bill Number (if applicable)*

*Amendment Barcode (if applicable)*

Topic

Name Matthew Kleizo

Job Title CEO - Fast Eddies Vape Shop & Lounge LLC

Address 30 Keyes Ave.
*Street*

Phone 407-921-5931

Sanford FL. 32773
*City* *State* *Zip*

Email Matt@fasteddiesvape.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

*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)

April 2, 2019
*Meeting Date*

SB 1618
*Bill Number (if applicable)*

Topic Tobacco Products

*Amendment Barcode (if applicable)*

Name Patricia Greene

Job Title Senior Policy Advisor

Address 119 South Monroe Street, Suite 200
*Street*

Phone 850-591-3678

Tallahassee, Florida 32301
*City* *State* *Zip*

Email patricia.greene@mhdfirm.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing American Lung 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.*

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S-001 (10/14/14)

Duplicate

**THE FLORIDA SENATE**

# APPEARANCE RECORD

April 2, 2019
*Meeting Date*

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

SB 1618
*Bill Number (if applicable)*

Topic _____

*Amendment Barcode (if applicable)*

Name Austin Hopper

Job Title President

Address 1433 Superior Ave
*Street*

Newport Beach CA 92663
*City* *State* *Zip*

Phone 949-228-2164

Email AustinH@TailoredExposure.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

*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

4/2/19
*Meeting Date*

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

1618
*Bill Number (if applicable)*

Topic Tobacco Products

*Amendment Barcode (if applicable)*

Name Heather Youmans

Job Title Senior Gov Relations Director

Address 384 Riverclif Trail
*Street*

St. Augustine FL 32092
*City* *State* *Zip*

Phone 850-251-2111

Email heather.youmans@cancer.org

Speaking: ☑ For ☐ Against ☐ Information

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

Representing American Cancer Society

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)

4/2
*Meeting Date*

SB 1618
*Bill Number (if applicable)*

Topic Tobacco 21

*Amendment Barcode (if applicable)*

Name Jennifer Cunningham

Job Title Regional Manager · State Govt · Affairs

Address
*Street*

Phone

*City* *State* *Zip*

Email

Speaking: ☑ For ☐ Against ☑ Information

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

Representing JUUL Labs

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)

4/2/19
*Meeting Date*

SB 1618
*Bill Number (if applicable)*

Topic Tobacco Products

*Amendment Barcode (if applicable)*

Name Alexandra Abboud

Job Title Governmental Affairs Liaison

Address 118 E. Jefferson street
*Street*

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

Phone (850) 224-1089

Email AAbboud@floridadental.org

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

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

Representing Florida Dental Association

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.*

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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)

April 2, 2019
*Meeting Date*

SB 160-19
*Bill Number (if applicable)*

Topic michael Boling

*Amendment Barcode (if applicable)*

Name Michael J Boling Jr

Job Title Dba RockBottom Bottles / owner Retail

Address 8114 Villa Grand Court
*Street*
Sarasota, FL 34243
*City* *State* *Zip*

Phone 941-539-7879

Email M.vaporesdepot@gmail.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)

4-2-19
*Meeting Date*

1618
*Bill Number (if applicable)*

Topic Tobacco Products

*Amendment Barcode (if applicable)*

Name Fely Curva, Ph.D.

Job Title Senior Partner, Curva & Assoc. LLC

Address 1212 Piedmont Dr.
*Street*

Phone (850) 508-2256

Tallahassee FL 32312
*City* *State* *Zip*

Email fely.curva@gmail.com

Speaking: ☑ For ☐ Against ☐ Information

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

Representing SHAPE Florida; Budd Bell Clearinghouse on Human Services

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)

4/2/19
*Meeting Date*

1618
*Bill Number (if applicable)*

Topic Tobacco 21

*Amendment Barcode (if applicable)*

Name Mark Landreth

Job Title Gov't Relations Dir

Address 2851 Remington Green Circ
*Street*

Phone 8505443376

32308
*City* *State* *Zip*

Email mark.landreth@heart.org

Speaking: ☑ For ☐ Against ☐ Information

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

Representing American Heart Ass'n

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)

4/2/19
*Meeting Date*

1618
*Bill Number (if applicable)*

Topic Tobacco 21

*Amendment Barcode (if applicable)*

Name Rivers H. Buford III

Job Title Gov Relations D.r

Address 2851 Remington Green St A
*Street*

Phone 850.566.9119

32308
*City* *State* *Zip*

Email Rivers.Buford@heart.org

Speaking: ☑ For ☐ Against ☐ Information

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

Representing American Heart 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.*

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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)

4-2-2019
*Meeting Date*

1618
*Bill Number (if applicable)*

Topic Tobacco "21"

*Amendment Barcode (if applicable)*

Name Marnie George

Job Title Sr. Advisor, Buchanan Ingersoll & Rooney P.A.

Address 101 North Monroe St, Suite 1090
*Street*

Phone (850) 510-8866

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

Email marnie.george@bipc.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FL Chapter, American College of Cardiology

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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S-001 (10/14/14)

Duplicate

**THE FLORIDA SENATE**

# APPEARANCE RECORD

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4/2/19
*Meeting Date*

SB 1618
*Bill Number (if applicable)*

Topic _____

*Amendment Barcode (if applicable)*

Name James E Watkins

Job Title Manager / Seabreeze Vapor

Address 5039 Hwy 22 E
*Street*

Panama City FL 32404
*City* *State* *Zip*

Phone 850-215-8277

Email jamesc@seabreezevapor.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)

Duplicate

**THE FLORIDA SENATE**

# APPEARANCE RECORD

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

4/2
*Meeting Date*

SB 1618
*Bill Number (if applicable)*

Topic _____
*Amendment Barcode (if applicable)*

Name Brian Walters

Job Title Owner Seabreeze Vapor

Address 5039 Hwy 22 E
*Street*

Phone 850-628-1938

Callaway FL 32404
*City* *State* *Zip*

Email brian@seabreeze vapor.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)

4-2-19
*Meeting Date*

SB 1618
*Bill Number (if applicable)*

Topic Information

*Amendment Barcode (if applicable)*

Name J.D. McCormick

Job Title Small Business owner

Address 6265 Old Water Oak Rd #102-B
*Street*

Phone 407-508-0340

Tallahassee, FL 32312
*City* *State* *Zip*

Email jdmlpv1@gmail.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

*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.*

***rd 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)

4/2/19
*Meeting Date*

SB 1618
*Bill Number (if applicable)*

*Amendment Barcode (if applicable)*

Topic _____

Name Jonathan Risteen

Job Title Small Business Owner

Address 141 Flamingo Rd
*Street*
Edgewater FL 32141
*City* *State* *Zip*

Phone 407 489 5944

Email info@gentlemansdraw.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

*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**

# COMMITTEE VOTE RECORD

**COMMITTEE:** Innovation, Industry, and Technology
**ITEM:** SB 1618
**FINAL ACTION:** Favorable with Committee Substitute
**MEETING DATE:** Tuesday, April 2, 2019
**TIME:** 10:00 a.m.—12:00 noon
**PLACE:** 110 Senate Building

| FINAL VOTE | | | 4/02/2019 1 Amendment 209878 Bracy | | 4/02/2019 2 Amendment 639684 Bracy | | 4/02/2019 3 Amendment 803016 Brandes | |
|---|---|---|---|---|---|---|---|---|
| **Yea** | **Nay** | **SENATORS** | **Yea** | **Nay** | **Yea** | **Nay** | **Yea** | **Nay** |
| | X | Bracy | | | | | | |
| X | | Bradley | | | | | | |
| | X | Brandes | | | | | | |
| X | | Braynon | | | | | | |
| X | | Farmer | | | | | | |
| X | | Gibson | | | | | | |
| X | | Hutson | | | | | | |
| X | | Passidomo | | | | | | |
| X | | Benacquisto, VICE CHAIR | | | | | | |
| X | | Simpson, CHAIR | | | | | | |
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| 8 | 2 | **TOTALS** | - | WD | - | 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

**The Florida Senate**

# COMMITTEE VOTE RECORD

**COMMITTEE:** Innovation, Industry, and Technology
**ITEM:** SB 1618
**FINAL ACTION:** Favorable with Committee Substitute
**MEETING DATE:** Tuesday, April 2, 2019
**TIME:** 10:00 a.m.—12:00 noon
**PLACE:** 110 Senate Building

| | 4/02/2019 4<br>Motion to have staff prepare technical AMs<br><br>Brandes | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **SENATORS** | **Yea** | **Nay** | **Yea** | **Nay** | **Yea** | **Nay** | **Yea** | **Nay** |
| Bracy | | | | | | | | |
| Bradley | | | | | | | | |
| Brandes | | | | | | | | |
| Braynon | | | | | | | | |
| Farmer | | | | | | | | |
| Gibson | | | | | | | | |
| Hutson | | | | | | | | |
| Passidomo | | | | | | | | |
| Benacquisto, VICE CHAIR | | | | | | | | |
| Simpson, CHAIR | | | | | | | | |
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| **TOTALS** | FAV | - | | | | | | |
| | **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

**By** the Committee on Innovation, Industry, and Technology; and Senators Simmons, Cruz, Mayfield, and Broxson

580-03768-19 20191618c1

A bill to be entitled

An act relating to tobacco products; providing a short title; amending s. 210.095, F.S.; revising shipping documentation requirements for specified sales of tobacco products; providing criminal and noncriminal penalties; amending s. 322.056, F.S.; deleting provisions requiring driver license penalties for certain persons who commit tobacco-related offenses; amending s. 386.212, F.S.; revising the age under which it is unlawful to smoke in, on, or near school property; amending s. 569.002, F.S.; defining the terms "the minimum age for purchase" and "electronic smoking device"; redefining the term "tobacco products"; deleting exemptions relating to tobacco products for persons under a certain age who meet specified requirements related to disability of nonage, military service, emancipation by a court and release from parental care and responsibility, and acting within the scope of lawful employment with certain entities; amending s. 569.007, F.S.; conforming provisions relating to the sale of tobacco products to federal law; providing an exception to laws relating to the sale of tobacco products for establishments that prohibit persons under 21 years of age from being on the licensed premises; amending s. 569.0075, F.S.; revising the age under which the gift of tobacco products to a person by certain entities is prohibited; amending s. 569.008, F.S.; revising legislative intent to reflect that the Legislature



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

intends to prevent the sale of certain tobacco products to persons under a specified age; eliminating the division's authority to mitigate penalties imposed against a dealer for certain violations; amending s. 569.101, F.S.; revising the age limitation that applies to the sale, delivery, bartering, furnishing, or giving of certain tobacco products; revising penalties for violations; conforming the age specified in provisions related to a complete defense for persons charged with certain violations; amending s. 569.11, F.S.; deleting provisions prohibiting persons under 18 years of age from possessing tobacco products; conforming the age specified for misrepresentation of age to unlawfully acquire tobacco products; revising the penalties for certain persons who misrepresent their age; deleting a provision requiring a person participating in community service to be considered an employee of the state for certain purposes; conforming a provision to changes made by the act; amending ss. 569.12, 569.14, and 569.19, F.S.; conforming provisions to changes made by the act; repealing s. 877.112, F.S., relating to restrictions on the sale and delivery of nicotine products and nicotine dispensing devices; providing an effective date.

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

Section 1. <u>This act may be cited as the "Tobacco 21 Act."</u>

Section 2. Subsection (5) and paragraphs (e) and (g) of subsection (8) of section 210.095, Florida Statutes, are amended to read:

210.095 Mail order, Internet, and remote sales of tobacco products; age verification.—

(5) Each person who mails, ships, or otherwise delivers tobacco products in connection with an order for a delivery sale must:

(a) Include as part of the shipping documents, in a clear and conspicuous manner, the following statement: "Tobacco Products: Florida law prohibits shipping <u>cigars</u> to individuals under 18 years of age<u>, and prohibits shipping any other tobacco product to individuals under 21 years of age</u> and requires the payment of all applicable taxes."

(b) Use a method of mailing, shipping, or delivery which obligates the delivery service to require:

1. The individual submitting the order for the delivery sale or another adult who resides at the individual's address to sign his or her name to accept delivery of the shipping container. Proof of the legal minimum purchase age of the individual accepting delivery is required only if the individual appears to be under 27 years of age.

2. Proof that the individual is either the addressee or the adult designated by the addressee, in the form of a valid, government-issued identification card bearing a photograph of the individual who signs to accept delivery of the shipping container.

(c) Provide to the delivery service, if such service is used, evidence of full compliance with subsection (7).

Any person who violates paragraph (a) commits a noncriminal violation and must serve at least 20 hours of community service. Any person who violates paragraph (a) a second or subsequent time within 1 year of the first violation commits a noncriminal violation and must serve at least 40 hours of community service ~~If the person accepting a purchase order for a delivery sale delivers the tobacco products without using a delivery service, the person must comply with all of the requirements of this section which apply to a delivery service. Any failure to comply with a requirement of this section constitutes a violation thereof~~.

(8)

(e) A person who, in connection with a delivery sale, delivers tobacco products on behalf of a delivery service to an individual who is not an adult commits a misdemeanor of the second ~~third~~ degree, punishable as provided in s. 775.082 or s. 775.083.

~~(g) An individual who is not an adult and who knowingly violates any provision of this section commits a misdemeanor of the third degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 3. Section 322.056, Florida Statutes, is amended to read:

322.056 Mandatory revocation or suspension of, or delay of eligibility for, driver license for persons under age 18 found guilty of certain alcohol or~~,~~ drug~~, or tobacco~~ offenses; prohibition.—

(1) Notwithstanding ~~the provisions of~~ s. 322.055, if a



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person under 18 years of age is found guilty of or delinquent for a violation of s. 562.11(2), s. 562.111, or chapter 893, and:

(a) The person is eligible by reason of age for a driver license or driving privilege, the court shall direct the department to revoke or to withhold issuance of his or her driver license or driving privilege for a period of:

1. Not less than 6 months and not more than 1 year for the first violation.

2. Two years, for a subsequent violation.

(b) The person's driver license or driving privilege is under suspension or revocation for any reason, the court shall direct the department to extend the period of suspension or revocation by an additional period of:

1. Not less than 6 months and not more than 1 year for the first violation.

2. Two years, for a subsequent violation.

(c) The person is ineligible by reason of age for a driver license or driving privilege, the court shall direct the department to withhold issuance of his or her driver license or driving privilege for a period of:

1. Not less than 6 months and not more than 1 year after the date on which he or she would otherwise have become eligible, for the first violation.

2. Two years after the date on which he or she would otherwise have become eligible, for a subsequent violation.

However, the court may~~, in its sound discretion,~~ direct the department to issue a license for driving privileges restricted



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to business or employment purposes only, as defined in s. 322.271, if the person is otherwise qualified for such a license.

~~(2) If a person under 18 years of age is found by the court to have committed a noncriminal violation under s. 569.11 or s. 877.112(6) or (7) and that person has failed to comply with the procedures established in that section by failing to fulfill community service requirements, failing to pay the applicable fine, or failing to attend a locally available school-approved anti-tobacco program, and:~~

~~(a) The person is eligible by reason of age for a driver license or driving privilege, the court shall direct the department to revoke or to withhold issuance of his or her driver license or driving privilege as follows:~~

~~1. For the first violation, for 30 days.~~

~~2. For the second violation within 12 weeks of the first violation, for 45 days.~~

~~(b) The person's driver license or driving privilege is under suspension or revocation for any reason, the court shall direct the department to extend the period of suspension or revocation by an additional period as follows:~~

~~1. For the first violation, for 30 days.~~

~~2. For the second violation within 12 weeks of the first violation, for 45 days.~~

~~(c) The person is ineligible by reason of age for a driver license or driving privilege, the court shall direct the department to withhold issuance of his or her driver license or driving privilege as follows:~~

~~1. For the first violation, for 30 days.~~



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~~2. For the second violation within 12 weeks of the first violation, for 45 days.~~

~~Any second violation of s. 569.11 or s. 877.112(6) or (7) not within the 12-week period after the first violation will be treated as a first violation and in the same manner as provided in this subsection.~~

~~(3) If a person under 18 years of age is found by the court to have committed a third violation of s. 569.11 or s. 877.112(6) or (7) within 12 weeks of the first violation, the court must direct the Department of Highway Safety and Motor Vehicles to suspend or withhold issuance of his or her driver license or driving privilege for 60 consecutive days. Any third violation of s. 569.11 or s. 877.112(6) or (7) not within the 12-week period after the first violation will be treated as a first violation and in the same manner as provided in subsection (2).~~

(2) ~~(4)~~ A penalty imposed under this section shall be in addition to any other penalty imposed by law.

~~(5) The suspension or revocation of a person's driver license imposed pursuant to subsection (2) or subsection (3), shall not result in or be cause for an increase of the convicted person's, or his or her parent's or legal guardian's, automobile insurance rate or premium or result in points assessed against the person's driving record.~~

Section 4. Subsection (1) of section 386.212, Florida Statutes, is amended to read:

386.212 Smoking prohibited near school property; penalty.—

(1) It is unlawful for any person under 18 years of age to



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smoke a cigar, or any person under 21 years of age to smoke any other tobacco product, in, on, or within 1,000 feet of the real property comprising a public or private elementary, middle, or secondary school between the hours of 6 a.m. and midnight. This section does not apply to any person occupying a moving vehicle or within a private residence.

Section 5. Present subsections (3), (4), and (5) of section 569.002, Florida Statutes, are redesignated as subsections (5), (6), and (7), respectively, present subsections (6) and (7) of that section are amended, and new subsections (3) and (4) are added to that section, to read:

569.002 Definitions.—As used in this chapter, the term:

(3) "Electronic smoking device" means any device that can be used to deliver aerosolized or vaporized nicotine to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. The term includes any component, part, or accessory of such a device, sold separately or with the device, and includes any substance intended to be aerosolized or vaporized during the use of the device. The term does not include drugs, devices, or combination products authorized for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

(4) "The minimum age for purchase" means 18 years of age for cigars and 21 years of age for any other tobacco product.

(8) ~~(6)~~ "Tobacco products" means any product that is made from or derived from tobacco or that contains nicotine and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or

ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. The term includes electronic smoking devices and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, and liquids used in electronic smoking devices, whether or not they contain nicotine. The term does not include drugs, devices, or combination products authorized for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act ~~includes loose tobacco leaves, and products made from tobacco leaves, in whole or in part, and cigarette wrappers, which can be used for smoking, sniffing, or chewing.~~

~~(7) "Any person under the age of 18" does not include any person under the age of 18 who:~~

~~(a) Has had his or her disability of nonage removed under chapter 743;~~

~~(b) Is in the military reserve or on active duty in the Armed Forces of the United States;~~

~~(c) Is otherwise emancipated by a court of competent jurisdiction and released from parental care and responsibility; or~~

~~(d) Is acting in his or her scope of lawful employment with an entity licensed under the provisions of chapter 210 or this chapter~~.

Section 6. Subsections (3) through (5) of section 569.007, Florida Statutes, are redesignated as subsections (2) through (4), respectively, and subsection (1) and present subsection (2) of that section are amended, to read:



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569.007 Sale or delivery of tobacco products; restrictions.—

(1) In order to prevent persons under the minimum age for purchase ~~18 years of age~~ from purchasing or receiving tobacco products, the sale or delivery of tobacco products is prohibited, except when the tobacco products are sold from behind a counter and are required to be retrieved and hand delivered by an employee to the consumer. Sales from a vending machine are prohibited. This section does not apply to an establishment that prohibits persons under 21 years of age on the licensed premises~~:~~

~~(a) When under the direct control or line of sight of the dealer or the dealer's agent or employee; or~~

~~(b) Sales from a vending machine are prohibited under the provisions of paragraph (1)(a) and are only permissible from a machine that is equipped with an operational lockout device which is under the control of the dealer or the dealer's agent or employee who directly regulates the sale of items through the machine by triggering the lockout device to allow the dispensing of one tobacco product. The lockout device must include a mechanism to prevent the machine from functioning if the power source for the lockout device fails or if the lockout device is disabled, and a mechanism to ensure that only one tobacco product is dispensed at a time.~~

~~(2) The provisions of subsection (1) shall not apply to an establishment that prohibits persons under 18 years of age on the licensed premises~~.

Section 7. Section 569.0075, Florida Statutes, is amended to read:

569.0075 Gift of sample tobacco products prohibited.—The gift of sample tobacco products to any person under the minimum age for purchase ~~of 18~~ by an entity licensed or permitted under ~~the provisions of~~ chapter 210 or this chapter, or by an employee of such entity, is prohibited and is punishable as provided in s. 569.101.

Section 8. Subsections (1), (2), and (3) of section 569.008, Florida Statutes, are amended to read:

569.008 Responsible retail tobacco products dealers; qualifications; mitigation of disciplinary penalties; diligent management and supervision; presumption.—

(1) The Legislature intends to prevent the sale of tobacco products to persons under the minimum age for purchase ~~18 years of age~~ and to encourage retail tobacco products dealers to comply with responsible practices in accordance with this section.

(2) To qualify as a responsible retail tobacco products dealer, the dealer must establish and implement procedures designed to ensure that the dealer's employees comply with ~~the provisions of~~ this chapter. The dealer must provide a training program for the dealer's employees which addresses the use and sale of tobacco products and which includes at least the following topics:

(a) Laws covering the sale of tobacco products.

(b) Methods of recognizing and handling customers under the minimum age for purchase ~~18 years of age~~.

(c) Procedures for proper examination of identification cards in order to verify that customers are not under the minimum age for purchase ~~18 years of age~~.

(d) The use of the age audit identification function on electronic point-of-sale equipment, where available.

~~(3) In determining penalties under s. 569.006, the division may mitigate penalties imposed against a dealer because of an employee's illegal sale of a tobacco product to a person under 18 years of age if the following conditions are met:~~

~~(a) The dealer is qualified as a responsible dealer under this section.~~

~~(b) The dealer provided the training program required under subsection (2) to that employee before the illegal sale occurred.~~

~~(c) The dealer had no knowledge of that employee's violation at the time of the violation and did not direct, approve, or participate in the violation.~~

~~(d) If the sale was made through a vending machine, the machine was equipped with an operational lock-out device.~~

Section 9. Section 569.101, Florida Statutes, is amended to read:

569.101 Selling, delivering, bartering, furnishing, or giving tobacco products to persons under the minimum age for purchase ~~18 years of age~~; criminal penalties; defense.—

(1) It is unlawful to sell, deliver, barter, furnish, or give, directly or indirectly, to any person who is under the minimum age for purchase ~~18 years of age~~, any tobacco product.

(2) Any person who violates subsection (1) commits a noncriminal violation punishable by a fine of not more than $500 ~~misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083~~. However, any person who violates subsection (1) for a second or subsequent time within 1 year of



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the first violation~~,~~ commits a noncriminal violation punishable by a fine of not more than $1,000 ~~misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083~~.

(3) A person charged with a violation of subsection (1) has a complete defense if, at the time the tobacco product was sold, delivered, bartered, furnished, or given:

(a) The buyer or recipient falsely evidenced that she or he was the minimum age for purchase ~~18 years of age~~ or older;

(b) The appearance of the buyer or recipient was such that a prudent person would believe the buyer or recipient to be the minimum age for purchase ~~18 years of age~~ or older; and

(c) Such person carefully checked a driver license or an identification card issued by this state or another state of the United States, a passport, or a United States armed services identification card presented by the buyer or recipient and acted in good faith and in reliance upon the representation and appearance of the buyer or recipient in the belief that the buyer or recipient was 21 ~~18~~ years of age or older.

Section 10. Section 569.11, Florida Statutes, is amended to read:

569.11 ~~Possession,~~ Misrepresenting age ~~or military service~~ to purchase~~,~~ and purchasing ~~purchase of~~ tobacco products by persons under the minimum age for purchase ~~18 years of age~~ prohibited; penalties; jurisdiction~~; disposition of fines~~.—

~~(1) It is unlawful for any person under 18 years of age to knowingly possess any tobacco product. Any person under 18 years of age who violates the provisions of this subsection commits a noncriminal violation as provided in s. 775.08(3), punishable by:~~



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~~(a) For a first violation, 16 hours of community service or, instead of community service, a $25 fine. In addition, the person must attend a school-approved anti-tobacco program, if locally available;~~

~~(b) For a second violation within 12 weeks of the first violation, a $25 fine; or~~

~~(c) For a third or subsequent violation within 12 weeks of the first violation, the court must direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend or revoke the person's driver license or driving privilege, as provided in s. 322.056.~~

~~Any second or subsequent violation not within the 12-week time period after the first violation is punishable as provided for a first violation.~~

(1)~~(2)~~ It is unlawful for any person under the minimum age for purchase ~~18 years of age~~ to misrepresent his or her age ~~or military service~~ for the purpose of inducing a dealer or an agent or employee of the dealer to sell, give, barter, furnish, or deliver any tobacco product, or to purchase, or attempt to purchase, any tobacco product from a person or a vending machine. ~~Any person under 18 years of age who violates a provision of this subsection commits a noncriminal violation as provided in s. 775.08(3), punishable by:~~

~~(a) For a first violation, 16 hours of community service or, instead of community service, a $25 fine and, in addition, the person must attend a school-approved anti-tobacco program, if available;~~

~~(b) For a second violation within 12 weeks of the first~~



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~~violation, a $25 fine; or~~

~~(c) For a third or subsequent violation within 12 weeks of the first violation, the court must direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend or revoke the person's driver license or driving privilege, as provided in s. 322.056.~~

~~Any second or subsequent violation not within the 12-week time period after the first violation is punishable as provided for a first violation.~~

~~(3) Any person under 18 years of age cited for committing a noncriminal violation under this section must sign and accept a civil citation indicating a promise to appear before the county court or comply with the requirement for paying the fine and must attend a school-approved anti-tobacco program, if locally available. If a fine is assessed for a violation of this section, the fine must be paid within 30 days after the date of the citation or, if a court appearance is mandatory, within 30 days after the date of the hearing.~~

(2) ~~(4)~~ A person charged with a noncriminal violation under this section must appear before the county court ~~or comply with the requirement for paying the fine~~. The court, after a hearing, shall make a determination as to whether the noncriminal violation was committed. If the court finds the violation was committed, it shall impose an appropriate penalty as specified in subsection (3).

(3) Any person who violates subsection (1) commits a noncriminal violation and must serve at least 20 hours of community service. Any person who violates subsection (1) a



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second or subsequent time within 1 year of the first violation commits a noncriminal violation and must serve at least 40 hours of community service ~~(1) or subsection (2). A person who participates in community service shall be considered an employee of the state for the purpose of chapter 440, for the duration of such service.~~

~~(5)(a) If a person under 18 years of age is found by the court to have committed a noncriminal violation under this section and that person has failed to complete community service, pay the fine as required by paragraph (1)(a) or paragraph (2)(a), or attend a school-approved anti-tobacco program, if locally available, the court must direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend the driver license or driving privilege of that person for a period of 30 consecutive days.~~

~~(b) If a person under 18 years of age is found by the court to have committed a noncriminal violation under this section and that person has failed to pay the applicable fine as required by paragraph (1)(b) or paragraph (2)(b), the court must direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend the driver license or driving privilege of that person for a period of 45 consecutive days.~~

~~(6) Eighty percent of all civil penalties received by a county court pursuant to this section shall be remitted by the clerk of the court to the Department of Revenue for transfer to the Department of Education to provide for teacher training and for research and evaluation to reduce and prevent the use of tobacco products by children. The remaining 20 percent of civil penalties received by a county court pursuant to this section~~



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~~shall remain with the clerk of the county court to cover administrative costs~~.

Section 11. Paragraph (b) of subsection (2) and subsection (3) of section 569.12, Florida Statutes, are amended to read:

569.12 Jurisdiction; tobacco product enforcement officers or agents; enforcement.—

(2)

(b) A tobacco product enforcement officer is authorized to issue a citation to a person under the minimum age for purchase ~~of 18~~ when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of s. 386.212 or s. 569.11.

(3) A correctional probation officer as defined in s. 943.10(3) is authorized to issue a citation to a person under the minimum age for purchase ~~of 18~~ when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of s. 569.11.

Section 12. Section 569.14, Florida Statutes, is amended to read:

569.14 Posting of a sign stating that the sale of tobacco products to persons under the minimum age for purchase ~~18 years of age~~ is unlawful; enforcement; penalty.—

(1) A dealer that sells tobacco products shall post a clear and conspicuous sign in each place of business where such products are sold which substantially states the following:

THE SALE OF CIGARS TO PERSONS UNDER THE AGE OF 18, OR ANY OTHER TOBACCO PRODUCTS TO PERSONS UNDER THE AGE OF



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21, ~~18~~ IS AGAINST FLORIDA LAW. PROOF OF AGE IS REQUIRED FOR PURCHASE.

~~(2) A dealer that sells tobacco products and nicotine products or nicotine dispensing devices, as defined in s. 877.112, may use a sign that substantially states the following:~~

~~THE SALE OF TOBACCO PRODUCTS, NICOTINE PRODUCTS, OR NICOTINE DISPENSING DEVICES TO PERSONS UNDER THE AGE OF 18 IS AGAINST FLORIDA LAW. PROOF OF AGE IS REQUIRED FOR PURCHASE.~~

~~A dealer that uses a sign as described in this subsection meets the signage requirements of subsection (1) and s. 877.112.~~

(2)~~(3)~~ The division shall make available to dealers of tobacco products signs that meet the requirements of subsection (1) ~~or subsection (2)~~.

(3)~~(4)~~ Any dealer that sells tobacco products shall provide at the checkout counter in a location clearly visible to the dealer or the dealer's agent or employee instructional material in a calendar format or similar format to assist in determining whether a person is of legal age to be sold ~~purchase~~ tobacco products. This point of sale material must contain substantially the following language:

IF YOU WERE NOT BORN BEFORE THIS DATE
(insert date and applicable year)
YOU CANNOT BE SOLD ANY CIGARS.



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IF YOU WERE NOT BORN BEFORE THIS DATE

(insert date and applicable year)

YOU CANNOT BE SOLD ANY OTHER ~~BUY~~ TOBACCO PRODUCTS.

Upon approval by the division, in lieu of a calendar a dealer may use card readers, scanners, or other electronic or automated systems that can verify whether a person is of legal age to purchase tobacco products. Failure to comply with the provisions contained in this subsection shall result in imposition of administrative penalties as provided in s. 569.006.

(4) ~~(5)~~ The division, through its agents and inspectors, shall enforce this section.

(5) ~~(6)~~ Any person who fails to comply with subsection (1) is guilty of a misdemeanor of the second degree, punishable as provided in ~~s. 775.082 or~~ s. 775.083.

Section 13. Subsection (4) of section 569.19, Florida Statutes, is amended to read:

569.19 Annual report.—The division shall report annually with written findings to the Legislature and the Governor by December 31, on the progress of implementing the enforcement provisions of this chapter. This must include, but is not limited to:

(4) The number of persons under the minimum age for purchase ~~18~~ cited for violations of s. 569.11 and sanctions imposed as a result of citation.

Section 14. Section 877.112, Florida Statutes, is repealed.

Section 15. This act shall take effect October 1, 2019.



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**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 Banking and Insurance

| | |
|---|---|
| BILL: | CS/SB 1704 |
| INTRODUCER: | Banking and Insurance Committee and Senator Wright |
| SUBJECT: | Department of Financial Services |
| DATE: | April 1, 2019 |
| REVISED: | |

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|---|---|---|---|---|
| 1. | Billmeier | Knudson | BI | **Fav/CS** |
| 2. | Wiehle | Imhof | IT | **Pre-Meeting** |
| 3. | | | RC | |

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

## I. Summary:


CS/SB 1704 is the agency bill for the Department of Financial Services.

The bill allows the Division of Treasury to maintain warrants paid rather than turning them over to the Division of Auditing and Accounting and extending the retention period from 5 to 10 years.

The bill amends Florida Funeral, Cemetery, and Consumer Services Act to:

- Allow a funeral director in charge to supervise up to two facilities, provided they are within a specified distance from one another;
- Authorize out of state trust companies to service a funeral or cemetery's care and maintenance trust fund;
- Provide criteria for internship programs for a joint funeral director and embalmer license applicant; and
- Allow out of state trust companies to receive funds from a preneed contract without obtaining a preneed license.

The bill amends various licensing statutes administered by the Division of Agent and Agency Services. The bill:

- Allows applicants that have committed certain felonies to obtain a license on a probationary basis once the applicant has served at least half of the disqualifying period if the applicant has not committed any crimes during that time;

- Creates a temporary license for personal lines agents similar to the temporary license existing in other lines;
- Provides that licenses for industrial fire or burglary agents will no longer be issued but allows current license holders to maintain their licenses;
- Eliminates examination requirements for industrial fire insurance and burglary insurance agents as well as crop hail and multiple-peril crop insurance agents; and
- Provides the DFS the discretion to deny an application for an insurance agency license on the grounds that another jurisdiction has taken an adverse action against a professional license held by that person.

The bill amends the DFS property insurance mediation program to require the mediator to report a settlement through mediation to all parties within 10 days after the conclusion of the mediation. The report must include the settlement amount.

The bill amends statutes relating to the State Fire Marshal to provide that identification of state-owned and leased buildings will no longer be determined by the U.S. National Grid Coordinate System and to direct the Division of State Fire Marshal to develop employer best practices for firefighter cancer prevention. It also clarifies requirements for installation of fire extinguishers and preengineered systems.

The bill amends the Disposition of Unclaimed Property Act to allow the DFS to automatically disburse certain unclaimed property accounts to verified claimants.

## II. Present Situation:

The Department of Financial Services (DFS) is created by s. 20.121, F.S. The agency head for the DFS is the Chief Financial Officer (CFO).[1] The DFS has the following divisions and offices:

- Division of Accounting and Auditing;
- Division of Consumer Services;
- Division of Funeral, Cemetery, and Consumer Services;
- Division of Insurance Agent and Agency Services;
- Division of Investigative and Forensic Services;
- Division of Public Assistance Fraud;
- Division of Rehabilitation and Liquidation;
- Division of Risk Management;
- Division of State Fire Marshal;
- Division of Treasury;
- Division of Unclaimed Property;
- Division of Workers' Compensation;
- Division of Administration; and
- Office of Insurance Consumer Advocate.[2]

[1] Section 20.121(1), F.S.
[2] Section 20.121(2), F.S.

The bill deals with various divisions and programs within the DFS. The divisions and programs changed by the bill are briefly discussed as follows.

**Division of the Treasury**

The CFO, or Treasurer, is the state treasurer.[3] The Division of the Treasury within the DFS has three bureaus:

- Bureau of Funds Management;
- Bureau of Collateral Management; and
- Bureau of Deferred Compensation.[4]

Section 17.56, F.S., requires the Division of Treasury to turn over to the Division of Accounting and Auditing all warrants drawn by the Chief Financial Officer or the Comptroller and paid by the Division of Treasury. The warrants shall be turned over as soon as the Division of Treasury shall have recorded such warrants and charged the same against the accounts upon which such warrants are drawn. The DFS reports that this requirement was created with the divisions were housed in separate agencies.[5]

**Division of Funeral, Cemetery, and Consumer Services**

***Regulation of Licensees***

The Board of Funeral, Cemetery, and Consumer Services, within the DFS, licenses and regulates cemeteries, funeral directors, embalmers, burial rights brokers, and others in the death care industry. The Board of Funeral, Cemetery, and Consumer Services licenses:

- Embalmer apprentices;
- Embalmer interns;
- Funeral director interns;
- Funeral directors;
- Funeral director and embalmers;
- Direct disposers;
- Monument establishment sales agents; and
- Preneed sales agents.

Current law generally requires each establishment have a licensed funeral director, embalmer, or direct disposer in charge of that establishment. Section 497.380, F.S., provides that each licensed funeral establishment must have one full-time funeral director in charge. Since October 1, 2010, the full-time funeral director in charge must hold an active, valid embalmer license or combination license as a funeral director and an embalmer under most circumstances. Section 497.476, F.S., allows persons to be licensed as both a funeral director and an embalmer.

[3] Section 20.121(1), F.S.
[4] Department of Financial Services, Division of Treasury, *Annual Report 2018* (available at https://www.myfloridacfo.com/Division/Treasury/Reports/AnnualReports/docs/2018TreasuryAnnualReport.pdf (last visited Mar. 27, 2019).
[5] *See* Department of Financial Services, *SB 1704 Legislative Bill Analysis* (Mar. 27, 2019) (on file with the Senate Committee on Innovation, Industry, and Technology).

Persons holding a combination license as a funeral director and an embalmer are subject to regulation both as a funeral director and an embalmer.

The full-time funeral director may not be the full-time funeral director in charge of any other funeral establishment or of any other direct disposal establishment. The funeral director in charge is responsible for ensuring that the facility, its operation, and all persons employed in the facility comply with all applicable federal and state laws and rules.[6] Each establishment must have a funeral director reasonably available to the public during normal business hours.[7]

Section 497.385, F.S., requires each licensed centralized embalming facility to have at least one full-time embalmer in charge. The full-time embalmer in charge may not be the full-time embalmer in charge, full-time funeral director in charge, or full-time direct disposer in charge of any other establishment licensed under ch. 497, F.S.

Section 497.606, F.S., requires each cinerator facility to have one full-time licensed direct disposer or licensed funeral director in charge for that facility. Such person may be in charge of only one facility. The licensed funeral director or licensed direct disposer is responsible for making sure the facility, its operations, and all persons employed in the facility comply with all applicable state and federal laws and rules.[8]

***Preneed Contracts***

A "preneed contract" is any arrangement or method, of which the provider of funeral merchandise or services has actual knowledge, whereby any person agrees to furnish funeral merchandise or service in the future.[9] Persons who sell preneed contracts are licensed by the Board of Funeral, Cemetery, and Consumer Services.[10] Section 497.458, F.S., requires any person who receives funds under a preneed contract for funeral services or merchandise or burial services or merchandise to deposit certain percentages of the amounts received with a trust company operating pursuant to ch. 660, F.S., with a national or state bank holding trust powers, or with a federal or state savings and loan association holding trust powers. Trust companies operating under ch. 660, F.S., are domiciled in Florida.

***Care and Maintenance Trust Funds***

A cemetery company has a duty to ensure that the grounds, structures, and other improvements of the cemetery are well cared for and maintained in a proper and dignified condition.[11] The cemetery company must establish a "care and maintenance" trust fund with a trust company operating under ch. 660, F.S.

[6] Section 497.380(7), F.S.
[7] *Id.*
[8] Section 497.606(8), F.S.
[9] Section 497.005(61), F.S.
[10] Section 497.453, F.S.
[11] Section 497.262, F.S.

**Division of Agent and Agency Services**

The DFS licenses and regulates insurance agents, insurance agencies, and insurance adjusters. There are over 50 different types of licenses. Typically, obtaining a license involves completing education requirements, submitting to a criminal and professional background check, passing an examination, and paying a license fee. Some licensees must act as apprentices supervised by others when performing duties. This bill makes changes to various agent licensing provisions. Each change is discussed in Section III, Effect of Proposed Changes.

**DFS Property Insurance Mediation Program**

Section 627.7015, F.S., creates a property insurance mediation program through the DFS. It is available for claims under personal lines and commercial residential policies before commencing the appraisal process, or before commencing litigation.[12] An insurer must notify the policyholder of the right to participate in mediation at the time of the claim.[13] Mediation is nonbinding. However, if a written settlement is reached, the policyholder has 3 business days within which the policyholder may rescind the settlement unless the policyholder has cashed or deposited any check or draft disbursed to the policyholder for the disputed matters as a result of the conference. If a settlement agreement is reached and is not rescinded, it is binding and acts as a release of all specific claims that were presented in that mediation conference.[14]

**Division of State Fire Marshal**

The CFO serves as the State Fire Marshal.[15] The Division of State Fire Marshal:

- Conducts fire/life safety inspections and construction plans review on all state-owned buildings;
- Regulates the fireworks and the fire sprinkler industries, inspects and licenses boilers;
- Certifies fire suppression industry workers;
- Approves firefighter training curricula;
- Offers fire service training at the Florida State Fire College; and
- Certifies that fire service members meet industry-based standards.[16]

**Division of Unclaimed Property**

The DFS administers the Florida Disposition of Unclaimed Property Act. Unclaimed property is any funds or other property, tangible or intangible, that has remained unclaimed by the owner for a certain number of years. Unclaimed property may include savings and checking accounts, money orders, travelers' checks, uncashed payroll or cashiers' checks, stocks, bonds, other securities, insurance policy payments, refunds, security and utility deposits, and contents of safe deposit boxes.[17] The DFS Division of Unclaimed Property is responsible for receiving property,

[12] Section 627.7015(1), F.S.
[13] Section 627.7015(2), F.S.
[14] Section 627.7015(6), F.S.
[15] Section 633.104, F.S.
[16] *See* https://www.myfloridacfo.com/division/sfm/ (last visited Mar. 27, 2019).
[17] Sections 717.104-717.116, F.S.

attempting to locate the rightful owners, and returning the property or proceeds to them. There is no statute of limitations and persons may claim their property at any time and at no cost.

## III. Effect of Proposed Changes:

**Financial Records and Reporting of Audits**

**Section 1** requires the Division of Treasury to maintain all warrants drawn by the CFO for a period of 10 years from the date the warrant was presented for payment. It removes the requirement that the Division of Treasury turn over the warrants to the Division of Accounting and Auditing.

**Division of Funeral, Cemetery, and Consumer Services**

***Regulation of Licensees***

**Sections 6, 7, 12, and 13** amend ss. 497.380, 497.385, 497.604, and 497.606, F.S., to allow a funeral director with appropriate licenses to serve as a funeral director in charge for a total of two funeral establishments, centralized embalming facilities, direct disposal establishments, or cinerator facilities as long as the two locations are not more than 75 miles apart measured in a straight line. The bill allows a funeral director to serve as a funeral director in charge if the establishment does not have an embalming room on site.

**Section 7** amends s. 497.385, F.S., to allow an embalmer in charge of a centralized embalming facility to also serve as a funeral director in charge or as a direct disposer in charge if the embalmer has appropriate licenses. The bill makes changes to the combination license for funeral directors and embalmers.

**Section 4** amends s. 497.376, F.S., to require an applicant for a combination license as a funeral director and an embalmer to hold the educational credentials required for licensure as a funeral director, which are:

- An associate in arts degree, associate in science degree, or an associate in applied science degree in mortuary science approved by the licensing authority; or
- An associate degree or higher from a college or university accredited by a regional accrediting agency recognized by the United States Department of Education and be a graduate of a course of study in mortuary science or funeral service arts approved by the licensing authority from a college or university accredited by the American Board of Funeral Service Education.

**Section 5** amends s. 497.377, F.S., relating to internship requirements for combined licensure as a funeral director and embalmer. The bill allows the internship requirement for licensure as funeral director and the internship requirement for licensure as an embalmer to be served concurrently. The bill provides that an applicant for combined licensure as a funeral director and embalmer who has not completed the educational credentials required for that license is eligible for licensure as a combination funeral director and embalmer intern if the applicant:

- Is currently enrolled in and attending a college accredited by the American Board of Funeral Service Education in an accredited course of study in mortuary science;

- Has completed at least 75 percent of the course of study in mortuary science, as certified by the college in which the applicant is currently enrolled; and
- Has taken and received a passing grade in a college credit course in mortuary law or funeral service law and has taken and received a passing grade in a college credit course in ethics.

The bill requires an application for internship for a combination funeral director and embalmer license to include the name and address of the funeral director and the embalmer who will supervise the intern and the name of the licensed funeral establishment where the training will be conducted.

The bill provides that a combination funeral director and embalmer intern may perform only the tasks, functions, and duties relating to funeral directing and embalming which are performed under the direct supervision of a licensed funeral director or an embalmer. "Direct supervision" means supervision by a licensed:

- Funeral director who provides initial direction and periodic inspection of the arrangements and who is physically present or on the premises of the funeral establishment at all times when the tasks, functions, and duties relating to funeral directing are performed; or
- Embalmer who provides initial direction and instruction regarding the preservation of a dead human body in its entirety or in part and who is physically present or on the premises of the funeral establishment or embalming facility at all times when the tasks, functions, and duties relating to embalming are performed.[18]

The bill creates an exception to the direct supervision requirement upon the intern's graduation from an accredited college with an appropriate degree and the intern's passage of the laws and rules examination required by the Board of Funeral, Cemetery, and Consumer Services. If the intern meets those conditions and the funeral director in charge of the internship training agency certifies to the Board of Funeral, Cemetery, and Consumer Services that the intern is competent to complete the internship under general supervision, the intern may complete the internship under general supervision. "General supervision" means supervision by a licensed:

- Funeral director who is reasonably available and in a position to provide direction and guidance by being physically present, being on the premises of the funeral establishment, or being in proximity to the funeral establishment and available telephonically or by electronic communication at all times when the tasks, functions, and duties relating to funeral directing are performed; or
- Embalmer who is reasonably available and in a position to provide direction and guidance by being physically present, being on the premises of the funeral establishment or embalming facility, or being in proximity to the funeral establishment or embalming facility and available telephonically or by electronic communication at all times when the tasks, functions, and duties relating to embalming are performed.[19]

The bill provides that a combination funeral director and embalmer intern license expires one year after issuance. The bill allows the Board of Funeral, Cemetery, and Consumer Services to adopt rules that allow a combination funeral director and embalmer intern to renew her or his funeral director and embalmer intern license for an additional one-year period if the combination

[18] Section 497.002(29), F.S.
[19] Section 497.002(39), F.S.

funeral director and embalmer intern demonstrates her or his failure to complete the internship before expiration of the license due to illness, personal injury, or other substantial hardship beyond her or his reasonable control or demonstrates that she or he has completed the requirements for licensure as a combination funeral director and embalmer but is awaiting the results of a licensure examination.

***Preneed Contracts***

**Sections 2, 3, 8, 10, and 11** amend ss. 626.8732, 497.266, 497.452, 497.458, and 497.464, F.S., to eliminate the requirement that trust companies holding care and maintenance trust funds and preneed trust funds must be operating pursuant to ch. 660, F.S., thus allowing licensees to use national trust companies.

Section 497.453, F.S., requires preneed licensees to file an annual report on the activities of any trust established pursuant to the Florida Funeral, Cemetery, and Consumer Services Act. **Section 9** amends that section to require preneed licensees which sold 15,000 or more preneed contracts in a year to file additional trust reports. The bill defines "Year 1" as a year in which a preneed licensee sells, or a group of preneed licensees under common control sells in aggregate, 15,000 or more preneed contracts in this state. The bill defines "Year 2" as the year immediately after Year 1. In Year 2, the bill requires the licensee or licensees to prepare a report of Florida preneed operations in Year 1 on a form prescribed by rule. The licensee must cause and pay for such report to be audited by an independent certified public accounting firm concerning the accuracy and fairness of the presentation of the data provided in the report. By December 31 of Year 2, the licensee must provide the report to the Division of Funeral, Cemetery, and Consumer Services along with a written and signed opinion of the certified public accounting firm concerning the accuracy and fairness of the presentation of the data reported in the report. The report must be prepared and submitted using forms and procedures specified by DFS rule. The bill provides that the DFS may adopt rules specifying the format of the report and the information to be reported.

**Division of Agent and Agency Services**

Section 626.175, F.S., allows the DFS to issue temporary licenses as certain types of insurance agents. For example, the DFS may issue a temporary license as a general lines agent so a person can wind up the business affairs of another agent.[20] Personal lines agents are limited to transacting business related to property and casualty insurance sold to individuals and families for noncommercial purposes.[21] There is no provision in s. 626.175, F.S., allowing temporary licenses as personal lines agents.

**Section 16** amends that section to allow the DFS to issue a temporary license as personal lines agent:

- To the executor or administrator of the estate of a deceased individual who was licensed and appointed as a personal lines agent at the time of his or her death;

[20] *See* s. 626.175, F.S., and https://www.myfloridacfo.com/Division/Agents/Licensure/General/docs/T02-20.htm (last visited Mar. 19, 2019).
[21] *See* ss. 626.015(17), 626.311, F.S.

- To a surviving next of kin of the deceased individual if no administrator or executor has been appointed and qualified; or
- To an individual otherwise qualified to be licensed as an agent, who has completed the educational or training requirements, and who is appointed to represent an insurer of the industrial[22] or ordinary-combination class[23] solely for the purpose of collecting premiums and servicing in-force policies.

The bill removes industrial fire and burglary agents from the temporary license statute because the license types are being eliminated by the bill. **Section 25** Amends that section to make a conforming change to s. 626.729, F.S.

The bill removes the requirement that a temporary life agent has sat for the life agent examination prior to the termination of the temporary appointment. The temporary life agent must be appointed to represent an insurer of the industrial or ordinary-combination class solely for the purpose of collecting premiums and servicing in-force policies.

**Section 17** allows an applicant who has been found guilty of or has pleaded guilty or nolo contendere to a felony not subject to a permanent bar and not subject to a fifteen-year disqualifying period to obtain a license on a probationary basis. The applicant must have served at least half of the disqualifying period and, during that time, the applicant must have not been found guilty or not pleaded guilty or nolo contendere to a crime. If the DFS issues a probationary license, the probation period ends upon the end of the disqualifying period.

**Section 18** amends s. 626.221, F.S., to provide that an applicant for an all-lines adjuster license who has been licensed as an all-lines adjuster and appointed as an independent adjuster or company employee adjuster is exempt from the examination if an application for licensure is filed within 48 months following the date of cancellation or expiration of the prior appointment.

Section 626.2815, F.S., mandates continuing education for insurance agents and insurance adjusters. **Section 19** amends that section to remove continuing education requirement for license types that have been eliminated in recent years or are being eliminated by this bill.

**Section 20** amends s. 626.321, F.S., to provide that no new or additional licenses to transact industrial fire insurance or burglary insurance[24] will be issued after July 1, 2019. There are

[22] Section 626.782, F.S., defines an "industrial class insurer" is an insurer writing industrial life insurance and as to such insurance operates under a system of collecting a debit by its agent. Section 627.502, F.S., defines "industrial life insurance" as that form of life insurance written under policies under which premiums are payable monthly or more often, bearing the words "industrial policy" or "weekly premium policy" or words of similar import imprinted upon the policies as part of the descriptive matter, and issued by an insurer which, as to such industrial life insurance, is operating under a system of collecting a debit by its agent.

[23] An "ordinary-combination class insurer" is an insurer writing both ordinary class insurance and industrial class insurance. *See* s. 626.783, F.S.

[24] Section 626.729, F.S., provides "industrial fire insurance" is insurance against loss by fire of either buildings and other structures or contents, which may include extended coverage; windstorm insurance; basic limits owners, landlords, or tenants liability insurance with single limits of $25,000; comprehensive personal liability insurance with a single limit of $25,000; or burglary insurance, under which the premiums are collected quarterly or more often and the face amount of the insurance provided by the policy on one risk is not more than $50,000, including the contents of such buildings and other structures, and the insurer issuing such policy is operating under a system of collecting a debit by its agents.

approximately 100 of those licenses still active.[25] Current licensees will be allowed to renew their licenses and appointments. The bill eliminates the examination requirement for crop, hail, and multiple peril crop insurance.

An appointment is the authority given by an insurer or employer to a licensee to transact insurance or adjust claims on behalf of an insurer or employer.[26] Section 626.471, F.S., provides that an appointing entity, such as an insurance company, may terminate an appointee's, such as an insurance agent, appointment at any time subject to any contract rights. The appointing entity must give the appointee 60 days' notice prior to termination and provide the notice by mail or by delivery in person. **Section 21** amends that section to allow the appointing entity to give notice via email.

**Section 22** repeals s. 626.521, F.S., which currently requires an appointing insurer to secure a full detailed credit and character report before appointing an agent, adjuster, service representative, customer representative, or managing general agent. The bill allows insurers to require credit or character reports as a condition of appointment but leaves the decision with the insurer. **Sections 14 and 15** amend ss. 626.022 and 626.025, F.S., to make conforming changes.

**Section 23** amends s. 626.536, F.S., to remove unnecessary language. An "insurance agency" is a licensee so referring to both is redundant.

Section 626.6215, F.S., currently authorizes the DFS to refuse to issue a license or suspend or revoke an insurance agency license under certain circumstances. **Section 24** amends that section to provide for discretionary refusal, suspension, or revocation when a licensee has had a denial, suspension, or revocation of, or any other adverse administrative action against, a license to practice or conduct any regulated profession, business, or vocation by this state, any other state, any nation, any possession or district of the United States, any court, or any lawful agency thereof. Similar language already exists in s. 626.621, F.S., for insurance agents.

**Section 26** repeals s. 626.7355, F.S., which currently creates temporary license as a customer representative. Customer representatives obtain licensure by meeting education and background check requirements so the temporary license is obsolete.

**Sections 27 and 28** make technical changes to ss. 626.8437 and 626.844, F.S.

Section 626.865, F.S., currently provides qualifications for licensure as a public adjuster. One of the qualifications is that the applicant has been licensed in this state as an all-lines adjuster, and has been appointed on a continual basis for the previous 6 months as a public adjuster apprentice, as an independent adjuster, or as a company employee adjuster.[27] Section 626.8732, F.S., has a similar requirement for nonresident adjusters except they must have been employed for a year. **Section 29** amends s. 626.8732, F.S., to provide the same 6 month employment requirement for nonresident adjusters as current law has for resident adjusters.

[25] *See* Department of Financial Services, *SB 1704 Legislative Bill Analysis* (Mar. 15, 2019) (on file with the Senate Committee on Banking and Insurance).
[26] Section 626.015(4), F.S.
[27] Section 626.8732, F.S.

**Section 36** amends s. 648.49, F.S., to require a bail bond agent whose license or appointment has been suspended to file an application for reinstatement with the DFS before the license or appointment can be reinstated. This revision makes the bail bond statute consistent with other DFS licensing statutes.

**DFS Property Insurance Mediation Program**

**Section 30** amends s. 627.7015, F.S., to require the mediator to provide a written report of the results of the mediation, including any settlement amount, to the insurer, the policyholder, and the policyholder's representative, if the policyholder is represented. This report must be provided at the conclusion of the mediation.

**Division of State Fire Marshal**

***Inspections***

Section 633.218, F.S., requires the State Fire Marshal to inspect, or have inspected, each state-owned building on a recurring basis. A state-owned building or state-leased building or space must be identified through use of the United States National Grid Coordinate System.[28] **Section 32** amends that section to remove this requirement. The DFS reports that it will identify locations using the FL-SOLARIS[29] and information from the Department of Management Services. It will not use outside vendors.[30]

Currently, licensed fire protection system contractors are mandated to conduct inspections of fire protection systems pursuant to the Florida Fire Prevention Code. Section 633.312, F.S., mandates that the inspecting contractor provide the building owner and the local authority having jurisdiction a copy of the inspection report. There are no limitations on inspection report format or uniform submission requirements. Some local jurisdictions have contracted with third-party software vendors and require the submission of inspection reports to their jurisdiction to be done via these systems. **Section 34** amends s. 633.312, F.S., to require submission pursuant to a statewide uniform set of procedures of fire protection system inspection reports completed by fire protection system contractors. The procedures apply to a local authority having jurisdiction or a third-party vendor contracted for the collection of such reports. The bill requires the State Fire Marshal to adopt a rule requiring all third-party vendors or local authorities having jurisdiction to follow a standardized procedure, including:

- A uniform reporting format that must be used by all local authorities having jurisdiction and that is designed to reduce the amount of information a contractor must manually input into the system; and
- A set of uniform submission procedures to be used by local authorities having jurisdiction or by vendors.

[28] Section 633.218(1)(f), F.S. The National Grid may be found here: https://www.arcgis.com/home/item.html?id=dc352c5f18854d82b32bce92c0b6656b (last visited Mar. 21, 2019).
[29] *See* https://floridadep.gov/lands/fl-solaris (last visited Mar. 26, 2019).
[30] Email from the Department of Financial Services staff to committee staff (on file with the Committee on Banking and Insurance).

The rule must allow a contractor to attach additional documents, including the contractor's detailed inspection report, to the submission. A contractor's inspection report is not required to follow a standardized format, and a vendor or local authority having jurisdiction may not require a contractor to enter the details of the inspection report or of the deficiency repair status into an electronic system.

**Section 31** makes a conforming change in s. 633.216, F.S.

***Installation of Fire Extinguishers and Preengineered Systems***

Section 633.306, F.S., provides requirements for the installation of fire extinguishers and preengineered systems. A fire extinguisher is a cylinder that:

- Is portable and can be carried or is on wheels;
- Is manually operated;
- May use a variety of extinguishing agents that are expelled under pressure;
- Is rechargeable or nonrechargeable;
- Is installed, serviced, repaired, recharged, inspected, and hydrotested according to applicable procedures of the manufacturer, standards of the National Fire Protection Association, and the Code of Federal Regulations; and
- Is listed by a nationally recognized testing laboratory.[31]

A preengineered system is a fire suppression system which:

- Uses any of a variety of extinguishing agents;
- Is designed to protect specific hazards;
- Must be installed according to pretested limitations and configurations specified by the manufacturer and applicable National Fire Protection Association (NFPA) standards. Only those chapters within the National Fire Protection Association standards which pertain to servicing, recharging, repairing, installing, hydrotesting, or inspecting any type of preengineered fire extinguishing system may be used;
- Must be installed using components specified by the manufacturer or components that are listed as equal parts by a nationally recognized testing laboratory such as Underwriters Laboratories, Inc., or Factory Mutual Laboratories, Inc.; and
- Must be listed by a nationally recognized testing laboratory.[32]

Section 633.306, F.S., provides the following requirements for installation of fire extinguishers and preengineered systems:

- Fire equipment dealers must be licensed;
- Equipment supplied must be listed by a nationally recognized testing laboratory;
- Equipment must be installed in accordance with the applicable standards of the National Fire Protection Association and the manufacturer's drawings and specifications;
- Each piece of equipment supplied shall be guaranteed for a period of 1 year against defects in material or operation; and
- The fire equipment dealer must furnish the consumer with the manufacturer's descriptive literature, including the specifications and maintenance requirements as approved by the

[31] Section 633.102(8), F.S.
[32] Section 633.102(25), F.S.

nationally recognized testing laboratory, the operating instructions for all equipment installed, the mechanical drawings and specifications for proper installation and use of equipment, and a diagram of the final installation.

**Section 33** amends s. 633.306, F.S., to require fire extinguisher and preengineered systems equipment to be installed using only components and parts specified by the manufacturer or listed as equal parts by a nationally recognized testing laboratory, such as Underwriters Laboratories, Inc., or Factory Mutual Laboratories, Inc. The use of similar language in s. 633.306, F.S., and 633.102(25), F.S., should clarify that the use of equal parts as designated by recognized testing laboratories is permitted in the installation of fire extinguishers[33] and preengineered systems.[34]

***Cancer Prevention Best Practices***

Section 633.520, F.S., requires every firefighter employer to furnish and use safety devices and safeguards, adopt and use methods and processes reasonably adequate to render such an employment and place of employment safe, and do every other thing reasonably necessary to protect the lives, health, and safety of such firefighter employees. **Section 35** amends that section to require the Division of State Fire Marshal to adopt rules to establish employer cancer prevention best practices relating to personal protective equipment, decontamination, fire suppression, and fire stations.

**Division of Unclaimed Property**

Current law in s. 717.124, F.S., allows an apparent owner to electronically submit a claim for unclaimed property to the DFS. If a claim is submitted electronically for $1,000 or less, the DFS may use a method of identity verification other than a copy of a valid driver license, other government-issued photographic identification, or a sworn notarized statement.[35] **Section 37** amends that section to change the claim amount from $1,000 to $5,000.

The bill contains provisions allowing the DFS to be more active in attempting to return property to owners. The bill provides that the DFS may develop and implement an identification verification and disbursement process for accounts valued at less than $2,000. After the DFS receives the property and adds the property to the database, the account may be disbursed to an apparent owner after the DFS has verified that the apparent owner is living and has verified the apparent owner's correct, current address. The DFS must include with the payment a notification and an explanation of the dollar amount, source, and property type of each account included in the disbursement. The bill also allows the DFS to develop and implement a verification and disbursement process for accounts which the apparent owner is a government entity. The bill provides rulemaking authority to administer this program.

The bill provides that the DFS may develop a process by which a registered claimant's representative may electronically submit to the DFS electronic images of completed claims and

[33] Section 633.102(8), F.S., requires that fire extinguishers be installed pursuant to the Code of Federal Regulations. Fire extinguisher installers would be required to comply with requirements in both statutes.
[34] Email from DFS staff to committee staff dated March 26, 2019 (on file with the Committee on Banking and Insurance).
[35] Section 717.124(7), F.S.

claim-related documents, including limited powers of attorney and purchase agreements that have been personally signed and dated by a claimant or by a seller after the original documents provided by the claimant or by the seller to the claimant's representative are physically received and in the claimant's representative's possession for any respective claim.

Each claim filed by a registered claimant's representative must include a statement by the claimant's representative or buyer accurately attesting that all documents are true copies of the original documents and that all original documents are physically in the possession of the claimant's representative or buyer. All original documents must be kept in original form, by claim number, under the secure control of the claimant's representative or buyer and must be made available for inspection by the DFS.

The bill provides rulemaking authority to administer these programs.

**Effective Date**

**Section 38** provides an effective date of July 1, 2019.

## IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

## V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The establishment of employer cancer prevention best practices may result in increased costs of compliance for the governmental entities that employ firefighters. To the extent that such best practices are effective in reducing cancer, the best practices may reduce financial costs related to cancer treatment.

## VI. Technical Deficiencies:

None.

## VII. Related Issues:

None.

## VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 17.56, 497.263, 497.266, 497.376, 497.377, 497.380, 497.385, 497.452, 497.453, 497.458, 497.464, 497.604, 497.606, 626.022, 626.025, 626.175, 626.207, 626.221, 626.2815, 626.321, 626.471, 626.536, 626.6215, 626.729, 626.8437, 626.844, 626.8732, 627.7015, 633.216, 633.218, 633.306, 633.312, 633.520, 648.49, and 717.124.

This bill repeals the following sections of the Florida Statutes: 626.521 and 626.7355.

## 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 Banking and Insurance on March 25, 2019:**
The CS:

- Allows a funeral director in charge to be in charge of two locations as long as those locations are not more than 75 miles apart;
- Allows a person who is disqualified from licensure due to a felony conviction that is not subject to permanent disqualification from licensure, to obtain a probationary license after serving half of the disqualification period;
- Revises the DFS Property Insurance Mediation Program to require the mediator to provide the policyholder with the results of the mediation at the conclusion of the mediation;
- Removes a provision allowing the DFS to keep $30 million in the Unclaimed Property Trust Fund and maintains current law; and
- Requires fire extinguisher and preengineered systems equipment to be installed using only components and parts specified by the manufacturer or listed as equal parts by a nationally recognized testing laboratory, such as Underwriters Laboratories, Inc., or Factory Mutual Laboratories, Inc.

B. Amendments:

None.

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

709198

LEGISLATIVE ACTION

Senate . House

. . . . .

The Committee on Innovation, Industry, and Technology (Hutson) recommended the following:

**Senate Amendment**

Delete lines 290 - 292
and insert:
than a total of 4 funeral establishments, centralized embalming facilities, direct disposal establishments, or cinerator facilities, as long as the 4 locations are not more than 75

Delete lines 343 - 346
and insert:

709198

as a funeral director in charge for not more than a total of 4 funeral establishments, centralized embalming facilities, direct disposal establishments, or cinerator facilities, as long as the 4 locations are not more than 75 miles apart as measured in a

Delete lines 444 - 447

and insert:

as a funeral director in charge for not more than a total of 4 funeral establishments, centralized embalming facilities, direct disposal establishments, or cinerator facilities, as long as the 4 locations are not more than 75 miles apart as measured in a

Delete lines 462 - 465

and insert:

as a funeral director in charge for not more than a total of 4 funeral establishments, centralized embalming facilities, direct disposal establishments, or cinerator facilities, as long as the 4 locations are not more than 75 miles apart as measured in a

567748

LEGISLATIVE ACTION

Senate . House

. . . . .

The Committee on Innovation, Industry, and Technology (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 466 and 467
insert:

Section 14. Section 553.7921, Florida Statutes, is created to read:

553.7921 Uniform fire alarm permit application.—

(1) A contractor must file the uniform fire alarm permit application described in subsection (2) with the local enforcement agency before:





(a) Installing or replacing a fire alarm, if the local enforcement agency requires a plan review for the installation or replacement; or

(b) Repairing an existing alarm system that was previously permitted by the local enforcement agency, if the local enforcement agency requires a fire alarm permit for the repair.

(2) The uniform fire alarm permit application must be submitted along with any required drawings, plans, and supporting documentation for any project where a fire alarm permit is required. Such application may be submitted electronically or by facsimile if the application is signed by the owner, contractor, or authorized representative of such person. The uniform fire alarm permit application must contain the following information:

UNIFORM FIRE ALARM PERMIT APPLICATION

Tax Folio No.: .... Application No.: ....

Owner or Representative Name: ....

Property Address: ....

City: .... State: .... Zip: .... Phone: ....

Fee Simple Titleholder’s Name (if other than owner): ....

Fee Simple Titleholder’s Address (if other than owner): ....

Description of Work: .... New Install .... Replacement .... Addition .... Other ....

Construction Type: .... Proposed Use: ....

Alarm Contractor’s Name: ....

Alarm Contractor’s Address: ....

567748

City: .... State: .... Zip: .... Phone: ....
Alarm Contractor's License No: ....

Application is hereby made to obtain a permit to do the work and installation as indicated. I certify that no work or installation has commenced before the filing of this permit application. I certify that all of the foregoing information is true and accurate.

...(Signature of Owner, Contractor, or Agent)...
Printed Name: ....

========== T I T L E A M E N D M E N T ==========
And the title is amended as follows:
Delete line 47
and insert:
facilities; creating s. 553.7921, F.S.; requiring contractors to file a uniform fire alarm permit application with local enforcement agencies under certain circumstances; requiring that such application be submitted with certain other required information; providing that the application may be submitted by certain means if signed by certain persons; specifying information required in the application; amending s. 626.022, F.S.; conforming a

824524

LEGISLATIVE ACTION

Senate . House

. . . . .

The Committee on Innovation, Industry, and Technology (Hutson) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 987 and 988
insert:

Section 37. Section 717.1125, Florida Statutes, is amended to read:

717.1125 Property held by fiduciaries under trust instruments.—All intangible property and any income or increment thereon held in a fiduciary capacity for the benefit of another person under a trust instrument is presumed unclaimed unless the

824524

owner has, within 2 years after it has become payable or distributable, increased or decreased the principal, accepted payment of principal or income, communicated concerning the property, or otherwise indicated an interest as evidenced by a memorandum or other record on file with the fiduciary. This section does not apply to a fiduciary with respect to money held in trust to fund a preneed merchandise or service contract sold by a person licensed under s. 497.452.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete line 128

and insert:

approval by, the department; amending s. 717.1125, F.S.; providing that a certain presumption of unclaimed property does not apply to certain money held in trust to fund preneed merchandise or service contracts; amending s. 717.124,

# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**
Military and Veterans Affairs and Space, *Chair*
Children, Families, and Elder Affairs
Commerce and Tourism
Environment and Natural Resources

**JOINT COMMITTEE:**
Joint Administrative Procedures Committee

**SENATOR TOM A. WRIGHT**
14th District

March 25, 2019

The Honorable Wilton Simpson
420, Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399

Re: Senate Bill 1704 – Department of Financial Services

Dear Chairman Simpson:

Senate Bill 1704, relating to the Department of Financial Services has been referred to the Committee on Innovation, Industry, and Technology. I am requesting your consideration on placing SB 1704 on your next agenda. Should you need any additional information please do not hesitate to contact my office.

Thank you for your consideration.

Sincerely,

Tom A. Wright

Tom A. Wright, District 14

cc: Booter Imhof, Staff Director of the Committee on Innovation, Industry, and Technology
Lynn Koon, Administrative Assistant of the Committee on Innovation, Industry, and Technology

REPLY TO:
☐ 4606 Clyde Morris Blvd., Suite 2-J, Port Orange, Florida 32129 (386) 304-7630
☐ 312 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5014

Senate's Website: *www.flsenate.gov*

**BILL GALVANO**
**President of the Senate**

**DAVID SIMMONS**
**President Pro Tempore**

**THE FLORIDA SENATE**

# APPEARANCE RECORD

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

4/2/19
*Meeting Date*

1704
*Bill Number (if applicable)*

Topic Department of Financial Services

*Amendment Barcode (if applicable)*

Name Meredith Brock Stanfield

Job Title Director of Legislative and Cabinet Affairs

Address PL 11, The Capitol
*Street*

Phone 850 413 2890

Tallahassee FL 32399
*City* *State* *Zip*

Email Meredith.Stanfield@MyFloridaCFO.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Department of Financial Services

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)

4-2
*Meeting Date*

1704
*Bill Number (if applicable)*

824524
*Amendment Barcode (if applicable)*

Topic _____

Name Marc Dunbar

Job Title _____

Address 215 S Monroe St.
*Street*

Phone 850-425-7800

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

Email mdunbar@deanmead.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Funeral Services, Inc.

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)

*Meeting Date*

Topic Funeral Issues in 1704 Bill Number 1704 Amendment (if applicable)

Name Juhan (John) Mixon Amendment Barcode 709198 (if applicable)

Job Title Ex. Dir. Independent Funeral Dir. Assoc. Hotsm

Address 106 So Monroe St. Phone 528 4441
*Street*

Tall FL 32308 E-mail
*City* *State* *Zip*

Speaking: ☐ For ☒ Against ☐ Information

Representing Independent Funeral Dir Assoc

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 (10/20/11)

THE FLORIDA SENATE

# APPEARANCE RECORD

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

4/2/19
*Meeting Date*

1704
*Bill Number (if applicable)*

Topic Uniform Fire Alarm Permit

5677748
*Amendment Barcode (if applicable)*

Name Jorge Chamizo

Job Title Attorney

Address 108 South Monroe Street
*Street*
Tallahassee, FL 32301
*City* *State* *Zip*

Phone (850) 681-0029

Email jorge@flapartners.com

Speaking: ☑ For ☐ Against ☐ Information

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

Representing ADT

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)

9/2
*Meeting Date*

1704
*Bill Number (if applicable)*

7099158
*Amendment Barcode (if applicable)*

Topic _____

Name Clark Smith

Job Title Cemetery

Address 123 South Adams Phone _____
*Street*

Tall FL 32312 Email _____
*City* *State* *Zip*

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

*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)

4/2/19
*Meeting Date*

SB 1704
*Bill Number (if applicable)*

7099198
*Amendment Barcode (if applicable)*

Topic FUNERAL DIRECTOR IN CHARGE

Name GEORGIA McKEOWN

Job Title GOVT. CONSULTANT

Address 537 E. PARK AVE
*Street*

Phone 850-224-1900

TALLAHASSEE FL
*City* *State* *Zip*

Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FL CEMETERY CREMATION & FUNERAL ASSOC.

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)

4/2/19
*Meeting Date*

SB 1704
*Bill Number (if applicable)*

Topic FUNERAL DIRECTOR IN CHARGE

7099198
*Amendment Barcode (if applicable)*

Name John Ricco

Job Title EXECUTIVE DIRECTOR

Address 325 JOHN KNOX RD L-103
*Street*

TALLAHASSEE FL 32303
*City* *State* *Zip*

Phone 800.226.3332

Email jricco@executiveoffice.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FLORIDA CEMETERY CREMATION + FUNERAL ASSOC.

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)

4/2/19
*Meeting Date*

1704
*Bill Number (if applicable)*

Topic DFS

*Amendment Barcode (if applicable)*

Name Joe Pasqualone

Job Title Executive Director

Address PO Box 325
*Street*

Phone 772 349 1507

Home Sewall FL 33475
*City* *State* *Zip*

Email info@ffmia.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FL Fire Marshals & Inspectors Assoc.

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)

**By** the Committee on Banking and Insurance; and Senator Wright

597-03484-19 20191704c1

A bill to be entitled

An act relating to the Department of Financial Services; amending s. 17.56, F.S.; requiring the Division of Treasury to maintain, rather than turn over to the Division of Accounting and Auditing, warrants drawn by the Chief Financial Officer; specifying the timeframe during which such warrants must be maintained; making a technical change; amending ss. 497.263 and 497.266, F.S.; deleting a requirement that trust companies, where certain care and maintenance trust funds may be established, must operate pursuant to ch. 660, F.S.; amending s. 497.376, F.S.; specifying required educational credentials for certain applicants for a combination license as both funeral director and embalmer; amending s. 497.377, F.S.; specifying qualifications for certain applicants for a combination funeral director and embalmer intern license; providing application requirements; specifying limitations on and authorized actions of interns; specifying the expiration of intern licenses; authorizing the licensing authority to adopt certain rules; amending s. 497.380, F.S.; revising requirements for the supervision of licensed funeral establishments by funeral directors in charge; revising establishments a funeral director may be in charge of; revising funeral director licensing requirements for certain establishments; amending s. 497.385, F.S.; revising requirements for the supervision of licensed



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centralized embalming facilities; amending s. 497.452, F.S.; deleting a requirement that trust companies must operate pursuant to ch. 660, F.S., to be exempt from a certain preneed licensing requirement; amending s. 497.453, F.S.; specifying annual trust reporting requirements for certain preneed licensees or certain groups of preneed licensees; defining the term "Year 1" and "Year 2"; authorizing the department to adopt certain rules; amending ss. 497.458 and 497.464, F.S.; deleting a requirement that trust companies must operate pursuant to ch. 660, F.S., to enter into certain revocable trust instruments and act as trustees for certain preneed contract purchasers, respectively; amending s. 497.604, F.S.; revising requirements for the supervision of direct disposal establishments; amending s. 497.606, F.S.; revising requirements for the supervision of cinerator facilities; amending s. 626.022, F.S.; conforming a cross-reference; amending s. 626.025, F.S.; conforming a provision to changes made by the act; amending s. 626.175, F.S.; authorizing the department to issue nonrenewable temporary licenses authorizing the appointment of personal lines agents; deleting such authorization for industrial fire or burglary agents; revising circumstances under which the department may issue temporary licenses authorizing the appointment of life agents; specifying circumstances under which the department may issue temporary licenses authorizing the appointment of personal lines agents;

prohibiting certain licensees from soliciting, negotiating, or effecting contracts of insurance; amending s. 626.207, F.S.; providing an exception from a disqualification period from licensure as an insurance representative for certain persons found guilty or pleading guilty or nolo contendere to certain felonies; authorizing the department to issue licenses on a probationary period for a certain timeframe; specifying when the probationary period ends; amending s. 626.221, F.S.; specifying that a certain exemption from an examination requirement applies to applicants for an all-lines adjuster license; amending s. 626.2815, F.S.; revising the individuals that are subject to a certain continuing education requirement; amending s. 626.321, F.S.; deleting an examination requirement for an applicant for an industrial fire insurance or burglary insurance license; providing that, beginning on a specified date, the license and appointment may be renewed, but no new or additional licenses may be issued and the license may not be reinstated; deleting an examination requirement for crop hail and multiple peril crop insurance licenses; amending s. 626.471, F.S.; authorizing an appointing entity to provide a termination notice to the appointee by e-mail; providing that the e-mail must be addressed to the appointee's last e-mail address of record; specifying when notice by e-mail is deemed to have been given; repealing s. 626.521, F.S., relating to credit and

character reports; amending s. 626.536, F.S.; deleting a requirement for insurance agencies to report certain administrative actions to the department; amending s. 626.6215, F.S.; adding certain grounds for the department's discretionary refusal, suspension, or revocation of an insurance agency license; amending s. 626.729, F.S.; revising the definition of the term "industrial fire insurance" relating to burglary insurance; repealing s. 626.7355, F.S., relating to a temporary license as a customer representative pending examination; amending ss. 626.8437 and 626.844, F.S.; revising certain grounds for the denial of, suspension of, revocation of, or refusal to renew licenses or appointments of title insurance agents or agencies; amending s. 626.8732, F.S.; revising qualifications for the issuance of a nonresident public adjuster's license; amending s. 627.7015, F.S.; requiring mediators in certain property insurance claim mediations to provide a certain written report to certain parties at the conclusion of the mediation; amending s. 633.216, F.S.; conforming a cross-reference; amending s. 633.218, F.S.; deleting a requirement that state-owned or state-leased buildings be identified through use of the United States National Grid Coordinate System; amending s. 633.306, F.S.; specifying requirements for components and parts of installed fire extinguishers and preengineered systems; amending s. 633.312, F.S.; specifying means by which local authorities having jurisdiction may

accept inspection reports by contractors inspecting fire hydrants and fire protection systems; requiring the State Fire Marshal to adopt rules implementing a uniform summary inspection report and submission procedures; providing requirements for such report and procedures; amending s. 633.520, F.S.; authorizing the Division of State Fire Marshal to adopt certain rules establishing firefighter employer cancer prevention best practices; amending s. 648.49, F.S.; specifying that reinstatement of a bail bond agent license is contingent upon filing an application with, and approval by, the department; amending s. 717.124, F.S.; increasing the threshold amount of electronically submitted claims under which the department may use alternative identity verification methods; authorizing the department to develop and implement specified identification verification and disbursement processes for certain unclaimed property accounts; authorizing the department to develop processes for certain electronic submissions; specifying requirements for the submission of claims and recordkeeping; authorizing the department to adopt rules; providing an effective date.

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

Section 1. Section 17.56, Florida Statutes, is amended to read:

17.56 Division of Treasury to maintain ~~turn over to the~~



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

~~Division of Accounting and Auditing~~ all warrants paid.—The Division of Treasury shall maintain ~~turn over to the Division of Accounting and Auditing~~ all warrants drawn by the Chief Financial Officer ~~or the Comptroller~~ and paid by the Division of Treasury for a period of 10 years from the date the warrant was presented for payment. ~~The warrants shall be turned over as soon as the Division of Treasury shall have recorded such warrants and charged the same against the accounts upon which such warrants are drawn.~~

Section 2. Paragraph (a) of subsection (3) of section 497.263, Florida Statutes, is amended to read:

497.263 Cemetery companies; license required; licensure requirements and procedures.—

(3) ACTION CONCERNING APPLICATIONS.—If the licensing authority finds that the applicant meets the criteria established in subsection (2), the applicant shall be notified that a license will be issued when all of the following conditions are satisfied:

(a) The establishment of a care and maintenance trust fund containing not less than $50,000 has been certified by a trust company ~~operating pursuant to chapter 660~~, a state or national bank holding trust powers, or a savings and loan association holding trust powers as provided in s. 497.458, pursuant to a trust agreement approved by the licensing authority. The $50,000 required for the care and maintenance trust fund shall be over and above the $50,000 net worth required by subsection (2).

Section 3. Subsection (1) of section 497.266, Florida Statutes, is amended to read:

497.266 Care and maintenance trust fund; remedy of



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

department for noncompliance.—

(1) A ~~No~~ cemetery company may not establish a cemetery, or operate a cemetery if already established, without providing for the future care and maintenance of the cemetery, for which a care and maintenance trust fund shall be established, to be known as "the care and maintenance trust fund of ....." The trust fund shall be established with a trust company ~~operating pursuant to chapter 660~~, with a state or national bank holding trust powers, or with a federal or state savings and loan association holding trust powers. Trust funds which are with a state or national bank or savings and loan association licensed in this state on October 1, 1993, shall remain in force; however, when the amount of any such trust fund exceeds the amount that is insured by an agency of the Federal Government, the cemetery company shall transfer that trust fund to a trust company ~~operating pursuant to chapter 660~~, to a state or national bank holding trust powers, or to a federal or state savings and loan association holding trust powers.

Section 4. Section 497.376, Florida Statutes, is amended to read:

497.376 License as funeral director and embalmer permitted.—

(1) This chapter does not prohibit a person from holding a license as an embalmer and a license as a funeral director at the same time. There may be issued and renewed by the licensing authority a combination license as both funeral director and embalmer to persons meeting the separate requirements for both licenses as set forth in this chapter. The licensing authority may adopt rules providing procedures for applying for and

renewing such combination license. The licensing authority may by rule establish application, renewal, and other fees for such combination license, which fees may ~~shall~~ not exceed the sum of the maximum fees for the separate funeral director and embalmer license categories as provided in this chapter. A person ~~Persons~~ holding a combination license as a funeral director and an embalmer is ~~shall be~~ subject to regulation under this chapter both as a funeral director and an embalmer.

(2) Except as provided under s. 497.377, an applicant for a combination license as both a funeral director and an embalmer must hold the educational credentials required for licensure as a funeral director as provided under s. 497.373(1)(d).

Section 5. Section 497.377, Florida Statutes, is amended to read:

497.377 Combination license as funeral director and embalmer; ~~Concurrent~~ internships.—

(1) To meet internship requirements for combined licensure as a funeral director and an embalmer, the internship requirement for funeral directors and the internship requirement for embalmers ~~and funeral directors~~ may be served concurrently pursuant to rules adopted by the licensing authority.

(2)(a) An applicant who has not completed the educational credentials required for a combination license as funeral director and embalmer is eligible for licensure as a combination funeral director and embalmer intern if the applicant:

1. Is currently enrolled in and attending a college accredited by the American Board of Funeral Service Education (ABFSE) in an ABFSE-accredited course of study in mortuary science;



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2. Has completed at least 75 percent of the course of study in mortuary science, as certified by the college in which the applicant is currently enrolled; and

3. Has taken and received a passing grade in a college credit course in mortuary law or funeral service law and has taken and received a passing grade in a college credit course in ethics.

(b) An application for internship for a combination funeral director and embalmer license must include the name and address of the funeral director licensed under s. 497.373 or s. 497.374(1) and the embalmer licensed under s. 497.368 or s. 497.369 under whose supervision the intern will receive training and the name of the licensed funeral establishment where the training will be conducted.

(c) A combination funeral director and embalmer intern may perform only the tasks, functions, and duties relating to funeral directing and embalming which are performed under the direct supervision of a licensed funeral director who has an active, valid license under s. 497.373 or s. 497.374(1) and an embalmer who has an active, valid license under s. 497.368 or s. 497.369. However, a combination funeral director and embalmer intern may perform those tasks, functions, and duties under the general supervision of a licensed funeral director and embalmer upon the intern’s graduation from a college accredited by the ABFSE with a degree as specified in s. 497.373(1)(d) and passage of the laws and rules examination required under s. 497.373(2)(b) if, after 6 months of direct supervision, the funeral director in charge of the internship training agency certifies to the licensing agency that the intern is competent

to complete the internship under general supervision.

(d)1. A combination funeral director and embalmer intern license expires 1 year after issuance and, except as provided in subparagraph 2., may not be renewed.

2. The licensing authority may adopt rules that allow a combination funeral director and embalmer intern to renew her or his funeral director and embalmer intern license for an additional 1-year period if the combination funeral director and embalmer intern demonstrates her or his failure to complete the internship before expiration of the license due to illness, personal injury, or other substantial hardship beyond her or his reasonable control or demonstrates that she or he has completed the requirements for licensure as a combination funeral director and embalmer but is awaiting the results of a licensure examination.

Section 6. Subsection (7) of section 497.380, Florida Statutes, is amended to read:

497.380 Funeral establishment; licensure; display of license.—

(7) Each licensed funeral establishment shall have a ~~one full-time~~ funeral director in charge and shall have a licensed funeral director reasonably available to the public during normal business hours for the establishment. The ~~full-time~~ funeral director in charge is responsible for ensuring that the facility, its operation, and all persons employed in the facility comply with all applicable state and federal laws and rules. A funeral director in charge, with appropriate active licenses, may serve as a funeral director in charge for not more than a total of 2 funeral establishments, centralized embalming



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facilities, direct disposal establishments, or cinerator facilities, as long as the 2 locations are not more than 75 miles apart as measured in a straight line ~~The full-time funeral director in charge must have an active license and may not be the full-time funeral director in charge of any other funeral establishment or of any other direct disposal establishment~~. ~~Effective October 1, 2010,~~ The ~~full-time~~ funeral director in charge must hold an active, valid funeral director license and an active, valid embalmer license or combination license as a funeral director and an embalmer. However, a funeral director may serve as a funeral director in charge without an embalmer license or combination license if the establishment does not have an embalming room on site, or may continue as the ~~full-time~~ funeral director in charge without an embalmer or combination license if, as of September 30, 2010:

(a) The funeral establishment and the funeral director both have active, valid licenses.

(b) The funeral director is currently the full-time funeral director in charge of the funeral establishment.

(c) The name of the funeral director was included, as required in subsection (4), in the funeral establishment's most recent application for issuance or renewal of its license or was included in the establishment's report of change provided under paragraph (12)(c).

Section 7. Paragraph (b) of subsection (2) of section 497.385, Florida Statutes, is amended to read:

497.385 Removal services; refrigeration facilities; centralized embalming facilities.—In order to ensure that the removal, refrigeration, and embalming of all dead human bodies



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is conducted in a manner that properly protects the public's health and safety, the licensing authority shall adopt rules to provide for the licensure of removal services, refrigeration facilities, and centralized embalming facilities operated independently of funeral establishments, direct disposal establishments, and cinerator facilities.

(2) CENTRALIZED EMBALMING FACILITIES.—In order to ensure that all funeral establishments have access to embalming facilities that comply with all applicable health and safety requirements, the licensing authority shall adopt rules to provide for the licensure and operation of centralized embalming facilities and shall require, at a minimum, the following:

(b) Each licensed centralized embalming facility shall have at least one ~~full-time~~ embalmer in charge. The ~~full-time~~ embalmer in charge must have an active, valid embalmer license or a combination license as a funeral director and an embalmer ~~and may not be the full-time embalmer in charge, full-time funeral director in charge, or full-time direct disposer in charge of any other establishment licensed under this chapter~~. An embalmer in charge, with appropriate active licenses, may also serve as a funeral director in charge under s. 497.380(7) or as a direct disposer in charge under s. 497.604(8). A funeral director in charge, with appropriate active licenses, may serve as a funeral director in charge for not more than a total of 2 funeral establishments, centralized embalming facilities, direct disposal establishments, or cinerator facilities, as long as the 2 locations are not more than 75 miles apart as measured in a straight line.

Section 8. Subsection (2) of section 497.452, Florida

Statutes, is amended to read:

497.452 Preneed license required.—

(2)(a) No person may receive any funds for payment on a preneed contract who does not hold a valid preneed license.

(b) ~~The provisions of~~ Paragraph (a) does ~~do~~ not apply to a trust company ~~operating pursuant to chapter 660~~, to a national or state bank holding trust powers, or to a federal or state savings and loan association having trust powers which company, bank, or association receives any money in trust pursuant to the sale of a preneed contract.

Section 9. Subsection (8) of section 497.453, Florida Statutes, is amended to read:

497.453 Application for preneed license, procedures and criteria; renewal; reports.—

(8) ANNUAL TRUST REPORTS.—

(a) On or before April 1 of each year, the preneed licensee shall file in the form prescribed by rule a full and true statement as to the activities of any trust established by it pursuant to this part for the preceding calendar year.

(b) A preneed licensee that sold, or a group of preneed licensees under common control which sold in aggregate, 15,000 or more preneed contracts in this state in the preceding year shall additionally comply with this paragraph.

1. As used in this paragraph, the term:

a. "Year 1" means a year in which a preneed licensee sells, or a group of preneed licensees under common control sells in aggregate, 15,000 or more preneed contracts in this state.

b. "Year 2" means the year immediately after Year 1.

2. As to each Year 1, the licensee or licensees shall,

during Year 2:

a. Prepare, with respect to each such licensee, a report of Florida preneed operations in Year 1 on a form prescribed by department rule;

b. Cause and pay for such report to be audited by an independent certified public accounting firm concerning the accuracy and fairness of the presentation of the data provided in the report; and

c. By December 31 of Year 2, provide the report to the division along with a written and signed opinion of the certified public accounting firm concerning the accuracy and fairness of the presentation of the data provided in the report.

2. The report must be prepared and submitted using forms and procedures specified by department rule. The department may adopt rules specifying the format of the report and the information to be reported.

Section 10. Paragraph (c) of subsection (1) of section 497.458, Florida Statutes, is amended to read:

497.458 Disposition of proceeds received on contracts.—

(1)

(c) Such deposits shall be made within 30 days after the end of the calendar month in which payment is received, under the terms of a revocable trust instrument entered into with a trust company ~~operating pursuant to chapter 660~~, with a national or state bank holding trust powers, or with a federal or state savings and loan association holding trust powers.

Section 11. Subsection (2) of section 497.464, Florida Statutes, is amended to read:

497.464 Alternative preneed contracts.—



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(2) The contract must require that a trust be established by the preneed licensee on behalf of, and for the use, benefit, and protection of, the purchaser and that the trustee must be a trust company ~~operating pursuant to chapter 660~~, a national or state bank holding trust powers, or a federal or state savings and loan association holding trust powers.

Section 12. Subsection (8) of section 497.604, Florida Statutes, is amended to read:

497.604 Direct disposal establishments, license required; licensing procedures and criteria; license renewal; regulation; display of license.—

(8) SUPERVISION OF FACILITIES.—

(a) ~~Effective October 1, 2010,~~ Each direct disposal establishment shall have a ~~one full-time licensed~~ funeral director ~~acting as the direct disposer~~ in charge, subject to s. 497.380(7). However, a licensed direct disposer may continue acting as the direct disposer in charge, if, as of September 30, 2010:

1. The direct disposal establishment and the licensed direct disposer both have active, valid licenses.

2. The licensed direct disposer is currently acting as the direct disposer in charge of the direct disposal establishment.

3. The name of the licensed direct disposer was included, as required in paragraph (2)(c), in the direct disposal establishment's most recent application for issuance or renewal of its license or was included in the establishment's notice of change provided under subsection (7).

(b) The ~~licensed~~ funeral director in charge or ~~licensed~~ direct disposer in charge of a direct disposal establishment

must be reasonably available to the public during normal business hours for the establishment ~~and may be in charge of only one direct disposal establishment~~. The ~~licensed~~ funeral director in charge or ~~licensed~~ direct disposer in charge of the establishment is responsible for making sure the facility, its operations, and all persons employed in the facility comply with all applicable state and federal laws and rules. A funeral director in charge, with appropriate active licenses, may serve as a funeral director in charge for not more than a total of 2 funeral establishments, centralized embalming facilities, direct disposal establishments, or cinerator facilities, as long as the 2 locations are not more than 75 miles apart as measured in a straight line.

Section 13. Subsection (8) of section 497.606, Florida Statutes, is amended to read:

497.606 Cinerator facility, licensure required; licensing procedures and criteria; license renewal; regulation.—

(8) SUPERVISION OF FACILITIES.—Each cinerator facility shall have a ~~one full-time licensed~~ direct disposer in charge or a ~~licensed~~ funeral director in charge for that facility. ~~Such person may be in charge of only one facility.~~ Such ~~licensed~~ funeral director in charge or ~~licensed~~ direct disposer in charge shall be responsible for making sure the facility, its operations, and all persons employed in the facility comply with all applicable state and federal laws and rules. A funeral director in charge, with appropriate active licenses, may serve as a funeral director in charge for not more than a total of 2 funeral establishments, centralized embalming facilities, direct disposal establishments, or cinerator facilities, as long as the



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2 locations are not more than 75 miles apart as measured in a straight line.

Section 14. Paragraph (a) of subsection (1) of section 626.022, Florida Statutes, is amended to read:

626.022 Scope of part.—

(1) This part applies as to insurance agents, service representatives, adjusters, and insurance agencies; as to any and all kinds of insurance; and as to stock insurers, mutual insurers, reciprocal insurers, and all other types of insurers, except that:

(a) It does not apply as to reinsurance, except that ss. 626.011-626.022, ss. 626.112-626.181, ss. 626.191-626.211, ss. 626.291-626.301, s. 626.331, ss. 626.342-626.511 ~~ss. 626.342-626.521~~, ss. 626.541-626.591, and ss. 626.601-626.711 shall apply as to reinsurance intermediaries as defined in s. 626.7492.

Section 15. Subsection (4) of section 626.025, Florida Statutes, is amended to read:

626.025 Consumer protections.—To transact insurance, agents shall comply with consumer protection laws, including the following, as applicable:

(4) The submission of credit and character reports~~,~~ as required by s. 626.171 ~~or s. 626.521~~.

Section 16. Subsection (1) of section 626.175, Florida Statutes, is amended to read:

626.175 Temporary licensing.—

(1) The department may issue a nonrenewable temporary license for a period not to exceed 6 months authorizing the appointment of a general lines insurance agent, ~~or a~~ life agent,



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or personal lines agent ~~an industrial fire or burglary agent~~, subject to the conditions described in this section. The fees paid for a temporary license and appointment must ~~shall~~ be as specified in s. 624.501. Fees paid may ~~shall~~ not be refunded after a temporary license has been issued.

(a) An applicant for a temporary license must be:

1. A natural person at least 18 years of age.

2. A United States citizen or legal alien who possesses work authorization from the United States Bureau of Citizenship and Immigration Services.

(b)1. In the case of a general lines agent, the department may issue a temporary license to an employee, a family member, a business associate, or a personal representative of a licensed general lines agent for the purpose of continuing or winding up the business affairs of the agent or agency in the event the licensed agent has died or become unable to perform his or her duties because of military service or illness or other physical or mental disability, subject to the following conditions:

a. No other individual connected with the agent's business may be licensed as a general lines agent.

b. The proposed temporary licensee shall be qualified for a regular general lines agent license under this code except as to residence, examination, education, or experience.

c. Application for the temporary license shall have been made by the applicant upon statements and affidavit filed with the department on forms prescribed and furnished by the department.

d. Under a temporary license and appointment, the licensee shall not represent any insurer not last represented by the



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agent being replaced and shall not be licensed or appointed as to any additional kind, line, or class of insurance other than those covered by the last existing agency appointments of the replaced agent. If an insurer withdraws from the agency during the temporary license period, the temporary licensee may be appointed by another similar insurer but only for the period remaining under the temporary license.

2. A regular general lines agent license may be issued to a temporary licensee upon meeting the qualifications for a general lines agent license under s. 626.731.

(c) In the case of a life agent, the department may issue a temporary license:

1. To the executor or administrator of the estate of a deceased individual licensed and appointed as a life agent at the time of death;

2. To a surviving next of kin of the deceased individual, if no administrator or executor has been appointed and qualified; however, any license and appointment under this subparagraph shall be canceled upon issuance of a license to an executor or administrator under subparagraph 1.; or

3. To an individual otherwise qualified to be licensed as an agent who has completed the educational or training requirements prescribed in s. 626.7851 and who is appointed ~~has successfully sat for the required examination prior to termination of such 6-month period. The department may issue this temporary license only in the case of a life agent~~ to represent an insurer of the industrial or ordinary-combination class solely for the purpose of collecting premiums and servicing in-force policies. Such licensee may not directly or



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indirectly solicit, negotiate, or effect contracts of insurance.

(d) In the case of a personal lines ~~limited license authorizing appointment as an industrial fire or burglary~~ agent, the department may issue a temporary license:

1. To the executor or administrator of the estate of a deceased individual who was licensed and appointed as a personal lines agent at the time of his or her death;

2. To a surviving next of kin of the deceased individual if no administrator or executor has been appointed and qualified. However, a license and appointment under this subparagraph must be canceled upon issuance of a license to an executor or administrator under subparagraph 1.; or

3. To an individual otherwise qualified to be licensed as an agent, who has completed the educational or training requirements prescribed in s. 626.732, and who is appointed to represent an insurer of the industrial or ordinary-combination class solely for the purpose of collecting premiums and servicing in-force policies. Such licensee may not directly or indirectly solicit, negotiate, or effect contracts of insurance ~~to an individual otherwise qualified to be licensed as an agent who has completed the educational or training requirements prescribed in s. 626.732 and has successfully sat for the required examination prior to termination of the 6-month period~~.

Section 17. Paragraph (b) of subsection (3) of section 626.207, Florida Statutes, is amended to read:

626.207 Disqualification of applicants and licensees; penalties against licensees; rulemaking authority.—

(3) An applicant who has been found guilty of or has pleaded guilty or nolo contendere to a crime not included in



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subsection (2), regardless of adjudication, is subject to:

(b) A 7-year disqualifying period for all felonies to which neither the permanent bar in subsection (2) nor the 15-year disqualifying period in paragraph (a) applies. Notwithstanding subsection (4), an applicant who served at least half of the disqualifying period may reapply for a license if, during that time, the applicant has not been found guilty of or has not pleaded guilty or nolo contendere to a crime. The department may issue the applicant a license on a probationary basis for the remainder of the disqualifying period. The applicant's probationary period ends at the end of the disqualifying period.

Section 18. Subsection (1) and paragraph (e) of subsection (2) of section 626.221, Florida Statutes, are amended to read:

626.221 Examination requirement; exemptions.—

(1) The department may ~~shall~~ not issue any license as agent or adjuster to any individual who has not qualified for, taken, and passed to the satisfaction of the department a written examination of the scope prescribed in s. 626.241.

(2) However, an examination is not necessary for any of the following:

(e) An applicant who has been licensed as an all-lines adjuster and appointed as an independent adjuster or company employee adjuster and who files ~~if~~ an application for an all-lines adjuster license ~~licensure is filed~~ with the department within 48 months after ~~following~~ the date of cancellation or expiration of the prior appointment.

Section 19. Paragraph (d) of subsection (3) of section 626.2815, Florida Statutes, is amended to read:

626.2815 Continuing education requirements.—

(3) Each licensee except a title insurance agent must complete a 5-hour update course every 2 years which is specific to the license held by the licensee. The course must be developed and offered by providers and approved by the department. The content of the course must address all lines of insurance for which examination and licensure are required and include the following subject areas: insurance law updates, ethics for insurance professionals, disciplinary trends and case studies, industry trends, premium discounts, determining suitability of products and services, and other similar insurance-related topics the department determines are relevant to legally and ethically carrying out the responsibilities of the license granted. A licensee who holds multiple insurance licenses must complete an update course that is specific to at least one of the licenses held. Except as otherwise specified, any remaining required hours of continuing education are elective and may consist of any continuing education course approved by the department under this section.

(d) An individual who holds a license as a customer representative~~, limited customer representative, motor vehicle physical damage and mechanical breakdown insurance agent, or an industrial fire insurance or burglary insurance agent~~ and who is not a licensed life or health agent~~,~~ must also complete a minimum of 5 hours of continuing education courses every 2 years.

Section 20. Paragraphs (b) and (f) of subsection (1) of section 626.321, Florida Statutes, are amended to read:

626.321 Limited licenses.—

(1) The department shall issue to a qualified applicant a



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license as agent authorized to transact a limited class of business in any of the following categories of limited lines insurance:

(b) *Industrial fire insurance or burglary insurance.*—License covering only industrial fire insurance or burglary insurance. ~~The applicant for such a license must pass a written examination covering such insurance.~~ A licensee under this paragraph may not hold a license as an agent for any other or additional kind or class of insurance coverage except for life insurance and health insurance. Effective July 1, 2019, all licensees holding such limited license and appointment may renew the license and appointment, but no new or additional licenses may be issued pursuant to this paragraph and a licensee whose limited license under this paragraph has been terminated, suspended, or revoked may not have such license reinstated.

(f) *Crop hail and multiple-peril crop insurance.*—License for insurance covering crops subject to unfavorable weather conditions, fire or lightning ~~lightening~~, flood, hail, insect infestation, disease, or other yield-reducing conditions or perils which is provided by the private insurance market~~,~~ or which is subsidized by the Federal Group Insurance Corporation including multi-peril crop insurance. Notwithstanding any other ~~provision of~~ law, the limited license may be issued to a bona fide salaried employee of an association chartered under the Farm Credit Act of 1971, 12 U.S.C. ss. 2001 et seq.~~, who satisfactorily completes the examination prescribed by the department pursuant to s. 626.241(5).~~ The agent must be appointed by, and his or her limited license requested by, a licensed general lines agent. All business transacted by the



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agent must be on behalf of, in the name of, and countersigned by the agent by whom he or she is appointed. Sections 626.561 and 626.748, relating to records, apply to all business written pursuant to this section. The licensee may be appointed by and licensed for only one general lines agent or agency.

Section 21. Subsection (1) of section 626.471, Florida Statutes, is amended to read:

626.471 Termination of appointment.—

(1) Subject to an appointee's contract rights, an appointing entity may terminate its appointment of any appointee at any time. Except when termination is upon a ground that ~~which~~ would subject the appointee to suspension or revocation of his or her license and appointment under s. 626.611 or s. 626.621, and except as provided by contract between the appointing entity and the appointee, the appointing entity shall give at least 60 days' advance written notice of its intention to terminate such appointment to the appointee~~, either~~ by delivery thereof to the appointee in person, ~~or~~ by mailing it~~,~~ postage prepaid, or by e-mail. If delivery is by mail or e-mail, the notice must be addressed to the appointee at his or her last mailing or e-mail address of record with the appointing entity. Notice is ~~so mailed shall be~~ deemed to have been given when deposited in a United States Postal Service mail depository or when the e-mail is sent, as applicable.

Section 22. Section 626.521, Florida Statutes, is repealed.

Section 23. Section 626.536, Florida Statutes, is amended to read:

626.536 Reporting of administrative actions.—Within 30 days after the final disposition of an administrative action taken

against a licensee ~~or insurance agency~~ by a governmental agency or other regulatory agency in this or any other state or jurisdiction relating to the business of insurance, the sale of securities, or activity involving fraud, dishonesty, trustworthiness, or breach of a fiduciary duty, the licensee ~~or insurance agency~~ must submit a copy of the order, consent to order, or other relevant legal documents to the department. The department may adopt rules to administer this section.

Section 24. Subsection (7) is added to section 626.6215, Florida Statutes, to read:

626.6215 Grounds for discretionary refusal, suspension, or revocation of insurance agency license.—The department may, in its discretion, deny, suspend, revoke, or refuse to continue the license of any insurance agency if it finds, as to any insurance agency or as to any majority owner, partner, manager, director, officer, or other person who manages or controls such insurance agency, that any one or more of the following applicable grounds exist:

(7) A denial, suspension, or revocation of, or any other adverse administrative action against, a license to practice or conduct any regulated profession, business, or vocation by this state, any other state, any nation, any possession or district of the United States, any court, or any lawful agency thereof.

Section 25. Section 626.729, Florida Statutes, is amended to read:

626.729 "Industrial fire insurance" defined.—As used in ~~For the purposes of~~ this code, the term "industrial fire insurance" means: ~~is~~

(1) Insurance against loss by fire of either buildings and



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other structures or contents, which may include extended coverage;

(2) Windstorm insurance;

(3) Basic limits owners, landlords, or tenants liability insurance with single limits of $25,000;

(4) Comprehensive personal liability insurance with a single limit of $25,000; or

(5) Burglary insurance, under which the premiums are collected quarterly or more often and the face amount of the insurance provided by the policy on one risk is not more than $50,000, including the contents of such buildings and other structures~~, and the insurer issuing such policy is operating under a system of collecting a debit by its agents. A temporary license for an industrial fire or burglary agent issued pursuant to s. 626.175 shall be solely for the purpose of collecting premiums and servicing in-force policies, and such licensee shall not directly or indirectly solicit, negotiate, or effect contracts of insurance~~.

Section 26. Section 626.7355, Florida Statutes, is repealed.

Section 27. Subsection (9) of section 626.8437, Florida Statutes, is amended to read:

626.8437 Grounds for denial, suspension, revocation, or refusal to renew license or appointment.—The department shall deny, suspend, revoke, or refuse to renew or continue the license or appointment of any title insurance agent or agency, and it shall suspend or revoke the eligibility to hold a license or appointment of such person, if it finds that as to the applicant, licensee, appointee, or any principal thereof, any

one or more of the following grounds exist:

(9) Willful failure to comply with, or willful violation of, any proper order or rule of the department or willful violation of any provision of the Florida Insurance Code ~~this act~~.

Section 28. Subsection (2) of section 626.844, Florida Statutes, is amended to read:

626.844 Grounds for discretionary refusal, suspension, or revocation of license or appointment.—The department may, in its discretion, deny, suspend, revoke, or refuse to renew or continue the license or appointment of any title insurance agent or agency, and it may suspend or revoke the eligibility to hold a license or appointment of any such title insurance agent or agency if it finds that as to the applicant or licensee or appointee, or any principal thereof, any one or more of the following grounds exist under circumstances for which such denial, suspension, revocation, or refusal is not mandatory under s. 626.8437:

(2) Violation of any provision of the Florida Insurance Code ~~this act~~ in the course of dealing under the license or appointment.

Section 29. Paragraph (e) of subsection (1) and paragraphs (b) and (c) of subsection (2) of section 626.8732, Florida Statutes, are amended to read:

626.8732 Nonresident public adjuster’s qualifications, bond.—

(1) The department shall, upon application therefor, issue a license to an applicant for a nonresident public adjuster’s license upon determining that the applicant has paid the



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applicable license fees required under s. 624.501 and:

(e) Has been licensed and employed as a public adjuster in the applicant's state of residence on a continual basis for the past 6 months ~~year~~, or, if the applicant's state of residence does not issue licenses to individuals who act as public adjusters, the applicant has been licensed and employed as a resident insurance company adjuster, a public adjuster, or an independent adjuster in his or her state of residence or any other state on a continual basis for the past 6 months ~~year~~.

(2) The applicant shall furnish the following with his or her application:

(b) If currently licensed as a resident public adjuster in the applicant's state of residence, a certificate or letter of authorization from the licensing authority of the applicant's state of residence, stating that the applicant holds a current or comparable license to act as a public adjuster and has held the license continuously for the past 6 months ~~year~~. The certificate or letter of authorization must be signed by the insurance commissioner or his or her deputy or the appropriate licensing official and must disclose whether the adjuster has ever had any license or eligibility to hold any license declined, denied, suspended, revoked, or placed on probation or whether an administrative fine or penalty has been levied against the adjuster and, if so, the reason for the action.

(c) If the applicant's state of residence does not require licensure as a public adjuster and the applicant has been licensed as a resident insurance adjuster in his or her state of residence or any other state, a certificate or letter of authorization from the licensing authority stating that the

applicant holds or has held a license to act as such an insurance adjuster and has held the license continuously for the past 6 months ~~year~~. The certificate or letter of authorization must be signed by the insurance commissioner or his or her deputy or the appropriate licensing official and must disclose whether or not the adjuster has ever had any license or eligibility to hold any license declined, denied, suspended, revoked, or placed on probation or whether an administrative fine or penalty has been levied against the adjuster and, if so, the reason for the action.

Section 30. Subsection (6) of section 627.7015, Florida Statutes, is amended to read:

627.7015 Alternative procedure for resolution of disputed property insurance claims.—

(6)(a) Mediation is nonbinding; however, if a written settlement is reached, the policyholder has 3 business days within which the policyholder may rescind the settlement unless the policyholder has cashed or deposited any check or draft disbursed to the policyholder for the disputed matters as a result of the conference. If a settlement agreement is reached and is not rescinded, it is binding and acts as a release of all specific claims that were presented in that mediation conference.

(b) At the conclusion of the mediation, the mediator shall provide a written report of the results of mediation, including any settlement amount, to the insurer, the policyholder, and the policyholder's representative if the policyholder is represented at the mediation.

Section 31. Subsection (1) of section 633.216, Florida

Statutes, is amended to read:

633.216 Inspection of buildings and equipment; orders; firesafety inspection training requirements; certification; disciplinary action.—The State Fire Marshal and her or his agents or persons authorized to enforce laws and rules of the State Fire Marshal shall, at any reasonable hour, when the State Fire Marshal has reasonable cause to believe that a violation of this chapter or s. 509.215, or a rule adopted thereunder, or a minimum firesafety code adopted by the State Fire Marshal or a local authority, may exist, inspect any and all buildings and structures which are subject to the requirements of this chapter or s. 509.215 and rules adopted thereunder. The authority to inspect shall extend to all equipment, vehicles, and chemicals which are located on or within the premises of any such building or structure.

(1) Each county, municipality, and special district that has firesafety enforcement responsibilities shall employ or contract with a firesafety inspector. Except as provided in s. 633.312(2), ~~and~~ (3), and (4), the firesafety inspector must conduct all firesafety inspections that are required by law. The governing body of a county, municipality, or special district that has firesafety enforcement responsibilities may provide a schedule of fees to pay only the costs of inspections conducted pursuant to this subsection and related administrative expenses. Two or more counties, municipalities, or special districts that have firesafety enforcement responsibilities may jointly employ or contract with a firesafety inspector.

Section 32. Paragraph (f) of subsection (1) of section 633.218, Florida Statutes, is amended to read:

633.218 Inspections of state buildings and premises; tests of firesafety equipment; building plans to be approved.—

(1)

~~(f) A state-owned building or state-leased building or space shall be identified through use of the United States National Grid Coordinate System.~~

Section 33. Paragraph (c) of subsection (1) of section 633.306, Florida Statutes, is amended to read:

633.306 Requirements for installation, inspection, and maintenance of fire suppression equipment.—

(1) The requirements for installation of fire extinguishers and preengineered systems are as follows:

(c) Equipment must ~~shall~~ be installed in accordance with the applicable standards of the National Fire Protection Association and the manufacturer's drawings and specifications, using only components and parts specified by the manufacturer or listed as equal parts by a nationally recognized testing laboratory, such as Underwriters Laboratories, Inc., or Factory Mutual Laboratories, Inc.

Section 34. Present subsections (4) and (5) of section 633.312, Florida Statutes, are redesignated as subsections (5) and (6), respectively, and subsection (3) of that section is amended, to read:

633.312 Inspection of fire control systems, fire hydrants, and fire protection systems.—

(3)(a) The inspecting contractor shall provide to the building owner or hydrant owner and the local authority having jurisdiction a copy of the applicable uniform summary inspection report established under this chapter. The local authority

having jurisdiction may accept uniform summary inspection reports by United States mail, by hand delivery, by electronic submission, or through a third-party vendor that collects the reports on behalf of the local authority having jurisdiction.

(b) The State Fire Marshal shall adopt rules to implement a uniform summary inspection report and submission procedures to be used by all third-party vendors and local authorities having jurisdiction. For purposes of this section, a uniform summary inspection report must record the address where the fire protection system or hydrant is located, the company and person conducting the inspection and their license number, the date of the inspection, and the fire protection system or hydrant inspection status, including a brief summary of each deficiency, critical deficiency, noncritical deficiency, or impairment found. A contractor's detailed inspection report is not required to follow the uniform summary inspection report format. The State Fire Marshal shall establish by rule a submission procedure for each means provided under paragraph (a) by which a local authority having jurisdiction may accept uniform summary inspection reports. Each of the submission procedures must allow a contractor to attach additional documents with the submission of a uniform summary inspection report, including a physical copy of the contractor's detailed inspection report. A submission procedure may not require a contractor to submit information contained within the detailed inspection report unless the information is required to be included in the uniform summary inspection report.

(4) The maintenance of fire hydrant and fire protection systems as well as corrective actions on deficient systems is



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the responsibility of the owner of the system or hydrant. Equipment requiring periodic testing or operation to ensure its maintenance shall be tested or operated as specified in the Fire Prevention Code, Life Safety Code, National Fire Protection Association standards, or as directed by the appropriate authority, provided that such appropriate authority may not require a sprinkler system not required by the Fire Prevention Code, Life Safety Code, or National Fire Protection Association standards to be removed regardless of its condition. This section does not prohibit governmental entities from inspecting and enforcing firesafety codes.

Section 35. Section 633.520, Florida Statutes, is amended to read:

633.520 Safety; firefighter employer responsibilities; division rules.—

(1) Every firefighter employer shall furnish and use safety devices and safeguards, adopt and use methods and processes reasonably adequate to render such an employment and place of employment safe, and do every other thing reasonably necessary to protect the lives, health, and safety of such firefighter employees. As used in this section, the terms "safe" and "safety," as applied to any employment or place of employment, mean such freedom from danger as is reasonably necessary for the protection of the lives, health, and safety of firefighter employees, including conditions and methods of sanitation and hygiene. Safety devices and safeguards required to be furnished by the firefighter employer by this section or by the division under authority of this section do not include personal apparel and protective devices that replace personal apparel normally



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worn by firefighter employees during regular working hours.

(2) The division shall adopt rules to establish employer cancer prevention best practices relating to personal protective equipment, decontamination, fire suppression apparatus, and fire stations.

Section 36. Subsection (1) of section 648.49, Florida Statutes, is amended to read:

648.49 Duration of suspension or revocation.—

(1) The department shall, in its order suspending a license or appointment or in its order suspending the eligibility of a person to hold or apply for such ~~a~~ license or appointment, specify the period during which the suspension is to be in effect, but such period may not exceed 2 years. The license, ~~or~~ appointment, or ~~and~~ eligibility to hold a license or appointment must ~~shall~~ remain suspended during the period so specified, subject, however, to any rescission or modification of the order by the department, or modification or reversal thereof by the court, prior to expiration of the suspension period. A license or appointment that ~~which~~ has been suspended may not be reinstated, nor may ~~shall~~ the eligibility to hold such license or appointment be reinstated, except upon the filing and approval of an application for ~~request for such~~ reinstatement.~~,~~ ~~but~~ The department may not approve an application for ~~grant such~~ reinstatement if it finds that the circumstances for which the license or appointment was suspended still exist or are likely to recur. In each case involving suspension, the department has the discretion to require the former licensee to successfully complete a basic certification course in the criminal justice system, consisting of not less than 80 hours approved by the

department.

Section 37. Present subsection (8) of section 717.124, Florida Statutes, is redesignated as subsection (11), a new subsection (8) and subsections (9) and (10) are added to that section, and subsection (7) of that section is amended, to read:

717.124 Unclaimed property claims.—

(7) The department may allow an apparent owner to electronically submit a claim for unclaimed property to the department. If a claim is submitted electronically for $5,000 ~~$1,000~~ or less, the department may use a method of identity verification other than a copy of a valid driver license, other government-issued photographic identification, or a sworn notarized statement. The department may adopt rules to implement this subsection.

(8) Notwithstanding any other provision of this chapter, the department may develop and implement an identification verification and disbursement process whereby accounts valued at $2,000 or less, after receipt by the department and after being added to the unclaimed property database, may be disbursed to an apparent owner after the department has verified that the apparent owner is living and has verified the apparent owner's correct, current address. The department shall include with the payment a notification and an explanation of the dollar amount, source, and property type of each account included in the disbursement. The department may adopt rules to administer this subsection.

(9) Notwithstanding any other provision of this chapter, the department may develop and implement a verification and disbursement process whereby accounts, after receipt by the



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

department and after being added to the unclaimed property database, for which the apparent owner is a governmental agency of this state or subdivision thereof; a county government of this state or a subdivision thereof; a public school district of this state or a subdivision thereof; a municipality of this state or a subdivision thereof; or a special taxing district of this state or authority may be disbursed to the apparent owner entity or to the successor entity. The department shall include with the payment a notification and explanation of the dollar amount, source, and property type of each account included in the disbursement. The department may adopt rules to administer this subsection.

(10) Notwithstanding any other provision of this chapter, the department may develop a process whereby a registered claimant's representative may electronically submit to the department electronic images of completed claims and claim-related documents pursuant to this chapter, including limited powers of attorney and purchase agreements that have been personally signed and dated by a claimant or by a seller pursuant to s. 717.135 or s. 717.1351, after the original documents provided by the claimant or by the seller to the claimant's representative are physically received and in the claimant's representative's possession for any respective claim. Each claim filed by a registered claimant's representative must include a statement by the claimant's representative or buyer accurately attesting that all documents are true copies of the original documents and that all original documents are physically in the possession of the claimant's representative or buyer. All original documents must be kept in original form, by



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claim number, under the secure control of the claimant's representative or buyer and must be made available for inspection by the department or other governmental agencies in accordance with s. 717.1315. The department may adopt rules to administer this subsection.

Section 38. This act shall take effect July 1, 2019.



**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 Innovation, Industry, and Technology

| | |
|---|---|
| BILL: | CS/SB 1640 |
| INTRODUCER: | Innovation, Industry, and Technology Committee and Senator Albritton |
| SUBJECT: | Deregulation of Professions and Occupations |
| DATE: | April 2, 2019 REVISED: |

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|---|---|---|---|---|
| 1. | Kraemer/Oxamendi | Imhof | IT | **Fav/CS** |
| 2. | | | CM | |
| 3. | | | AP | |

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

## I. Summary:


CS/SB 1640 relates to businesses and professions regulated by the Department of Business and Professional Regulation. The bill deregulates the following professions by deleting license requirements for:

- Interior designers;
- Hair braiders, hair wrappers, and body wrappers;
- Nail polishers and makeup applicators; and
- Boxing announcers and timekeepers.

The bill partially deregulates the following businesses and professions by deleting license requirements, while maintaining some standards of practice and civil and criminal causes of action:

- Auctioneers;
- Talent agents (that represent artists younger than age 18); and
- Labor organizations.

The bill deletes the requirement that a yacht and ship broker must have a separate license for each branch office. The bill eliminates the additional business or firm license required for the following professional licensees:

- Asbestos abatement consultants and contractors;
- Architects;

- Engineers;
- Landscape architects; and
- Geologists.

The bill provides additional options for the following professionals, if licensed in another state, to qualify for a professional license in Florida:
- Barbers;
- Veterinarians;
- Construction and electrical contractors;
- Landscape architects;
- Geologists;
- Engineers;
- Certified public accountants;
- Mold services professionals;
- Home inspectors;
- Building code professionals; and
- Cosmetologists and Barbers.

The bill revises the membership of the Florida Building Commission.

The bill will have a significant negative fiscal impact on state revenues with an estimated reduction of revenues to the DBPR totaling $3,910,120. The bill will have a corresponding reduction of approximately $312,810 in the eight percent revenue service charge sent to General Revenue (non-operating expenditure) for the next three fiscal years (FY 2019-2020 to FY 2021-2022) . The bill will result in a reduction of expenditures for the DBPR of $135,900 in FY 2019-2020, $141,100 in FY 2020-2021, and $147,800 in FY 2021-22. *See* Section V.

The bill has an effective date of July 1, 2019.

## II. Present Situation:

For ease of reference, the Present Situation for each section of SB 1640 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.

The Florida State Boxing Commission is assigned to the DBPR for administrative and fiscal accountability purposes only.[1] The DBPR also administers the Child Labor Law and Farm Labor Contractor Registration Law.[2]

**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,"[3] as well as the procedural and administrative framework for those divisions and all of the professional boards within the DBPR.[4]

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,"[5] 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.[6]

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.[7]

[1] Section 548.003(1), F.S.
[2] *See* Parts I and III of ch. 450, F.S.
[3] *See* s. 455.01(6), F.S.
[4] *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 staff counsel of the DBPR. *See* s. 455.221(1), F.S.
[5] Section 455.201(2), F.S.
[6] *Id.*
[7] Section 455.201(4)(b), F.S.

**Department of Business and Professional Regulation Boards**

Fifteen boards and programs exist within the Division of Professions,[8] two boards are within the Division of Real Estate,[9] and one board exists in the Division of Certified Public Accounting.[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 2017-2018, the Division of Accountancy had 37,896 active licensees, the Division of Real Estate had 283,070 active licensees, and the Board of Professional Engineers had 64,219 licensees.[14] In Fiscal Year 2017-2018, there were 434,642 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;

[8] 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.

[9] *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.

[10] *See* s. 20.165(4)(c), F.S., which establishes the Board of Accountancy, created under ch. 473, F.S.

[11] Section 455.219(1), F.S.

[12] Section 455.01(4), F.S.

[13] Section 455.01(5), F.S.

[14] *See* Department of Business and Professional Regulation, *Annual Report, Divisions of Professions, Certified Public Accounting, Real Estate, and Regulation, Fiscal Year 2017-2018*, (the "Professions Annual Report for FY 2017-2018) at http://www.myfloridalicense.com/DBPR/os/documents/ProfessionsAnnualReport2017-2018.pdf, at pages 19-20 (last visited Mar. 18, 2019).

[15] Of the total 456,875 licensees in the Division of Professions, 22,233 are inactive. *See supra* note 14 at p. 20.

- 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 under ch. 718, F.S.;
- Cooperative associations under ch. 719, F.S.;
- Florida mobile home parks and related associations under ch. 723, F.S.;
- Vacation units and timeshares under ch. 721, F.S.;
- Yacht and ship brokers and related business entities under ch. 326, F.S.; and
- Homeowner's associations under ch. 720, F.S. (jurisdiction is limited to arbitration of election and recall disputes).[18]

## III. Effect of Proposed Changes:

For ease of reference to each of the subjects addressed in SB 1640, 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 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

[16] *See* supra note 14 at pages 19-20.
[17] *See* Department of Business and Professional Regulation, *Division of Florida Condominiums, Timeshares, and Mobile Homes*, at http://www.myfloridalicense.com/DBPR/condominiums-and-cooperatives/ (last visited Mar. 27, 2019).
[18] *See* s. 720.306(9)(c), F.S.
[19] *See* Department of Business and Professional Regulation, *Yacht and Ship Brokers; Licensing and Enforcement*, http://www.myfloridalicense.com/DBPR/yacht-and-ships/ (last visited Mar. 27, 2019).
[20] Section 326.004(1), F.S.

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 2** of the bill amends s. 326.004(13), F.S., to delete the requirement for a separate license for each branch office maintained by a yacht and ship broker. 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, 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]

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[21] Section 326.004(13), F.S.
[22] *See* Fla. Admin. Code R. 61B-60.002 (2019) at https://www.flrules.org/gateway/ChapterHome.asp?Chapter=61B-60 (last visited Mar. 27, 2019).
[23] Section 447.01, F.S., and *see* http://www.myfloridalicense.com/DBPR/labor-organizations-and-business-agents/ (last visited Mar. 3, 2019).
[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.

***Effect of Proposed Changes:***

**Sections 3 through 11** of the bill amend 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.

**Reciprocal Licensing by the DBPR**

***Present Situation***

Section 455.213, F.S., provides general licensing provisions for the DBPR. Some professions licensed by the DBPR authorize the DBPR or the applicable board to issue a license by endorsement (reciprocity) to a person licensed in another state, if the other state's license qualification requirements are equal to or greater than, the profession's license qualification requirements in Florida.[29]

***Effect of Proposed Changes***

**Section 12** of the bill amends s. 455.213, F.S., to require the department or board to enter into reciprocal licensing agreements with other states when permitted by the practice act for a profession. The bill requires the department to post on its website existing reciprocity agreements with other states or to identify the states whose licensing requirements are substantially equivalent or more stringent than the requirements in Florida.

**Auctioneers**

***Present Situation***

Auction businesses, auctioneers, and apprentice auctioneers are licensed and regulated in accordance with part VI of ch. 468, F.S., and by the Florida Board of Auctioneers within the DBPR. The program processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the auctioneering industry.

An 'auction business' is a "sole proprietorship, partnership, or corporation which in the regular course of business arranges, manages, sponsors, advertises, promotes, or carries out auctions, employs auctioneers to conduct auctions in its facilities, or uses or allows the use of its facilities for auctions."[30]

A license is required before any person can auction or offer to auction any property in this state, and the auctioneer practice act applies to all auctions in the state, with certain exceptions.[31]

In order to qualify for licensure as an auctioneer, an applicant must:

[29] *See*, for example, s. 477.019(6), F.S., relating to licensure by endorsement for a person licensed as a cosmetologist in another state.
[30] Section 468.382(1), F.S.
[31] Sections 468.385(2) and 468.383, F.S.

- Be 18 years or older;
- Not have committed any act or offense in the state or any other jurisdiction which would constitute a basis for disciplinary action in Florida;
- Have held an apprentice license and have served as an apprentice for one year or more, or have completed a course of study, consisting of not less than 80 classroom hours of instruction, that meets standards adopted by the board; and
- Pass the required examination.[32]

The Florida Board of Auctioneers assesses a variety of fees for licensure as an auctioneer, including application fees, examination fees, initial license fees, and renewal fees. For example, the application fee for an auctioneer license through examination is $50, the examination fee is $250.00 payable to the DBPR plus $10.00 payable to the testing service, and the initial license fee for an auctioneer is $150.[33]

An auctioneer may be disciplined or have a civil action brought against them by the DBPR for one of the following violations:[34]

- Violating any trade or commerce law;
- Misrepresenting property for sale at auction;
- Failing to return money or property within 30 days of obtaining control of such money or property;
- False, deceptive, misleading, or untruthful advertising;
- Bad faith or dishonesty in a sales transaction;
- Using false bidders, cappers, or shills;
- Comingling auction monies with personal money;
- Refusing or neglecting to pay public moneys into the State Treasury when prescribed by law; and
- Other violations of the practice act.

An auctioneer commits a third degree felony for certain violations of the practice act, including:[35]

- Failing to return money or property within 30 days of control of such money or property;
- Bad faith or dishonesty in a sales transaction;
- Using false bidders, cappers, or shills;
- Comingling auction monies with personal money; and
- Refusing or neglecting to pay the public moneys into the State Treasury when prescribed by law.

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

There were 2,422 active licensed auctioneers and there were 25 disciplinary orders issued to auctioneers in the 2017-2018 fiscal year.[36]

[32] Section 468.385(6), F.S.
[33] *See* Fla. Admin. Code R. 61G2-3.001 (2019).
[34] Section 468.389, F.S.
[35] Section 468.391, F.S.
[36] *Supra* note 14 at pp. 19 and 94.

***Effect of Proposed Changes***

**Section 1** of the bill amends s. 20.165(4)2., F.S., relating to the boards and programs established within the Division of Professions in the DBPR, to eliminate the Florida Board of Auctioneers.

**Sections 13 through 32** of the bill amend part VI of ch. 468, F.S., to delete all licensing requirements for auctioneers.

The bill does not affect existing provisions governing the conduct of auctions, such as maintaining a record book of all sales, and prohibit certain acts, such as misrepresentations, false or deceptive advertising, and failing to account for funds in the control of the auctioneer. Under s. 468.389, F.S., a violation of any of the prohibited acts constitutes a basis for civil action against an auctioneer or an auction business or its owners or management. The bill also does not affect the criminal penalties in s. 468.391, F.S., for certain violations of the prohibited acts by an auctioneer or auctioneer business.

**Section 101**of the bill amends s. 559.25(3), F.S., to delete the reference to licensed auctioneers in the context of persons who are exempt from compliance with requirements relating to fire and going-out-of-business sales and auctions. Under the bill, auctioneers are required to comply with the requirements in part III of ch. 559, F.S., which include obtaining a permit from the tax collector before publishing or conducting an auction.[37]

**Talent Agencies**

***Present Situation***

Chapter 468, Part VII, F.S., establishes regulations and licensure requirements for talent agencies. Talent agencies are licensed by the Division of Regulation within the DBPR. Talent agents represent and promote talent and performers to prospective employers. They may also handle contract negotiation and other business matters for clients. Currently, there are 201 licensed talent agencies.

"Talent Agency" is defined as “any person who, for compensation, engages in the occupation or business of procuring or attempting to procure engagements or any employment or placement of an artist, where the artist performs in his or her artistic capacity.”

Section 468.405, F.S., provides license application requirements, including proof of at least one year of direct experience in the talent agency business or as a subagent, casting director, producer, director, advertising agency, talent coordinator, or musical booking agent. A license application must be accompanied by affidavits of at least five reputable persons, other than artists, who have known or have been associated with the applicant for at least three years, stating that the applicant is a person of good moral character or, in the case of a corporation, has a reputation for fair dealing.

Additionally, an applicant for licensure must meet the following qualifications:

[37] *See* s. 559.21, F.S., relating to the regulation of sales.

- Each person designated in an application as an owner or operator must be of good moral character.
- Each application must show whether or not the agency, any person, or any owner of the agency is financially interested in any other business of a similar nature and, if so, must specify such interest or interests.
- Each licensed talent agency must post a $5,000 bond.

Licenses are renewed biennially, and there are no continuing education requirements.

Talent agencies must pay an initial licensure application fee of $300 and an initial license fee of $400.

Part VII of Chapter 468, F.S., also includes requirements for recordkeeping, prohibitions on registration fees, and contractual requirements. Certain prohibited acts are crimes punishable as a misdemeanor or a felony and revocation of the talent agency's license.

Owning or operating a talent agency without a license, or obtaining such license by means of fraud, misrepresentation or concealment constitutes a felony of the third degree.[38]

Failure to maintain required records, requiring applicants for employment with the agency or placement to purchase certain products or services, or violating federal laws constitutes a misdemeanor of the second degree.[39] Section 468.13(4), F.S., provides that a state attorney may seek appropriate relief for violations of s. 468.413(1), F.S.

Section 468.415, F.S., prohibits sexual misconduct by a talent agent and authorizes the DBPR to permanently revoke the license of any agent, owner, or operator of a talent agency who violates this prohibition. Such person is also permanently disqualified from licensure as an agent, owner, or operator of a talent agency.

There were 320 licensed talent agencies and no disciplinary orders issued to talent agencies in the 2017- 2018 fiscal year.[40]

***Effect of Proposed Changes***

**Sections 33 through 36** of the bill amend part VII of ch. 468, F.S., to limit the license requirements for talent agencies. Under the bill, a talent agency is not required to be licensed if it does not represent an artist younger than 18 years of age. The bill retains all other requirements for talent agencies including the requirement to maintain a surety bond, and for the conduct of the profession, including record keeping requirements, prohibited acts, and criminal penalties for prohibitions that are unrelated to license requirements.

[38] Section 468.413(1), F.S.
[39] *See* s. 468.413(2), F.S.
[40] *Supra* note 14 at pp. 19 and 94.

The bill creates subsection (12) of s. 648.412, F.S., to require employees of a talent agency to complete a level 1 background screening pursuant to s. 435.03, F.S.[41]

The bill does not repeal the prohibition in s. 468.415, F.S., against sexual misconduct. Under the bill, violators are permanently prohibited from acting as an agent, owner, or operator of a Florida talent agency. However, if the violator is a person who is exempt from the license requirement because he or she does not represent an artist under 18 years of age, the bill does not provide a remedy or other penalty is such person is acting as an agent, owner, or operator of a Florida talent agency after being permanently barred from doing so. The criminal penalties in s. 468.413, F.S., for violations involving certain prohibited acts do not apply to the sexual misconduct prohibition in s. 468.415, F.S.

**Employee Leasing Companies**

***Present Situation***

Generally, 'employee leasing' means an arrangement where a leasing company assigns its employees to a client and allocates the direction of and control over the leased employees between the leasing company and the client, with exceptions. The Board of Employee Leasing Companies under the DBPR licenses and regulates employee leasing companies.[42]

Section 468.524(4), F.S., provides that, if an applicant is denied a license, or a licensee has had a license revoked, the person may not reapply for a license for a period of one year following final agency action on the denial. This mandatory delay does not apply to administrative denials or revocations if:

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

There were 941 licensed employee leasing companies and 92 disciplinary orders issued to employee leasing companies in the 2017-2018 fiscal year.[43]

***Effect of Proposed Changes***

**Section 37** of the bill amends s. 468.524(4), F.S., to delete the one year mandatory delay for reapplication for initial applicants who were denied a license, but retains the delay for licensees who had their license revoked.

The bill deletes the exemptions to the one-year restriction for reapplication for a license if the department was unable to complete a criminal background investigation or the applicant was

[41] A level 1 background screening under s. 435.03, F.S., includes criminal records checks through the Florida Department of Law Enforcement, and the Dru Sjodin National Sex Offender Public Website, and may include local criminal records checks through local law enforcement agencies.
[42] Section 468.522, F.S.
[43] *Supra* note 14 at pp. 19 and 94.

found ineligible for lack of good moral character. Under the bill, such persons would remain ineligible for licensure under part XI of ch. 468, F.S., for one year after revocation of a license.

**Building Code Administrators and Inspectors**

***Present Situation***

Building officials, inspectors, and plans examiners are regulated by part XII of ch. 468, F.S., and are regulated and licensed by the Florida Building Code Administrators and Inspectors Board (FBCAIB).[44]

A building code administrator, otherwise known as a building official, supervises building code activities, including plans review, enforcement, and inspection.[45]

A building code inspector inspects construction that requires permits to determine compliance with building codes and state accessibility laws. An inspector's ability to practice is limited to the category or categories in which the inspector has been certified. The inspector categories are:

- Building inspector.
- Coastal construction inspector.
- Commercial electrical inspector.
- Residential electrical inspector.
- Mechanical inspector.
- Plumbing inspector.
- One and two family dwelling inspector.
- Electrical inspector.[46]

A plans examiner reviews plans submitted for building permits to determine design compliance with construction codes. A residential plan examiner determines the submitted plans comply with applicable residential construction codes.[47] A plans examiner's ability to practice is limited to the category or categories the plans examiner is certified in. The plans examiner categories are:

- Building plans examiner.
- Plumbing plans examiner.
- Mechanical plans examiner.
- Electrical plans examiner.[48]

In order to become licensed, building code administrators, inspectors, and plans examiners must take the licensing exam required for the category sought.

In order to sit for the administrator exam, a person must be at least 18 years of age, be of good moral character, and meet one of the following eligibility requirements:[49]

[44] Section 468.605, F.S.
[45] Section 468.603(1), F.S.
[46] Section 468.603(6), F.S.
[47] Section 468.603(8), F.S.
[48] Section 468.603(7), F.S.
[49] Section 468.609(3), F.S.

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

In order to sit for the plans examiner or inspector exam, a person must be at least 18 years of age, be of good moral character, and meet one of the following eligibility requirements:[50]

- Have four to five years combined relevant education and experience, depending on how the applicant chooses to qualify;
- Complete an approved cross-training program and have at least two years of experience;
- Hold a standard certificate issued by the FBCAIB or a firesafety inspector license, and
  - Have at least five years of relevant experience as an inspector or plans examiner;
  - Have a minimum of three years of experience in inspection or plan review, and completed an inspector or plans examiner training program in the new category sought;
  - Have a minimum of five years of experience in firesafety inspection, and completed a training program of not less than 200 hours in the new category sought; or
  - Complete an approved training program of not less than 300 hours in inspection or plans review; and a minimum of two years of experience in construction, inspection, plans review, fire code inspections and fire plans review of new buildings as a firesafety inspector; or
  - Complete a four year internship certification program.

A person who is licensed in another state is eligible for a building code administrator, inspector, or plans examiner license by endorsement in Florida if they:[51]

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

There were 8,265 licensed building code administrators and inspectors and there was one disciplinary order issued in the 2017-2018 fiscal year.[52]

### *Effect of the Bill*

**Section 38** of the bill amends s. 468.613, F.S., to require the FBCAIB to waive examination, qualification, education, or training requirements, if an applicant is licensed in another state and the applicant is:

- At least 18 years of age;
- Of good moral character;

[50] Section 468.609(2), F.S.
[51] Section 468.613, F.S.; and Fla. Admin. Code R. 61G19-6.0035(4) (2019).
[52] *Supra* note 14 at pp. 19 and 94.

- Holds a valid license to practice as a building code administrator, inspector, or plans examiner in another state or territory of the United States for at least 10 years before the date of application, and
- Successfully completes an applicable examination administered by the ICC.

**Home Inspectors**

***Present Situation***

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

In order to obtain licensure as a home inspector, a person must:
- Have good moral character;
- Carry liability insurance;
- Complete a course study of at least 120 hours; and
- Pass the required examination.[53]

A person who is licensed in another state is eligible for a license by endorsement in Florida who:[54]
- Is of good moral character;
- Holds a valid license to practice home inspection services in another state or territory of the United States whose educational requirements are substantially equivalent to Florida; and
- Has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the Florida examination.

The DBPR may not issue a license by endorsement to any applicant who is under investigation in another state for any act that would constitute a violation of the practice act until the investigation is complete and disciplinary proceedings have been terminated.[55]

There were 7,503 licensed home inspectors and no disciplinary orders issued to home inspectors in the 2017-2018 fiscal year.[56]

***Effect of Proposed Changes***

**Section 39** of the bill amends s. 468.8314(3), F.S., to provide an additional means for an applicant to qualify for licensure by endorsement if the applicant:
- Maintains a commercial general liability insurance policy in an amount of not less than $300,000, as provided in s. 468.8322, F.S.; and
- Holds a valid license to practice home inspection services in another state or territory of the United States for at least 10 years before the date of application.

[53] Section 468.8313, F.S.
[54] Section 468.8414(3), F.S.
[55] Section 468.8314(3), F.S.
[56] *Supra* note 14 at pp. 19 and 94.

**Mold-Related Services Professionals**

***Present Situation***

Mold-related service professionals are regulated by part XVI of ch. 468, F.S., and licensed by the Mold-Related Services Licensing Program within the DBPR.

To be licensed as a mold assessor or mold remediator, a person must:
- Be of good moral character,
- Have the required liability insurance, and have:
  - At least a two-year associate of arts degree with certain course requirements, and a minimum of one year of experience; or
  - A high school diploma or the equivalent with a minimum of four years of experience.[57]

A person licensed in another state is eligible for a license by endorsement in Florida if the person:[58]
- Is of good moral character;
- Holds required general liability insurance;
- Holds a valid license to practice as a mold assessor or mold remediator in another state or territory of the United States whose educational requirements are substantially equivalent to Florida; and
- Has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the Florida examination required by this part.

There were 4,521 mold-related services licensees and four disciplinary orders issued to mold-related services licensees in the 2017-2018 fiscal year.[59]

***Effect of Proposed Changes***

**Section 40** of the bill amends s. 468.8414(3), F.S., to provide an additional path for an applicant to qualify for a license by endorsement, if the person is licensed to practice as a mold assessor or mold remediator in another state or territory of the United States for at least 10 years before the date of application.

**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 in the Division of Professions, which processes license applications and responds to consumer complaints and inquiries by monitoring activities and compliance within the asbestos abatement industry.[60]

[57] Section 468.8413(2), F.S.
[58] Section 468.8414(3), (4), F.S.
[59] *Supra* note 14 at pp. 19 and 94.
[60] *See* https://www.myfloridalicense.com/intentions2.asp?chBoard=true&boardid=59&SID (last visited Mar. 16, 2017).

A person must be a licensed asbestos contractor in order to conduct asbestos abatement work,[61] unless exempted.[62] 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
- Prepare asbestos abatement specifications.[63]

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, or 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.[64]

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.[65]

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.[66] 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.[67] 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.[68]

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.[69]

There were 442 asbestos-related licensees and no disciplinary orders issued to asbestos-related services licensees in the 2017-2018 fiscal year.[70]

***Effect of Proposed Changes:***

**Sections 41 and 42** of the bill amend ss. 469.006 and 469.009, F.S., to remove the requirement for asbestos abatement licensees to obtain a separate license for an asbestos abatement business

[61] Section 469.003(3), F.S.
[62] 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.
[63] Section 469.003, F.S.
[64] Section 469.004(1), F.S.
[65] Section 469.006(2), F.S.
[66] *Id*.
[67] Section 469.006(3), F.S.
[68] *Id*.
[69] *See* Fla. Admin. Code R. 61E1-3.001 (2019).
[70] *Supra* note 14 at pp. 19 and 94.

organization. Instead, if an applicant wants to practice under a firm offering asbestos abatement services, the qualifying agent must apply and have the license issued in his or her name and the business organization name must be noted on the license. The qualifying agent must still be a licensee pursuant to ch. 469, F.S., and must prove they are qualified to supervise and are financially responsible.

The bill does not amend the responsibilities of licensees under ch. 469, F.S., or otherwise affect the obligations of asbestos abatement consultants or contractors.

**Engineering**

***Present Situation***

The practice of engineering is regulated by the Florida Board of Professional Engineers (FBPE). Unlike most professions regulated by the DBPR, the administrative, investigative, and prosecutorial services for the FBPE are not provided by the DBPR. The DBPR contracts with the Florida Engineers Management Corporation (FEMC), a non-profit corporation, to provide such services.[71]

To practice engineering through a business organization, the organization must be licensed and approved by FEMC. One or more of the principal officers of the business organization, or one or more partners of a partnership, must be a licensed engineer. Applicants for an engineering business certificate of authorization must pay an application fee of $100, an unlicensed activity fee of $5, and a biennial renewal fee of $125. There are not additional requirements for the business entity, such as an inspection requirement.[72]

In order to be licensed as a professional engineer, a person must successfully pass two examinations: the fundamentals examination and the principles and practices examination. Prior to being permitted to sit for the fundamentals examination, an applicant must graduate from an approved engineering curriculum of four years or more in an FBPE-approved school, college, or university, and have a record of four years of active engineering experience.[73]

A person who is licensed in another state is eligible for a professional engineering license by endorsement in Florida if the person:[74]

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

The FBPE may deem an applicant who seeks licensure by endorsement has passed an examination substantially equivalent to the fundamentals examination when such applicant has

[71] Section 471.038(3), F.S.
[72] Section 471.023, F.S.
[73] Section 471.013, F.S.
[74] Section 471.015(3), F.S.

held a valid professional engineer's license in another state for 15 years and has had 20 years of continuous professional-level engineering experience.[75]

The FBPE may also deem an applicant who seeks licensure by endorsement who has passed an examination substantially equivalent to the fundamentals examination and the principles and practices examination when such applicant has held a valid professional engineer's license in another state for 25 years and has had 30 years of continuous professional-level engineering experience.[76]

There were 64,219 licensed professional engineers and 30 disciplinary orders issued to professional engineers in the 2017-2018 fiscal year.[77]

***Effect of Proposed Changes***

**Sections 43 through 46** of the bill amend ch. 471, F.S., to delete the requirement that engineers obtain a separate business license (certificate of authorization) in addition to an individual license, but continues to allow an engineering firm to operate in the state. The bill requires a licensed engineer to be responsible for the firm and to qualify their business organization with their individual license. The engineer must inform the DBPR of any change in their relationship with the qualified business within 24 hours, and the business has 60 days to obtain a replacement qualifying engineer. The executive director or chair of the FBPE may authorize another registered engineer employed by the business organization to temporarily serve as its qualifying agent for no more than 60 days.

**Section 45** of the bill amends s. 471.015(5), F.S., to reduce the number of years that a professional engineer must be licensed in another jurisdiction in order to be deemed to have passed the licensure examinations for a license by endorsement. If such applicant has been licensed in another jurisdiction for:

- 10 years, the applicant is deemed to have passed the fundamentals examination;
- 15 years, the applicant is deemed to have passed both the fundamental examination and the principles and practices examination.

**Section 46** of the bill amends s. 471.023(4), F.S., to require the qualifying agent for a business organization to provide notice to the DBPR if the qualifying agent begins to conduct business in their own name or with another business organization. The qualifying agent or the new business organization must submit the required application information.

The qualifying agent must ensure responsible supervising control of all projects of the business organization.

[75] Section 471.015(5), F.S.
[76] *Id*.
[77] Florida Engineers Management Corp., *2017-2018 Florida Engineers Management Corp Annual Report*, pages 2-3, available at: https://fbpe.org/wp-content/uploads/2018/09/2017-2018-FEMC-Annual-Report.pdf (Last visited Mar. 27, 2019).

**Certified Public Accountants**

***Present Situation***

The Board of Accountancy within the DBPR is charged with regulating the practice of public accountancy in Florida. To be licensed as a certified public accountant, a person must:[78]

- Be of good moral character;
- Pass the licensure exam; and
- Have at least 150 semester hours of education, with a focus on accounting and business.

An applicant is eligible for a license by endorsement, if the applicant:[79]

- Is of good moral character;
- Has completed 80 hours of continuing education if it has been at least two years since passing the licensing examination;[80] and either:
  - Is not licensed, but has otherwise met the licensing requirements and has passed a licensing examination that is substantially equivalent to the Florida examination; or
  - Holds a valid license to practice public accounting issued by another state or territory of the United States, if the criteria for issuance of such license are substantially equivalent to a Florida license or is otherwise permitted.

***Effect of Proposed Changes***

**Section 47** of the bill amends s. 473.308, F.S., to delete the requirement that applicants for a license by endorsement who passed a licensing exam more than 2 years prior to the date of application must complete 80 hours of continuing education hours before they are eligible for such license.

**Veterinary Medicine**

***Present Situation***

Veterinary medical practice is regulated by ch. 474, F.S., and veterinarians are licensed by the Board of Veterinary Medicine.[81]

A veterinarian is a health care practitioner licensed by the board to engage in the practice of veterinary medicine in Florida,[82] which is the diagnosis of medical conditions of animals, and the prescribing or administering of medicine and treatment to animals for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease, or holding oneself out as performing any of these functions.[83]

To be licensed as a veterinarian, an applicant must:

[78] Sections 473.308(2)-(5), F.S.
[79] Section 468.8414(3), (4), F.S.
[80] Fla. Admin. Code R. 61H1-29.003 (2019).
[81] *See* ss. 474.204 through 474.2125, F.S., concerning the powers and duties of the board.
[82] *See* s. 474.202(11), F.S.
[83] *See* s. 474.202(9), F.S. The profession also includes determining the health, fitness, or soundness of an animal, and performing any manual procedure for the diagnosis or treatment of pregnancy, fertility, or infertility of animals.

- Graduate from a college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education (AVMAE); or from a college of veterinary medicine listed in the American Veterinary Medical Association Roster of Veterinary Colleges of the World (AVMARVC) and obtained a certificate from the Education Commission for Foreign Veterinary Graduates;
- Successfully complete the North American Veterinary Licensing Examination (NAVLE), or an examination determined by the board to be equivalent; and
- Successfully complete an examination of the laws and rules governing the practice of veterinary medicine in Florida.[84]

The Program for the Assessment of Veterinary Education Equivalence (PAVE) is a common alternative pathway for graduates of international, non-accredited programs to practice in the United States. PAVE evaluates such programs on behalf of participating American Association of Veterinary State Boards.[85]

A person who is licensed in another state or country is eligible for licensure by endorsement in Florida, if the person has:[86]

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

The DBPR may not issue a license by endorsement to any applicant who is under investigation in any state, territory, or the District of Columbia for an act which would constitute a violation of the practice act until the investigation is complete and disciplinary proceedings have been terminated.[87]

A "limited-service veterinary medical practice" means offering or providing limited types of veterinary services for a limited time at any location that has a primary purpose other than providing veterinary medical service at a permanent or mobile establishment. Such practice must provide veterinary medical services for privately owned animals that do not reside at that location,[88] and must obtain a permit and must register each location where a limited service clinic is held. A licensed veterinarian must supervise the limited practice.[89]

[84] Fla. Admin. Code R. 61G18-11.002 (2019).
[85] American Association of Veterinary State Boards, *International Pathways*, at: https://www.aavsb.org/pave/ (last visited Mar. 18, 2019).
[86] Section 474.217(1), F.S.
[87] Section 474.217(2), F.S.
[88] Section 474.202(6), F.S.
[89] Section 474.215(7)-(8), F.S.

The board establishes, by rule, minimum standards for the operation of limited service veterinary medical practices,[90] which currently allows such practices to offer vaccinations, immunizations, and parasitic control services.[91]

***Effect of Proposed Changes***

**Sections 48** of the bill amends s. 474.202(6), F.S., to codify the current board rule allowing limited service veterinary practices to perform vaccinations, immunizations, and parasitic control, and authorizes those practices to perform microchipping.

**Section 49** of the bill amends s. 474.207, F.S., to allow graduates of a veterinary medicine program recognized by the PAVE to be eligible for licensure as a veterinarian.

**Section 50** of the bill amends s. 474.217, F.S., to allow an applicant for licensure by endorsement who has been licensed in a jurisdiction of the United States to qualify for licensure in Florida if the applicant has successfully passed a licensing examination that is equivalent, to or more stringent than, the NAVLE.

**Barbering**

***Present Situation:***

The term "barbering" in ch. 476, F.S., the Barbers' Act, includes any of the following practices when done for payment by the public: shaving, cutting, trimming, coloring, shampooing, arranging, dressing, curling, or waving the hair or beard or applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical appliances.[92]

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,[93] or have a minimum of 1,200 hours of specified training.[94]

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

[90] Section 474.215(7), F.S.
[91] Fla. Admin. Code R. 61G18-15.007 (2019).
[92] *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.
[93] *See* s. 476.144(5), F.S. Licensure by endorsement may also allow a practitioner holding an active license in another state or country to qualify for licensure in Florida.
[94] *See* s. 476.114(2), F.S.; requiring the training to 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.

hours is deemed satisfied; failing the examination requires completion of the full training requirement.[95]

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.[96]

***Effect of Proposed Changes:***

**Section 51** of the bill amends s. 476.144(5), F.S., to require the Barbers' Board to qualify for licensure by endorsement an applicant who holds a current active license to practice barbering in another state.

**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.[97]

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.[98]

A "specialist" is defined as "any person holding a specialty registration in one or more of the specialties registered under [ch. 477, F.S.]."[99] 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."[100]

The term "cosmetologist" is defined as "a person who is licensed to engage in the practice of cosmetology . . . ."[101] "Cosmetology" is defined as "the mechanical or chemical treatment of the

[95] *See* s. 476.114(2), F.S.
[96] *See* s. 476.144(6), F.S.
[97] *See* s. 477.015, F.S., and http://www.myfloridalicense.com/DBPR/cosmetology/ (last visited Mar. 28, 2019).
[98] See ss. 477.013(6) and 477.0201, F.S.
[99] *See* s. 477.013(5), F.S.
[100] *See* s. 477.013(6), F.S.
[101] *See* s. 477.013(3), F.S.

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."[102]

A nail specialist may complete manicures and pedicures, and a full specialist may complete manicures, pedicures, and facials.[103] Manicures and pedicures, as a part of cosmetology services, are required to be provided in a licensed specialty salon or cosmetology salon.[104] All cosmetology and specialty salons are subject to inspection by the DBPR.[105]

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.[106]

The specialty education program, consists of:
- 250 hours of training for a nail specialty;
- 260 hours of training for a facial specialty;
- 500 hours of training for a full specialty.[107]

The applicant must submit a specialist application for registration with the DBPR with a $75 registration fee.[108]

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.[109] 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.[110] 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.[111]

[102] *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.
[103] *See* s. 477.013(6), F.S.
[104] *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.
[105] *See* s. 477.025(9), F.S.
[106] *See* s 477.0201, F.S.
[107] Fla. Admin. Code R. 61G5-22 (2019).
[108] Fla. Admin. Code R. 61G5-22 (2019) and s. 477.0201, F.S.
[109] *See* s. 477.013(6)(a) and (b), F.S.
[110] *See* ss. 477.013(11), 477.0135(1)(f), and 477.0135(5), F.S.
[111] *See* s. 477.0135(6), F.S.

"Hair braiding" means "the weaving or interweaving of natural human hair for compensation without cutting, coloring, permanent waving, relaxing, removing, or chemical treatment and does not include the use of hair extensions or wefts."[112]

"Hair wrapping" means the wrapping of manufactured materials around a strand or strands of human hair, for compensation, without cutting, coloring, permanent waving, relaxing, removing, weaving, chemically treating, braiding, using hair extensions, or performing any other service defined as cosmetology.[113]

"Body wrapping" means "a treatment program that uses herbal wraps for the purposes of cleansing and beautifying the skin of the body, but does not include the application of oils, lotions, or other fluids to the body, except fluids contained in presoaked materials used in the wraps, or manipulation of the body's superficial tissue, other than that arising from compression emanating from the wrap materials."[114]

A person who wishes to practice as a hair braider, hair wrapper, or body wrapper must register with the DBPR, pay the $25 registration fee; and

- For hair braiders, take a two-day board-approved 16-hour education course consisting of:
  - 5 hours of HIV/AIDS and other communicable diseases,
  - 5 hours of sanitation and sterilization,
  - 4 hours of disorders and diseases of the scalp, and
  - 2 hours of studies regarding laws affecting hair braiding.
- For hair wrappers, take a one-day board-approved 6-hour education course consisting of:
  - HIV/AIDS and other communicable diseases,
  - sanitation and sterilization,
  - disorders and diseases of the scalp, and studies regarding laws affecting hair wrapping.
- For body wrappers, take a two-day board-approved 12-hour education course consisting of:
  - HIV/AIDS and other communicable diseases,
  - Sanitation and sterilization,
  - Disorders and diseases of the skin, and
  - Laws affecting body wrapping.[115]

Hair braiders, hair wrappers, and body wrappers are not required to complete continuing education as a condition for renewal of the registration.[116]

[112] Section 477.013(9), F.S.
[113] Section 477.013(10), F.S.
[114] Section 477.013(11), F.S.
[115] *See* s. 477.0132, F.S. Courses for hair braiding, hair wrapping, and body wrapping generally cost between $75 and $250. Examples include:1STOPCEU.com, *Home*, https://www.1stopceu.com/livezilla/knowledgebase.php?article=6332971e65219f8cdfc5d16d8b113c10 (last visited Mar. 22, 2019); and JT's Beauty Shop, Inc., *Florida State Certified Courses (Theory)*, http://www.jtbeautysalon.com/ (last visited Mar. 22, 2019).
[116] Section 477.019(7)(b), F.S.

In Florida, cosmetology and specialty salons must be licensed.[117] Such salons are inspected periodically by the DBPR, in accordance with sanitary standards set forth by the Board of Cosmetology.[118]

Cosmetology services must be performed in a licensed cosmetology or specialty salon by a properly licensed professional,[119] except when services are performed in connection with:

- A special event by a properly licensed person who is employed by a licensed salon. Arrangements for the performance of such cosmetology services must be made through a licensed salon;[120]
- A client for reasons of ill health is unable to go to a licensed salon. Arrangements for the performance of such cosmetology services must be made through a licensed salon; or
- The motion picture, fashion photography, theatrical, or television industry; a photography studio salon; a manufacturer trade show demonstration; or an educational seminar.[121]

***Effect of Proposed Changes:***

**Section 52** of the bill amends s. 477.013(9), F.S., to expand the definition of "hair braiding" to include the weaving of natural human hair with commercial hair, and the use of hair extensions or wefts.[122] Under current law, the use of hair extensions or wefts is excluded from "hair braiding."

**Section 53** 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.

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 54** of the bill amends s. 477.0135, F.S., to specifically exempt a person whose occupation or practice is confined solely to hair braiding, hair wrapping, body wrapping, applying polish to fingernails and toenails, or makeup application from license and registration requirements.

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[117] Section 477.025(1), F.S.
[118] Section 477.025(9), F.S.; and Fla. Admin. Code R. Ch. 61G5-20 (2019).
[119] Section 477.0263(1), F.S.
[120] A "special event" is defined as a wedding or fashion show in Fla. Admin. Code R. 61G5-20.0015(1) (2019).
[121] Sections 477.0263(2) through (4), F.S.
[122] 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 55** of the bill amends s. 477.019(6), F.S., to delete the licensure by endorsement exemption for persons licensed in another state who received their license through an apprenticeship program.

**Section 56** of the bill deletes the requirement in s. 477.026(1)(f), F.S., relating to license fees for hair braiders, hair wrappers, and body wrappers.

**Section 57** of the bill amends s. 477.0263(4), F.S., to delete the requirement that an appointment for a special event has to be made through a licensed salon. The bill permits a properly licensed professional to perform hair shampooing, hair cutting, and hair arranging outside of a salon.

**Section 58** 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 59** of the bill amends s. 477.029(1)(a), F.S, to delete the criminal penalty for hair braiders, hair wrappers, and body wrappers who offer or provide services without being licensed or registered.

**Architecture and Interior Design**

***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.[123]

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
- A corporation, limited liability company, or partnership acting through licensees as agents, employees, officers, or partners.[124]

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.[125]

Applicants for an interior design license must pass a three-part national examination administered by the National Council for Interior Design Qualification (NCIDQ), at a cost of $1,065, including the application fee. Requirements to sit for the NCIDQ, including education and experience requirements, mirror Florida's licensure prerequisites.[126]

[123] *See* s. 481.205, F.S., relating to the authority of the Board of Architecture and Interior Design.
[124] Section 481.219(1), F.S.; such practice must comply with all the requirements in s. 481.219, F.S.
[125] Section 481.219(2)-(3), F.S.
[126] *See* http://www.ncidq.org

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.[127] A business entity has no regulatory obligations other than to obtain licensure.

Business entities, or persons operating under fictitious names, offering interior design services must also obtain a certificate of authorization. At least one principal officer or partner and all personnel who act on the business entity's behalf in the state must be registered interior designers. The initial license fee for a certificate of authorization is $100 and the biennial renewal fee is $125.[128]

Florida is one of six U.S. states or territories requiring interior designers to be licensed. Approximately 20 other states allow only those persons meeting statutory requirements to hold themselves out as "registered interior designers."[129]

***Effect of Proposed Changes:***

**Sections 60 through 75** of the bill amend part I of ch. 481, F.S., to repeal all licensure and regulatory requirements for interior designers and interior design businesses.

**Section 1** of the bill also amends s. 20.165(4)(a)(2), F.S., to change the name of the Board of Architecture and Interior Design to the Board of Architecture.

**Section 62** of the bill amends s. 481.205, F.S., to revise the membership of the Board of Architecture to reflect the deregulation of the practice of interior design. The membership of the board is reduced from 11 members to seven members.

**Section 66** of the bill amends s. 481.2131(1), F.S., to allow interior designers who have passed the NCIDQ or the Californian Council for Interior Design Certification examination to submit plans for interior design to a local permitting agency if such agency requires such plans.

**Section 69** of the bill amends s. 481.219, F.S., to delete 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 must qualify their business organizations (and disclose operations under a fictitious name) through their individual licenses.

Architects 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. If a business does not have a qualifying agent, it may not engage in the practice of architecture, unless the executive director or chair of the Board of Architecture 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.

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[127] *See* Fla. Admin. Code R. 61G1-17.001 and R. 61G1-17.002 (2019).
[128] Fla. Admin. Code R. 61G1-17.002 (2019).
[129] Commercial Interior Design Association, *State Information*, http://advocacy.iida.org/#interiordesignlaws (last visited Mar. 22, 2019).

**Section 97** of the bill amends s. 553.5141, F.S., relating to the professionals who may serve as a qualified expert to certify a remediation plan as compliant with Title III of the Americans with Disabilities Act in 42 U.S.C. s. 12182, to replace the reference to a licensed interior designer with an interior designer who passed the NCIDQ or the Californian Council for Interior Design Certification examination.

**Section 100** of the bill amends s. 558.002, F.S., to delete the reference to a licensed interior designer in the definition of the term "design professional" in the context of the process in ch. 558, F.S, for resolving construction defects.

**Landscape Architecture Business Organization**

***Present Situation:***

Part II of ch. 481, 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.

A person may not knowingly practice landscape architecture[130] unless the person holds a valid license issued pursuant to part II of ch. 481, F.S.,.[131] A corporation or partnership is permitted to offer landscape architectural services to the public, subject to the provisions of part II of ch. 481, 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.[132]

In order to be licensed as a landscape architect, a person must:

- Complete a landscape architecture degree program approved by the Landscape Architectural Accreditation Board, or have six years of practical experience, with some credit available for education credits;[133]
- Pass the nationally recognized Landscape Architecture Registration Examination (LARE);[134] and
- Have one year of practical experience, not including any experience used to qualify to take the examination.[135]

[130] 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.
[131] Section 481.323(1)(a), F.S.
[132] Section 481.319(1), F.S.
[133] Section 481.309(1)(b), F.S.
[134] Fla. Admin. Code R. 61G10-11.001 (2019).
[135] Section 481.310, F.S.

A person who is licensed in another state is eligible for a landscape architecture license by endorsement in Florida if they:[136]

- Have graduated from an approved program or have related experience, have an additional year of practical experience, and have passed a licensing examination which is substantially equivalent to the LARE; or
- Hold a valid license to practice landscape architecture issued by another state or territory of the United States, if the criteria for issuance of such license were substantially identical to the licensure criteria which existed in Florida at the time the license was issued.

If an applicant for a license by endorsement has been licensed for at least five years in another jurisdiction without disciplinary history, the additional year of practical experience is not required.[137]

A landscape architecture corporation or partnership may offer landscape architecture services if:

- One or more of the principals of the corporation, or partners in the partnership, is a licensed landscape architect; and
- The corporation or partnership has been issued a certificate of authorization by the board.[138]

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.[139] 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.[140]

***Effect of Proposed Changes:***

**Sections 76 through 82** 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 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 part II of ch. 481, 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

[136] Section 481.311(3), F.S.
[137] Fla. Admin. Code R. 61G10-11.004(2)(e) (2019).
[138] Section 481.319(1), F.S.
[139] *See* Fla. Admin. Code R. 61G10-12.002 (2019).
[140] *See* s. 481.319(4), F.S.

- 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.

**Section 77** of the bill amends s. 481.310, F.S., to provide that an applicant who holds a master's degree in landscape architecture does not have to demonstrate one year of practical experience in landscape architecture to qualify for licensure.

**Section 78** of the bill amends s. 481.311(3), F.S., to provide that a person licensed in another state is also eligible for a license by endorsement if they have:

- Held a valid license to practice landscape architecture in another state or territory of the United States for at least 10 years before the date of application; and
- Successfully completed an examination that is equivalent to or more stringent than the LARE.

The bill also provides that an applicant who has met the requirements to be qualified for a license by endorsement, but has not successfully completed an examination that is equivalent to or more stringent than the LARE examination, may take the LARE without completing additional education requirements.

**Section 79** amends s. 481.317(2), F.S., to delete the provision allowing the issuance of a temporary certificate of authorization.

**Section 80** of the bill repeals s. 481.319(5), F.S., which provides that 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.[141]

**Construction Contractors**

***Present Situation***

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

In order to become a construction contractor, an applicant for a license by examination must:[142]

- Be of good moral character;
- Be at least 18 years of age;

[141] *See* s. 481.319(6), F.S., and s. 558.0035, F.S.
[142] Sections 489.111(2)(c)1. through 3., F.S.

- Successfully pass the certification examination; and
- Meet eligibility requirements according to a combination of education and experience as approved by the board, which must include at least one year of related experience.

If an applicant wishes to use test scores from a previous examination to qualify for another license type, the examination score used must be from a portion of the examination taken within four years from the date of the most recently passed portion of the examination.[143]

A person who is licensed in another state is eligible for a license by endorsement in Florida if the:
- Criteria for issuance of such license were substantially equivalent to Florida's current certification criteria; or
- State or territory has entered into a reciprocal agreement with the board for the recognition of contractor licenses issued in that state, based on criteria for the issuance of such licenses that are substantially equivalent to the criteria for certification in this state.[144]

An unlicensed person may perform work that falls under the scope of contracting if it is casual, minor, or inconsequential in nature, and the aggregate contract price for all labor and materials is less than $1,000, subject to certain requirements. This is generally called the "handyman exception." The "handyman exception" was enacted in 1979, and the contractual amount to fit within the exception has not been updated since.[145]

***Effect of Proposed Changes***

**Section 83** amends s. 489.103(9), F.S., to increase the maximum contract (for total labor and materials) price for the "handyman exception" from $1,000 to $2,500.

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

**Sections 84 and 85** amend ss. 489.111(2)(c)1. and 489.113(1), F.S., respectively, to exempt a license applicant from the license examination if the applicant has a four-year building construction degree, or another degree approved by the CILB.

**Section 86** amends s. 489.115(3), F.S., to allow an applicant to qualify for a license by endorsement if the applicant has:
- Held a valid license to practice the same type of construction contracting in another state or territory for at least 10 years before the date of application; and
- Complied with workers' compensation requirements, shown proof of financial health of their business organization, and submitted fingerprints.

[143] Fla. Admin. Code R. 61G4-16.005 (2019).
[144] Section 489.115(3), F.S.
[145] Section 489.103(9), F.S.

**Electrical Contractors**

***Present Situation***

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

In order to become an electrical contractor or alarm system contractor, a person must submit an application to the DBPR and must:

- Be at least 18 years of age;
- Be of good moral character;
- Successfully pass the certification examination; and
- Meet eligibility requirements according to a combination of education and experience as approved by the ECLB.[146]

Electrical contractors and burglar alarm contractors must complete 14 hours of continuing education each every two years for license renewal. Such continuing education must include at least seven hours on technical subjects, one hour on workers' compensation, one hour on workplace safety, one hour on business practices, and for alarm system contractors and electrical contractors engaged in alarm system contracting, two hours on false alarm prevention.[147]

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

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

Only examinations from North Carolina, California, and Georgia have been found to be substantially similar to Florida's examination.[148]

A "burglar alarm system agent" means a person:

- Who is employed by a licensed alarm system contractor or licensed electrical contractor; and
- Whose specific duties include any of the following activities of alarm system contracting: altering, installing, maintaining, moving, repairing, replacing, servicing, selling, or monitoring an intrusion or burglar alarm system for compensation.[149]

Before an electrical contractor or alarm system contractor may employ an agent, the agent must complete a minimum of 14 hours of training from an ECLB-approved provider, which includes

[146] Sections 489.511(1)(a) and (b), F.S.
[147] Section 489.517(4), F.S.
[148] DBPR, *Certified Electrical Contractor – Endorsement*, available at: https://www.myfloridalicense.com/CheckListDetail.asp?SID=&xactCode=1023&clientCode=0801&XACT_DEFN_ID=3688 (Last visited Mar. 22, 2019).
[149] Section 489.505(25), F.S.

basic alarm system electronics in addition to related training including CCTV and access control training, with at least two hours of training in the prevention of false alarms.[150]

***Effect of Proposed Changes***

**Section 87** amends s. 489.511(5), F.S., to allow an applicant to qualify for a license by endorsement if the applicant has:

- Held a valid license to practice electrical or alarm system contracting in another state or territory for at least 10 years before the date of application; and
- Complied with workers' compensation requirements, shown proof of financial health of their business organization, and is of good moral character.

**Section 88** amends s. 489.517, F.S., to reduce the number of hours of continuing education electrical and alarm system contractors must complete during each biennial license period from 14 hours to seven hours. The bill also reduces the number of hours of continuing education that must be devoted to technical subjects from seven hours to one hour.

**Section 89** amends s. 489.518(1)(b), F.S., to allow a burglar alarm system agent to complete their required 14 hour training course within 90 days after employment by an electrical or alarm system contractor.

**Professional Geology**

***Present Situation***

A person must be licensed as a professional geologist by the Board of Professional Geologists to practice geology in Florida, which includes performing, or offering to perform, geological services, including consultation, investigation, evaluation, planning, and geologic mapping.[151]

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

- Be at least 18 years of age;
- Not have committed any act or offense which would constitute the basis for disciplining a Florida professional geologist;
- Have graduated with a degree in in geology, or other degree acceptable to the board with at least 30 semester hours or 45 quarter hours of geological coursework;
- Have at least five years of professional geological work experience;
- Have an active license in good standing in a jurisdiction of the United States;
- Have passed an examination which has been approved by the board as substantially equivalent to or more stringent than those of Florida; and
- Have successfully passed the laws and rules examination.[152]

[150] Section 489.518(1)(b), F.S.
[151] Section 492.102(7), F.S.
[152] Section 492.105(1), F.S.

However, the DBPR may not issue a license to any applicant who is under investigation in any jurisdiction for an offense which would constitute a violation of the practice act.[153]

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

- Filed with the Board of Professional Geologists the name and license number of its affiliated licensed geologists;
- Been issued a certification of authorization by the DBPR;
- A license geologist dates, signs, and seals all final geological documents prepared or approved for the entity's use;
- Files an application with the DBPR.[154]

A professional geologist is not relieved of personal liability due to a licensed geologist practicing at the business organization.[155]

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

Applicants for a geology business certificate of authorization must pay an application fee of $350 and a biennial renewal fee of $350.[156] There are no additional requirements on the business entity, such as an inspection requirement.

***Effect of Proposed Changes***

**Sections 90 through 94** of the bill repeal all provisions that require a certificate of authorization to practice geology through a business organization. A professional geologist may continue to practice through a business organization.

The bill amends 492.108(1), F.S., to provide that a business organization is qualified by the licensed geologist who serves as its geologist of record. The bill requires the qualifying agent is to update the DBPR of any changes in the relationship between the agent and the business organization within 30 days of such change, but does not specifically require a qualifying agent to notify the DBPR of the initial formation of that relationship.

**Section 91** of the bill amends s. 492.108(1), F.S., to allow a person licensed in another state to qualify for licensure by endorsement if the applicant has:

- A valid license to practice geology in another state, trust, territory, or possession of the United States for at least 10 years before the date of application; and
- Successfully completed a state, regional, national, or other examination that is equivalent to or more stringent than the Florida examination.

[153] Section 492.105(3), F.S.
[154] Section 492.111, F.S.
[155] *Id.*
[156] Fla. Admin. Code R. 61G16-3.001 (2019).

If the applicant has met the requirements for a license by endorsement but has not successfully completed an examination that is equivalent to or more stringent than the examination required by the board, the applicant may choose to take the examination required by the board.

**State Boxing Commission**

***Present Situation:***

Chapter 548, F.S., provides for the regulation of professional and amateur boxing, kickboxing,[157] and mixed martial arts[158] by the Florida State Boxing Commission (commission), which is assigned to the DBPR for administrative and fiscal purposes.[159]

The commission has exclusive jurisdiction over every boxing, kickboxing, and mixed martial arts match held in Florida[160] which involves a professional.[161] Professional matches held in Florida must meet the requirements set forth in ch. 548, F.S., and the rules adopted by the commission.[162] 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."[163]

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.[164] Amateur sanctioning organizations are business entities organized for sanctioning and supervising matches involving amateurs.[165] During Fiscal Year 2017-2018, of the 123 amateur events in Florida, the Division of Regulation in the DBPR conducted 37 checks for compliance with health and safety standards and proper supervision of the events.[166]

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.[167]

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[157] 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.
[158] 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.
[159] *See* s. 548.003(1), F.S.
[160] *See* s. 548.006(1), F.S.
[161] 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.
[162] *See* s. 548.006(4), F.S.
[163] *See* s. 548.007(6), F.S., and *see supra* note 78 for the definition of "mixed martial arts."
[164] *See* s. 548.006(3), F.S.
[165] Section 548.002(2), F.S.
[166] *See* DBPR, *Florida State Boxing Commission Annual Report, Fiscal Year 2017-2018*, at page 5, available at: http://www.myfloridalicense.com/dbpr/os/documents/Boxing17-18.pdf (Last visited Mar. 23, 2019).
[167] 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.

In Fiscal Year 2017-2018, the Division issued licenses to eight announcers and 13 timekeepers.[168]

***Effect of Proposed Changes:***

**Sections 95 and 96** of the bill amend ss. 548.003(2) and 548.017, F.S., respectively, to eliminate the licensure requirement for persons serving as timekeepers and announcers for a match involving a participant.

**Florida Building Commission**

***Present Situation***

In 2000, the Legislature authorized implementation of the first statewide Florida Building Code (Code), which replaced all local building codes.[169]

The Florida Building Commission (Commission) was created to implement the Code. The Commission, which is housed within the DBPR, is a 27-member technical body responsible for the development, maintenance, and interpretation of the Code. The Commission also approves products for statewide acceptance. Members are appointed by the Governor and confirmed by the Senate, and include design professionals, contractors, and government experts in the various disciplines covered by the Code. Members, who must be able to do business in the state and must be actively engaged in the designated profession, include the following:[170]

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

[168] *See* Boxing Commission Annual Report, *supra* note 166 at page 6.
[169] Chapter 2000-141, Laws of Fla.
[170] Section 553.74, F.S.

- One member who is a representative of the insurance industry;
- One member who is a representative of public education;
- One member who is a swimming pool contractor;
- One member who is a representative of the green building industry and who is a third-party commission agent, a Florida board member of the United States Green Building Council or Green Building Initiative, a professional who is accredited under the International Green Construction Code (IGCC), or a professional who is accredited under Leadership in Energy and Environmental Design (LEED);
- One member who is a representative of a natural gas distribution system;
- One member who is a representative of the Department of Agriculture and Consumer Services' Office of Energy; and
- One member who is the chair.[171]

The Commission has 11 Technical Advisory Committees (TAC) ranging from the building structural TAC to the swimming pool TAC.[172] TACs are made up of commission members and other parties who advise the commission on declaratory statements, proposed amendments, and any other areas of interest of the commission.[173]

***Effect of Proposed Changes***

**Section 98** of the bill amends s. 553.74, F.S., to reduce the number of members on the Commission from 27 members to 19 members. The bill:

- Requires the one architect member to be licensed pursuant to ch. 481, F.S., with at least five years of experience in the design and construction of buildings containing Code designated Group R occupancy at or above 210 feet in height above the elevation of the lowest level of emergency services access;
- Includes the State Fire Marshal or designee as a member;
- Allow the one general contractor member to be a certified general contractor or a certified building contractor, and includes the Florida Home Builders Association in the list of associations that are encouraged to recommend a candidate for consideration as the member representing the contractor profession

The bill removes the following types of members from the current membership of the Commission:

- One member from fire protection engineering or technology;
- One member who represents the Department of Financial Services;
- One member who is a county code enforcement official;
- One member who is a representative of a municipality or a charter county;
- One member who is a representative of the commercial building owners and managers industry;
- One member who is a representative of public education;

[171] The chair is appointed by the Governor.
[172] DBPR, *Florida Building Code Online*, https://www.floridabuilding.org/c/c_commission.aspx (last visited on Mar. 28, 2019).
[173] DBPR, *Florida Building Code Standards*, http://www.myfloridalicense.com/dbpr/bcs/program_committees.html (last visited on Oct. 18, 2017), and Fla. Admin. Code R. 61G20-2.001 (2019).

- One member who is a representative of the green building industry and who is a third-party commission agent, a Florida board member of the United States Green Building Council or Green Building Initiative, a professional who is accredited under the International Green Construction Code (IGCC), or a professional who is accredited under Leadership in Energy and Environmental Design (LEED);
- One member who is a representative of the Department of Agriculture and Consumer Services' Office of Energy; and
- One member who is solely the chair.

**Other Conforming Provisions**

**Section 102** amends s. 287.055, F.S., relating to the acquisition of professional services offered by "design-build firms" to state agencies, to delete the references to certified engineering and architectural business organizations, and to reference such business organizations as qualified rather than certified.

**Effective Date**

The bill provides an effective date of July 1, 2019.

## IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

The bill creates s. 648.412(12), F.S., to require employees of a talent agency to complete a level 1 background screening pursuant to s. 435.03, F.S. This provision requires employees of a talent agency to pay a fee associated with the processing of fingerprints and the background screening by the Florida Department of Law Enforcement (FDLE).[174] The bill addresses additional subjects related to other professions regulated by the DBPR.

[174] The FDLE charges license applicants and other persons who are required by law to have a criminal history check a fee of $37.25, which includes $24 for the state criminal history check and $13.25 for the federal criminal history check. *See* http://www.fdle.state.fl.us/Criminal-History-Records/Documents/Criminal-History-Fee-Chart_January2019.aspx (Last visited April 2, 2019). There are also costs associated with services provided by vendors authorized to collect and submit fingerprints to the FDLE. See http://www.myfloridalicense.com/DBPR/fingerprinting/#1509134325601-fbc04f87-5eb4 (Last visited April 2, 2019).

To the extent the bill imposes a fee on the employees of a talent agency while addressing other subjects, the bill may be unconstitutional as a violation the single-subject requirement for the imposition, authorization, or raising of a state tax or fee under Article VII, section 19 of the Florida Constitution. Under that section, a "state tax or fee imposed, authorized, or raised under this section must be contained in a separate bill that contains no other subject." A "fee" is defined by the Florida Constitution to mean "any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service."[175]

E. Other Constitutional Issues:

None.

## V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill eliminates license or registration costs for auctioneers, interior designers, hair braiders, hair wrappers, body wrappers, talent agents, labor organizations, and timekeepers and announcers. The bill also increases from $1,000 to $2,500 the minimum cost of labor and materials for a construction handymen to qualify for the exemption from licensure requirements.

The bill eliminates business license costs for architects, asbestos contractors, landscape architects, and geologists. The bill deletes the requirement that yacht and ship brokers must have a separate license for each branch office.

The bill reduces pre-licensure and continuing education costs for architects, and electrical and alarm contractors. The DBPR states the specific pre-licensure and continuing education cost savings to these licensees are difficult to determine, but anticipates costs to be reduced by one-third to one-half of current fees.[176]

The bill requires employees of a talent agency to incur costs related to completing a level 1 background screening pursuant to s. 435.03, F.S.[177]

C. Government Sector Impact:

The DBPR anticipates a revenue reduction of $3,910,120 for the next three fiscal years (FY 2019-2020 to FY 2021-2022).

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[175] FLA. CONST. art. VII, s. 19(d)(1)
[176] *See 2019 Agency Legislative Bill Analysis (Department of Business and Professional Regulation) for SB 827,* Mar. 13, 2019 (on file with Senate Committee on Innovation, Industries, and Technology) at page 14.
[177] *Supra* note 175.

The DBPR also anticipates a corresponding reduction of approximately $312,810 in the eight percent revenue service charge sent to General Revenue (non-operating expenditure) for the next three fiscal years (FY 2019-2020 to FY 2021-2022).

The DBPR will see a reduction in expenditures related to the reduction in workload due to the deregulation under the bill. The DBPR's estimated expenditure reductions are $135,900 in FY 2019-2020, $141,100 in FY 2020-2021, and $147,800 in FY 2021-2022.[178]

The bill retains the regulation of talent agencies, but limits that regulation to agencies representing artists under age 18. The program is operating under a deficit. According to the DBPR:

> Due to the small number of licensees, Talent Agencies do not generate sufficient funds to cover the Department's cost of regulation. The program was created in 1986. The Department issued the first licenses during Fiscal Year 1987-1988 at the statutory cap of $400 per license. The program has operated in a deficit since that time. The Department anticipates that the deficit will continue.[179]

## VI. Technical Deficiencies:

None.

## VII. Related Issues:

**Sections 33 through 36** of the bill amend part VII of ch. 468, F.S., to limit the license requirements for talent agencies. Under the bill, a talent agency is not required to be licensed if it does not represent an artist younger than 18 years of age. The bill does not repeal the prohibition in s. 468.415, F.S., against sexual misconduct. Under the bill, a person who violates the prohibition against sexual misconduct in this section is permanently prohibited from acting as an agent, owner, or operator of a Florida talent agency. However, if the violator is a person who is exempt from the license requirement because he or she does not represent an artist under 18 years of age, the bill does not provide a remedy or other penalty if such a person is acting as an agent, owner, or operator of a Florida talent agency after being permanently barred from the profession. The existing criminal penalties in s. 648.413, F.S., for violation involving certain prohibited acts do not apply to the sexual misconduct prohibition in s. 468.415, F.S.

## VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.165, 287.055, 326.004, 447.02, 447.09, 447.305, 455.213, 468.382, 468.388, 468.389, 468.391, 468.401, 468.408, 468.412, 468.415, 468.524, 468.613, 468.8314, 468.8414, 469.006, 469.009, 471.005,

[178] *Id.* at page 13.
[179] *See* DBPR, *Divisions of Professions, Accounting, Real Estate and Regulation 2017-2018 Annual Report*, page 23, at: http://www.myfloridalicense.com/DBPR/os/documents/ProfessionsAnnualReport2017-2018.pdf (last visited Apr. 2, 2019); and Talent Agents Operating Account information at page 87, showing a projected negative account balance of $615,700 for the fiscal year ending June 30, 2019.

471.011, 471.015, 471.023, 473.308, 474.202, 474.207, 474.217, 476.114, 476.144, 477.013, 477.0135, 477.019, 477.0201, 477.026, 477.0263, 477.0265, 477.029, 481.201, 481.203, 481.205, 481.207, 481.209, 481.213, 481.2131, 481.215, 481.217, 481.219, 481.221, 481.222, 481.223, 481.229, 481.231, 481.303, 481.310, 481.311, 481.317, 481.319, 481.321, 481.329, 489.103, 489.111, 489.113, 489.115, 489.511, 489.517, 489.518, 492.104, 492.108, 492.111, 492.113, 492.115, 548.003, 548.017, 553.5141, 553.74, 553.79, 558.002, and 559.25.

This bill repeals the following sections of the Florida Statutes: 447.04, 447.041, 447.045, 447.06, 447.12, 447.16, 468.381, 468.384, 468.385, 468.3851, 468.3852, 468.3855, 468.386, 468.387, 468.392, 468.393, 468.394, 468.395, 468.396, 468.397, 468.398, 468.399, 477.0132, and 481.2251.

## 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 Innovation, Industry, and Technology on April 2, 2019:**
The committee substitute:

- Amends s. 455.213(13), F.S., to require the DBPR (or a board) to enter into reciprocal licensing agreements with other states when it determines another state's licensing and examination requirements are "substantially equivalent or more stringent" (instead of "substantially similar") to Florida's;
- Amends the definition of "talent agency" in s. 468.401(1), F.S., to limit license requirements for talent agencies that represent artists younger than 18 years old;
- Retains current law on the duties of the DBPR related to talent agency licensing, including eligibility requirements, associated fees, bonding, required notices, and recordkeeping by talent agencies;
- Creates s. 648.412(12), F.S., to require employees of a talent agency to undergo background screenings;
- Retains current law for talent agencies that represent artists under 18 years of age, and removes the following provisions from the bill related to the regulation of talent agencies: ss. 468.402, 468.403, 468.404, 468.405, 468.406, 468.407, 468.409, 468.410, 468.413, and 468.414, F.S.;
- Does not amend s. 476.114(2)(c)2., F.S., to reduce the minimum hours of training to qualify for a barber license and to specify training requirements.
- Does not amend s. 477.0201, F.S., to revise the training requirements for cosmetology specialists;
- Does not amend 477.019,(6), F.S., to delete the provision prohibiting the Board of Cosmetology from requiring proof of education from an applicant for endorsement that the other jurisdiction's licensure requirements require 1,200 or more training hours and passage of a written examination.
- Amends s. 553.74, F.S., to relating to the membership of the Florida Building Commission, to:
  - Remove the option of "electrical engineer" as an alternate for the electrical contractor board member;
  - Add the State Fire Marshal or designee as a member;

- Retain current law for a board member who is a "mechanical or electrical engineer," who may be recommended by the Florida Engineering Society.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

| Senate | . | House |
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| Comm: RCS | . | |
| 04/03/2019 | . | |
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The Committee on Innovation, Industry, and Technology (Albritton) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 326 - 2921

and insert:

examinations to be substantially equivalent or more stringent to those under the practice act, the department or board must post on its website which jurisdictions have such reciprocal licensing agreements or substantially similar licenses.

Section 13. Section 468.381, Florida Statutes, is repealed.

Section 14. Section 468.382, Florida Statutes, is amended


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to read:

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

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

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

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

(4)~~(2)~~ "Auctioneer" means any person who conducts auctions within the state ~~licensed pursuant to this part who holds a valid Florida auctioneer license~~.

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

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

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

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

Section 15. Section 468.384, Florida Statutes, is repealed.

Section 16. Section 468.385, Florida Statutes, is repealed.

Section 17. Section 468.3851, Florida Statutes, is repealed.



Section 18. Section 468.3852, Florida Statutes, is repealed.

Section 19. Section 468.3855, Florida Statutes, is repealed.

Section 20. Section 468.386, Florida Statutes, is repealed.

Section 21. Section 468.387, Florida Statutes, is repealed.

Section 22. Subsections (6) through (11) of section 468.388, Florida Statutes, are renumbered as subsections (4) through (9), respectively, and present subsections (3), (4), (5), (9), (10), and (11) are amended to read:

468.388 Conduct of an auction.—

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

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

~~(5) The principal auctioneer shall prominently display at the auction site the licenses of the principal auctioneer, the auction business, and any other licensed auctioneers or apprentices who are actively participating in the auction. If~~




~~such a display is not practicable, then an oral announcement at the beginning of the auction or a prominent written announcement that these licenses are available for inspection at the auction site must be made.~~

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

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

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

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



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

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

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

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

1. Contains misrepresentations of facts.

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

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

~~4. Contains any representation or claim which the~~





~~advertising licensee fails to perform.~~

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

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

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

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

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

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

Section 23. Section 468.389, Florida Statutes, is amended to read:

468.389 Prohibited acts; penalties.—

~~(1)~~ The following acts shall be grounds for a civil cause of action for damages against an auctioneer, auction business, or any owner or manager thereof or, in the case of corporate ownership, any substantial stockholder of the corporation owning the auction business ~~the disciplinary activities provided in subsections (2) and (3)~~:

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

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



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acting as an agent of or with the consent of the auctioneer or auction business.

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

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

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

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

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

(7) ~~(h)~~ Commingling money or property of another person with his or her own. Every auctioneer and auction business shall maintain a separate trust or escrow account in an insured bank or savings and loan association located in this state in which shall be deposited all proceeds received for another person through an auction sale.

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

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

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





~~territory, or country.~~

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

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

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

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

~~(c) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.~~

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

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

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

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

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

Section 24. Section 468.391, Florida Statutes, is amended

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to read:

468.391 Penalty.—Any auctioneer, ~~apprentice,~~ or auction business or any owner or manager thereof, or, in the case of corporate ownership, any substantial stockholder of the corporation owning the auction business, who ~~operates without an active license or~~ violates s. 468.389(3), (5), (6), (7), or (8) ~~s. 468.389(1)(c), (e), (f), (h), or (i)~~ commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

Section 25. Section 468.392, Florida Statutes, is repealed.

Section 26. Section 468.393, Florida Statutes, is repealed.

Section 27. Section 468.394, Florida Statutes, is repealed.

Section 28. Section 468.395, Florida Statutes, is repealed.

Section 29. Section 468.396, Florida Statutes, is repealed.

Section 30. Section 468.397, Florida Statutes, is repealed.

Section 31. Section 468.398, Florida Statutes, is repealed.

Section 32. Section 468.399, Florida Statutes, is repealed.

Section 33. Section 468.401, Florida Statutes, is amended to read:

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

(1) "Talent agency" means any person who, for compensation, engages in the occupation or business of procuring or attempting to procure engagements for an artist who is younger than 18 years of age.

Section 34. Subsection (1) of section 468.408, Florida Statutes, is amended to read:

468.408 Bond required.—

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

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~~department for each~~ talent agency shall file ~~license~~ a bond in the form of a surety by a reputable company engaged in the bonding business and authorized to do business in this state. The bond shall be for the penal sum of $5,000, with one or more sureties to be approved by the department, and be conditioned that the owner or operator of the talent agency ~~applicant~~ conform to and not violate any of the duties, terms, conditions, provisions, or requirements of this part.

(a) If any person is aggrieved by the misconduct of any talent agency, the person may maintain an action in his or her own name upon the bond of the agency in any court having jurisdiction of the amount claimed. All such claims shall be assignable, and the assignee shall be entitled to the same remedies, upon the bond of the agency or otherwise, as the person aggrieved would have been entitled to if such claim had not been assigned. Any claim or claims so assigned may be enforced in the name of such assignee.

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

Section 35. Subsection (12) is added to section 468.412, Florida Statutes, to read:

468.412 Talent agency regulations; prohibited acts.—

(12) Each employee of a talent agency must complete a level 1 background screening pursuant to s. 435.03.

Section 36. Section 468.415, Florida Statutes, is amended to read:

468.415 Sexual misconduct in the operation of a talent agency.—The talent agent-artist relationship is founded on


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mutual trust. Sexual misconduct in the operation of a talent agency means violation of the talent agent-artist relationship through which the talent agent uses the relationship to induce or attempt to induce the artist to engage or attempt to engage in sexual activity. Sexual misconduct is prohibited in the operation of a talent agency. ~~If~~ Any agent, owner, or operator of a ~~licensed~~ talent agency who commits ~~is found to have committed~~ sexual misconduct in the operation of a talent agency~~,~~ ~~the agency license shall be permanently revoked. Such agent, owner, or operator~~ shall be permanently prohibited from acting ~~disqualified from present and future licensure~~ as an agent, owner, or operator of a Florida talent agency.

Section 37. Subsection (4) of section 468.524, Florida Statutes, is amended to read:

468.524 Application for license.—

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

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

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

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


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

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

Section 38. Section 468.613, Florida Statutes, is amended to read:

468.613 Certification by endorsement.—The board shall examine other certification or training programs, as applicable, upon submission to the board for its consideration of an application for certification by endorsement. The board shall waive its examination, qualification, education, or training requirements, to the extent that such examination, qualification, education, or training requirements of the applicant are determined by the board to be comparable with those established by the board. The board shall waive its examination, qualification, education, or training requirements if an applicant for certification by endorsement is at least 18 years of age; is of good moral character; has held a valid building administrator, inspector, plans examiner, or the equivalent, certification issued by another state or territory of the United States for at least 10 years before the date of application; and has successfully passed an applicable examination administered by the International Codes Council.

Section 39. Subsection (3) of section 468.8314, Florida Statutes, is amended to read:

468.8314 Licensure.—


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

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

(b) Has held a valid license to practice home inspection services issued by another state or territory of the United States for at least 10 years before the date of application.

Section 40. Subsection (3) of section 468.8414, Florida Statutes, is amended to read:

468.8414 Licensure.—

(3) The department shall certify as qualified for a license by endorsement an applicant who is of good moral character, who has the insurance coverage required under s. 468.8421, and who:

(a) Is qualified to take the examination as set forth in s. 468.8413 and has passed a certification examination offered by a nationally recognized organization that certifies persons in the specialty of mold assessment or mold remediation that has been approved by the department as substantially equivalent to the requirements of this part and s. 455.217; ~~or~~

(b) Holds a valid license to practice mold assessment or mold remediation issued by another state or territory of the United States if the criteria for issuance of the license were




substantially the same as the licensure criteria that is established by this part as determined by the department; or

(c) Has held a valid license to practice as a mold assessor or a mold remediator issued by another state or territory of the United States for at least 10 years before the date of application.

Section 41. Paragraphs (a) and (e) of subsection (2), subsection (3), paragraph (b) of subsection (4), and subsection (6) of section 469.006, Florida Statutes, are amended to read:

469.006 Licensure of business organizations; qualifying agents.—

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

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

(3) The qualifying agent must ~~shall~~ be licensed under this chapter in order for the business organization to be qualified ~~licensed~~ in the category of the business conducted for which the qualifying agent is licensed. If any qualifying agent ceases to


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

(4)

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

(6) Each qualifying agent shall pay the department an amount equal to the original fee for licensure ~~of a new business organization.~~ if the qualifying agent for a business organization desires to qualify additional business organizations.~~,~~ The department shall require the agent to





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

Section 42. Subsection (1) of section 469.009, Florida Statutes, is amended to read:

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

(1) The department may revoke, suspend, or deny the issuance or renewal of a license; reprimand, censure, or place on probation any contractor, consultant, or financially responsible officer~~, or business organization~~; require financial restitution to a consumer; impose an administrative fine not to exceed $5,000 per violation; require continuing education; or


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assess costs associated with any investigation and prosecution if the contractor or consultant, or business organization or officer or agent thereof, is found guilty of any of the following acts:

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

(b) Violating any provision of chapter 455.

(c) Failing in any material respect to comply with the provisions of this chapter or any rule promulgated hereunder.

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

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

(f) Obtaining a license by fraud or misrepresentation.

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

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



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

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

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

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

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



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

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

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

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

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

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

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

(r) Intimidating, threatening, coercing, or otherwise


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discouraging the service of a notice to owner under part I of chapter 713 or a notice to contractor under chapter 255 or part I of chapter 713.

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

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

Section 43. Subsection (13) of section 471.005, Florida Statutes, is renumbered as subsection (3), and present subsection (3) and subsection (8) of that section are amended to read:

471.005 Definitions.—As used in this chapter, the term:

~~(3) "Certificate of authorization" means a license to practice engineering issued by the management corporation to a corporation or partnership.~~

(8) "License" means the licensing of engineers ~~or certification of businesses~~ to practice engineering in this state.

Section 44. Subsection (4) of section 471.011, Florida Statutes, is amended to read:

471.011 Fees.—

~~(4) The fee for a certificate of authorization shall not exceed $125.~~

Section 45. Subsection (5) of section 471.015, Florida Statutes, is amended to read:



471.015 Licensure.—

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

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

Section 46. Section 471.023, Florida Statutes, is amended to read:

471.023 Qualification ~~Certification~~ of business organizations.—

(1) The practice of, or the offer to practice, engineering by licensees or offering engineering services to the public through a business organization, including a partnership, corporation, business trust, or other legal entity or by a business organization, including a corporation, partnership, business trust, or other legal entity offering such services to the public through licensees under this chapter as agents, employees, officers, or partners is permitted only if the business organization is qualified by an engineer licensed under this chapter ~~possesses a certification issued by the management corporation pursuant to qualification by the board~~, subject to




the provisions of this chapter. One or more of the principal officers of the business organization or one or more partners of the partnership and all personnel of the business organization who act in its behalf as engineers in this state shall be licensed as provided by this chapter. All final drawings, specifications, plans, reports, or documents involving practices licensed under this chapter which are prepared or approved for the use of the business organization or for public record within the state shall be dated and shall bear the signature and seal of the licensee who prepared or approved them. Nothing in this section shall be construed to mean that a license to practice engineering shall be held by a business organization. Nothing herein prohibits business organizations from joining together to offer engineering services to the public, if each business organization otherwise meets the requirements of this section. No business organization shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section, nor shall any individual practicing engineering be relieved of responsibility for professional services performed by reason of his or her employment or relationship with a business organization.

(2) For the purposes of this section, a ~~certificate of authorization shall be required for any~~ business organization or other person practicing under a fictitious name, offering engineering services to the public must be qualified by an engineer licensed under this chapter. ~~However, when an individual is practicing engineering in his or her own given name, he or she shall not be required to be licensed under this section.~~



(3) Except as provided in s. 558.0035, the fact that a licensed engineer practices through a business organization does not relieve the licensee from personal liability for negligence, misconduct, or wrongful acts committed by him or her. Partnerships and all partners shall be jointly and severally liable for the negligence, misconduct, or wrongful acts committed by their agents, employees, or partners while acting in a professional capacity. Any officer, agent, or employee of a business organization other than a partnership shall be personally liable and accountable only for negligent acts, wrongful acts, or misconduct committed by him or her or committed by any person under his or her direct supervision and control, while rendering professional services on behalf of the business organization. The personal liability of a shareholder or owner of a business organization, in his or her capacity as shareholder or owner, shall be no greater than that of a shareholder-employee of a corporation incorporated under chapter 607. The business organization shall be liable up to the full value of its property for any negligent acts, wrongful acts, or misconduct committed by any of its officers, agents, or employees while they are engaged on its behalf in the rendering of professional services.

(4) ~~Each certification of authorization shall be renewed every 2 years.~~ Each qualifying agent of a business organization qualified ~~certified~~ under this section must notify the board within 30 days ~~1 month~~ after any change in the information contained in the application upon which the certification is based.

(a) A qualifying agent who terminates an affiliation with a


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qualified business organization shall notify the management corporation of such termination within 24 hours. If such qualifying agent is the only qualifying agent for that business organization, the business organization must be qualified by another qualifying agent within 60 days after the termination. Except as provided in paragraph (b), the business organization may not engage in the practice of engineering until it is qualified by another qualifying agent.

(b) In the event a qualifying agent ceases employment with a qualified business organization and such qualifying agent is the only licensed individual affiliated with the business organization, the executive director of the management corporation or the chair of the board may authorize another licensee employed by the business organization to temporarily serve as its qualifying agent for a period of no more than 60 days to proceed with incomplete contracts. The business organization is not authorized to operate beyond such period under this chapter absent replacement of the qualifying agent.

(c) A qualifying agent shall notify the department in writing before engaging in the practice of engineering in the licensee's name or in affiliation with a different business organization.

~~(5) Disciplinary action against a business organization shall be administered in the same manner and on the same grounds as disciplinary action against a licensed engineer.~~

Section 47. Subsection (7) of section 473.308, Florida Statutes, is amended to read:

473.308 Licensure.—

(7) The board shall certify as qualified for a license by




endorsement an applicant who:

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

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

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

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

3.~~c.~~ Has held ~~Holds~~ a valid license to practice public accounting issued by another state or territory of the United


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States for at least 10 years before the date of application; has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by s. 473.306; and has met the requirements of this section for good moral character.~~; and~~

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

Section 48. Subsection (6) of section 474.202, Florida Statutes, is amended to read:

474.202 Definitions.—As used in this chapter:

(6) "Limited-service veterinary medical practice" means offering or providing veterinary services at any location that has a primary purpose other than that of providing veterinary medical service at a permanent or mobile establishment permitted by the board; provides veterinary medical services for privately owned animals that do not reside at that location; operates for a limited time; and provides limited types of veterinary medical services, including vaccinations or immunizations against disease, preventative procedures for parasitic control, and microchipping.

Section 49. Paragraph (b) of subsection (2) of section 474.207, Florida Statutes, is amended to read:

474.207 Licensure by examination.—

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

(b)1. Graduated from a college of veterinary medicine




accredited by the American Veterinary Medical Association Council on Education; or

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

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

Section 50. Subsection (1) of section 474.217, Florida Statutes, is amended to read:

474.217 Licensure by endorsement.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting a fee set by the board, demonstrates to the board that she or he:

(a) Has demonstrated, in a manner designated by rule of the board, knowledge of the laws and rules governing the practice of veterinary medicine in this state; and

(b)1. ~~Either~~ Holds, and has held for the 3 years immediately preceding the application for licensure, a valid, active license to practice veterinary medicine in another state of the United States, the District of Columbia, or a territory of the United States, provided that the applicant has





successfully completed a state, regional, national, or other examination that is equivalent to or more stringent than the examination required by the board ~~requirements for licensure in the issuing state, district, or territory are equivalent to or more stringent than the requirements of this chapter~~; or

2. Meets the qualifications of s. 474.207(2)(b) and has successfully completed a state, regional, national, or other examination which is equivalent to or more stringent than the examination given by the department and has passed the board's clinical competency examination or another clinical competency examination specified by rule of the board.

Section 51. Subsection (5) of section 476.144, Florida Statutes, is amended to read:

476.144 Licensure.—

(5) The board shall certify as qualified for licensure by endorsement as a barber in this state an applicant who holds a current active license to practice barbering in another state. The board shall adopt rules specifying procedures for the licensure by endorsement of practitioners desiring to be licensed in this state who hold a current active license in another ~~state or~~ country and who have met qualifications substantially similar to, equivalent to, or greater than the qualifications required of applicants from this state.

Section 52. Subsection (9) of section 477.013, Florida Statutes, is amended to read:

477.013 Definitions.—As used in this chapter:

(9) "Hair braiding" means the weaving or interweaving of natural human hair or commercial hair, including the use of hair extensions or wefts, for compensation without cutting, coloring,



permanent waving, relaxing, removing, or chemical treatment ~~and does not include the use of hair extensions or wefts~~.

Section 53. Section 477.0132, Florida Statutes, is repealed.

Section 54. Subsections (7) through (11) are added to section 477.0135, Florida Statutes, to read:

477.0135 Exemptions.—

(7) A license or registration is not required for a person whose occupation or practice is confined solely to hair braiding as defined in s. 477.013(9).

(8) A license or registration is not required for a person whose occupation or practice is confined solely to hair wrapping as defined in s. 477.013(10).

(9) A license or registration is not required for a person whose occupation or practice is confined solely to body wrapping as defined in s. 477.013(12).

(10) A license or registration is not required for a person whose occupation or practice is confined solely to applying polish to fingernails and toenails.

(11) A license or registration is not required for a person whose occupation or practice is confined solely to makeup application.

Section 55. Subsections (6) and (7) of section 477.019, Florida Statutes, are amended to read:

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

(6) The board shall certify as qualified for licensure by endorsement as a cosmetologist in this state an applicant who




holds a current active license to practice cosmetology in another state. The board may not require proof of educational hours if the license was issued in a state that requires 1,200 or more hours of prelicensure education and passage of a written examination. ~~This subsection does not apply to applicants who received their license in another state through an apprenticeship program.~~

(7)(a) The board shall prescribe by rule continuing education requirements intended to ensure protection of the public through updated training of licensees and registered specialists, not to exceed 10 ~~16~~ hours biennially, as a condition for renewal of a license or registration as a specialist under this chapter. Continuing education courses shall include, but not be limited to, the following subjects as they relate to the practice of cosmetology: human immunodeficiency virus and acquired immune deficiency syndrome; Occupational Safety and Health Administration regulations; workers' compensation issues; state and federal laws and rules as they pertain to cosmetologists, cosmetology, salons, specialists, specialty salons, and booth renters; chemical makeup as it pertains to hair, skin, and nails; and environmental issues. Courses given at cosmetology conferences may be counted toward the number of continuing education hours required if approved by the board.

~~(b) Any person whose occupation or practice is confined solely to hair braiding, hair wrapping, or body wrapping is exempt from the continuing education requirements of this subsection.~~

(b) ~~(c)~~ The board may, by rule, require any licensee in




violation of a continuing education requirement to take a refresher course or refresher course and examination in addition to any other penalty. The number of hours for the refresher course may not exceed 48 hours.

Section 56. Paragraph (f) of subsection (1) of section 477.026, Florida Statutes, is amended to read:

477.026 Fees; disposition.—

(1) The board shall set fees according to the following schedule:

~~(f) For hair braiders, hair wrappers, and body wrappers, fees for registration shall not exceed $25.~~

Section 57. Subsection (4) of section 477.0263, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

477.0263 Cosmetology services to be performed in licensed salon; exceptions.—

(4) Pursuant to rules adopted by the board, any cosmetology or specialty service may be performed in a location other than a licensed salon when the service is performed in connection with a special event and is performed by a person ~~who is employed by a licensed salon and~~ who holds the proper license or specialty registration. ~~An appointment for the performance of any such service in a location other than a licensed salon must be made through a licensed salon.~~

(5) Hair shampooing, hair cutting, and hair arranging may be performed in a location other than a licensed salon when the service is performed by a person who holds the proper license.

Section 58. Paragraph (f) of subsection (1) of section 477.0265, Florida Statutes, is amended to read:


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477.0265 Prohibited acts.—

(1) It is unlawful for any person to:

(f) Advertise or imply that skin care services ~~or body wrapping~~, as performed under this chapter, have any relationship to the practice of massage therapy as defined in s. 480.033(3), except those practices or activities defined in s. 477.013.

Section 59. Paragraph (a) of subsection (1) of section 477.029, Florida Statutes, is amended to read:

477.029 Penalty.—

(1) It is unlawful for any person to:

(a) Hold himself or herself out as a cosmetologist or~~,~~ specialist~~, hair wrapper, hair braider, or body wrapper~~ unless duly licensed or registered, or otherwise authorized, as provided in this chapter.

Section 60. Section 481.201, Florida Statutes, is amended to read:

481.201 Purpose.—The primary legislative purpose for enacting this part is to ensure that every architect practicing in this state meets minimum requirements for safe practice. It is the legislative intent that architects who fall below minimum competency or who otherwise present a danger to the public shall be prohibited from practicing in this state. ~~The Legislature further finds that it is in the interest of the public to limit the practice of interior design to interior designers or architects who have the design education and training required by this part or to persons who are exempted from the provisions of this part.~~

Section 61. Section 481.203, Florida Statutes, is amended to read:



481.203 Definitions.—As used in this part, the term:

(1) ~~(3)~~ "Architect" or "registered architect" means a natural person who is licensed under this part to engage in the practice of architecture.

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

(3) ~~(1)~~ "Board" means the Board of Architecture ~~and Interior Design~~.

(4) ~~(5)~~ "Business organization" means a partnership, a limited liability company, a corporation, or an individual operating under a fictitious name ~~"Certificate of authorization" means a certificate issued by the department to a corporation or partnership to practice architecture or interior design~~.

(5) ~~(4)~~ "Certificate of registration" means a license issued by the department to a natural person to engage in the practice of architecture or interior design.

(6) ~~(13)~~ "Common area" means an area that is held out for use by all tenants or owners in a multiple-unit dwelling, including, but not limited to, a lobby, elevator, hallway, laundry room, clubhouse, or swimming pool.

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

(8) ~~(14)~~ "Diversified interior design experience" means




experience which substantially encompasses the various elements of interior design services set forth under the definition of "interior design" in subsection (10)~~(8)~~.

(9)~~(15)~~ "Interior decorator services" includes the selection or assistance in selection of surface materials, window treatments, wallcoverings, paint, floor coverings, surface-mounted lighting, surface-mounted fixtures, and loose furnishings not subject to regulation under applicable building codes.

(10)~~(8)~~ "Interior design" means designs, consultations, studies, drawings, specifications, and administration of design construction contracts relating to nonstructural interior elements of a building or structure. "Interior design" includes, but is not limited to, reflected ceiling plans, space planning, furnishings, and the fabrication of nonstructural elements within and surrounding interior spaces of buildings. "Interior design" specifically excludes the design of or the responsibility for architectural and engineering work, except for specification of fixtures and their location within interior spaces. As used in this subsection, "architectural and engineering interior construction relating to the building systems" includes, but is not limited to, construction of structural, mechanical, plumbing, heating, air-conditioning, ventilating, electrical, or vertical transportation systems, or construction which materially affects lifesafety systems pertaining to firesafety protection such as fire-rated separations between interior spaces, fire-rated vertical shafts in multistory structures, fire-rated protection of structural elements, smoke evacuation and compartmentalization, emergency




ingress or egress systems, and emergency alarm systems.

~~(9) "Registered interior designer" or "interior designer" means a natural person who is licensed under this part.~~

(11)~~(10)~~ "Nonstructural element" means an element which does not require structural bracing and which is something other than a load-bearing wall, load-bearing column, or other load-bearing element of a building or structure which is essential to the structural integrity of the building.

(12)~~(11)~~ "Reflected ceiling plan" means a ceiling design plan which is laid out as if it were projected downward and which may include lighting and other elements.

(13)~~(16)~~ "Responsible supervising control" means the exercise of direct personal supervision and control throughout the preparation of documents, instruments of service, or any other work requiring the seal and signature of a licensee under this part.

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

(15)~~(7)~~ "Townhouse" is a single-family dwelling unit not exceeding three stories in height which is constructed in a series or group of attached units with property lines separating such units. Each townhouse shall be considered a separate building and shall be separated from adjoining townhouses by the use of separate exterior walls meeting the requirements for zero clearance from property lines as required by the type of construction and fire protection requirements; or shall be separated by a party wall; or may be separated by a single wall meeting the following requirements:


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(a) Such wall shall provide not less than 2 hours of fire resistance. Plumbing, piping, ducts, or electrical or other building services shall not be installed within or through the 2-hour wall unless such materials and methods of penetration have been tested in accordance with the Standard Building Code.

(b) Such wall shall extend from the foundation to the underside of the roof sheathing, and the underside of the roof shall have at least 1 hour of fire resistance for a width not less than 4 feet on each side of the wall.

(c) Each dwelling unit sharing such wall shall be designed and constructed to maintain its structural integrity independent of the unit on the opposite side of the wall.

Section 62. Subsection (1) and paragraph (a) of subsection (3) of section 481.205, Florida Statutes, are amended to read:

481.205 Board of Architecture ~~and Interior Design~~.—

(1) The Board of Architecture ~~and Interior Design~~ is created within the Department of Business and Professional Regulation. The board shall consist of seven ~~11~~ members. Five members must be registered architects who have been engaged in the practice of architecture for at least 5 years~~; three members must be registered interior designers who have been offering interior design services for at least 5 years and who are not also registered architects;~~ and two ~~three~~ members must be laypersons who are not, and have never been, architects~~, interior designers,~~ or members of any closely related profession or occupation. At least one member of the board must be 60 years of age or older.

(3)(a) Notwithstanding the provisions of ss. 455.225, 455.228, and 455.32, the duties and authority of the department





to receive complaints and investigate and discipline persons licensed under this part, including the ability to determine legal sufficiency and probable cause; to initiate proceedings and issue final orders for summary suspension or restriction of a license pursuant to s. 120.60(6); to issue notices of noncompliance, notices to cease and desist, subpoenas, and citations; to retain legal counsel, investigators, or prosecutorial staff in connection with the licensed practice of architecture ~~and interior design~~; and to investigate and deter the unlicensed practice of architecture ~~and interior design~~ as provided in s. 455.228 are delegated to the board. All complaints and any information obtained pursuant to an investigation authorized by the board are confidential and exempt from s. 119.07(1) as provided in s. 455.225(2) and (10).

Section 63. Section 481.207, Florida Statutes, is amended to read:

481.207 Fees.—The board, by rule, may establish separate fees for architects ~~and interior designers~~, to be paid for applications, examination, reexamination, licensing and renewal, delinquency, reinstatement, and recordmaking and recordkeeping. The examination fee shall be in an amount that covers the cost of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee is nonrefundable. The fee for initial application and examination for architects ~~and interior designers~~ may not exceed $775 plus the actual per applicant cost to the department for purchase of the examination from the National Council of Architectural Registration Boards ~~or the National Council of Interior Design Qualifications,~~





~~respectively,~~ or similar national organizations. The biennial renewal fee for architects may not exceed $200. ~~The biennial renewal fee for interior designers may not exceed $500.~~ The delinquency fee may not exceed the biennial renewal fee established by the board for an active license. The board shall establish fees that are adequate to ensure the continued operation of the board and to fund the proportionate expenses incurred by the department which are allocated to the regulation of architects ~~and interior designers~~. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of architects ~~and interior designers~~.

Section 64. Section 481.209, Florida Statutes, is amended to read:

481.209 Examinations.—

~~(1)~~ A person desiring to be licensed as a registered architect by initial examination shall apply to the department, complete the application form, and remit a nonrefundable application fee. The department shall license any applicant who the board certifies~~:~~

~~(a)~~ has passed the licensure examination prescribed by board rule~~;~~ and

~~(b)~~ is a graduate of a school or college of architecture with a program accredited by the National Architectural Accreditation Board.

~~(2) A person desiring to be licensed as a registered interior designer shall apply to the department for licensure. The department shall administer the licensure examination for interior designers to each applicant who has completed the~~



~~application form and remitted the application and examination fees specified in s. 481.207 and who the board certifies:~~

~~(a) Is a graduate from an interior design program of 5 years or more and has completed 1 year of diversified interior design experience;~~

~~(b) Is a graduate from an interior design program of 4 years or more and has completed 2 years of diversified interior design experience;~~

~~(c) Has completed at least 3 years in an interior design curriculum and has completed 3 years of diversified interior design experience; or~~

~~(d) Is a graduate from an interior design program of at least 2 years and has completed 4 years of diversified interior design experience.~~

~~Subsequent to October 1, 2000, for the purpose of having the educational qualification required under this subsection accepted by the board, the applicant must complete his or her education at a program, school, or college of interior design whose curriculum has been approved by the board as of the time of completion. Subsequent to October 1, 2003, all of the required amount of educational credits shall have been obtained in a program, school, or college of interior design whose curriculum has been approved by the board, as of the time each educational credit is gained. The board shall adopt rules providing for the review and approval of programs, schools, and colleges of interior design and courses of interior design study based on a review and inspection by the board of the curriculum of programs, schools, and colleges of interior design in the United States, including those programs, schools, and colleges~~





~~accredited by the Foundation for Interior Design Education Research. The board shall adopt rules providing for the review and approval of diversified interior design experience required by this subsection.~~

Section 65. Subsections (1) through (4) of section 481.213, Florida Statutes, are amended to read:

481.213 Licensure.—

(1) The department shall license any applicant who the board certifies is qualified for licensure and who has paid the initial licensure fee. ~~Licensure as an architect under this section shall be deemed to include all the rights and privileges of licensure as an interior designer under this section.~~

(2) The board shall certify for licensure by examination any applicant who passes the prescribed licensure examination and satisfies the requirements of ss. 481.209 and 481.211~~, for architects, or the requirements of s. 481.209, for interior designers~~.

(3) The board shall certify as qualified for a license by endorsement as an architect ~~or as an interior designer~~ an applicant who:

(a) Qualifies to take the prescribed licensure examination, and has passed the prescribed licensure examination or a substantially equivalent examination in another jurisdiction, as set forth in s. 481.209 for architects ~~or interior designers, as applicable~~, and has satisfied the internship requirements set forth in s. 481.211 for architects;

(b) Holds a valid license to practice architecture ~~or interior design~~ issued by another jurisdiction of the United States, if the criteria for issuance of such license were


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substantially equivalent to the licensure criteria that existed in this state at the time the license was issued; ~~provided, however, that an applicant who has been licensed for use of the title "interior design" rather than licensed to practice interior design shall not qualify hereunder;~~ or

(c) Has passed the prescribed licensure examination and holds a valid certificate issued by the National Council of Architectural Registration Boards, and holds a valid license to practice architecture issued by another state or jurisdiction of the United States.

(4) The board may refuse to certify any applicant who has violated any of the provisions of s. 481.223~~,~~ or s. 481.225, ~~or s. 481.2251,~~ as applicable.

Section 66. Section 481.2131, Florida Statutes, is amended to read:

481.2131 Interior design; practice requirements~~; disclosure of compensation for professional services~~.—

(1) ~~A registered interior designer is authorized to perform "interior design" as defined in s. 481.203. Interior design documents prepared by a registered interior designer shall contain a statement that the document is not an architectural or engineering study, drawing, specification, or design and is not to be used for construction of any load-bearing columns, load-bearing framing or walls of structures, or issuance of any building permit, except as otherwise provided by law.~~ Interior design documents that are prepared ~~and sealed~~ by an ~~a registered~~ interior designer must ~~may~~, if required by a permitting body, be accepted by the permitting body ~~be submitted~~ for the issuance of a building permit for interior construction excluding design of




any structural, mechanical, plumbing, heating, air-conditioning, ventilating, electrical, or vertical transportation systems or that materially affect lifesafety systems pertaining to firesafety protection such as fire-rated separations between interior spaces, fire-rated vertical shafts in multistory structures, fire-rated protection of structural elements, smoke evacuation and compartmentalization, emergency ingress or egress systems, and emergency alarm systems. Interior design documents submitted for the issuance of a building permit by an individual performing interior design services who is not a licensed architect must include written proof that such individual has successfully passed the qualification examination prescribed by either the National Council for Interior Design Qualifications or the California Council for Interior Design Certification. All drawings, plans, specifications, or reports prepared or issued by the interior designer and filed for public record shall bear the signature of the interior designer who prepared or approved the document and the date on which they were signed. The signature and date shall be evidence of the authenticity of that to which they are affixed. Final plans, specifications, or reports prepared or issued by an interior designer may be transmitted electronically and may be electronically signed by the interior designer.

(2) A license or registration is not required for a person whose occupation or practice is confined to interior design or interior decorator services ~~An interior designer shall, before entering into a contract, verbal or written, clearly determine the scope and nature of the project and the method or methods of compensation. The interior designer may offer professional~~


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~~services to the client as a consultant, specifier, or supplier on the basis of a fee, percentage, or markup. The interior designer shall have the responsibility of fully disclosing to the client the manner in which all compensation is to be paid. Unless the client knows and agrees, the interior designer shall not accept any form of compensation from a supplier of goods and services in cash or in kind~~.

Section 67. Subsections (3) and (5) of section 481.215, Florida Statutes, are amended to read:

481.215 Renewal of license.—

(3) A ~~No~~ license renewal may not ~~shall~~ be issued to an architect ~~or an interior designer~~ by the department until the licensee submits proof satisfactory to the department that, during the 2 years before ~~prior to~~ application for renewal, the licensee participated per biennium in not less than 20 hours of at least 50 minutes each per biennium of continuing education approved by the board. The board shall approve only continuing education that builds upon the basic knowledge of architecture ~~or interior design~~. The board may make exception from the requirements of continuing education in emergency or hardship cases.

~~(5) The board shall require, by rule adopted pursuant to ss. 120.536(1) and 120.54, a specified number of hours in specialized or advanced courses, approved by the Florida Building Commission, on any portion of the Florida Building Code, adopted pursuant to part IV of chapter 553, relating to the licensee's respective area of practice.~~

Section 68. Subsection (1) of section 481.217, Florida Statutes, is amended to read:



481.217 Inactive status.—

(1) The board may prescribe by rule continuing education requirements as a condition of reactivating a license. The rules may not require more than one renewal cycle of continuing education to reactivate a license for a registered architect ~~or interior designer~~. ~~For interior design, the board may approve only continuing education that builds upon the basic knowledge of interior design.~~

Section 69. Section 481.219, Florida Statutes, is amended to read:

481.219 Qualification of business organizations ~~certification of partnerships, limited liability companies, and corporations~~.—

(1) A licensee may ~~The practice of or the offer to~~ practice architecture ~~or interior design by licensees~~ through a qualified business organization that offers ~~corporation, limited liability company, or partnership offering~~ architectural ~~or interior design~~ services to the public~~, or by a corporation, limited liability company, or partnership offering architectural or interior design services to the public through licensees under this part as agents, employees, officers, or partners, is permitted~~, subject to the provisions of this section.

(2) If a licensee or an applicant proposes to engage in the practice of architecture as a business organization, the licensee or applicant shall qualify the business organization upon approval of the board ~~For the purposes of this section, a certificate of authorization shall be required for a corporation, limited liability company, partnership, or person practicing under a fictitious name, offering architectural~~





~~services to the public jointly or separately. However, when an individual is practicing architecture in her or his own name, she or he shall not be required to be certified under this section. Certification under this subsection to offer architectural services shall include all the rights and privileges of certification under subsection (3) to offer interior design services~~.

(3)(a) A business organization may not engage in the practice of architecture unless its qualifying agent is a registered architect under this part. A qualifying agent who terminates an affiliation with a qualified business organization shall immediately notify the department of such termination. If such qualifying agent is the only qualifying agent for that business organization, the business organization must be qualified by another qualifying agent within 60 days after the termination. Except as provided in paragraph (b), the business organization may not engage in the practice of architecture until it is qualified by another qualifying agent.

(b) In the event a qualifying agent ceases employment with a qualified business organization, the executive director or the chair of the board may authorize another registered architect employed by the business organization to temporarily serve as its qualifying agent for a period of no more than 60 days. The business organization is not authorized to operate beyond such period under this chapter absent replacement of the qualifying agent who has ceased employment.

(c) A qualifying agent shall notify the department in writing before engaging in the practice of architecture in her or his own name or in affiliation with a different business




organization, and she or he or such business organization shall supply the same information to the department as required of applicants under this part.

~~(3) For the purposes of this section, a certificate of authorization shall be required for a corporation, limited liability company, partnership, or person operating under a fictitious name, offering interior design services to the public jointly or separately. However, when an individual is practicing interior design in her or his own name, she or he shall not be required to be certified under this section.~~

(4) All final construction documents and instruments of service which include drawings, specifications, plans, reports, or other papers or documents that involve ~~involving~~ the practice of architecture which are prepared or approved for the use of the business organization ~~corporation, limited liability company, or partnership~~ and filed for public record within the state must ~~shall~~ bear the signature and seal of the licensee who prepared or approved them and the date on which they were sealed.

~~(5) All drawings, specifications, plans, reports, or other papers or documents prepared or approved for the use of the corporation, limited liability company, or partnership by an interior designer in her or his professional capacity and filed for public record within the state shall bear the signature and seal of the licensee who prepared or approved them and the date on which they were sealed.~~

~~(6) The department shall issue a certificate of authorization to any applicant who the board certifies as qualified for a certificate of authorization and who has paid~~


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~~the fee set in s. 481.207.~~

(5)~~(7)~~ The board shall allow a licensee or ~~certify~~ an applicant to qualify one or more business organizations ~~as qualified for a certificate of authorization~~ to offer architectural ~~or interior design~~ services, or to use a fictitious name to offer such services, if ~~provided that:~~

~~(a)~~ one or more of the principal officers of the corporation or limited liability company, or one or more partners of the partnership, and all personnel of the corporation, limited liability company, or partnership who act in its behalf in this state as architects, are registered as provided by this part.~~; or~~

~~(b) One or more of the principal officers of the corporation or one or more partners of the partnership, and all personnel of the corporation, limited liability company, or partnership who act in its behalf in this state as interior designers, are registered as provided by this part.~~

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

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

(6)~~(10)~~ Each qualifying agent who qualifies a business organization ~~partnership, limited liability company, and corporation certified~~ under this section shall notify the department within 30 days after ~~of~~ any change in the information contained in the application upon which the qualification ~~certification~~ is based. Any registered architect ~~or interior~~


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~~designer~~ who qualifies the business organization shall ensure ~~corporation, limited liability company, or partnership as provided in subsection (7) shall be responsible for ensuring~~ responsible supervising control of projects of the business organization ~~entity~~ and shall notify the department of the ~~upon~~ termination of her or his employment with a business organization qualified ~~partnership, limited liability company, or corporation certified~~ under this section ~~shall notify the department of the termination~~ within 30 days after such termination.

(7) ~~(11)~~ A business organization is not ~~No corporation, limited liability company, or partnership shall be~~ relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section. However, except as provided in s. 558.0035, the architect who signs and seals the construction documents and instruments of service is ~~shall be~~ liable for the professional services performed~~, and the interior designer who signs and seals the interior design drawings, plans, or specifications shall be liable for the professional services performed~~.

~~(12) Disciplinary action against a corporation, limited liability company, or partnership shall be administered in the same manner and on the same grounds as disciplinary action against a registered architect or interior designer, respectively.~~

(8) ~~(13)~~ ~~Nothing in~~ This section may not ~~shall~~ be construed to mean that a certificate of registration to practice architecture ~~or interior design~~ must ~~shall~~ be held by a business organization ~~corporation, limited liability company, or~~




~~partnership~~. ~~Nothing in~~ This section does not prohibit a business organization from offering ~~prohibits corporations, limited liability companies, and partnerships from joining together to offer~~ architectural or~~,~~ engineering~~, interior design, surveying and mapping, and landscape architectural~~ services, or any combination of such services, to the public if the business organization~~, provided that each corporation, limited liability company, or partnership~~ otherwise meets the requirements of law.

~~(14) Corporations, limited liability companies, or partnerships holding a valid certificate of authorization to practice architecture shall be permitted to use in their title the term "interior designer" or "registered interior designer."~~

Section 70. Subsections (4), (6), (8), (10), (11), and (12) of section 481.221, Florida Statutes, are renumbered as subsections (3), (4), (5), (6), (7), and (8), respectively, and present subsections (3), (5), (7), (9), (10), (11), and (12) of that section are amended to read:

481.221 Seals; display of certificate number; permitting requirements.—

~~(3) The board shall adopt a rule prescribing the distinctly different seals to be used by registered interior designers holding valid certificates of registration. Each registered interior designer shall obtain a seal as prescribed by the board, and all drawings, plans, specifications, or reports prepared or issued by the registered interior designer and being filed for public record shall bear the signature and seal of the registered interior designer who prepared or approved the document and the date on which they were sealed. The signature,~~


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~~date, and seal shall be evidence of the authenticity of that to which they are affixed. Final plans, specifications, or reports prepared or issued by a registered interior designer may be transmitted electronically and may be signed by the registered interior designer, dated, and sealed electronically with the seal in accordance with ss. 668.001-668.006.~~

~~(5) No registered interior designer shall affix, or permit to be affixed, her or his seal or signature to any plan, specification, drawing, or other document which depicts work which she or he is not competent or licensed to perform.~~

~~(7) No registered interior designer shall affix her or his signature or seal to any plans, specifications, or other documents which were not prepared by her or him or under her or his responsible supervising control or by another registered interior designer and reviewed, approved, or modified and adopted by her or him as her or his own work according to rules adopted by the board.~~

~~(9) Studies, drawings, specifications, and other related documents prepared by a registered interior designer in providing interior design services shall be of a sufficiently high standard to clearly and accurately indicate all essential parts of the work to which they refer.~~

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




business organization must include the license number of the registered architect who serves as the qualifying agent for that business organization in any newspaper, telephone directory, or other advertising medium used by the business organization. A business organization is not required to display the license numbers of other registered architects employed by the business organization ~~A corporation, limited liability company, or partnership is not required to display the certificate number of individual registered architects or interior designers employed by or working within the corporation, limited liability company, or partnership~~.

(7) ~~(11)~~ When the certificate of registration of a registered architect ~~or interior designer~~ has been revoked or suspended by the board, the registered architect ~~or interior designer~~ shall surrender her or his seal to the secretary of the board within a period of 30 days after the revocation or suspension has become effective. If the certificate of the registered architect ~~or interior designer~~ has been suspended for a period of time, her or his seal shall be returned to her or him upon expiration of the suspension period.

(8) ~~(12)~~ A person may not sign and seal by any means any final plan, specification, or report after her or his certificate of registration has expired or is suspended or revoked. A registered architect ~~or interior designer~~ whose certificate of registration is suspended or revoked shall, within 30 days after the effective date of the suspension or revocation, surrender her or his seal to the executive director of the board and confirm in writing to the executive director the cancellation of the registered architect's ~~or interior~~


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~~designer's~~ electronic signature in accordance with ss. 668.001-668.006. When a registered architect's ~~or interior designer's~~ certificate of registration is suspended for a period of time, her or his seal shall be returned upon expiration of the period of suspension.

Section 71. Section 481.222, Florida Statutes, is amended to read:

481.222 Architects performing building code inspection services.—Notwithstanding any other provision of law, a person who is currently licensed to practice as an architect under this part may provide building code inspection services described in s. 468.603(5) and (8) to a local government or state agency upon its request, without being certified by the Florida Building Code Administrators and Inspectors Board under part XII of chapter 468. With respect to the performance of such building code inspection services, the architect is subject to the disciplinary guidelines of this part and s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of an architect's performance of building code inspection services shall be conducted by the Board of Architecture ~~and Interior Design~~ rather than the Florida Building Code Administrators and Inspectors Board. An architect may not perform plans review as an employee of a local government upon any job that the architect or the architect's company designed.

Section 72. Section 481.223, Florida Statutes, is amended to read:

481.223 Prohibitions; penalties; injunctive relief.—

(1) A person may not knowingly:


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(a) Practice architecture unless the person is an architect or a registered architect; however, a licensed architect who has been licensed by the board and who chooses to relinquish or not to renew his or her license may use the title "Architect, Retired" but may not otherwise render any architectural services.

~~(b) Practice interior design unless the person is a registered interior designer unless otherwise exempted herein; however, an interior designer who has been licensed by the board and who chooses to relinquish or not to renew his or her license may use the title "Interior Designer, Retired" but may not otherwise render any interior design services.~~

(b) ~~(c)~~ Use the name or title "architect," ~~or~~ "registered architect," ~~or "interior designer" or "registered interior designer,"~~ or words to that effect, when the person is not then the holder of a valid license issued pursuant to this part.

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

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

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

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

(g) ~~(h)~~ Conceal information relative to violations of this part.

(2) Any person who violates any provision of subsection (1) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.


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(3)(a) Notwithstanding chapter 455 or any other law to the contrary, an affected person may maintain an action for injunctive relief to restrain or prevent a person from violating paragraph (1)(a) or~~,~~ paragraph (1)(b)~~, or paragraph (1)(c)~~. The prevailing party is entitled to actual costs and attorney's fees.

(b) For purposes of this subsection, the term "affected person" means a person directly affected by the actions of a person suspected of violating paragraph (1)(a) or~~,~~ paragraph (1)(b)~~, or paragraph (1)(c)~~ and includes, but is not limited to, the department, any person who received services from the alleged violator, or any private association composed primarily of members of the profession the alleged violator is practicing or offering to practice or holding himself or herself out as qualified to practice.

Section 73. Section 481.2251, Florida Statutes, is repealed.

Section 74. Subsections (5) through (8) of section 481.229, Florida Statutes, are amended to read:

481.229 Exceptions; exemptions from licensure.—

~~(5)(a) Nothing contained in this part shall prevent a registered architect or a partnership, limited liability company, or corporation holding a valid certificate of authorization to provide architectural services from performing any interior design service or from using the title "interior designer" or "registered interior designer.~~"

~~(b) Notwithstanding any other provision of this part, all persons licensed as architects under this part shall be qualified for interior design licensure upon submission of a~~




~~completed application for such license and a fee not to exceed $30. Such persons shall be exempt from the requirements of s. 481.209(2). For architects licensed as interior designers, satisfaction of the requirements for renewal of licensure as an architect under s. 481.215 shall be deemed to satisfy the requirements for renewal of licensure as an interior designer under that section. Complaint processing, investigation, or other discipline-related legal costs related to persons licensed as interior designers under this paragraph shall be assessed against the architects' account of the Regulatory Trust Fund.~~

~~(c) Notwithstanding any other provision of this part, any corporation, partnership, or person operating under a fictitious name which holds a certificate of authorization to provide architectural services shall be qualified, without fee, for a certificate of authorization to provide interior design services upon submission of a completed application therefor. For corporations, partnerships, and persons operating under a fictitious name which hold a certificate of authorization to provide interior design services, satisfaction of the requirements for renewal of the certificate of authorization to provide architectural services under s. 481.219 shall be deemed to satisfy the requirements for renewal of the certificate of authorization to provide interior design services under that section.~~

~~(6) This part shall not apply to:~~

~~(a) A person who performs interior design services or interior decorator services for any residential application, provided that such person does not advertise as, or represent himself or herself as, an interior designer. For purposes of~~


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~~this paragraph, "residential applications" includes all types of residences, including, but not limited to, residence buildings, single-family homes, multifamily homes, townhouses, apartments, condominiums, and domestic outbuildings appurtenant to one-family or two-family residences. However, "residential applications" does not include common areas associated with instances of multiple-unit dwelling applications.~~

~~(b) An employee of a retail establishment providing "interior decorator services" on the premises of the retail establishment or in the furtherance of a retail sale or prospective retail sale, provided that such employee does not advertise as, or represent himself or herself as, an interior designer.~~

~~(7) Nothing in this part shall be construed as authorizing or permitting an interior designer to engage in the business of, or to act as, a contractor within the meaning of chapter 489, unless registered or certified as a contractor pursuant to chapter 489.~~

(5)~~(8)~~ A manufacturer of commercial food service equipment or the manufacturer's representative, distributor, or dealer or an employee thereof, who prepares designs, specifications, or layouts for the sale or installation of such equipment is exempt from licensure as an architect ~~or interior designer~~, if:

(a) The designs, specifications, or layouts are not used for construction or installation that may affect structural, mechanical, plumbing, heating, air conditioning, ventilating, electrical, or vertical transportation systems.

(b) The designs, specifications, or layouts do not materially affect lifesafety systems pertaining to firesafety

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protection, smoke evacuation and compartmentalization, and emergency ingress or egress systems.

(c) Each design, specification, or layout document prepared by a person or entity exempt under this subsection contains a statement on each page of the document that the designs, specifications, or layouts are not architectural~~, interior design,~~ or engineering designs, specifications, or layouts and not used for construction unless reviewed and approved by a licensed architect or engineer.

Section 75. Subsection (1) of section 481.231, Florida Statutes, is amended to read:

481.231 Effect of part locally.—

(1) ~~Nothing in~~ This part does not ~~shall be construed to~~ repeal, amend, limit, or otherwise affect any specific provision of any local building code or zoning law or ordinance that has been duly adopted, now or hereafter enacted, which is more restrictive, with respect to the services of registered architects ~~or registered interior designers~~, than ~~the provisions of~~ this part~~; provided, however, that a licensed architect shall be deemed licensed as an interior designer for purposes of offering or rendering interior design services to a county, municipality, or other local government or political subdivision~~.

Section 76. Section 481.303, Florida Statutes, is amended to read:

481.303 Definitions.—As used in this chapter, the term:

(1) "Board" means the Board of Landscape Architecture.

(2)~~(4)~~ "Certificate of registration" means a license issued by the department to a natural person to engage in the practice





of landscape architecture.

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

~~(5) "Certificate of authorization" means a license issued by the department to a corporation or partnership to engage in the practice of landscape architecture.~~

(4)~~(6)~~ "Landscape architecture" means professional services, including, but not limited to, the following:

(a) Consultation, investigation, research, planning, design, preparation of drawings, specifications, contract documents and reports, responsible construction supervision, or landscape management in connection with the planning and development of land and incidental water areas, including the use of Florida-friendly landscaping as defined in s. 373.185, where, and to the extent that, the dominant purpose of such services or creative works is the preservation, conservation, enhancement, or determination of proper land uses, natural land features, ground cover and plantings, or naturalistic and aesthetic values;

(b) The determination of settings, grounds, and approaches for and the siting of buildings and structures, outdoor areas, or other improvements;

(c) The setting of grades, shaping and contouring of land and water forms, determination of drainage, and provision for storm drainage and irrigation systems where such systems are necessary to the purposes outlined herein; and

(d) The design of such tangible objects and features as are necessary to the purpose outlined herein.

(5)~~(7)~~ "Landscape design" means consultation for and


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preparation of planting plans drawn for compensation, including specifications and installation details for plant materials, soil amendments, mulches, edging, gravel, and other similar materials. Such plans may include only recommendations for the conceptual placement of tangible objects for landscape design projects. Construction documents, details, and specifications for tangible objects and irrigation systems shall be designed or approved by licensed professionals as required by law.

(6) ~~(3)~~ "Registered landscape architect" means a person who holds a license to practice landscape architecture in this state under the authority of this act.

Section 77. Section 481.310, Florida Statutes, is amended to read:

481.310 Practical experience requirement.—Beginning October 1, 1990, every applicant for licensure as a registered landscape architect shall demonstrate, prior to licensure, 1 year of practical experience in landscape architectural work. An applicant who holds a master of landscape architecture degree is not required to demonstrate 1 year of practical experience in landscape architectural work to obtain licensure. The board shall adopt rules providing standards for the required experience. An applicant who qualifies for examination pursuant to s. 481.309(1)(b)1. may obtain the practical experience after completing the required professional degree. Experience used to qualify for examination pursuant to s. 481.309(1)(b)2. may not be used to satisfy the practical experience requirement under this section.

Section 78. Subsections (5) and (6) of section 481.311, Florida Statutes, are renumbered as subsections (4) and (5),




respectively, and subsection (3) and present subsection (4) of that section are amended, to read:

481.311 Licensure.—

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

(a) Qualifies to take the examination as set forth in s. 481.309; and has passed a national, regional, state, or territorial licensing examination which is substantially equivalent to the examination required by s. 481.309; ~~or~~

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

(c) Has held a valid license to practice landscape architecture in another state or territory of the United States for at least 10 years before the date of application and has successfully completed a state, regional, national, or other examination that is equivalent to or more stringent than the examination required by the board, subject to subsection (5). An applicant who has met the requirements to be qualified for a license by endorsement except for successful completion of an examination that is equivalent to or more stringent than the examination required by the board may take the examination required by the board without completing additional education requirements.

~~(4) The board shall certify as qualified for a certificate of authorization any applicant corporation or partnership who satisfies the requirements of s. 481.319.~~



Section 79. Subsection (2) of section 481.317, Florida Statutes, is amended to read:

481.317 Temporary certificates.—

~~(2) Upon approval by the board and payment of the fee set in s. 481.307, the department shall grant a temporary certificate of authorization for work on one specified project in this state for a period not to exceed 1 year to an out-of-state corporation, partnership, or firm, provided one of the principal officers of the corporation, one of the partners of the partnership, or one of the principals in the fictitiously named firm has obtained a temporary certificate of registration in accordance with subsection (1).~~

Section 80. Section 481.319, Florida Statutes, is amended to read:

481.319 Corporate and partnership practice of landscape architecture~~; certificate of authorization~~.—

(1) The practice of or offer to practice landscape architecture by registered landscape architects registered under this part through a corporation or partnership offering landscape architectural services to the public, or through a corporation or partnership offering landscape architectural services to the public through individual registered landscape architects as agents, employees, officers, or partners, is permitted, subject to the provisions of this section, if:

(a) One or more of the principal officers of the corporation, or partners of the partnership, and all personnel of the corporation or partnership who act in its behalf as landscape architects in this state are registered landscape architects; and




(b) One or more of the officers, one or more of the directors, one or more of the owners of the corporation, or one or more of the partners of the partnership is a registered landscape architect~~; and~~

~~(c) The corporation or partnership has been issued a certificate of authorization by the board as provided herein~~.

(2) All documents involving the practice of landscape architecture which are prepared for the use of the corporation or partnership shall bear the signature and seal of a registered landscape architect.

(3) A landscape architect applying to practice in the name of a ~~An applicant~~ corporation must ~~shall~~ file with the department the names and addresses of all officers and board members of the corporation, including the principal officer or officers, duly registered to practice landscape architecture in this state and, also, of all individuals duly registered to practice landscape architecture in this state who shall be in responsible charge of the practice of landscape architecture by the corporation in this state. A landscape architect applying to practice in the name of a ~~An applicant~~ partnership must ~~shall~~ file with the department the names and addresses of all partners of the partnership, including the partner or partners duly registered to practice landscape architecture in this state and, also, of an individual or individuals duly registered to practice landscape architecture in this state who shall be in responsible charge of the practice of landscape architecture by said partnership in this state.

(4) Each landscape architect qualifying a partnership or ~~and~~ corporation ~~licensed~~ under this part must ~~shall~~ notify the


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department within 1 month after ~~of~~ any change in the information contained in the application upon which the license is based. Any landscape architect who terminates her or his ~~or her~~ employment with a partnership or corporation licensed under this part shall notify the department of the termination within 1 month after such termination.

~~(5) Disciplinary action against a corporation or partnership shall be administered in the same manner and on the same grounds as disciplinary action against a registered landscape architect.~~

(5)~~(6)~~ Except as provided in s. 558.0035, the fact that a registered landscape architect practices landscape architecture through a corporation or partnership as provided in this section does not relieve the landscape architect from personal liability for her or his ~~or her~~ professional acts.

Section 81. Subsection (5) of section 481.321, Florida Statutes, is amended to read:

481.321 Seals; display of certificate number.—

(5) Each registered landscape architect must ~~and each corporation or partnership holding a certificate of authorization shall~~ include her or his ~~its~~ certificate number in any newspaper, telephone directory, or other advertising medium used by the registered landscape architect, corporation, or partnership. A corporation or partnership must ~~is not required to~~ display the certificate number ~~numbers~~ of at least one officer, director, owner, or partner who is a ~~individual~~ registered landscape architect ~~architects~~ employed by or practicing with the corporation or partnership.

Section 82. Subsection (5) of section 481.329, Florida




Statutes, is amended to read:

481.329 Exceptions; exemptions from licensure.—

(5) This part does not prohibit any person from engaging in the practice of landscape design, as defined in s. 481.303 ~~481.303(7)~~, or from submitting for approval to a governmental agency planting plans that are independent of, or a component of, construction documents that are prepared by a Florida-registered professional. Persons providing landscape design services shall not use the title, term, or designation "landscape architect," "landscape architectural," "landscape architecture," "L.A.," "landscape engineering," or any description tending to convey the impression that she or he is a landscape architect unless she or he is registered as provided in this part.

Section 83. Subsection (9) of section 489.103, Florida Statutes, is amended to read:

489.103 Exemptions.—This part does not apply to:

(9) Any work or operation of a casual, minor, or inconsequential nature in which the aggregate contract price for labor, materials, and all other items is less than $2,500 ~~$1,000~~, but this exemption does not apply:

(a) If the construction, repair, remodeling, or improvement is a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made in contracts of amounts less than $2,500 ~~$1,000~~ for the purpose of evading this part or otherwise.

(b) To a person who advertises that he or she is a contractor or otherwise represents that he or she is qualified to engage in contracting.


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Section 84. Subsection (2) of section 489.111, Florida Statutes, is amended to read:

489.111 Licensure by examination.—

(2) A person shall be eligible for licensure by examination if the person:

(a) Is 18 years of age;

(b) Is of good moral character; and

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

1. Has received a baccalaureate degree from an accredited 4-year college in the appropriate field of engineering, architecture, or building construction and has 1 year of proven experience in the category in which the person seeks to qualify. For the purpose of this part, a minimum of 2,000 person-hours shall be used in determining full-time equivalency. An applicant who is exempt from passing an examination as provided in s. 489.113(1) is eligible for a license under this section.

2. Has a total of at least 4 years of active experience as a worker who has learned the trade by serving an apprenticeship as a skilled worker who is able to command the rate of a mechanic in the particular trade or as a foreman who is in charge of a group of workers and usually is responsible to a superintendent or a contractor or his or her equivalent, provided, however, that at least 1 year of active experience shall be as a foreman.

3. Has a combination of not less than 1 year of experience as a foreman and not less than 3 years of credits for any accredited college-level courses; has a combination of not less than 1 year of experience as a skilled worker, 1 year of



experience as a foreman, and not less than 2 years of credits for any accredited college-level courses; or has a combination of not less than 2 years of experience as a skilled worker, 1 year of experience as a foreman, and not less than 1 year of credits for any accredited college-level courses. All junior college or community college-level courses shall be considered accredited college-level courses.

4.a. An active certified residential contractor is eligible to receive a certified building contractor license after passing or having previously passed ~~take~~ the building contractors' examination if he or she possesses a minimum of 3 years of proven experience in the classification in which he or she is certified.

b. An active certified residential contractor is eligible to receive a certified general contractor license after passing or having previously passed ~~take~~ the general contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

c. An active certified building contractor is eligible to receive a certified general contractor license after passing or having previously passed ~~take~~ the general contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

5.a. An active certified air-conditioning Class C contractor is eligible to receive a certified air-conditioning Class B contractor license after passing or having previously passed ~~take~~ the air-conditioning Class B contractors'



examination if he or she possesses a minimum of 3 years of proven experience in the classification in which he or she is certified.

b. An active certified air-conditioning Class C contractor is eligible to receive a certified air-conditioning Class A contractor license after passing or having previously passed ~~take~~ the air-conditioning Class A contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

c. An active certified air-conditioning Class B contractor is eligible to receive a certified air-conditioning Class A contractor license after passing or having previously passed ~~take~~ the air-conditioning Class A contractors' examination if he or she possesses a minimum of 1 year of proven experience in the classification in which he or she is certified.

6.a. An active certified swimming pool servicing contractor is eligible to receive a certified residential swimming pool contractor license after passing or having previously passed ~~take~~ the residential swimming pool contractors' examination if he or she possesses a minimum of 3 years of proven experience in the classification in which he or she is certified.

b. An active certified swimming pool servicing contractor is eligible to receive a certified commercial swimming pool contractor license after passing or having previously passed ~~take~~ the swimming pool commercial contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

c. An active certified residential swimming pool contractor is eligible to receive a certified commercial swimming pool





contractor license after passing or having previously passed ~~take~~ the commercial swimming pool contractors' examination if he or she possesses a minimum of 1 year of proven experience in the classification in which he or she is certified.

d. An applicant is eligible to receive a certified swimming pool/spa servicing contractor license after passing or having previously passed ~~take~~ the swimming pool/spa servicing contractors' examination if he or she has satisfactorily completed 60 hours of instruction in courses related to the scope of work covered by that license and approved by the Construction Industry Licensing Board by rule and has at least 1 year of proven experience related to the scope of work of such a contractor.

Section 85. Subsection (1) of section 489.113, Florida Statutes, is amended to read:

489.113 Qualifications for practice; restrictions.—

(1) Any person who desires to engage in contracting on a statewide basis shall, as a prerequisite thereto, establish his or her competency and qualifications to be certified pursuant to this part. To establish competency, a person shall pass the appropriate examination approved by the board and certified by the department. If an applicant has received a baccalaureate degree from an accredited 4-year college in building construction, or a related degree as approved by the board by rule, such applicant is not required to pass such examination. Any person who desires to engage in contracting on other than a statewide basis shall, as a prerequisite thereto, be registered pursuant to this part, unless exempted by this part.

Section 86. Subsection (3) of section 489.115, Florida




Statutes, is amended to read:

489.115 Certification and registration; endorsement; reciprocity; renewals; continuing education.—

(3) The board shall certify as qualified for certification by endorsement any applicant who:

(a) Meets the requirements for certification as set forth in this section; has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination required by this part; and has satisfied the requirements set forth in s. 489.111;

(b) Holds a valid license to practice contracting issued by another state or territory of the United States, if the criteria for issuance of such license were substantially equivalent to Florida's current certification criteria; ~~or~~

(c) Holds a valid, current license to practice contracting issued by another state or territory of the United States, if the state or territory has entered into a reciprocal agreement with the board for the recognition of contractor licenses issued in that state, based on criteria for the issuance of such licenses that are substantially equivalent to the criteria for certification in this state; or

(d) Has held a valid, current license to practice contracting issued by another state or territory for at least 10 years before the date of application and is applying for the same or similar license in this state, subject to subsections (5)-(9).

Section 87. Subsection (5) of section 489.511, Florida Statutes, is amended to read:


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489.511 Certification; application; examinations; endorsement.—

(5) The board shall certify as qualified for certification by endorsement any individual applying for certification who:

(a) Meets the requirements for certification as set forth in this section; has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination required by this part; and has satisfied the requirements set forth in s. 489.521; ~~or~~

(b) Holds a valid license to practice electrical or alarm system contracting issued by another state or territory of the United States, if the criteria for issuance of such license was substantially equivalent to the certification criteria that existed in this state at the time the certificate was issued; or

(c) Has held a valid, current license to practice electrical or alarm system contracting issued by another state or territory for at least 10 years before the date of application and is applying for the same or similar license in this state, subject to ss. 489.510 and 489.521(3)(a), and subparagraph (1)(b)1.

Section 88. Subsection (3) and paragraph (b) of subsection (4) of section 489.517, Florida Statutes, are amended to read:

489.517 Renewal of certificate or registration; continuing education.—

(3) Each certificateholder or registrant shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 7 ~~14~~ classroom hours of at least 50 minutes each of continuing



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education courses during each biennium since the issuance or renewal of the certificate or registration. The board shall by rule establish criteria for the approval of continuing education courses and providers and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.

(4)

(b) Of the 7 ~~14~~ classroom hours of continuing education required, at least 1 hour ~~7 hours~~ must be on technical subjects, 1 hour on workers' compensation, 1 hour on workplace safety, 1 hour on business practices, and for alarm system contractors and electrical contractors engaged in alarm system contracting, 2 hours on false alarm prevention.

Section 89. Paragraph (b) of subsection (1) of section 489.518, Florida Statutes, is amended to read:

489.518 Alarm system agents.—

(1) A licensed electrical or alarm system contractor may not employ a person to perform the duties of a burglar alarm system agent unless the person:

(b) Has successfully completed a minimum of 14 hours of training within 90 days after employment, to include basic alarm system electronics in addition to related training including CCTV and access control training, with at least 2 hours of training in the prevention of false alarms. Such training shall be from a board-approved provider, and the employee or applicant for employment shall provide proof of successful completion to the licensed employer. The board shall by rule establish criteria for the approval of training courses and providers and may by rule establish criteria for accepting alternative




nonclassroom education on an hour-for-hour basis. The board shall approve providers that conduct training in other than the English language. The board shall establish a fee for the approval of training providers or courses, not to exceed $60. Qualified employers may conduct training classes for their employees, with board approval.

Section 90. Section 492.104, Florida Statutes, is amended, to read:

492.104 Rulemaking authority.—The Board of Professional Geologists has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this chapter. Every licensee shall be governed and controlled by this chapter and the rules adopted by the board. The board is authorized to set, by rule, fees for application, examination, ~~certificate of authorization,~~ late renewal, initial licensure, and license renewal. These fees may ~~should~~ not exceed the cost of implementing the application, examination, initial licensure, and license renewal or other administrative process and shall be established as follows:

(1) The application fee shall not exceed $150 and shall be nonrefundable.

(2) The examination fee shall not exceed $250, and the fee may be apportioned to each part of a multipart examination. The examination fee shall be refundable in whole or part if the applicant is found to be ineligible to take any portion of the licensure examination.

(3) The initial license fee shall not exceed $100.

(4) The biennial renewal fee shall not exceed $150.

~~(5) The fee for a certificate of authorization shall not exceed $350 and the fee for renewal of the certificate shall not~~


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~~exceed $350.~~

(5)~~(6)~~ The fee for reactivation of an inactive license may ~~shall~~ not exceed $50.

(6)~~(7)~~ The fee for a provisional license may ~~shall~~ not exceed $400.

(7)~~(8)~~ The fee for application, examination, and licensure for a license by endorsement is ~~shall be~~ as provided in this section for licenses in general.

Section 91. Subsection (1) of section 492.108, Florida Statutes, is amended to read:

492.108 Licensure by endorsement; requirements; fees.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting an application fee, has been certified by the board that he or she:

(a) Has met the qualifications for licensure in s. 492.105(1)(b)-(e) and:~~.~~

1.~~(b)~~ Is the holder of an active license in good standing in a state, trust, territory, or possession of the United States.

2.~~(c)~~ Was licensed through written examination in at least one state, trust, territory, or possession of the United States, the examination requirements of which have been approved by the board as substantially equivalent to or more stringent than those of this state, and has received a score on such examination which is equal to or greater than the score required by this state for licensure by examination.

3.~~(d)~~ Has taken and successfully passed the laws and rules portion of the examination required for licensure as a



professional geologist in this state.

(b) Has held a valid license to practice geology in another state, trust, territory, or possession of the United States for at least 10 years before the date of application and has successfully completed a state, regional, national, or other examination that is equivalent to or more stringent than the examination required by the department. If such applicant has met the requirements for a license by endorsement except successful completion of an examination that is equivalent to or more stringent than the examination required by the board, such applicant may take the examination required by the board.

Section 92. Section 492.111, Florida Statutes, is amended to read:

492.111 Practice of professional geology by a firm, corporation, or partnership~~; certificate of authorization~~.—The practice of, or offer to practice, professional geology by individual professional geologists licensed under the provisions of this chapter through a firm, corporation, or partnership offering geological services to the public through individually licensed professional geologists as agents, employees, officers, or partners thereof is permitted subject to the provisions of this chapter, if ~~provided that~~:

(1) At all times that it offers geological services to the public, the firm, corporation, or partnership is qualified by ~~has on file with the department the name and license number of~~ one or more individuals who hold a current, active license as a professional geologist in the state and are serving as a geologist of record for the firm, corporation, or partnership. A geologist of record may be any principal officer or employee of


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such firm or corporation, or any partner or employee of such partnership, who holds a current, active license as a professional geologist in this state, or any other Florida-licensed professional geologist with whom the firm, corporation, or partnership has entered into a long-term, ongoing relationship, as defined by rule of the board, to serve as one of its geologists of record. ~~It shall be the responsibility of the firm, corporation, or partnership and~~ The geologist of record shall ~~to~~ notify the department of any changes in the relationship or identity of that geologist of record within 30 days after such change.

~~(2) The firm, corporation, or partnership has been issued a certificate of authorization by the department as provided in this chapter. For purposes of this section, a certificate of authorization shall be required of any firm, corporation, partnership, association, or person practicing under a fictitious name and offering geological services to the public; except that, when an individual is practicing professional geology in her or his own name, she or he shall not be required to obtain a certificate of authorization under this section. Such certificate of authorization shall be renewed every 2 years.~~

(2) ~~(3)~~ All final geological papers or documents involving the practice of the profession of geology which have been prepared or approved for the use of such firm, corporation, or partnership, for delivery to any person for public record with the state, shall be dated and bear the signature and seal of the professional geologist or professional geologists who prepared or approved them.


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(3) ~~(4)~~ Except as provided in s. 558.0035, the fact that a licensed professional geologist practices through a corporation or partnership does not relieve the registrant from personal liability for negligence, misconduct, or wrongful acts committed by her or him. The partnership and all partners are jointly and severally liable for the negligence, misconduct, or wrongful acts committed by their agents, employees, or partners while acting in a professional capacity. Any officer, agent, or employee of a corporation is personally liable and accountable only for negligent acts, wrongful acts, or misconduct committed by her or him or committed by any person under her or his direct supervision and control, while rendering professional services on behalf of the corporation. The personal liability of a shareholder of a corporation, in her or his capacity as shareholder, may be no greater than that of a shareholder-employee of a corporation incorporated under chapter 607. The corporation is liable up to the full value of its property for any negligent acts, wrongful acts, or misconduct committed by any of its officers, agents, or employees while they are engaged on behalf of the corporation in the rendering of professional services.

~~(5) The firm, corporation, or partnership desiring a certificate of authorization shall file with the department an application therefor, upon a form to be prescribed by the department, accompanied by the required application fee.~~

~~(6) The department may refuse to issue a certificate of authorization if any facts exist which would entitle the department to suspend or revoke an existing certificate of authorization or if the department, after giving persons~~

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~~involved a full and fair hearing, determines that any of the officers or directors of said firm or corporation, or partners of said partnership, have violated the provisions of s. 492.113.~~

Section 93. Subsection (4) of section 492.113, Florida Statutes, is amended to read:

492.113 Disciplinary proceedings.—

(4) The department shall reissue the license of a disciplined professional geologist ~~or business~~ upon certification by the board that the disciplined person has complied with ~~all of~~ the terms and conditions set forth in the final order.

Section 94. Section 492.115, Florida Statutes, is amended to read:

492.115 Roster of licensed professional geologists.—A roster showing the names and places of business or residence of all licensed professional geologists and all properly qualified firms, corporations, or partnerships practicing ~~holding certificates of authorization to practice~~ professional geology in the state shall be prepared annually by the department. A copy of this roster must be made available to ~~shall be obtainable by~~ each licensed professional geologist and each firm, corporation, or partnership qualified by a professional geologist ~~holding a certificate of authorization~~, and copies thereof shall be placed on file with the department.

Section 95. Paragraph (i) of subsection (2) of section 548.003, Florida Statutes, is amended to read:

548.003 Florida State Boxing Commission.—

(2) The Florida State Boxing Commission, as created by subsection (1), shall administer the provisions of this chapter.



The commission has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter and to implement each of the duties and responsibilities conferred upon the commission, including, but not limited to:

~~(i) Designation and duties of a knockdown timekeeper.~~

Section 96. Subsection (1) of section 548.017, Florida Statutes, is amended to read:

548.017 Participants, managers, and other persons required to have licenses.—

(1) A participant, manager, trainer, second, ~~timekeeper,~~ referee, judge, ~~announcer,~~ physician, matchmaker, or promoter must be licensed before directly or indirectly acting in such capacity in connection with any match involving a participant. A physician approved by the commission must be licensed pursuant to chapter 458 or chapter 459, must maintain an unencumbered license in good standing, and must demonstrate satisfactory medical training or experience in boxing, or a combination of both, to the executive director before working as the ringside physician.

Section 97. Paragraph (d) of subsection (1) of section 553.5141, Florida Statutes, is amended to read:

553.5141 Certifications of conformity and remediation plans.—

(1) For purposes of this section:

(d) "Qualified expert" means:

1. An engineer licensed pursuant to chapter 471.

2. A certified general contractor licensed pursuant to chapter 489.

3. A certified building contractor licensed pursuant to



chapter 489.

4. A building code administrator licensed pursuant to chapter 468.

5. A building inspector licensed pursuant to chapter 468.

6. A plans examiner licensed pursuant to chapter 468.

7. An interior designer who has passed the qualification examination prescribed by either the National Council for Interior Design Qualifications or the California Council for Interior Design Certification ~~licensed pursuant to chapter 481~~.

8. An architect licensed pursuant to chapter 481.

9. A landscape architect licensed pursuant to chapter 481.

10. Any person who has prepared a remediation plan related to a claim under Title III of the Americans with Disabilities Act, 42 U.S.C. s. 12182, that has been accepted by a federal court in a settlement agreement or court proceeding, or who has been qualified as an expert in Title III of the Americans with Disabilities Act, 42 U.S.C. s. 12182, by a federal court.

Section 98. Subsection (1) of section 553.74, Florida Statutes, is amended to read:

553.74 Florida Building Commission.—

(1) The Florida Building Commission is created and located within the Department of Business and Professional Regulation for administrative purposes. Members are appointed by the Governor subject to confirmation by the Senate. The commission is composed of 19 ~~27~~ members, consisting of the following members:

(a) One architect licensed pursuant to chapter 481 with at least 5 years of experience in the design and construction of buildings containing Florida Building Code designated Group R


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occupancy at or above 210 feet in height above the elevation of the lowest level of emergency services access ~~registered to practice in this state and actively engaged in the profession. The American Institute of Architects, Florida Section, is encouraged to recommend a list of candidates for consideration~~.

(b) One structural engineer registered to practice in this state and actively engaged in the profession. The Florida Engineering Society is encouraged to recommend a list of candidates for consideration.

(c) One air-conditioning or mechanical contractor certified to do business in this state and actively engaged in the profession. The Florida Air Conditioning Contractors Association, the Florida Refrigeration and Air Conditioning Contractors Association, and the Mechanical Contractors Association of Florida are encouraged to recommend a list of candidates for consideration.

(d) One electrical contractor certified to do business in this state and actively engaged in the profession. The Florida Association of Electrical Contractors and the National Electrical Contractors Association, Florida Chapter, are encouraged to recommend a list of candidates for consideration.

~~(e) One member from fire protection engineering or technology who is actively engaged in the profession. The Florida Chapter of the Society of Fire Protection Engineers and the Florida Fire Marshals and Inspectors Association are encouraged to recommend a list of candidates for consideration.~~

(e) ~~(f)~~ One certified general contractor or one certified building contractor certified to do business in this state and actively engaged in the profession. The Associated Builders and



Contractors of Florida, the Florida Associated General Contractors Council, the Florida Home Builders Association, and the Union Contractors Association are encouraged to recommend a list of candidates for consideration.

(f) ~~(g)~~ One plumbing contractor licensed to do business in this state and actively engaged in the profession. The Florida Association of Plumbing, Heating, and Cooling Contractors is encouraged to recommend a list of candidates for consideration.

(g) ~~(h)~~ One roofing or sheet metal contractor certified to do business in this state and actively engaged in the profession. The Florida Roofing, Sheet Metal, and Air Conditioning Contractors Association and the Sheet Metal and Air Conditioning Contractors' National Association are encouraged to recommend a list of candidates for consideration.

(h) ~~(i)~~ One certified residential contractor licensed to do business in this state and actively engaged in the profession. The Florida Home Builders Association is encouraged to recommend a list of candidates for consideration.

(i) ~~(j)~~ Three members who are municipal, county, or district codes enforcement officials, one of whom is also a fire official. The Building Officials Association of Florida and the Florida Fire Marshals and Inspectors Association are encouraged to recommend a list of candidates for consideration.

(j) The State Fire Marshal or his or her designee.

~~(k) One member who represents the Department of Financial Services~~.

~~(l) One member who is a county codes enforcement official. The Building Officials Association of Florida is encouraged to recommend a list of candidates for consideration.~~



(k) ~~(m)~~ One member of a Florida-based organization of persons with disabilities or a nationally chartered organization of persons with disabilities with chapters in this state which complies with or is certified to be compliant with the requirements of the Americans with Disability Act of 1990, as amended.

(l) ~~(n)~~ One member of the manufactured buildings industry who is licensed to do business in this state and is actively engaged in the industry. The Florida Manufactured Housing Association is encouraged to recommend a list of candidates for consideration.

(o) One mechanical or electrical engineer registered to practice in this state and actively engaged in the profession. The Florida Engineering Society is encouraged to recommend a list of candidates for consideration.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete lines 60 - 140

and insert:

respectively; amending s. 468.401, F.S.; redefining the term "talent agency"; amending s. 468.408, F.S.; conforming provisions to changes made by the act; amending s. 468.412, F.S.; requiring employees of talent agencies to complete level 1 background screenings; amending s. 468.415, F.S.; prohibiting any agent, owner, or operator who commits sexual misconduct in the operation of a talent agency from acting as an agent, owner, or operator of a Florida



talent agency; amending s. 468.524, F.S.; deleting specified exemptions from the time restriction for an employee leasing company to reapply for licensure; amending s. 468.613, F.S.; providing for waiver of specified requirements for certification under certain circumstances; amending s. 468.8314, F.S.; requiring an applicant for a license by endorsement to maintain a specified insurance policy; requiring the department to certify an applicant who holds a specified license issued by another state or territory of the United States under certain circumstances; amending s. 468.8414, F.S.; providing additional licensure requirements for mold remediators; amending s. 469.006, F.S.; providing additional licensure requirements for asbestos abatement consulting or contracting as a partnership, corporation, business trust, or other legal entity; amending s. 469.009, F.S.; conforming provisions to changes made by the act; amending s. 471.005, F.S.; revising definitions; amending s. 471.011, F.S.; conforming a provision to changes made by the act; amending s. 471.015, F.S.; revising licensure requirements for engineers who hold specified licenses in another state; amending s. 471.023, F.S.; providing requirements for qualification of a business organization; providing requirements for a qualifying agent; deleting the administration of disciplinary action against a business organization; amending s. 473.308, F.S.; deleting continuing education requirements for license




by endorsement for certified public accountants; amending s. 474.202, F.S.; revising the definition of the term "limited-service veterinary medical practice" to include certain vaccinations or immunizations; amending s. 474.207, F.S.; revising education requirements for licensure by examination; amending s. 474.217, F.S.; requiring the Department of Business and Professional Regulation to issue a license by endorsement to certain applicants who successfully complete a specified examination; amending s. 476.144, F.S.; requiring the department to license an applicant who is licensed to practice barbering in another state; amending s. 477.013, F.S.; revising the definition of the term "hair braiding"; repealing s. 477.0132, F.S., relating to registration for hair braiding, hair wrapping, and body wrapping; amending s. 477.0135, F.S.; providing additional exemptions from license or registration requirements for specified occupations or practices; amending s. 477.019, F.S.; conforming provisions to changes made by the act; amending s. 477.026, F.S.; conforming

The Florida Senate

# Committee Agenda Request

**To:** Senator Wilton Simpson, Chair
Committee on Innovation, Industry, and Technology

**Subject:** Committee Agenda Request

**Date:** March 13, 2019

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I respectfully request that **Senate Bill #1640**, relating to Deregulations of Professions and Occupations, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Ben Albritton
Florida Senate, District 26

File signed original with committee office

S-020 (03/2004)

**THE FLORIDA SENATE**

# APPEARANCE RECORD

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

4/2/19
*Meeting Date*

1640
*Bill Number (if applicable)*

468322
*Amendment Barcode (if applicable)*

Topic _____

Name Devin Torres

Job Title Student, Bene's career Academy

Address 7027 US Highway 19
*Street*

Phone 727-848-8815

New Port Richey, FL 34652
*City* *State* *Zip*

Email devintorres21@gmail.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

*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**

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

4/2/19
*Meeting Date*

1640
*Bill Number (if applicable)*

468322
*Amendment Barcode (if applicable)*

Topic _____

Name April Ozark

Job Title Campus Director

Address 7105 Morningstar Lane
*Street*

Phone 727 674 8479

NPR FL 34652
*City* *State* *Zip*

Email AOzark@beneu.edu

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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4/2/2019
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

468322
*Amendment Barcode (if applicable)*

Topic _____

Name Patience Pecoraro

Job Title esthetic instructor

Address 250 Brooksway Lane
*Street*

Brooksville FL 34601
*City* *State* *Zip*

Phone 352-667-4311

Email pecoraropatience@gmail.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

*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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4-2-19
*Meeting Date*

SB1640
*Bill Number (if applicable)*

468322
*Amendment Barcode (if applicable)*

Topic _____

Name Monica Douglas

Job Title Student/Cosmo

Address 16234 Tomahawk St
*Street*

Hudson FL 34667
*City* *State* *Zip*

Phone 7274951007

Email RainbowStyles90@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

*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)

4/2/19
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

Topic _____

4083322
*Amendment Barcode (if applicable)*

Name Jessica Bowman

Job Title Campus Director Bene's Career Academy

Address 2410 San Moritz Drive
*Street*

Phone 727-967-4508

Port Richey FL 34668
*City* *State* *Zip*

Email jbowman@benes.edu

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

*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**

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

4-2-2019
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

Topic _____

468322
*Amendment Barcode (if applicable)*

Name Linda Connell

Job Title Receptionist-Benes Career Academy

Address 2151 Cottondale ave
*Street*

Phone 352-686-6523

Spring Hill FL 34608
*City* *State* *Zip*

Email LConnell@Benes.EDU

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

*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)

4/2/19
*Meeting Date*

1640
*Bill Number (if applicable)*

Topic _____

# 408322
*Amendment Barcode (if applicable)*

Name Patrick Bevé

Job Title President, Bevé's Career Academy

Address 7027 US Highway 19
*Street*

Phone 727-848-8415

New Port Richey FL 34652
*City* *State* *Zip*

Email pbeve@beves.edu

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

*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)

4/2/19
*Meeting Date*

1640
*Bill Number (if applicable)*

Topic _____

468322
*Amendment Barcode (if applicable)*

Name Kaitlyn Williams

Job Title Student (Skin & nails)

Address 9339 Marler Rd
*Street*

Phone 352-457-5255

Springdale FL 34606
*City* *State* *Zip*

Email Kaitie0128@gmail

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)

4-2-19
*Meeting Date*

1640
*Bill Number (if applicable)*

Topic _____

468322
*Amendment Barcode (if applicable)*

Name Vanessa Maynor

Job Title Cosmotology Student

Address 13 Bells of Ireland Court
*Street*

Phone (352) 586-5344

Homosassa FL 34446
*City* *State* *Zip*

Email vanessamaynor@yahoo.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)

4/2/19
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

Topic _____

468322
*Amendment Barcode (if applicable)*

Name Jessica Peters

Job Title Cosmetology Instructor

Address 5138 Drew St
*Street*

Phone 863 206 1726

Brooksville FL 34604
*City* *State* *Zip*

Email JP21290@gmail.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)

**THE FLORIDA SENATE**

# APPEARANCE RECORD

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

04/02/2019
*Meeting Date*

9640
*Bill Number (if applicable)*

Topic _____

468322
*Amendment Barcode (if applicable)*

Name Brittany O'Bonnon

Job Title cosmetology student

Address 131 Oak Park Ave
*Street*

Phone (912) 318-7784

Brooksville FL 34601
*City* *State* *Zip*

Email brittanyobonnon95@yahoo.

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)

4/2/19
*Meeting Date*

1640
*Bill Number (if applicable)*

468322 –
*Amendment Barcode (if applicable)*

Topic _____

Name [redacted] Jose Tejada

Job Title Barber Instructor (Beaves Carres Academy)

Address 7027 US Hwy 19
*Street*

New Port Richey FL 34652
*City* *State* *Zip*

Phone (904) 762-4409

Email JTejada@beaves.edu

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

4/2/19
*Meeting Date*

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

SB1640
*Bill Number (if applicable)*

Topic Deregulation of Cosmetology Hours

468322
*Amendment Barcode (if applicable)*

Name Katherine Prine

Job Title Waitress (currently in esthetician school)

Address 13009 Spicebox Way
*Street*

Phone 330 418 3005

Hudson FL 34667
*City* *State* *Zip*

Email Katey P1999@icloud.com

Speaking: ☑ For ☐ Against ☐ Information

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

Representing Bene's Career 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**

# APPEARANCE RECORD

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

4.2.19
*Meeting Date*

SB1640
*Bill Number (if applicable)*

Topic _____

468322
*Amendment Barcode (if applicable)*

Name Rachael Young

Job Title Full Specialtist

Address 2560 E Harley St.
*Street*

Phone (619) 751-1859

Inverness FL 34453
*City* *State* *Zip*

Email rachael.young91@yahoo.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

*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)

4/21/19
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

Topic Deregulation of Barbering / Cosmetology Specialists

468322
*Amendment Barcode (if applicable)*

Name Michael L. Halmon

Job Title Chair of American Association of Cosmetology Schools

Address 3665 East Bay Drive Suite 164
*Street*

Phone 727-532-2125

Largo FL 33771
*City* *State* *Zip*

Email

Speaking: ☑ For ☐ Against ☐ Information

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

Representing American Institute of Beauty, Inc

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)

4/2/19
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

Topic Deregulation of Barbering & Cosmo Specialists

468322
*Amendment Barcode (if applicable)*

Name Destiny Lastra

Job Title Student

Address 36605 East Bay Dr. Suite 164
*Street*

Phone

Largo
*City*

FL
*State*

33771
*Zip*

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing American Institute of Beauty

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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**THE FLORIDA SENATE**

# APPEARANCE RECORD

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

4/2/19
*Meeting Date*

SB 1610
*Bill Number (if applicable)*

Topic Deregulation of Barbering & Cosmo Specialists

468322
*Amendment Barcode (if applicable)*

Name Mycala Cruz

Job Title Student

Address 366 East Bay Dr. Suite 104
*Street*

Phone

Largo FL 33771
*City* *State* *Zip*

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing American Institute of Beauty

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)

4/2/2019
*Meeting Date*

1640
*Bill Number (if applicable)*

Topic Deregulation — speak on amendment

4683322
*Amendment Barcode (if applicable)*

Name Grace Lovett

Job Title VP Government Affairs

Address 227 S. Adams St.
*Street*

Phone 850 222 4082

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

Email graceefrf.org

Speaking: ☒ For ☐ Against ☐ Information
Amendment

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

Representing FL Retail Federation Beauty Industry Council

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)

4-2-19
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

Topic Deregulation of Barbering & Cosmo Specialist 468322
*Amendment Barcode (if applicable)*

Name Clarence Clover Jr

Job Title Barber Instructor

Address 2800 34th Street North.
*Street*

St. Pete Fl.
*City* *State* *Zip*

Phone

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing American Institute of Beauty

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)

4-2-19
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

Topic Deregulation of Barbers & Cosmo Specialists

468322
*Amendment Barcode (if applicable)*

Name Jaxon Taylor

Job Title Student

Address _____ Phone _____
*Street*

St. Pete FL 33705 Email _____
*City* *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

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

Representing American Institute of Beauty

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)

4/2/19
*Meeting Date*

SB 1646
*Bill Number (if applicable)*

Topic Deregulation of Barbering & Cosmo Specialists

408322
*Amendment Barcode (if applicable)*

Name Mycala Cruz

Job Title Student

Address 3665 East Bay Dr. Suite 164
*Street*

Largo FL 33771
*City* *State* *Zip*

Phone

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing American Institute of Beauty

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)

4/2/19
*Meeting Date*

SB1640
*Bill Number (if applicable)*

Topic Deregulation of Barbering & Cosmo Specialists

468322
*Amendment Barcode (if applicable)*

Name Destiny Lastra

Job Title Student

Address 3665 East Bay Dr. Suite 164
*Street*

Phone

Largo FL 33771
*City* *State* *Zip*

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing American Institute of Beauty

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)

4/2/19
*Meeting Date*

SB1640
*Bill Number (if applicable)*

468322
*Amendment Barcode (if applicable)*

Topic Deregulation of barbering & Cosmo Specialist

Name Jessica Jones

Job Title Student

Address 3665 East Bay Dr. Suite 164 Phone _____
*Street*

Largo FL 33771 Email _____
*City* *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

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

Representing American Institute Of Beauty

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)

4-2-19
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

Topic Deregulation of Barbering & Cosmo Specialist

468322
*Amendment Barcode (if applicable)*

Name Jason Taylor

Job Title Student

Address 34 St So
*Street*

St. Pete FL 33705
*City* *State* *Zip*

Phone

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing American Institute of Beauty

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)

4-2-19
*Meeting Date*

SB 1648
*Bill Number (if applicable)*

Topic Deregulation of Barbering & Cosmo Specialist

468322
*Amendment Barcode (if applicable)*

Name Clarence Glover Jr.

Job Title Barber Instructor

Address 2800 34th St. North
*Street*

St. Pete FL.
*City* *State* *Zip*

Phone

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing American Institute of Beauty

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)

4/2/19
*Meeting Date*

SB1640
*Bill Number (if applicable)*

468322
*Amendment Barcode (if applicable)*

Topic DEREGULATION OF BARBERING & COSMO SPECIALIST

Name FRANKIE BAUGHN

Job Title STUDENT

Address 2800 34th St. N St Petersburg
*Street*

Phone

St. Petersburg FL 33762
*City* *State* *Zip*

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing American Institute of Beauty

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)

4.2.19
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

468322
*Amendment Barcode (if applicable)*

Topic DEREGULATION - COSMETOLOGY

Name GINA SAIS GUOI

Job Title DIRECTOR OF COSMETOLOGY SCHOOLS - KEUNE HAIRCOSMETICS

Address 3380 SE 133rd PLACE
*Street*

Phone 352.817.4758

BELLEVIEW FL 34420
*City* *State* *Zip*

Email gsaisguoi@keune.com

Speaking: ☑ For ☐ Against ☐ Information

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

Representing KEUNE HAIRCOSMETICS

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)

4/2/19
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

Topic Deregulation of Barbering & Cosmo Specialist

4648322
*Amendment Barcode (if applicable)*

Name William Coats

Job Title Student

Address 2800 34th St. N
*Street*
St. Petersburg FL. 33762
*City* *State* *Zip*

Phone

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing American Institute of Beauty

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)

4.2.19
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

469322
*Amendment Barcode (if applicable)*

Topic Deregulation Barbering / Cosmetology Specialist

Name Shelby Yadena

Job Title Student

Address 3665 East Bay DR. Suite 164
*Street*

Largo Florida 33771
*City* *State* *Zip*

Phone 727 644 6783

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing American Institute of Beauty

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

04-02-19 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) SB1640

*Meeting Date* *Bill Number (if applicable)*

Topic Deregulation Barbering/Cosmetology Specialist 468322

*Amendment Barcode (if applicable)*

Name Toni Winkley

Job Title Clinical instructor

Address 3605 East Bay Dr Suite 164 Phone 8133689438

*Street*

Largo Fl. 33771 Email

*City* *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against

*(The Chair will read this information into the record.)*

Representing American Institute of Beauty

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)

4/2/14
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

468322
*Amendment Barcode (if applicable)*

Topic Deregulation of Barbering / Cosmetology Specialists

Name Michael C. Halmon

Job Title Director

Address 2800 34th Street North
*Street*

Phone 727-826-0969

St. Petersburg FL 33713
*City* *State* *Zip*

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing American Institute of Beauty, Inc

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)

4-2-19
*Meeting Date*

SB1640
*Bill Number (if applicable)*

Topic Deregulation of Barbering/Cosmetology Specialist

468322
*Amendment Barcode (if applicable)*

Name Stacy Thompson

Job Title Campus Director

Address 3665 East Bay Dr Suite 164
*Street*

Largo FL 33771
*City* *State* *Zip*

Phone (727)532-2125

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing American Institute of Beauty

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)

04-02-2019
*Meeting Date*

SB1640
*Bill Number (if applicable)*

Topic Deregulation Beauty Professionals

468 322
*Amendment Barcode (if applicable)*

Name Terri Alexander

Job Title Director of Education

Address 2900 Ave M NW
*Street*

Winterhaven FL 33881
*City* *State* *Zip*

Phone 813-404-4447

Email talexander@gotohairschool.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Artistic Nail & Beauty 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.*

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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)

April 2, 2019
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

468322
*Amendment Barcode (if applicable)*

Topic Deregulation Beauty Professions

Name Dan Washburn

Job Title Business Owner

Address 1750 W. Broadway St. #120
*Street*

Phone 407-256-5618

Oviedo FL 32765
*City* *State* *Zip*

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 Salons

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)

April 2, 2019
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

468322
*Amendment Barcode (if applicable)*

Topic Deregulation Beauty Professions

Name Mez Varol

Job Title President

Address 2550 South Ridgewood Ave
*Street*

Phone 386-405-2711

South Daytona FL 32119
*City* *State* *Zip*

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 Florida Association of Cosmetology & Technical Schools

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

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

4/2/19
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

468322
*Amendment Barcode (if applicable)*

Topic Deregulation Beauty professions

Name Robert Rosfjberg

Job Title President Artistic Nails & Beauty

Address 4951 E Adamo Dr
*Street*

Phone 813-654-4529

Tampa FL 33609
*City* *State* *Zip*

Email robert@cutchassw.com

Speaking: ☑ For ☐ Against ☐ Information

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

Representing Florida Association of Cosmetology 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.*

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S-001 (10/14/14)

**THE FLORIDA SENATE**

# APPEARANCE RECORD

04-02-2019 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) SB 1640

*Meeting Date* *Bill Number (if applicable)*

468322

*Amendment Barcode (if applicable)*

Topic Deregulation Beauty Professionals

Name Destiny Hart

Job Title Student

Address 1361 E. Lake Parker Drive Phone 863-397-6817

*Street*

Lakeland FL 33801 Email destinyh0316@gmail.com

*City* *State* *Zip*

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against

*(The Chair will read this information into the record.)*

Representing Artistic Nails & Beauty 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.*

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S-001 (10/14/14)

**THE FLORIDA SENATE**

# APPEARANCE RECORD

04-02-2019 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) SB1640

*Meeting Date* *Bill Number (if applicable)*

468322

*Amendment Barcode (if applicable)*

Topic Deregulation Beauty Professionals

Name Magda Guzman

Job Title Esthetics Instructor

Address 2525 Don's Pl. Phone 786.304.5708

*Street*

Lakeland FL. 33801 Email magda_guzman@yahoo.com

*City* *State* *Zip*

Speaking: ☒ For ☐ Against ☐ Information Waive Speaking: ☐ In Support ☐ Against

*(The Chair will read this information into the record.)*

Representing Artistic Nails & Beauty 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.*

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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)

4/2/19
*Meeting Date*

SB 1040
*Bill Number (if applicable)*

Topic Deregulation of Beauty Professions

4168322
*Amendment Barcode (if applicable)*

Name Raizia Largie

Job Title Student

Address 10034 Carloway Hills Drive
*Street*

Phone 678-954-9330

Wimauma FL 33598
*City* *State* *Zip*

Email raizia02@gmail

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Artistic Nails and Beauty 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.*

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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)

04-02-2019
*Meeting Date*

SB1040
*Bill Number (if applicable)*

4108322
*Amendment Barcode (if applicable)*

Topic Deregulation of Beauty Professionals

Name Jessica White

Job Title Educator

Address 203 Larson Ave
*Street*

Phone 915-329-0483

Brandon FL 33510
*City* *State* *Zip*

Email jessica.white3200@gmail

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Artistic Nails and Beauty

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)

4/2/19
*Meeting Date*

1640
*Bill Number (if applicable)*

468322
*Amendment Barcode (if applicable)*

Topic Deregulation

Name Allen Mortham Jr

Job Title Executive Director

Address 1018 Thomasville Rd
*Street*

Tallahassee Florida 32303
*City* *State* *Zip*

Phone (850) 566-3760

Email Allen@FAPSC.org

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

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

Representing Florida Assoc of Post Secondary Schools & Colleges

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.*

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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)

24 Apr 2019
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

468322
*Amendment Barcode (if applicable)*

Topic Deregulation

Name Sandra Mortham

Job Title

Address 6675 Weeping Willow Way
*Street*

Tallahassee FL 32311
*City* *State* *Zip*

Phone

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Sunstate 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.*

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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)

04/02/19
*Meeting Date*

1640
*Bill Number (if applicable)*

Topic Occupational Licenses

*Amendment Barcode (if applicable)*

Name Justin Pearson

Job Title Florida Office Managing Attorney - Institute for Justice

Address 2 S. Biscayne Blvd., Suite 3180
*Street*

Phone (305) 721-1600

Miami FL 33131
*City* *State* *Zip*

Email JPearson@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**

Duplicate

# APPEARANCE RECORD

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

4.2.19
*Meeting Date*

1640
*Bill Number (if applicable)*

Topic Deregulation of Professions and Occupations

*Amendment Barcode (if applicable)*

Name Barney Bishop III

Job Title President & CEO

Address 2215 Thomasville Road
*Street*

Phone 850.510.9922

Tallahassee — FL — 32308
*City* — *State* — *Zip*

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

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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)

4/2/2019
*Meeting Date*

1640
*Bill Number (if applicable)*

Topic Professional Deregs

*Amendment Barcode (if applicable)*

Name Phil Lucary

Job Title Lobbyist

Address _____
*Street*

Phone _____

_____
*City* *State* *Zip*

Email _____

Speaking: ☐ For ☑ Against ☐ Information

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

Representing Florida Association of Professional Geologists

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)

04102119
*Meeting Date*

SB1640 (if amended)
*Bill Number (if applicable)*

Topic SB1640

*Amendment Barcode (if applicable)*

Name BOB Harris

Job Title lobbyist

Address _____
*Street*

Phone _____

_____
*City* *State* *Zip*

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing (if amended) Florida Barber 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

# APPEARANCE RECORD

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

April 2, 2019
*Meeting Date*

1640
*Bill Number (if applicable)*

Topic Licensing

*Amendment Barcode (if applicable)*

Name Sal Nuzzo

Job Title VP of Policy

Address 100 North Duval Street
*Street*

Phone 850-322-9941

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

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

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S-001 (10/14/14)

**CONSTITUTION REVISION COMMISSION**

# APPEARANCE RECORD

**(Deliver completed form to Commission staff)**

4-2-19
*Meeting Date*

SB1640
*Proposal Number (if applicable)*

*Amendment Barcode (if applicable)*

***Topic** INTERIOR DESIGN DEREGULATION

***Name** CAROLE BUTLER

Address 3214 SHAMROCK ST E
*Street*

Phone 850-264-9343

TALLAHASSEE FL 32309
*City* *State* *Zip*

Email CAROLEBUTLER@LIVE.COM

***Speaking:** ☐ For ☑ Against ☐ Information Only

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

Are you representing someone other than yourself? ☐ Yes ☑ No

If yes, who? _____

Are you a registered lobbyist? ☐ Yes ☑ No

Are you an elected official or judge? ☐ Yes ☑ No

*While the Commission encourages 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.*

***Information submitted on this form is public record.***

***Required**

# CONSTITUTION REVISION COMMISSION

# APPEARANCE RECORD

(Deliver completed form to Commission staff)

4/2/19
*Meeting Date*

SB 1640
*Proposal Number (if applicable)*

*Amendment Barcode (if applicable)*

***Topic** INTERIOR DESIGN DEREGULATION

***Name** KELLEY ROBINSON

Address 1505 COLONIAL DRIVE
*Street*

TALLAHASSEE, FL 32303
*City* *State* *Zip*

Phone 850-284-4235

Email kelley@workshop131.com

***Speaking:** ☐ For ☒ Against ☐ Information Only

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

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? _____

Are you a registered lobbyist? ☐ Yes ☑ No

Are you an elected official or judge? ☐ Yes ☑ No

*While the Commission encourages 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.*

***Information submitted on this form is public record.***

***Required**

# CONSTITUTION REVISION COMMISSION
# APPEARANCE RECORD

(Deliver completed form to Commission staff)

2 APRIL 2019
*Meeting Date*

SB 1640
*Proposal Number (if applicable)*

*Amendment Barcode (if applicable)*

***Topic** INTERIOR DESIGN DEREGULATION

***Name** SUE BROWN

Address 4692 NOTTINGHAM RD
*Street*

JACKSONVILLE FL 32210
*City* *State* *Zip*

Phone 904-591-3919

Email Sbrown@mccamyclesign.com

***Speaking:** ☐ For ☒ Against ☐ Information Only

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

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? _____

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

*While the Commission encourages 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.*

***Information submitted on this form is public record.***

***Required**

# CONSTITUTION REVISION COMMISSION
# APPEARANCE RECORD

(Deliver completed form to Commission staff)

4/2/19
*Meeting Date*

1640
*Proposal Number (if applicable)*

***Topic** Interior design regulation

***Name** Jill Pable

*Amendment Barcode (if applicable)*

Address 3776 Ivy Green Tr
*Street*

Phone 850 228 2888

Tallahassee FL 32311
*City* *State* *Zip*

Email jillbpable@gmail.com

***Speaking:** ☐ For ☒ Against ☐ Information Only

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

Are you representing someone other than yourself? ☐ Yes ☐ No

If yes, who? _____

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

*While the Commission encourages 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.*

***Information submitted on this form is public record.***

***Required**

**CONSTITUTION REVISION COMMISSION**

# APPEARANCE RECORD

**(Deliver completed form to Commission staff)**

April 2, 2019
*Meeting Date*

SB 1640
*Proposal Number (if applicable)*

*Amendment Barcode (if applicable)*

***Topic** Interior Design Deregulation

***Name** Michele Brown - Micamy Design Studio

Address 2619 Rolac Rd
*Street*

Jacksonville FL 32207
*City* *State* *Zip*

Phone 904.710.4236

Email michele@micamydesign.com

***Speaking:** ☐ For ☒ Against ☐ Information Only

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

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? _____

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

*While the Commission encourages 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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***Required**

**CONSTITUTION REVISION COMMISSION**

# APPEARANCE RECORD

**(Deliver completed form to Commission staff)**

4/2/19
*Meeting Date*

SB 1040
*Proposal Number (if applicable)*

*Amendment Barcode (if applicable)*

***Topic** Deregulation

***Name** Lisa Waxman

Address 1411 Avondale Way
*Street*

Phone 850 443 0789

Tallahassee FL 32317
*City* *State* *Zip*

Email lwaxman@fsu.edu

***Speaking:** ☐ For ☑ Against ☐ Information Only

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

Are you representing someone other than yourself? ☐ Yes ☑ No

If yes, who? _____

Are you a registered lobbyist? ☐ Yes ☑ No

Are you an elected official or judge? ☐ Yes ☑ No

*While the Commission encourages 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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***Required**

**CONSTITUTION REVISION COMMISSION**

# APPEARANCE RECORD

**(Deliver completed form to Commission staff)**

4/2/2019
*Meeting Date*

1640 SB
*Proposal Number (if applicable)*

*Amendment Barcode (if applicable)*

***Topic** Deregulation of Interior Design

***Name** Melise Huklander

Address 850 E College Ave. Apt. 5
*Street*

Phone

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

Email

***Speaking:** ☐ For ☒ Against ☐ Information Only

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

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who?

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

*While the Commission encourages 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.*

***Information submitted on this form is public record.***

***Required**

**CONSTITUTION REVISION COMMISSION**

# APPEARANCE RECORD

**(Deliver completed form to Commission staff)**

4-2-19
*Meeting Date*

1640 SB
*Proposal Number (if applicable)*

***Topic** DEREGULATION OF PROFESSIONS + OCCUPATIONS

*Amendment Barcode (if applicable)*

***Name** ARELY CAVAZOS

Address 615 COLLINS DR
*Street*

Phone *561-261-3060

TALLAHASSEE FL 32303
*City* *State* *Zip*

Email AC12K@MY.FSU.EDU

***Speaking:** ☐ For ☒ Against ☐ Information Only

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

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? _____

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

*While the Commission encourages 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.*

***Information submitted on this form is public record.***

***Required**

**CONSTITUTION REVISION COMMISSION**

# APPEARANCE RECORD

**(Deliver completed form to Commission staff)**

04/02/19
*Meeting Date*

1640 SB
*Proposal Number (if applicable)*

***Topic** DEREGULATION OF PROFESSIONS & OCCUPATIONS
*Amendment Barcode (if applicable)*

***Name** AMY O'KEEFE

Address 2992 NUTMEG COURT
*Street*
Phone 850·228·6653

TALLAHASSEE FL 32308
*City* *State* *Zip*
Email AOkeefe@fsu.edu

***Speaking:** ☐ For ☒ Against ☐ Information Only

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

Are you representing someone other than yourself? ☐ Yes ☒ No

If yes, who? _____

Are you a registered lobbyist? ☐ Yes ☒ No

Are you an elected official or judge? ☐ Yes ☒ No

*While the Commission encourages 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.*

***Information submitted on this form is public record.***

***Required**

# CONSTITUTION REVISION COMMISSION

# APPEARANCE RECORD

(Deliver completed form to Commission staff)

4/2/19
*Meeting Date*

1640
*Proposal Number (if applicable)*

*Amendment Barcode (if applicable)*

***Topic** DEREGULATION OF PROFESSIONS

***Name** DAVID ROBERTS

Address 210 S. MONROE ST.
*Street*

TALLAHASSEE FL 32301
*City* *State* *Zip*

Phone 850-443-4820

Email david@norrob.com

***Speaking:** ☐ For ☑ Against ☐ Information Only

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

Are you representing someone other than yourself? ☑ Yes ☐ No

If yes, who? AMERICAN SOCIETY OF INTERIOR DESIGNERS + INTERNATIONAL INTERIOR DESIGN ASSOCIATION

Are you a registered lobbyist? ☑ Yes ☐ No

Are you an elected official or judge? ☐ Yes ☐ No

*While the Commission encourages 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.*

***Information submitted on this form is public record.***

***Required**

THE FLORIDA SENATE

# APPEARANCE RECORD

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

4/2/19
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

Topic Deregulation Beauty professions

*Amendment Barcode (if applicable)*

Name Dan Washburn

Job Title Business owner

Address 1750 W. Broadway St. #120
*Street*

Phone 407-256-5618

Oviedo — *City* | FL — *State* | 32765 — *Zip*

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 salons

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)

April 2nd, 2019
*Meeting Date*

SB1640
*Bill Number (if applicable)*

Topic Deregulation of Professions and Occupations

*Amendment Barcode (if applicable)*

Name Mez Varol

Job Title President

Address 2550 South Ridgewood Ave
*Street*

Phone 386-405-2711

South Daytona — Florida — 32119
*City* — *State* — *Zip*

Email mez@intl-academy.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida Association of Cosmetology and 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)

2 April 2019
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

Topic Deregulation of Professions and Occupations

*Amendment Barcode (if applicable)*

Name Diego Echeverri

Job Title Director of Coalitions

Address 200 W College Ave
*Street*

Phone 813 767 2084

Tallahassee FL
*City* *State* *Zip*

Email decheverri@cv4a.org

Speaking: ☒ 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 ☐ 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)

4-2-19
*Meeting Date*

1640
*Bill Number (if applicable)*

Topic BUILDING COMMISSION MEMBERSHIP

*Amendment Barcode (if applicable)*

Name H. LEE MOFFITT

Job Title ATTORNEY

Address 3327 NW Perimeter
*Street*

Phone 813 768-5712

Palm City FL 34990
*City* *State* *Zip*

Email MRSPEAKER@AOL.COM

Speaking: ☐ For ☐ Against ☑ Information

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

Representing BOMA - BUILDING OWNERS & MANAGERS 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.*

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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)

4/2/19
*Meeting Date*

1640
*Bill Number (if applicable)*

Topic Deregulation Beauty professions

*Amendment Barcode (if applicable)*

Name Robert Rosenberg

Job Title President Artistic Nails & Beauty

Address 4951 E Adamo Dr
*Street*

Phone 813 654-4529

Tampa FL. 33619
*City* *State* *Zip*

Email robert@Cutclassnow.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Association of Cosmetology 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.*

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S-001 (10/14/14)

**THE FLORIDA SENATE**

# APPEARANCE RECORD

4/2/2019 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) 1640

*Meeting Date* *Bill Number (if applicable)*

Topic Deregulation of Professions *Amendment Barcode (if applicable)*

Name Jorge Chamizo

Job Title Attorney

Address 108 South Monroe Street Phone (850)681-0024

*Street*

Tallahassee, FL 32301 Email jorge@flapartners.com

*City* *State* *Zip*

Speaking: ☑ For ☐ Against ☐ Information Waive Speaking: ☑ In Support ☐ Against

*(The Chair will read this information into the record.)*

Representing FGA Action

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)

| | |
|---|---|
| | 1640 |
| *Meeting Date* | *Bill Number (if applicable)* |
| Topic Deregulation cosmetology hours | *Amendment Barcode (if applicable)* |
| Name Katherine Phine | |
| Job Title Waitress (esthetitian school) | |
| Address 13009 spicebox way *Street* | Phone 330 418 3005 |
| Hudson *City* FL *State* 34667 *Zip* | Email Katey.P1999@icloud.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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**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)

Topic DEREGULATION

Amendment Barcode (if applicable)

Name TRACEY FILLMORE

Job Title INTERIOR DESIGNER

Address 14281 HICKORY LINKS CT 1424 Phone 239-297-5898
Street

FT. MYERS, FL 33912 Email TMIDESIGN@GMAIL.COM
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing ASID

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)

04/02/2019
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

Topic _____

*Amendment Barcode (if applicable)*

Name Brittany O'Bonnon

Job Title cosmetology student

Address 131 Oak Park Ave
*Street*

Phone (912) 318-7784

Brooksville FL 34601
*City* *State* *Zip*

Email brittanyobonnon.95@yahoo.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

*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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**THE FLORIDA SENATE**

# APPEARANCE RECORD

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

4/2/19
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

Topic _____

*Amendment Barcode (if applicable)*

Name Jessica Peters

Job Title Cosmetology Instructor

Address 5138 Drew St
*Street*

Brooksville FL 34604
*City* *State* *Zip*

Phone 863 202 1726

Email JP21290@gmail.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

*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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THE FLORIDA SENATE

# APPEARANCE RECORD

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

4-2-19
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

[redacted]
*Amendment Barcode (if applicable)*

Topic _____

Name Vanessa Maynor

Job Title Cosmotology Student

Address 13 Bells of Ireland Court
*Street*

Phone 352-586-5344

Homosassa FL 34446
*City* *State* *Zip*

Email vanessamaynor@yahoo.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

*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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**THE FLORIDA SENATE**

# APPEARANCE RECORD

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

4/2/19
*Meeting Date*

SB1640
*Bill Number (if applicable)*

Topic _____

*Amendment Barcode (if applicable)*

Name Kathyn Williams

Job Title Skin&nails (students)

Address 9339 marler Rd.
*Street*

Phone _____

Springhill FL 34608
*City* *State* *Zip*

Email _____

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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**THE FLORIDA SENATE**

# APPEARANCE RECORD

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

4-2-19
*Meeting Date*

SB1640
*Bill Number (if applicable)*

Topic _____

_____
*Amendment Barcode (if applicable)*

Name Monica Douglas

Job Title Student | Cosmo

Address 16234 tomahawk St
*Street*

Phone 7274951007

hudson FL 34667
*City* *State* *Zip*

Email RainbowStyles900@Email.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Self | School | My Kids

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)

4/2/19
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

Topic I

*Amendment Barcode (if applicable)*

Name Jessica Bowman

Job Title Campus Director - Benes Career Academy

Address 7410 San Moritz DR
*Street*

Phone 727-967-4508

Port Richey FL 34668
*City* *State* *Zip*

Email jbowman@benes.edu

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

*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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**THE FLORIDA SENATE**

# APPEARANCE RECORD

4-2-2019
*Meeting Date*

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

SB 1040
*Bill Number (if applicable)*

Topic _____

*Amendment Barcode (if applicable)*

Name Linda Connell

Job Title Receptionist-Benes Career Academy

Address 2151 Cottondale Ave
*Street*

Spring Hill FL 34608
*City* *State* *Zip*

Phone 352-686-4523

Email LconnellaBenes.EDU

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

*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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**THE FLORIDA SENATE**

# APPEARANCE RECORD

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

4/2/19
*Meeting Date*

1040
*Bill Number (if applicable)*

Topic _____

*Amendment Barcode (if applicable)*

Name Patrick Bevé

Job Title President, Bevé's Career Academy

Address 7027 US Highway 19
*Street*

New Port Richey FL 34652
*City* *State* *Zip*

Phone 727-848-8415

Email pbeve@bevesedu

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)

4/2/2019
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

Topic _____

*Amendment Barcode (if applicable)*

Name Patience Pecoraro

Job Title Esthetic Instructor

Address 250 Brockway Lane
*Street*

Brooksville FL 34601
*City* *State* *Zip*

Phone 352-667-4311

Email Pecoraropatience@gmail.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

*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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**THE FLORIDA SENATE**

# APPEARANCE RECORD

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

4/2/19
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

Topic _____

*Amendment Barcode (if applicable)*

Name April Ozmer

Job Title Campus Director

Address 7105 Morningstar Lane
*Street*

Phone 2767484879

NPR FL 34653
*City* *State* *Zip*

Email aozmer@benes.edu

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

*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)

4/2/19
*Meeting Date*

1640
*Bill Number (if applicable)*

Topic _____

*Amendment Barcode (if applicable)*

Name Jose Tejada

Job Title Barber Instructor (Beves Career Academy)

Address 7027 U.S Hwy 19
*Street*

Phone (727) 848-8415

New Port Richey FL. 34652
*City* *State* *Zip*

Email JTejada@Beves.edu

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

*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)

4/2/19
*Meeting Date*

1690
*Bill Number (if applicable)*

Topic _____

*Amendment Barcode (if applicable)*

Name Devin Torres

Job Title Student, Bene's Career Academy

Address 7027 US Highway 19
*Street*

Phone 727-848-8415

New Port Richey, FL 34652
*City* *State* *Zip*

Email devintorres21@gmail.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

*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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**THE FLORIDA SENATE**

# APPEARANCE RECORD

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

4-2-19
*Meeting Date*

1640
*Bill Number (if applicable)*

Topic BUILDING COMMISSION MARKUP

*Amendment Barcode (if applicable)*

Name DAVID WOODSIDE

Job Title ASSISTANT CHIEF MARSHAL

Address 401 BIKE BLVD
*Street*

Phone 561 657-5991

WEST PALM BEACH FL 33411
*City* *State* *Zip*

Email dwoodside@pbcgov.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FFMIA

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)

4.2.19
*Meeting Date*

SB1640
*Bill Number (if applicable)*

Topic _____

*Amendment Barcode (if applicable)*

Name Rachael Young

Job Title Full specialtist

Address 2500 E Harley St.
*Street*

Phone (619) 751-1859

Inverness FL 34453
*City* *State* *Zip*

Email rachael-young9k@yahoo.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

*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)

04-22-2019
*Meeting Date*

SB1648
*Bill Number (if applicable)*

*Amendment Barcode (if applicable)*

Topic Deregulation Beauty Professionals

Name Magda Guzman

Job Title Esthetics Instructor

Address 2525 Don's Pl.
*Street*

Lakeland Fl. 33801
*City* *State* *Zip*

Phone 786.304.5708

Email magda_guzman@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Artistic Nails & Beauty 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)

**THE FLORIDA SENATE**

# APPEARANCE RECORD

04-02-2019 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) SB 1640

*Meeting Date* *Bill Number (if applicable)*

Topic Deregulation Beauty Professionals *Amendment Barcode (if applicable)*

Name Destiny Hart

Job Title Student

Address 3161 E. Lake Parker Drive Phone 863-397-6817

*Street*

Lakeland FL 33801 Email destinyh0316@gmail.com

*City* *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against

*(The Chair will read this information into the record.)*

Representing Artistic Nails & Beauty 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.*

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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)

4/2/19
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

Topic Deregulation of Barbering & Cosmo Specialist

*Amendment Barcode (if applicable)*

Name Jessica Jones

Job Title Student

Address 3665 East Bay Dr. Suite 164
*Street*

Largo FL 33771
*City* *State* *Zip*

Phone

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing American Institute Of Beauty

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)

4/2/19
*Meeting Date*

SB1640
*Bill Number (if applicable)*

Topic DEREGULATION OF BARBERING & COSMO SPECIALIST

*Amendment Barcode (if applicable)*

Name FRANKIE BAUGAN

Job Title STUDENT

Address 2800 34th St. N.
*Street*

Phone

St. Petersburg FL 33762
*City* *State* *Zip*

Email

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

*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)

4.2.19
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

~~463722~~
*Amendment Barcode (if applicable)*

Topic DEREGULATION

Name GINA SAISQUOI

Job Title DIRECTOR-COSMETOLOGY SCHOOLS

Address 3380 SE 133rd PLACE
*Street*

Phone 352.817.4758

BELLEVIEW FL 34420
*City* *State* *Zip*

Email gsaisquoi@KEUNE.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing KEUNE HAIRCOSMETICS

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)

4/2/19
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

Topic Deregulation of Barbering & Cosmo specialist
*Amendment Barcode (if applicable)*

Name William Coots

Job Title Student

Address 2800 34th St. N
*Street*

St. Petersburg Fl. 33702
*City* *State* *Zip*

Phone

Email

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)

4/2/19
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

Topic Deregulation of Barbering / Cosmetology Specialists License

*Amendment Barcode (if applicable)*

Name Michael L. Italmon

Job Title President and Chair of American Association of Cosmetology Schools

Address 3665 East Bay Drive Suite 164
*Street*

Phone 727-532-2125

Largo FL 33771
*City* *State* *Zip*

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing American Institute of Beauty, Inc

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)

4/2/19
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

Topic Deregulation of Barbering / Cosmetology Specialists License

*Amendment Barcode (if applicable)*

Name Michael C. Halmon

Job Title Director

Address 2800 34th Street North
*Street*

Phone 727-826-0969

St. Petersburg FL 33713
*City* *State* *Zip*

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing American Institute of Beauty, Inc

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)

4/2/19
*Meeting Date*

SB 1640
*Bill Number (if applicable)*

Topic Deregulation Barbering | Cosmetology Specialist. *Amendment Barcode (if applicable)*

Name Shelby Yadeira

Job Title Student

Address 3665 East bay DR. Suite 1164 *Street*

Phone 727.644.6783

Largo *City* Florida *State* 33771 *Zip*

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing American Institute of Beauty

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

04-02-19
*Meeting Date*

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

SB1640
*Bill Number (if applicable)*

Topic Deregulation Barbering/Cosmetology Specialist
*Amendment Barcode (if applicable)*

Name Toni Winkley

Job Title Clinical Instructor

Address 3665 East Bay Dr Suite 164
*Street*

Phone 813-368-9438

Largo Fl. 33771
*City* *State* *Zip*

Email

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

*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)

4-2-19
*Meeting Date*

SB1640
*Bill Number (if applicable)*

Topic Deregulation of Barbering/Cosmetology Specialist

*Amendment Barcode (if applicable)*

Name Stacy Thompson

Job Title Campus Director

Address 3605 East Bay DR Suite 164
*Street*

Largo FL 33771
*City* *State* *Zip*

Phone (727) 532-2125

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing American Institute of Beauty

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)

04-02-2019
*Meeting Date*

SB1640
*Bill Number (if applicable)*

[redacted]
*Amendment Barcode (if applicable)*

Topic Deregulation Beauty Professionals

Name Terri Alexander

Job Title Director of Education

Address 2900 Ave M NW
*Street*

Phone 813-404-4447

Winterhaven FL 33881
*City* *State* *Zip*

Email talexander@gotohairschool.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Artistic Nail & Beauty 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**

# APPEARANCE RECORD

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

4/2/2019
*Meeting Date*

1640
*Bill Number (if applicable)*

Topic Deregulation of Professions & Occupations

*Amendment Barcode (if applicable)*

Name Jeff Branch

Job Title Legislative Advocate

Address
*Street*

Phone 701-3701

Tallahassee FL 32302
*City* *State* *Zip*

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida League of Cities

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)

4/2/19
*Meeting Date*

1640
*Bill Number (if applicable)*

Topic DEREGULATION

*Amendment Barcode (if applicable)*

Name JOM PASQUALONE

Job Title EXECUTIVE DIRECTOR

Address PO BOX 325 Phone
*Street*

HOBE SOUND FL 33475 Email
*City* *State* *Zip*

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FL FIRE MARSHALS & INSPECTORS ASSOC.

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)

4/2/19
*Meeting Date*

1640
*Bill Number (if applicable)*

Topic DE REGULATION

*Amendment Barcode (if applicable)*

Name Shar Bendow

Job Title 1st VP FFMIA

Address PO BOX 325 Phone 239-340-6569
*Street*

HOBE SOUND FL 33475 Email Sbendow@gmail.com
*City* *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FLORIDA FIRE MARSHALS & INSP ASSOC

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)

4-02-2019
*Meeting Date*

SB1640
*Bill Number (if applicable)*

Topic Deregulation Beauty Professional

*Amendment Barcode (if applicable)*

Name Student

Job Title Student

Address 10034 Carloway Hills Drive
*Street*

Phone 678-954-9336

Wimauma FL 33598
*City* *State* *Zip*

Email rairiaa02@gmail

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Artistic Nails and Beauty 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**

# APPEARANCE RECORD

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

04-02-2019
*Meeting Date*

SB1040
*Bill Number (if applicable)*

Topic Deregulation Beauty Professional

*Amendment Barcode (if applicable)*

Name Jessica White

Job Title Educator

Address 203 Larson Ave
*Street*

Phone 915-399-4483

Brandon FL 33510
*City* *State* *Zip*

Email jessica.white3200@gmail

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Artistic Nails and Beauty

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)

4/2/19
*Meeting Date*

1640
*Bill Number (if applicable)*

*Amendment Barcode (if applicable)*

Topic Deregulation of Professions

Name Deborah Foote

Job Title Gov't Affairs Director

Address 3254 Newberry Blvd
*Street*
Tallahassee FL 32311
*City* *State* *Zip*

Phone 2515331798

Email deborah.foote@sierraclub.org

Speaking: ☐ For ☑ Against ☐ Information

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

Representing Sierra Club Florida

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**

# COMMITTEE VOTE RECORD

**COMMITTEE:** Innovation, Industry, and Technology
**ITEM:** SB 1640
**FINAL ACTION:** Favorable with Committee Substitute
**MEETING DATE:** Tuesday, April 2, 2019
**TIME:** 10:00 a.m.—12:00 noon
**PLACE:** 110 Senate Building

| FINAL VOTE | | | 4/02/2019 1<br>Amendment 468322<br><br>Albritton | | | | | |
|---|---|---|---|---|---|---|---|---|
| **Yea** | **Nay** | **SENATORS** | **Yea** | **Nay** | **Yea** | **Nay** | **Yea** | **Nay** |
| | X | Bracy | | | | | | |
| X | | Bradley | | | | | | |
| X | | Brandes | | | | | | |
| | X | Braynon | | | | | | |
| | X | Farmer | | | | | | |
| | X | Gibson | | | | | | |
| X | | Hutson | | | | | | |
| X | | Passidomo | | | | | | |
| X | | Benacquisto, VICE CHAIR | | | | | | |
| X | | Simpson, CHAIR | | | | | | |
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| 6 | 4 | **TOTALS** | 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

**By** the Committee on Innovation, Industry, and Technology; and Senator Albritton

580-03765-19 20191640c1

A bill to be entitled

An act relating to the deregulation of professions and occupations; amending s. 20.165, F.S.; renaming the Board of Architecture and Interior Design as the Board of Architecture within the Department of Business and Professional Regulation; deleting a provision establishing the Florida Board of Auctioneers; amending s. 326.004, F.S.; deleting the requirement for a yacht broker to maintain a separate license for each branch office; deleting the requirement for the division to establish a fee; amending s. 447.02, F.S.; conforming provisions to changes made by the act; repealing s. 447.04, F.S., relating to licensure and permit requirements for business agents; repealing s. 447.041, F.S., relating to hearings for persons or labor organizations denied licensure as a business agent; repealing s. 447.045, F.S., relating to confidential information obtained during the application process; repealing s. 447.06, F.S., relating to required registration of labor organizations; amending s. 447.09, F.S.; deleting certain prohibited actions relating to the right of franchise of a member of a labor organization; repealing s. 447.12, F.S., relating to registration fees; repealing s. 447.16, F.S., relating to applicability; amending s. 447.305, F.S.; deleting a provision that requires notification of registrations and renewals to the department; amending s. 455.213, F.S.; requiring the Department of Business and



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

Professional Regulation or a board to seek reciprocal licensing agreements with other states under certain circumstances; providing requirements; repealing s. 468.381, F.S., relating to purpose; amending s. 468.382, F.S.; revising definitions; repealing s. 468.384, F.S., relating to the Florida Board of Auctioneers; repealing s. 468.385, F.S., relating to licensure requirements for the practice of auctioneering; repealing s. 468.3851, F.S., relating to licensure renewal; repealing s. 468.3852, F.S., relating to license reactivation; repealing s. 468.3855, F.S., relating to training requirements for auctioneer apprenticeships; repealing s. 468.386, F.S., relating to fees and local licensing requirements; repealing s. 468.387, F.S., relating to licensure by endorsement; amending s. 468.388, F.S.; deleting certain requirements relating to auctioneer licenses with regard to the conduct of an auction; amending s. 468.389, F.S.; revising prohibited acts and penalties; amending s. 468.391, F.S.; conforming cross-references; repealing ss. 468.392, 468.393, 468.394, 468.395, 468.396, 468.397, 468.398, and 458.399, F.S., relating to the Auctioneer Recovery Fund, surcharges and assessments on license fees, payment of interest earned into the recovery fund, recovery from the recovery fund, claims against a single licensee in excess of a specified dollar limitation and joinder of claims, payment of claims from the recovery fund, suspension of a judgment

debtor's license, and the expenditure of excess funds, respectively; amending s. 468.401, F.S.; redefining the term "talent agency"; amending s. 468.408, F.S.; conforming provisions to changes made by the act; amending s. 468.412, F.S.; requiring employees of talent agencies to complete level 1 background screenings; amending s. 468.415, F.S.; prohibiting any agent, owner, or operator who commits sexual misconduct in the operation of a talent agency from acting as an agent, owner, or operator of a Florida talent agency; amending s. 468.524, F.S.; deleting specified exemptions from the time restriction for an employee leasing company to reapply for licensure; amending s. 468.613, F.S.; providing for waiver of specified requirements for certification under certain circumstances; amending s. 468.8314, F.S.; requiring an applicant for a license by endorsement to maintain a specified insurance policy; requiring the department to certify an applicant who holds a specified license issued by another state or territory of the United States under certain circumstances; amending s. 468.8414, F.S.; providing additional licensure requirements for mold remediators; amending s. 469.006, F.S.; providing additional licensure requirements for asbestos abatement consulting or contracting as a partnership, corporation, business trust, or other legal entity; amending s. 469.009, F.S.; conforming provisions to changes made by the act; amending s. 471.005, F.S.; revising definitions;

amending s. 471.011, F.S.; conforming a provision to changes made by the act; amending s. 471.015, F.S.; revising licensure requirements for engineers who hold specified licenses in another state; amending s. 471.023, F.S.; providing requirements for qualification of a business organization; providing requirements for a qualifying agent; deleting the administration of disciplinary action against a business organization; amending s. 473.308, F.S.; deleting continuing education requirements for license by endorsement for certified public accountants; amending s. 474.202, F.S.; revising the definition of the term "limited-service veterinary medical practice" to include certain vaccinations or immunizations; amending s. 474.207, F.S.; revising education requirements for licensure by examination; amending s. 474.217, F.S.; requiring the Department of Business and Professional Regulation to issue a license by endorsement to certain applicants who successfully complete a specified examination; amending s. 476.144, F.S.; requiring the department to license an applicant who is licensed to practice barbering in another state; amending s. 477.013, F.S.; revising the definition of the term "hair braiding"; repealing s. 477.0132, F.S., relating to registration for hair braiding, hair wrapping, and body wrapping; amending s. 477.0135, F.S.; providing additional exemptions from license or registration requirements for specified occupations or practices; amending s.

477.019, F.S.; conforming provisions to changes made by the act; amending s. 477.026, F.S.; conforming provisions to changes made by the act; amending s. 477.0263, F.S.; providing certain cosmetology services may be performed in a location other than a licensed salon under certain circumstances; amending ss. 477.0265 and 477.029, F.S.; conforming provisions to changes made by the act; amending s. 481.201, F.S.; deleting legislative findings relating to the practice of interior design; amending s. 481.203, F.S.; revising definitions; amending s. 481.205, F.S.; renaming the Board of Architecture and Interior Design as the Board of Architecture; revising membership of the board; conforming provisions; amending ss. 481.207, 481.209, and 481.213, F.S.; conforming provisions; amending s. 481.2131, F.S.; requiring certain interior designers to include proof of completed specified examination requirements when submitting documents for the issuance of a building permit; providing that a license or registration is not required for specified persons to practice; amending ss. 481.215 and 481.217, F.S.; conforming provisions to changes made by the act; amending s. 481.219, F.S.; deleting provisions permitting the practice of or offer to practice interior design through certain business organizations; deleting provisions requiring certificates of authorization for certain business organizations offering interior design services to the public; requiring a licensee or

applicant in the practice of architecture to qualify as a business organization; providing requirements; amending s. 481.221, F.S.; conforming provisions; requiring a registered architect or a qualifying agent for a business organization to display their license number in specified advertisements; providing an exception; amending ss. 481.222 and 481.223, F.S.; conforming provisions; repealing s. 481.2251, F.S., relating to the practice and regulation of interior design, registration for interior designers, and disciplinary proceedings against registered interior designers; amending ss. 481.229 and 481.231, F.S.; conforming provisions; amending s. 481.303, F.S.; deleting the definition of the term "certificate of authorization"; amending s. 481.310, F.S.; providing that an applicant who holds a specified degree is not required to demonstrate 1 year of practical experience for licensure; amending s. 481.311, F.S.; requiring the Board of Landscape Architecture to certify an applicant who holds a specified license issued by another state or territory of the United States under certain circumstances; conforming provisions; amending s. 481.317, F.S.; conforming provisions; amending s. 481.319, F.S.; deleting the requirement for a certificate of authorization; authorizing landscape architects to practice through a corporation or partnership; amending s. 481.321, F.S.; requiring a landscape architect to display their certificate number in specified advertisements; amending s.

481.329, F.S.; conforming a cross-reference; amending s. 489.103, F.S.; revising certain contract prices for exemption; amending s. 489.111, F.S.; providing that an applicant who is exempt from a specified examination is eligible for licensure; amending s. 489.113, F.S.; providing that an applicant holding a specified degree does not have to pass a certain examination; amending s. 489.115, F.S.; requiring the Construction Industry Licensing Board to certify any applicant who holds a specified license to practice contracting issued by another state or territory of the United States under certain circumstances; amending s. 489.511, F.S.; requiring the board to certify as qualified for certification by endorsement any applicant who holds a specified license to practice electrical or alarm system contracting issued by another state or territory of the United States under certain circumstances; amending s. 489.517, F.S.; providing a reduction in certain continuing education hours required for registered contractors; amending s. 489.518, F.S.; requiring a person to have completed a specified amount of training within a certain time period to perform the duties of an alarm system agent; amending s. 492.104, F.S.; conforming provisions to changes made by the act; amending s. 492.108, F.S.; requiring the department to issue a license by endorsement to any applicant who has held a specified license to practice geology in another state, trust, territory, or possession of the United



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States for a certain period of time; providing that an applicant may take the examination required by the board if they have not met the specified examination requirement; amending s. 492.111, F.S.; deleting the requirements for a certificate of authorization for a professional geologist; amending ss. 492.113 and 492.115, F.S.; conforming provisions; amending s. 548.003, F.S.; deleting the requirement that the Florida State Boxing Commission adopt rules relating to a knockdown timekeeper; amending s. 548.017, F.S.; deleting the licensure requirement for a timekeeper or an announcer; amending s. 553.5141, F.S.; conforming provisions to changes made by the act; amending s. 553.74, F.S.; revising the membership and qualifications of the Florida Building Commission; amending ss. 553.79, 558.002, 559.25, and 287.055, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Paragraph (a) of subsection (4) of section 20.165, Florida Statutes, is amended to read:

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

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

1. Board of Architecture ~~and Interior Design~~, created under



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part I of chapter 481.

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

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

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

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

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

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

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

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

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

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

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

12.~~13.~~ Board of Veterinary Medicine, created under chapter 474.

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

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

Section 2. Subsection (13) of section 326.004, Florida Statutes, is amended to read:

326.004 Licensing.—

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

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

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

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

Section 4. Section 447.04, Florida Statutes, is repealed.

Section 5. Section 447.041, Florida Statutes, is repealed.

Section 6. Section 447.045, Florida Statutes, is repealed.

Section 7. Section 447.06, Florida Statutes, is repealed.

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

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

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

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

Section 9. Section 447.12, Florida Statutes, is repealed.

Section 10. Section 447.16, Florida Statutes, is repealed.

Section 11. Subsection (4) of section 447.305, Florida Statutes, is amended to read:

447.305 Registration of employee organization.—

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

Section 12. Subsection (13) is added to section 455.213, Florida Statutes, to read:

455.213 General licensing provisions.—

(13) The department or a board must enter into a reciprocal licensing agreement with other states if the practice act within the purview of this chapter permits such agreement. If a reciprocal licensing agreement exists or if the department or board has determined another state's licensing requirements or examinations to be substantially equivalent or more stringent to those under the practice act, the department or board must post on its website which jurisdictions have such reciprocal licensing agreements or substantially similar licenses.

Section 13. Section 468.381, Florida Statutes, is repealed.

Section 14. Section 468.382, Florida Statutes, is amended to read:

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

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

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

(3)~~(1)~~ "Auction business" means a sole proprietorship,

partnership, or corporation which in the regular course of business arranges, manages, sponsors, advertises, promotes, or carries out auctions, employs auctioneers to conduct auctions in its facilities, or uses or allows the use of its facilities for auctions.

(4) ~~(2)~~ "Auctioneer" means any person who conducts auctions within the state ~~licensed pursuant to this part who holds a valid Florida auctioneer license~~.

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

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

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

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

Section 15. Section 468.384, Florida Statutes, is repealed.

Section 16. Section 468.385, Florida Statutes, is repealed.

Section 17. Section 468.3851, Florida Statutes, is repealed.

Section 18. Section 468.3852, Florida Statutes, is repealed.

Section 19. Section 468.3855, Florida Statutes, is repealed.

Section 20. Section 468.386, Florida Statutes, is repealed.

Section 21. Section 468.387, Florida Statutes, is repealed.

Section 22. Subsections (6) through (11) of section 468.388, Florida Statutes, are renumbered as subsections (4) through (9), respectively, and present subsections (3), (4), (5), (9), (10), and (11) are amended to read:

468.388 Conduct of an auction.—

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

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

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

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

ability to ensure the proper conduct of his or her independent responsibility for the auction. The auction business under whose auspices the auction is conducted is responsible for ensuring compliance as required by this part ~~board rule~~.

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

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

(c) Any interest which accrues to sale proceeds on deposit shall be the property of the seller for whom the funds were received unless the parties have agreed otherwise by written agreement executed prior to the auction.

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

prohibit advanced payment of a flat fee.

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

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

1. Contains misrepresentations of facts.

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

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

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

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

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

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

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

(b)~~(c)~~ The provisions of this subsection apply to media



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exposure of any nature, regardless of whether it is in the form of paid advertising.

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

Section 23. Section 468.389, Florida Statutes, is amended to read:

468.389 Prohibited acts; penalties.—

~~(1)~~ The following acts shall be grounds for a civil cause of action for damages against an auctioneer, auction business, or any owner or manager thereof or, in the case of corporate ownership, any substantial stockholder of the corporation owning the auction business ~~the disciplinary activities provided in subsections (2) and (3)~~:

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

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

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

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

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

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

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

(7)~~(h)~~ Commingling money or property of another person with his or her own. Every auctioneer and auction business shall maintain a separate trust or escrow account in an insured bank or savings and loan association located in this state in which shall be deposited all proceeds received for another person through an auction sale.

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

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

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

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

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

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



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

~~(c) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.~~

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

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

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

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

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

Section 24. Section 468.391, Florida Statutes, is amended to read:

468.391 Penalty.—Any auctioneer, ~~apprentice,~~ or auction business or any owner or manager thereof, or, in the case of corporate ownership, any substantial stockholder of the corporation owning the auction business, who ~~operates without an active license or~~ violates s. 468.389(3), (5), (6), (7), or (8) ~~s. 468.389(1)(c), (e), (f), (h), or (i)~~ commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

Section 25. Section 468.392, Florida Statutes, is repealed.

Section 26. Section 468.393, Florida Statutes, is repealed.

Section 27. Section 468.394, Florida Statutes, is repealed.

Section 28. Section 468.395, Florida Statutes, is repealed.

Section 29. Section 468.396, Florida Statutes, is repealed.

Section 30. Section 468.397, Florida Statutes, is repealed.

Section 31. Section 468.398, Florida Statutes, is repealed.

Section 32. Section 468.399, Florida Statutes, is repealed.

Section 33. Subsection (1) of section 468.401, Florida Statutes, is amended to read:

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

(1) "Talent agency" means any person who, for compensation, engages in the occupation or business of procuring or attempting to procure engagements for an artist who is younger than 18 years of age.

Section 34. Subsection (1) of section 468.408, Florida Statutes, is amended to read:

468.408 Bond required.—

(1) An owner or operator of a ~~There shall be filed with the department for each~~ talent agency shall file ~~license~~ a bond in the form of a surety by a reputable company engaged in the bonding business and authorized to do business in this state. The bond shall be for the penal sum of $5,000, with one or more sureties to be approved by the department, and be conditioned that the owner or operator of the talent agency ~~applicant~~ conform to and not violate any of the duties, terms, conditions, provisions, or requirements of this part.

(a) If any person is aggrieved by the misconduct of any talent agency, the person may maintain an action in his or her

own name upon the bond of the agency in any court having jurisdiction of the amount claimed. All such claims shall be assignable, and the assignee shall be entitled to the same remedies, upon the bond of the agency or otherwise, as the person aggrieved would have been entitled to if such claim had not been assigned. Any claim or claims so assigned may be enforced in the name of such assignee.

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

Section 35. Subsection (12) is added to section 468.412, Florida Statutes, to read:

468.412 Talent agency regulations; prohibited acts.—

(12) Each employee of a talent agency must complete a level 1 background screening pursuant to s. 435.03.

Section 36. Section 468.415, Florida Statutes, is amended to read:

468.415 Sexual misconduct in the operation of a talent agency.—The talent agent-artist relationship is founded on mutual trust. Sexual misconduct in the operation of a talent agency means violation of the talent agent-artist relationship through which the talent agent uses the relationship to induce or attempt to induce the artist to engage or attempt to engage in sexual activity. Sexual misconduct is prohibited in the operation of a talent agency. ~~If~~ Any agent, owner, or operator of a ~~licensed~~ talent agency who commits ~~is found to have committed~~ sexual misconduct in the operation of a talent agency~~, the agency license shall be permanently revoked. Such agent, owner, or operator~~ shall be permanently prohibited from acting



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~~disqualified from present and future licensure~~ as an agent, owner, or operator of a Florida talent agency.

Section 37. Subsection (4) of section 468.524, Florida Statutes, is amended to read:

468.524 Application for license.—

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

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

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

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

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

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

Section 38. Section 468.613, Florida Statutes, is amended to read:

468.613 Certification by endorsement.—The board shall



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examine other certification or training programs, as applicable, upon submission to the board for its consideration of an application for certification by endorsement. The board shall waive its examination, qualification, education, or training requirements, to the extent that such examination, qualification, education, or training requirements of the applicant are determined by the board to be comparable with those established by the board. The board shall waive its examination, qualification, education, or training requirements if an applicant for certification by endorsement is at least 18 years of age; is of good moral character; has held a valid building administrator, inspector, plans examiner, or the equivalent, certification issued by another state or territory of the United States for at least 10 years before the date of application; and has successfully passed an applicable examination administered by the International Codes Council.

Section 39. Subsection (3) of section 468.8314, Florida Statutes, is amended to read:

468.8314 Licensure.—

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

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



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part; or

(b) Has held a valid license to practice home inspection services issued by another state or territory of the United States for at least 10 years before the date of application.

Section 40. Subsection (3) of section 468.8414, Florida Statutes, is amended to read:

468.8414 Licensure.—

(3) The department shall certify as qualified for a license by endorsement an applicant who is of good moral character, who has the insurance coverage required under s. 468.8421, and who:

(a) Is qualified to take the examination as set forth in s. 468.8413 and has passed a certification examination offered by a nationally recognized organization that certifies persons in the specialty of mold assessment or mold remediation that has been approved by the department as substantially equivalent to the requirements of this part and s. 455.217; ~~or~~

(b) Holds a valid license to practice mold assessment or mold remediation issued by another state or territory of the United States if the criteria for issuance of the license were substantially the same as the licensure criteria that is established by this part as determined by the department; or

(c) Has held a valid license to practice as a mold assessor or a mold remediator issued by another state or territory of the United States for at least 10 years before the date of application.

Section 41. Paragraphs (a) and (e) of subsection (2), subsection (3), paragraph (b) of subsection (4), and subsection (6) of section 469.006, Florida Statutes, are amended to read:

469.006 Licensure of business organizations; qualifying



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agents.—

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

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

(3) The qualifying agent must ~~shall~~ be licensed under this chapter in order for the business organization to be qualified ~~licensed~~ in the category of the business conducted for which the qualifying agent is licensed. If any qualifying agent ceases to be affiliated with such business organization, the agent shall so inform the department. In addition, if such qualifying agent is the only licensed individual affiliated with the business organization, the business organization shall notify the department of the termination of the qualifying agent and has ~~shall have~~ 60 days after ~~from~~ the date of termination of the qualifying agent's affiliation with the business organization ~~in which~~ to employ another qualifying agent. The business organization may not engage in consulting or contracting until a qualifying agent is employed, unless the department has granted



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a temporary nonrenewable license to the financially responsible officer, the president, the sole proprietor, a partner, or, in the case of a limited partnership, the general partner, who assumes all responsibilities of a primary qualifying agent for the entity. This temporary license only allows ~~shall only allow~~ the entity to proceed with incomplete contracts.

(4)

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

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

unpersuasive in showing the licensee's capacity and intent to comply with the requirements of this subsection. A qualification for an additional business organization may be revoked or suspended upon a finding by the department that the licensee has failed in the licensee's responsibility to adequately supervise the operations of the business organization. Failure to adequately supervise the operations of a business organization is ~~shall be~~ grounds for denial to qualify additional business organizations.

Section 42. Subsection (1) of section 469.009, Florida Statutes, is amended to read:

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

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

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



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ordinance enacted by a political subdivision of this state.

(b) Violating any provision of chapter 455.

(c) Failing in any material respect to comply with the provisions of this chapter or any rule promulgated hereunder.

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

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

(f) Obtaining a license by fraud or misrepresentation.

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

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

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

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

1. Valid liens have been recorded against the property of a contractor’s customer for supplies or services ordered by the

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

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

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

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

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

(m) Abandoning an asbestos abatement project in which the asbestos contractor is engaged or under contract as a contractor. A project may be presumed abandoned after 20 days if the contractor terminates the project without just cause and without proper notification to the owner, including the reason

for termination; if the contractor fails to reasonably secure the project to safeguard the public while work is stopped; or if the contractor fails to perform work without just cause for 20 days.

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

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

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

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

(r) Intimidating, threatening, coercing, or otherwise discouraging the service of a notice to owner under part I of chapter 713 or a notice to contractor under chapter 255 or part I of chapter 713.

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

For the purposes of this subsection, construction is considered to be commenced when the contract is executed and the contractor

has accepted funds from the customer or lender.

Section 43. Subsection (13) of section 471.005, Florida Statutes, is renumbered as subsection (3), and present subsection (3) and subsection (8) of that section are amended to read:

471.005 Definitions.—As used in this chapter, the term:

~~(3) "Certificate of authorization" means a license to practice engineering issued by the management corporation to a corporation or partnership.~~

(8) "License" means the licensing of engineers ~~or certification of businesses~~ to practice engineering in this state.

Section 44. Subsection (4) of section 471.011, Florida Statutes, is amended to read:

471.011 Fees.—

~~(4) The fee for a certificate of authorization shall not exceed $125.~~

Section 45. Subsection (5) of section 471.015, Florida Statutes, is amended to read:

471.015 Licensure.—

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

(b) The board shall deem that an applicant who seeks licensure by endorsement has passed an examination substantially equivalent to the fundamentals examination and the principles

and practices examination when such applicant has held a valid professional engineer's license in another state for 15 ~~25~~ years ~~and has had 30 years of continuous professional-level engineering experience~~.

Section 46. Section 471.023, Florida Statutes, is amended to read:

471.023 Qualification ~~Certification~~ of business organizations.—

(1) The practice of, or the offer to practice, engineering by licensees or offering engineering services to the public through a business organization, including a partnership, corporation, business trust, or other legal entity or by a business organization, including a corporation, partnership, business trust, or other legal entity offering such services to the public through licensees under this chapter as agents, employees, officers, or partners is permitted only if the business organization is qualified by an engineer licensed under this chapter ~~possesses a certification issued by the management corporation pursuant to qualification by the board~~, subject to the provisions of this chapter. One or more of the principal officers of the business organization or one or more partners of the partnership and all personnel of the business organization who act in its behalf as engineers in this state shall be licensed as provided by this chapter. All final drawings, specifications, plans, reports, or documents involving practices licensed under this chapter which are prepared or approved for the use of the business organization or for public record within the state shall be dated and shall bear the signature and seal of the licensee who prepared or approved them. Nothing in this



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section shall be construed to mean that a license to practice engineering shall be held by a business organization. Nothing herein prohibits business organizations from joining together to offer engineering services to the public, if each business organization otherwise meets the requirements of this section. No business organization shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section, nor shall any individual practicing engineering be relieved of responsibility for professional services performed by reason of his or her employment or relationship with a business organization.

(2) For the purposes of this section, a ~~certificate of authorization shall be required for any~~ business organization or other person practicing under a fictitious name, offering engineering services to the public must be qualified by an engineer licensed under this chapter. ~~However, when an individual is practicing engineering in his or her own given name, he or she shall not be required to be licensed under this section.~~

(3) Except as provided in s. 558.0035, the fact that a licensed engineer practices through a business organization does not relieve the licensee from personal liability for negligence, misconduct, or wrongful acts committed by him or her. Partnerships and all partners shall be jointly and severally liable for the negligence, misconduct, or wrongful acts committed by their agents, employees, or partners while acting in a professional capacity. Any officer, agent, or employee of a business organization other than a partnership shall be personally liable and accountable only for negligent acts,

wrongful acts, or misconduct committed by him or her or committed by any person under his or her direct supervision and control, while rendering professional services on behalf of the business organization. The personal liability of a shareholder or owner of a business organization, in his or her capacity as shareholder or owner, shall be no greater than that of a shareholder-employee of a corporation incorporated under chapter 607. The business organization shall be liable up to the full value of its property for any negligent acts, wrongful acts, or misconduct committed by any of its officers, agents, or employees while they are engaged on its behalf in the rendering of professional services.

(4) ~~Each certification of authorization shall be renewed every 2 years.~~ Each qualifying agent of a business organization qualified ~~certified~~ under this section must notify the board within 30 days ~~1 month~~ after any change in the information contained in the application upon which the certification is based.

(a) A qualifying agent who terminates an affiliation with a qualified business organization shall notify the management corporation of such termination within 24 hours. If such qualifying agent is the only qualifying agent for that business organization, the business organization must be qualified by another qualifying agent within 60 days after the termination. Except as provided in paragraph (b), the business organization may not engage in the practice of engineering until it is qualified by another qualifying agent.

(b) In the event a qualifying agent ceases employment with a qualified business organization and such qualifying agent is

the only licensed individual affiliated with the business organization, the executive director of the management corporation or the chair of the board may authorize another licensee employed by the business organization to temporarily serve as its qualifying agent for a period of no more than 60 days to proceed with incomplete contracts. The business organization is not authorized to operate beyond such period under this chapter absent replacement of the qualifying agent.

(c) A qualifying agent shall notify the department in writing before engaging in the practice of engineering in the licensee's name or in affiliation with a different business organization.

~~(5) Disciplinary action against a business organization shall be administered in the same manner and on the same grounds as disciplinary action against a licensed engineer.~~

Section 47. Subsection (7) of section 473.308, Florida Statutes, is amended to read:

473.308 Licensure.—

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

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

~~2. Has completed such continuing education courses as the board deems appropriate, within the limits for each applicable 2-year period as set forth in s. 473.312, but at least such~~

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

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

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

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

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



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Section 48. Subsection (6) of section 474.202, Florida Statutes, is amended to read:

474.202 Definitions.—As used in this chapter:

(6) "Limited-service veterinary medical practice" means offering or providing veterinary services at any location that has a primary purpose other than that of providing veterinary medical service at a permanent or mobile establishment permitted by the board; provides veterinary medical services for privately owned animals that do not reside at that location; operates for a limited time; and provides limited types of veterinary medical services, including vaccinations or immunizations against disease, preventative procedures for parasitic control, and microchipping.

Section 49. Paragraph (b) of subsection (2) of section 474.207, Florida Statutes, is amended to read:

474.207 Licensure by examination.—

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

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

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

The department shall not issue a license to any applicant who is under investigation in any state or territory of the United

States or in the District of Columbia for an act which would constitute a violation of this chapter until the investigation is complete and disciplinary proceedings have been terminated, at which time the provisions of s. 474.214 shall apply.

Section 50. Subsection (1) of section 474.217, Florida Statutes, is amended to read:

474.217 Licensure by endorsement.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting a fee set by the board, demonstrates to the board that she or he:

(a) Has demonstrated, in a manner designated by rule of the board, knowledge of the laws and rules governing the practice of veterinary medicine in this state; and

(b)1. ~~Either~~ Holds, and has held for the 3 years immediately preceding the application for licensure, a valid, active license to practice veterinary medicine in another state of the United States, the District of Columbia, or a territory of the United States, provided that the applicant has successfully completed a state, regional, national, or other examination that is equivalent to or more stringent than the examination required by the board ~~requirements for licensure in the issuing state, district, or territory are equivalent to or more stringent than the requirements of this chapter~~; or

2. Meets the qualifications of s. 474.207(2)(b) and has successfully completed a state, regional, national, or other examination which is equivalent to or more stringent than the examination given by the department and has passed the board's clinical competency examination or another clinical competency



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examination specified by rule of the board.

Section 51. Subsection (5) of section 476.144, Florida Statutes, is amended to read:

476.144 Licensure.—

(5) The board shall certify as qualified for licensure by endorsement as a barber in this state an applicant who holds a current active license to practice barbering in another state. The board shall adopt rules specifying procedures for the licensure by endorsement of practitioners desiring to be licensed in this state who hold a current active license in another ~~state or~~ country and who have met qualifications substantially similar to, equivalent to, or greater than the qualifications required of applicants from this state.

Section 52. Subsection (9) of section 477.013, Florida Statutes, is amended to read:

477.013 Definitions.—As used in this chapter:

(9) "Hair braiding" means the weaving or interweaving of natural human hair or commercial hair, including the use of hair extensions or wefts, for compensation without cutting, coloring, permanent waving, relaxing, removing, or chemical treatment ~~and does not include the use of hair extensions or wefts~~.

Section 53. Section 477.0132, Florida Statutes, is repealed.

Section 54. Subsections (7) through (11) are added to section 477.0135, Florida Statutes, to read:

477.0135 Exemptions.—

(7) A license or registration is not required for a person whose occupation or practice is confined solely to hair braiding as defined in s. 477.013(9).

(8) A license or registration is not required for a person whose occupation or practice is confined solely to hair wrapping as defined in s. 477.013(10).

(9) A license or registration is not required for a person whose occupation or practice is confined solely to body wrapping as defined in s. 477.013(12).

(10) A license or registration is not required for a person whose occupation or practice is confined solely to applying polish to fingernails and toenails.

(11) A license or registration is not required for a person whose occupation or practice is confined solely to makeup application.

Section 55. Subsections (6) and (7) of section 477.019, Florida Statutes, are amended to read:

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

(6) The board shall certify as qualified for licensure by endorsement as a cosmetologist in this state an applicant who holds a current active license to practice cosmetology in another state. The board may not require proof of educational hours if the license was issued in a state that requires 1,200 or more hours of prelicensure education and passage of a written examination. ~~This subsection does not apply to applicants who received their license in another state through an apprenticeship program.~~

(7)(a) The board shall prescribe by rule continuing education requirements intended to ensure protection of the public through updated training of licensees and registered



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specialists, not to exceed 10 ~~16~~ hours biennially, as a condition for renewal of a license or registration as a specialist under this chapter. Continuing education courses shall include, but not be limited to, the following subjects as they relate to the practice of cosmetology: human immunodeficiency virus and acquired immune deficiency syndrome; Occupational Safety and Health Administration regulations; workers' compensation issues; state and federal laws and rules as they pertain to cosmetologists, cosmetology, salons, specialists, specialty salons, and booth renters; chemical makeup as it pertains to hair, skin, and nails; and environmental issues. Courses given at cosmetology conferences may be counted toward the number of continuing education hours required if approved by the board.

~~(b) Any person whose occupation or practice is confined solely to hair braiding, hair wrapping, or body wrapping is exempt from the continuing education requirements of this subsection.~~

(b) ~~(c)~~ The board may, by rule, require any licensee in violation of a continuing education requirement to take a refresher course or refresher course and examination in addition to any other penalty. The number of hours for the refresher course may not exceed 48 hours.

Section 56. Paragraph (f) of subsection (1) of section 477.026, Florida Statutes, is amended to read:

477.026 Fees; disposition.—

(1) The board shall set fees according to the following schedule:

~~(f) For hair braiders, hair wrappers, and body wrappers,~~



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~~fees for registration shall not exceed $25.~~

Section 57. Subsection (4) of section 477.0263, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

477.0263 Cosmetology services to be performed in licensed salon; exceptions.—

(4) Pursuant to rules adopted by the board, any cosmetology or specialty service may be performed in a location other than a licensed salon when the service is performed in connection with a special event and is performed by a person ~~who is employed by a licensed salon and~~ who holds the proper license or specialty registration. ~~An appointment for the performance of any such service in a location other than a licensed salon must be made through a licensed salon.~~

(5) Hair shampooing, hair cutting, and hair arranging may be performed in a location other than a licensed salon when the service is performed by a person who holds the proper license.

Section 58. Paragraph (f) of subsection (1) of section 477.0265, Florida Statutes, is amended to read:

477.0265 Prohibited acts.—

(1) It is unlawful for any person to:

(f) Advertise or imply that skin care services ~~or body wrapping~~, as performed under this chapter, have any relationship to the practice of massage therapy as defined in s. 480.033(3), except those practices or activities defined in s. 477.013.

Section 59. Paragraph (a) of subsection (1) of section 477.029, Florida Statutes, is amended to read:

477.029 Penalty.—

(1) It is unlawful for any person to:

(a) Hold himself or herself out as a cosmetologist or~~,~~ specialist~~, hair wrapper, hair braider, or body wrapper~~ unless duly licensed or registered, or otherwise authorized, as provided in this chapter.

Section 60. Section 481.201, Florida Statutes, is amended to read:

481.201 Purpose.—The primary legislative purpose for enacting this part is to ensure that every architect practicing in this state meets minimum requirements for safe practice. It is the legislative intent that architects who fall below minimum competency or who otherwise present a danger to the public shall be prohibited from practicing in this state. ~~The Legislature further finds that it is in the interest of the public to limit the practice of interior design to interior designers or architects who have the design education and training required by this part or to persons who are exempted from the provisions of this part.~~

Section 61. Section 481.203, Florida Statutes, is amended to read:

481.203 Definitions.—As used in this part, the term:

(1)~~(3)~~ "Architect" or "registered architect" means a natural person who is licensed under this part to engage in the practice of architecture.

(2)~~(6)~~ "Architecture" means the rendering or offering to render services in connection with the design and construction of a structure or group of structures which have as their principal purpose human habitation or use, and the utilization of space within and surrounding such structures. These services include planning, providing preliminary study designs, drawings

and specifications, job-site inspection, and administration of construction contracts.

(3)~~(1)~~ "Board" means the Board of Architecture ~~and Interior Design~~.

(4)~~(5)~~ "Business organization" means a partnership, a limited liability company, a corporation, or an individual operating under a fictitious name ~~"Certificate of authorization" means a certificate issued by the department to a corporation or partnership to practice architecture or interior design~~.

(5)~~(4)~~ "Certificate of registration" means a license issued by the department to a natural person to engage in the practice of architecture or interior design.

(6)~~(13)~~ "Common area" means an area that is held out for use by all tenants or owners in a multiple-unit dwelling, including, but not limited to, a lobby, elevator, hallway, laundry room, clubhouse, or swimming pool.

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

(8)~~(14)~~ "Diversified interior design experience" means experience which substantially encompasses the various elements of interior design services set forth under the definition of "interior design" in subsection (10)~~(8)~~.

(9)~~(15)~~ "Interior decorator services" includes the selection or assistance in selection of surface materials, window treatments, wallcoverings, paint, floor coverings, surface-mounted lighting, surface-mounted fixtures, and loose furnishings not subject to regulation under applicable building codes.

(10)~~(8)~~ "Interior design" means designs, consultations,



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studies, drawings, specifications, and administration of design construction contracts relating to nonstructural interior elements of a building or structure. "Interior design" includes, but is not limited to, reflected ceiling plans, space planning, furnishings, and the fabrication of nonstructural elements within and surrounding interior spaces of buildings. "Interior design" specifically excludes the design of or the responsibility for architectural and engineering work, except for specification of fixtures and their location within interior spaces. As used in this subsection, "architectural and engineering interior construction relating to the building systems" includes, but is not limited to, construction of structural, mechanical, plumbing, heating, air-conditioning, ventilating, electrical, or vertical transportation systems, or construction which materially affects lifesafety systems pertaining to firesafety protection such as fire-rated separations between interior spaces, fire-rated vertical shafts in multistory structures, fire-rated protection of structural elements, smoke evacuation and compartmentalization, emergency ingress or egress systems, and emergency alarm systems.

~~(9) "Registered interior designer" or "interior designer" means a natural person who is licensed under this part.~~

(11)~~(10)~~ "Nonstructural element" means an element which does not require structural bracing and which is something other than a load-bearing wall, load-bearing column, or other load-bearing element of a building or structure which is essential to the structural integrity of the building.

(12)~~(11)~~ "Reflected ceiling plan" means a ceiling design plan which is laid out as if it were projected downward and



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which may include lighting and other elements.

(13)~~(16)~~ "Responsible supervising control" means the exercise of direct personal supervision and control throughout the preparation of documents, instruments of service, or any other work requiring the seal and signature of a licensee under this part.

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

(15)~~(7)~~ "Townhouse" is a single-family dwelling unit not exceeding three stories in height which is constructed in a series or group of attached units with property lines separating such units. Each townhouse shall be considered a separate building and shall be separated from adjoining townhouses by the use of separate exterior walls meeting the requirements for zero clearance from property lines as required by the type of construction and fire protection requirements; or shall be separated by a party wall; or may be separated by a single wall meeting the following requirements:

(a) Such wall shall provide not less than 2 hours of fire resistance. Plumbing, piping, ducts, or electrical or other building services shall not be installed within or through the 2-hour wall unless such materials and methods of penetration have been tested in accordance with the Standard Building Code.

(b) Such wall shall extend from the foundation to the underside of the roof sheathing, and the underside of the roof shall have at least 1 hour of fire resistance for a width not less than 4 feet on each side of the wall.

(c) Each dwelling unit sharing such wall shall be designed

and constructed to maintain its structural integrity independent of the unit on the opposite side of the wall.

Section 62. Subsection (1) and paragraph (a) of subsection (3) of section 481.205, Florida Statutes, are amended to read:

481.205 Board of Architecture ~~and Interior Design~~.—

(1) The Board of Architecture ~~and Interior Design~~ is created within the Department of Business and Professional Regulation. The board shall consist of seven ~~11~~ members. Five members must be registered architects who have been engaged in the practice of architecture for at least 5 years~~; three members must be registered interior designers who have been offering interior design services for at least 5 years and who are not also registered architects;~~ and two ~~three~~ members must be laypersons who are not, and have never been, architects~~, interior designers,~~ or members of any closely related profession or occupation. At least one member of the board must be 60 years of age or older.

(3)(a) Notwithstanding the provisions of ss. 455.225, 455.228, and 455.32, the duties and authority of the department to receive complaints and investigate and discipline persons licensed under this part, including the ability to determine legal sufficiency and probable cause; to initiate proceedings and issue final orders for summary suspension or restriction of a license pursuant to s. 120.60(6); to issue notices of noncompliance, notices to cease and desist, subpoenas, and citations; to retain legal counsel, investigators, or prosecutorial staff in connection with the licensed practice of architecture ~~and interior design~~; and to investigate and deter the unlicensed practice of architecture ~~and interior design~~ as

provided in s. 455.228 are delegated to the board. All complaints and any information obtained pursuant to an investigation authorized by the board are confidential and exempt from s. 119.07(1) as provided in s. 455.225(2) and (10).

Section 63. Section 481.207, Florida Statutes, is amended to read:

481.207 Fees.—The board, by rule, may establish separate fees for architects ~~and interior designers~~, to be paid for applications, examination, reexamination, licensing and renewal, delinquency, reinstatement, and recordmaking and recordkeeping. The examination fee shall be in an amount that covers the cost of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee is nonrefundable. The fee for initial application and examination for architects ~~and interior designers~~ may not exceed $775 plus the actual per applicant cost to the department for purchase of the examination from the National Council of Architectural Registration Boards ~~or the National Council of Interior Design Qualifications, respectively,~~ or similar national organizations. The biennial renewal fee for architects may not exceed $200. ~~The biennial renewal fee for interior designers may not exceed $500.~~ The delinquency fee may not exceed the biennial renewal fee established by the board for an active license. The board shall establish fees that are adequate to ensure the continued operation of the board and to fund the proportionate expenses incurred by the department which are allocated to the regulation of architects ~~and interior designers~~. Fees shall be based on department estimates of the revenue required to implement this

part and the provisions of law with respect to the regulation of architects ~~and interior designers~~.

Section 64. Section 481.209, Florida Statutes, is amended to read:

481.209 Examinations.—

~~(1)~~ A person desiring to be licensed as a registered architect by initial examination shall apply to the department, complete the application form, and remit a nonrefundable application fee. The department shall license any applicant who the board certifies~~:~~

~~(a)~~ has passed the licensure examination prescribed by board rule~~;~~ and

~~(b)~~ is a graduate of a school or college of architecture with a program accredited by the National Architectural Accreditation Board.

~~(2) A person desiring to be licensed as a registered interior designer shall apply to the department for licensure. The department shall administer the licensure examination for interior designers to each applicant who has completed the application form and remitted the application and examination fees specified in s. 481.207 and who the board certifies:~~

~~(a) Is a graduate from an interior design program of 5 years or more and has completed 1 year of diversified interior design experience;~~

~~(b) Is a graduate from an interior design program of 4 years or more and has completed 2 years of diversified interior design experience;~~

~~(c) Has completed at least 3 years in an interior design curriculum and has completed 3 years of diversified interior~~



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~~design experience; or~~

~~(d) Is a graduate from an interior design program of at least 2 years and has completed 4 years of diversified interior design experience.~~

~~Subsequent to October 1, 2000, for the purpose of having the educational qualification required under this subsection accepted by the board, the applicant must complete his or her education at a program, school, or college of interior design whose curriculum has been approved by the board as of the time of completion. Subsequent to October 1, 2003, all of the required amount of educational credits shall have been obtained in a program, school, or college of interior design whose curriculum has been approved by the board, as of the time each educational credit is gained. The board shall adopt rules providing for the review and approval of programs, schools, and colleges of interior design and courses of interior design study based on a review and inspection by the board of the curriculum of programs, schools, and colleges of interior design in the United States, including those programs, schools, and colleges accredited by the Foundation for Interior Design Education Research. The board shall adopt rules providing for the review and approval of diversified interior design experience required by this subsection.~~

Section 65. Subsections (1) through (4) of section 481.213, Florida Statutes, are amended to read:

481.213 Licensure.—

(1) The department shall license any applicant who the board certifies is qualified for licensure and who has paid the initial licensure fee. ~~Licensure as an architect under this~~



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~~section shall be deemed to include all the rights and privileges of licensure as an interior designer under this section.~~

(2) The board shall certify for licensure by examination any applicant who passes the prescribed licensure examination and satisfies the requirements of ss. 481.209 and 481.211~~, for architects, or the requirements of s. 481.209, for interior designers~~.

(3) The board shall certify as qualified for a license by endorsement as an architect ~~or as an interior designer~~ an applicant who:

(a) Qualifies to take the prescribed licensure examination, and has passed the prescribed licensure examination or a substantially equivalent examination in another jurisdiction, as set forth in s. 481.209 for architects ~~or interior designers, as applicable~~, and has satisfied the internship requirements set forth in s. 481.211 for architects;

(b) Holds a valid license to practice architecture ~~or interior design~~ issued by another jurisdiction of the United States, if the criteria for issuance of such license were substantially equivalent to the licensure criteria that existed in this state at the time the license was issued; ~~provided, however, that an applicant who has been licensed for use of the title "interior design" rather than licensed to practice interior design shall not qualify hereunder;~~ or

(c) Has passed the prescribed licensure examination and holds a valid certificate issued by the National Council of Architectural Registration Boards, and holds a valid license to practice architecture issued by another state or jurisdiction of the United States.



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(4) The board may refuse to certify any applicant who has violated any of the provisions of s. 481.223~~,~~ or s. 481.225, ~~or s. 481.2251,~~ as applicable.

Section 66. Section 481.2131, Florida Statutes, is amended to read:

481.2131 Interior design; practice requirements~~; disclosure of compensation for professional services~~.—

(1) ~~A registered interior designer is authorized to perform "interior design" as defined in s. 481.203. Interior design documents prepared by a registered interior designer shall contain a statement that the document is not an architectural or engineering study, drawing, specification, or design and is not to be used for construction of any load-bearing columns, load-bearing framing or walls of structures, or issuance of any building permit, except as otherwise provided by law.~~ Interior design documents that are prepared ~~and sealed~~ by an ~~a registered~~ interior designer must ~~may~~, if required by a permitting body, be accepted by the permitting body ~~be submitted~~ for the issuance of a building permit for interior construction excluding design of any structural, mechanical, plumbing, heating, air-conditioning, ventilating, electrical, or vertical transportation systems or that materially affect lifesafety systems pertaining to firesafety protection such as fire-rated separations between interior spaces, fire-rated vertical shafts in multistory structures, fire-rated protection of structural elements, smoke evacuation and compartmentalization, emergency ingress or egress systems, and emergency alarm systems. Interior design documents submitted for the issuance of a building permit by an individual performing interior design services who is not a licensed

architect must include written proof that such individual has successfully passed the qualification examination prescribed by either the National Council for Interior Design Qualifications or the California Council for Interior Design Certification. All drawings, plans, specifications, or reports prepared or issued by the interior designer and filed for public record shall bear the signature of the interior designer who prepared or approved the document and the date on which they were signed. The signature and date shall be evidence of the authenticity of that to which they are affixed. Final plans, specifications, or reports prepared or issued by an interior designer may be transmitted electronically and may be electronically signed by the interior designer.

(2) A license or registration is not required for a person whose occupation or practice is confined to interior design or interior decorator services ~~An interior designer shall, before entering into a contract, verbal or written, clearly determine the scope and nature of the project and the method or methods of compensation. The interior designer may offer professional services to the client as a consultant, specifier, or supplier on the basis of a fee, percentage, or markup. The interior designer shall have the responsibility of fully disclosing to the client the manner in which all compensation is to be paid. Unless the client knows and agrees, the interior designer shall not accept any form of compensation from a supplier of goods and services in cash or in kind~~.

Section 67. Subsections (3) and (5) of section 481.215, Florida Statutes, are amended to read:

481.215 Renewal of license.—



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(3) A ~~No~~ license renewal may not ~~shall~~ be issued to an architect ~~or an interior designer~~ by the department until the licensee submits proof satisfactory to the department that, during the 2 years before ~~prior to~~ application for renewal, the licensee participated per biennium in not less than 20 hours of at least 50 minutes each per biennium of continuing education approved by the board. The board shall approve only continuing education that builds upon the basic knowledge of architecture ~~or interior design~~. The board may make exception from the requirements of continuing education in emergency or hardship cases.

~~(5) The board shall require, by rule adopted pursuant to ss. 120.536(1) and 120.54, a specified number of hours in specialized or advanced courses, approved by the Florida Building Commission, on any portion of the Florida Building Code, adopted pursuant to part IV of chapter 553, relating to the licensee's respective area of practice.~~

Section 68. Subsection (1) of section 481.217, Florida Statutes, is amended to read:

481.217 Inactive status.—

(1) The board may prescribe by rule continuing education requirements as a condition of reactivating a license. The rules may not require more than one renewal cycle of continuing education to reactivate a license for a registered architect ~~or interior designer~~. ~~For interior design, the board may approve only continuing education that builds upon the basic knowledge of interior design.~~

Section 69. Section 481.219, Florida Statutes, is amended to read:

481.219 Qualification of business organizations ~~certification of partnerships, limited liability companies, and corporations~~.—

(1) A licensee may ~~The practice of or the offer to~~ practice architecture ~~or interior design by licensees~~ through a qualified business organization that offers ~~corporation, limited liability company, or partnership offering~~ architectural ~~or interior design~~ services to the public~~, or by a corporation, limited liability company, or partnership offering architectural or interior design services to the public through licensees under this part as agents, employees, officers, or partners, is permitted~~, subject to the provisions of this section.

(2) If a licensee or an applicant proposes to engage in the practice of architecture as a business organization, the licensee or applicant shall qualify the business organization upon approval of the board ~~For the purposes of this section, a certificate of authorization shall be required for a corporation, limited liability company, partnership, or person practicing under a fictitious name, offering architectural services to the public jointly or separately. However, when an individual is practicing architecture in her or his own name, she or he shall not be required to be certified under this section. Certification under this subsection to offer architectural services shall include all the rights and privileges of certification under subsection (3) to offer interior design services~~.

(3)(a) A business organization may not engage in the practice of architecture unless its qualifying agent is a registered architect under this part. A qualifying agent who



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terminates an affiliation with a qualified business organization shall immediately notify the department of such termination. If such qualifying agent is the only qualifying agent for that business organization, the business organization must be qualified by another qualifying agent within 60 days after the termination. Except as provided in paragraph (b), the business organization may not engage in the practice of architecture until it is qualified by another qualifying agent.

(b) In the event a qualifying agent ceases employment with a qualified business organization, the executive director or the chair of the board may authorize another registered architect employed by the business organization to temporarily serve as its qualifying agent for a period of no more than 60 days. The business organization is not authorized to operate beyond such period under this chapter absent replacement of the qualifying agent who has ceased employment.

(c) A qualifying agent shall notify the department in writing before engaging in the practice of architecture in her or his own name or in affiliation with a different business organization, and she or he or such business organization shall supply the same information to the department as required of applicants under this part.

~~(3) For the purposes of this section, a certificate of authorization shall be required for a corporation, limited liability company, partnership, or person operating under a fictitious name, offering interior design services to the public jointly or separately. However, when an individual is practicing interior design in her or his own name, she or he shall not be required to be certified under this section.~~



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(4) All final construction documents and instruments of service which include drawings, specifications, plans, reports, or other papers or documents that involve ~~involving~~ the practice of architecture which are prepared or approved for the use of the business organization ~~corporation, limited liability company, or partnership~~ and filed for public record within the state must ~~shall~~ bear the signature and seal of the licensee who prepared or approved them and the date on which they were sealed.

~~(5) All drawings, specifications, plans, reports, or other papers or documents prepared or approved for the use of the corporation, limited liability company, or partnership by an interior designer in her or his professional capacity and filed for public record within the state shall bear the signature and seal of the licensee who prepared or approved them and the date on which they were sealed.~~

~~(6) The department shall issue a certificate of authorization to any applicant who the board certifies as qualified for a certificate of authorization and who has paid the fee set in s. 481.207.~~

(5)~~(7)~~ The board shall allow a licensee or ~~certify~~ an applicant to qualify one or more business organizations ~~as qualified for a certificate of authorization~~ to offer architectural ~~or interior design~~ services, or to use a fictitious name to offer such services, if ~~provided that:~~

~~(a)~~ one or more of the principal officers of the corporation or limited liability company, or one or more partners of the partnership, and all personnel of the corporation, limited liability company, or partnership who act



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in its behalf in this state as architects, are registered as provided by this part.~~; or~~

~~(b) One or more of the principal officers of the corporation or one or more partners of the partnership, and all personnel of the corporation, limited liability company, or partnership who act in its behalf in this state as interior designers, are registered as provided by this part.~~

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

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

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



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(7) ~~(11)~~ A business organization is not ~~No corporation, limited liability company, or partnership shall be~~ relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section. However, except as provided in s. 558.0035, the architect who signs and seals the construction documents and instruments of service is ~~shall be~~ liable for the professional services performed~~, and the interior designer who signs and seals the interior design drawings, plans, or specifications shall be liable for the professional services performed~~.

~~(12) Disciplinary action against a corporation, limited liability company, or partnership shall be administered in the same manner and on the same grounds as disciplinary action against a registered architect or interior designer, respectively.~~

(8) ~~(13)~~ ~~Nothing in~~ This section may not ~~shall~~ be construed to mean that a certificate of registration to practice architecture ~~or interior design~~ must ~~shall~~ be held by a business organization ~~corporation, limited liability company, or partnership~~. ~~Nothing in~~ This section does not prohibit a business organization from offering ~~prohibits corporations, limited liability companies, and partnerships from joining together to offer~~ architectural or~~,~~ engineering~~, interior design, surveying and mapping, and landscape architectural~~ services, or any combination of such services, to the public if the business organization~~, provided that each corporation, limited liability company, or partnership~~ otherwise meets the requirements of law.

~~(14) Corporations, limited liability companies, or~~



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~~partnerships holding a valid certificate of authorization to practice architecture shall be permitted to use in their title the term "interior designer" or "registered interior designer."~~

Section 70. Subsections (4), (6), (8), (10), (11), and (12) of section 481.221, Florida Statutes, are renumbered as subsections (3), (4), (5), (6), (7), and (8), respectively, and present subsections (3), (5), (7), (9), (10), (11), and (12) of that section are amended to read:

481.221 Seals; display of certificate number; permitting requirements.—

~~(3) The board shall adopt a rule prescribing the distinctly different seals to be used by registered interior designers holding valid certificates of registration. Each registered interior designer shall obtain a seal as prescribed by the board, and all drawings, plans, specifications, or reports prepared or issued by the registered interior designer and being filed for public record shall bear the signature and seal of the registered interior designer who prepared or approved the document and the date on which they were sealed. The signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Final plans, specifications, or reports prepared or issued by a registered interior designer may be transmitted electronically and may be signed by the registered interior designer, dated, and sealed electronically with the seal in accordance with ss. 668.001-668.006.~~

~~(5) No registered interior designer shall affix, or permit to be affixed, her or his seal or signature to any plan, specification, drawing, or other document which depicts work which she or he is not competent or licensed to perform.~~



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~~(7) No registered interior designer shall affix her or his signature or seal to any plans, specifications, or other documents which were not prepared by her or him or under her or his responsible supervising control or by another registered interior designer and reviewed, approved, or modified and adopted by her or him as her or his own work according to rules adopted by the board.~~

~~(9) Studies, drawings, specifications, and other related documents prepared by a registered interior designer in providing interior design services shall be of a sufficiently high standard to clearly and accurately indicate all essential parts of the work to which they refer.~~

(6)~~(10)~~ Each registered architect must ~~or interior designer, and each corporation, limited liability company, or partnership holding a certificate of authorization, shall~~ include her or his license ~~its certificate~~ number in any newspaper, telephone directory, or other advertising medium used by the registered licensee ~~architect, interior designer, corporation, limited liability company, or partnership~~. Each business organization must include the license number of the registered architect who serves as the qualifying agent for that business organization in any newspaper, telephone directory, or other advertising medium used by the business organization. A business organization is not required to display the license numbers of other registered architects employed by the business organization ~~A corporation, limited liability company, or partnership is not required to display the certificate number of individual registered architects or interior designers employed by or working within the corporation, limited liability company,~~



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~~or partnership~~.

(7)~~(11)~~ When the certificate of registration of a registered architect ~~or interior designer~~ has been revoked or suspended by the board, the registered architect ~~or interior designer~~ shall surrender her or his seal to the secretary of the board within a period of 30 days after the revocation or suspension has become effective. If the certificate of the registered architect ~~or interior designer~~ has been suspended for a period of time, her or his seal shall be returned to her or him upon expiration of the suspension period.

(8)~~(12)~~ A person may not sign and seal by any means any final plan, specification, or report after her or his certificate of registration has expired or is suspended or revoked. A registered architect ~~or interior designer~~ whose certificate of registration is suspended or revoked shall, within 30 days after the effective date of the suspension or revocation, surrender her or his seal to the executive director of the board and confirm in writing to the executive director the cancellation of the registered architect's ~~or interior designer's~~ electronic signature in accordance with ss. 668.001-668.006. When a registered architect's ~~or interior designer's~~ certificate of registration is suspended for a period of time, her or his seal shall be returned upon expiration of the period of suspension.

Section 71. Section 481.222, Florida Statutes, is amended to read:

481.222 Architects performing building code inspection services.—Notwithstanding any other provision of law, a person who is currently licensed to practice as an architect under this

part may provide building code inspection services described in s. 468.603(5) and (8) to a local government or state agency upon its request, without being certified by the Florida Building Code Administrators and Inspectors Board under part XII of chapter 468. With respect to the performance of such building code inspection services, the architect is subject to the disciplinary guidelines of this part and s. 468.621(1)(c)-(h). Any complaint processing, investigation, and discipline that arise out of an architect's performance of building code inspection services shall be conducted by the Board of Architecture ~~and Interior Design~~ rather than the Florida Building Code Administrators and Inspectors Board. An architect may not perform plans review as an employee of a local government upon any job that the architect or the architect's company designed.

Section 72. Section 481.223, Florida Statutes, is amended to read:

481.223 Prohibitions; penalties; injunctive relief.—

(1) A person may not knowingly:

(a) Practice architecture unless the person is an architect or a registered architect; however, a licensed architect who has been licensed by the board and who chooses to relinquish or not to renew his or her license may use the title "Architect, Retired" but may not otherwise render any architectural services.

~~(b) Practice interior design unless the person is a registered interior designer unless otherwise exempted herein; however, an interior designer who has been licensed by the board and who chooses to relinquish or not to renew his or her license~~



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~~may use the title "Interior Designer, Retired" but may not otherwise render any interior design services.~~

(b)~~(c)~~ Use the name or title "architect," ~~or~~ "registered architect," ~~or "interior designer" or "registered interior designer,"~~ or words to that effect, when the person is not then the holder of a valid license issued pursuant to this part.

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

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

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

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

(g)~~(h)~~ Conceal information relative to violations of this part.

(2) Any person who violates any provision of subsection (1) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(a) Notwithstanding chapter 455 or any other law to the contrary, an affected person may maintain an action for injunctive relief to restrain or prevent a person from violating paragraph (1)(a) or~~,~~ paragraph (1)(b)~~, or paragraph (1)(c)~~. The prevailing party is entitled to actual costs and attorney's fees.

(b) For purposes of this subsection, the term "affected person" means a person directly affected by the actions of a person suspected of violating paragraph (1)(a) or~~,~~ paragraph (1)(b)~~, or paragraph (1)(c)~~ and includes, but is not limited to,



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the department, any person who received services from the alleged violator, or any private association composed primarily of members of the profession the alleged violator is practicing or offering to practice or holding himself or herself out as qualified to practice.

Section 73. Section 481.2251, Florida Statutes, is repealed.

Section 74. Subsections (5) through (8) of section 481.229, Florida Statutes, are amended to read:

481.229 Exceptions; exemptions from licensure.—

~~(5)(a) Nothing contained in this part shall prevent a registered architect or a partnership, limited liability company, or corporation holding a valid certificate of authorization to provide architectural services from performing any interior design service or from using the title "interior designer" or "registered interior designer.~~"

~~(b) Notwithstanding any other provision of this part, all persons licensed as architects under this part shall be qualified for interior design licensure upon submission of a completed application for such license and a fee not to exceed $30. Such persons shall be exempt from the requirements of s. 481.209(2). For architects licensed as interior designers, satisfaction of the requirements for renewal of licensure as an architect under s. 481.215 shall be deemed to satisfy the requirements for renewal of licensure as an interior designer under that section. Complaint processing, investigation, or other discipline-related legal costs related to persons licensed as interior designers under this paragraph shall be assessed against the architects' account of the Regulatory Trust Fund.~~



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~~(c) Notwithstanding any other provision of this part, any corporation, partnership, or person operating under a fictitious name which holds a certificate of authorization to provide architectural services shall be qualified, without fee, for a certificate of authorization to provide interior design services upon submission of a completed application therefor. For corporations, partnerships, and persons operating under a fictitious name which hold a certificate of authorization to provide interior design services, satisfaction of the requirements for renewal of the certificate of authorization to provide architectural services under s. 481.219 shall be deemed to satisfy the requirements for renewal of the certificate of authorization to provide interior design services under that section.~~

~~(6) This part shall not apply to:~~

~~(a) A person who performs interior design services or interior decorator services for any residential application, provided that such person does not advertise as, or represent himself or herself as, an interior designer. For purposes of this paragraph, "residential applications" includes all types of residences, including, but not limited to, residence buildings, single-family homes, multifamily homes, townhouses, apartments, condominiums, and domestic outbuildings appurtenant to one-family or two-family residences. However, "residential applications" does not include common areas associated with instances of multiple-unit dwelling applications.~~

~~(b) An employee of a retail establishment providing "interior decorator services" on the premises of the retail establishment or in the furtherance of a retail sale or~~



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~~prospective retail sale, provided that such employee does not advertise as, or represent himself or herself as, an interior designer.~~

~~(7) Nothing in this part shall be construed as authorizing or permitting an interior designer to engage in the business of, or to act as, a contractor within the meaning of chapter 489, unless registered or certified as a contractor pursuant to chapter 489.~~

(5)~~(8)~~ A manufacturer of commercial food service equipment or the manufacturer's representative, distributor, or dealer or an employee thereof, who prepares designs, specifications, or layouts for the sale or installation of such equipment is exempt from licensure as an architect ~~or interior designer~~, if:

(a) The designs, specifications, or layouts are not used for construction or installation that may affect structural, mechanical, plumbing, heating, air conditioning, ventilating, electrical, or vertical transportation systems.

(b) The designs, specifications, or layouts do not materially affect lifesafety systems pertaining to firesafety protection, smoke evacuation and compartmentalization, and emergency ingress or egress systems.

(c) Each design, specification, or layout document prepared by a person or entity exempt under this subsection contains a statement on each page of the document that the designs, specifications, or layouts are not architectural~~, interior design,~~ or engineering designs, specifications, or layouts and not used for construction unless reviewed and approved by a licensed architect or engineer.

Section 75. Subsection (1) of section 481.231, Florida

Statutes, is amended to read:

481.231 Effect of part locally.—

(1) ~~Nothing in~~ This part does not ~~shall be construed to~~ repeal, amend, limit, or otherwise affect any specific provision of any local building code or zoning law or ordinance that has been duly adopted, now or hereafter enacted, which is more restrictive, with respect to the services of registered architects ~~or registered interior designers~~, than ~~the provisions of~~ this part~~; provided, however, that a licensed architect shall be deemed licensed as an interior designer for purposes of offering or rendering interior design services to a county, municipality, or other local government or political subdivision~~.

Section 76. Section 481.303, Florida Statutes, is amended to read:

481.303 Definitions.—As used in this chapter, the term:

(1) "Board" means the Board of Landscape Architecture.

(2) ~~(4)~~ "Certificate of registration" means a license issued by the department to a natural person to engage in the practice of landscape architecture.

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

~~(5) "Certificate of authorization" means a license issued by the department to a corporation or partnership to engage in the practice of landscape architecture.~~

(4) ~~(6)~~ "Landscape architecture" means professional services, including, but not limited to, the following:

(a) Consultation, investigation, research, planning, design, preparation of drawings, specifications, contract



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documents and reports, responsible construction supervision, or landscape management in connection with the planning and development of land and incidental water areas, including the use of Florida-friendly landscaping as defined in s. 373.185, where, and to the extent that, the dominant purpose of such services or creative works is the preservation, conservation, enhancement, or determination of proper land uses, natural land features, ground cover and plantings, or naturalistic and aesthetic values;

(b) The determination of settings, grounds, and approaches for and the siting of buildings and structures, outdoor areas, or other improvements;

(c) The setting of grades, shaping and contouring of land and water forms, determination of drainage, and provision for storm drainage and irrigation systems where such systems are necessary to the purposes outlined herein; and

(d) The design of such tangible objects and features as are necessary to the purpose outlined herein.

(5) ~~(7)~~ "Landscape design" means consultation for and preparation of planting plans drawn for compensation, including specifications and installation details for plant materials, soil amendments, mulches, edging, gravel, and other similar materials. Such plans may include only recommendations for the conceptual placement of tangible objects for landscape design projects. Construction documents, details, and specifications for tangible objects and irrigation systems shall be designed or approved by licensed professionals as required by law.

(6) ~~(3)~~ "Registered landscape architect" means a person who holds a license to practice landscape architecture in this state

under the authority of this act.

Section 77. Section 481.310, Florida Statutes, is amended to read:

481.310 Practical experience requirement.—Beginning October 1, 1990, every applicant for licensure as a registered landscape architect shall demonstrate, prior to licensure, 1 year of practical experience in landscape architectural work. An applicant who holds a master of landscape architecture degree is not required to demonstrate 1 year of practical experience in landscape architectural work to obtain licensure. The board shall adopt rules providing standards for the required experience. An applicant who qualifies for examination pursuant to s. 481.309(1)(b)1. may obtain the practical experience after completing the required professional degree. Experience used to qualify for examination pursuant to s. 481.309(1)(b)2. may not be used to satisfy the practical experience requirement under this section.

Section 78. Subsections (5) and (6) of section 481.311, Florida Statutes, are renumbered as subsections (4) and (5), respectively, and subsection (3) and present subsection (4) of that section are amended, to read:

481.311 Licensure.—

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

(a) Qualifies to take the examination as set forth in s. 481.309; and has passed a national, regional, state, or territorial licensing examination which is substantially equivalent to the examination required by s. 481.309; ~~or~~

(b) Holds a valid license to practice landscape

architecture issued by another state or territory of the United States, if the criteria for issuance of such license were substantially identical to the licensure criteria which existed in this state at the time the license was issued; or~~.~~

(c) Has held a valid license to practice landscape architecture in another state or territory of the United States for at least 10 years before the date of application and has successfully completed a state, regional, national, or other examination that is equivalent to or more stringent than the examination required by the board, subject to subsection (5). An applicant who has met the requirements to be qualified for a license by endorsement except for successful completion of an examination that is equivalent to or more stringent than the examination required by the board may take the examination required by the board without completing additional education requirements.

~~(4) The board shall certify as qualified for a certificate of authorization any applicant corporation or partnership who satisfies the requirements of s. 481.319.~~

Section 79. Subsection (2) of section 481.317, Florida Statutes, is amended to read:

481.317 Temporary certificates.—

~~(2) Upon approval by the board and payment of the fee set in s. 481.307, the department shall grant a temporary certificate of authorization for work on one specified project in this state for a period not to exceed 1 year to an out-of-state corporation, partnership, or firm, provided one of the principal officers of the corporation, one of the partners of the partnership, or one of the principals in the fictitiously~~



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~~named firm has obtained a temporary certificate of registration in accordance with subsection (1).~~

Section 80. Section 481.319, Florida Statutes, is amended to read:

481.319 Corporate and partnership practice of landscape architecture~~; certificate of authorization~~.—

(1) The practice of or offer to practice landscape architecture by registered landscape architects registered under this part through a corporation or partnership offering landscape architectural services to the public, or through a corporation or partnership offering landscape architectural services to the public through individual registered landscape architects as agents, employees, officers, or partners, is permitted, subject to the provisions of this section, if:

(a) One or more of the principal officers of the corporation, or partners of the partnership, and all personnel of the corporation or partnership who act in its behalf as landscape architects in this state are registered landscape architects; and

(b) One or more of the officers, one or more of the directors, one or more of the owners of the corporation, or one or more of the partners of the partnership is a registered landscape architect~~; and~~

~~(c) The corporation or partnership has been issued a certificate of authorization by the board as provided herein~~.

(2) All documents involving the practice of landscape architecture which are prepared for the use of the corporation or partnership shall bear the signature and seal of a registered landscape architect.

(3) A landscape architect applying to practice in the name of a ~~An applicant~~ corporation must ~~shall~~ file with the department the names and addresses of all officers and board members of the corporation, including the principal officer or officers, duly registered to practice landscape architecture in this state and, also, of all individuals duly registered to practice landscape architecture in this state who shall be in responsible charge of the practice of landscape architecture by the corporation in this state. A landscape architect applying to practice in the name of a ~~An applicant~~ partnership must ~~shall~~ file with the department the names and addresses of all partners of the partnership, including the partner or partners duly registered to practice landscape architecture in this state and, also, of an individual or individuals duly registered to practice landscape architecture in this state who shall be in responsible charge of the practice of landscape architecture by said partnership in this state.

(4) Each landscape architect qualifying a partnership or ~~and~~ corporation ~~licensed~~ under this part must ~~shall~~ notify the department within 1 month after ~~of~~ any change in the information contained in the application upon which the license is based. Any landscape architect who terminates her or his ~~or her~~ employment with a partnership or corporation licensed under this part shall notify the department of the termination within 1 month after such termination.

~~(5) Disciplinary action against a corporation or partnership shall be administered in the same manner and on the same grounds as disciplinary action against a registered landscape architect.~~



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(5)~~(6)~~ Except as provided in s. 558.0035, the fact that a registered landscape architect practices landscape architecture through a corporation or partnership as provided in this section does not relieve the landscape architect from personal liability for her or his ~~or her~~ professional acts.

Section 81. Subsection (5) of section 481.321, Florida Statutes, is amended to read:

481.321 Seals; display of certificate number.—

(5) Each registered landscape architect must ~~and each corporation or partnership holding a certificate of authorization shall~~ include her or his ~~its~~ certificate number in any newspaper, telephone directory, or other advertising medium used by the registered landscape architect, corporation, or partnership. A corporation or partnership must ~~is not required to~~ display the certificate number ~~numbers~~ of at least one officer, director, owner, or partner who is a ~~individual~~ registered landscape architect ~~architects~~ employed by or practicing with the corporation or partnership.

Section 82. Subsection (5) of section 481.329, Florida Statutes, is amended to read:

481.329 Exceptions; exemptions from licensure.—

(5) This part does not prohibit any person from engaging in the practice of landscape design, as defined in s. 481.303 ~~481.303(7)~~, or from submitting for approval to a governmental agency planting plans that are independent of, or a component of, construction documents that are prepared by a Florida-registered professional. Persons providing landscape design services shall not use the title, term, or designation "landscape architect," "landscape architectural," "landscape

architecture," "L.A.," "landscape engineering," or any description tending to convey the impression that she or he is a landscape architect unless she or he is registered as provided in this part.

Section 83. Subsection (9) of section 489.103, Florida Statutes, is amended to read:

489.103 Exemptions.—This part does not apply to:

(9) Any work or operation of a casual, minor, or inconsequential nature in which the aggregate contract price for labor, materials, and all other items is less than $2,500 ~~$1,000~~, but this exemption does not apply:

(a) If the construction, repair, remodeling, or improvement is a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made in contracts of amounts less than $2,500 ~~$1,000~~ for the purpose of evading this part or otherwise.

(b) To a person who advertises that he or she is a contractor or otherwise represents that he or she is qualified to engage in contracting.

Section 84. Subsection (2) of section 489.111, Florida Statutes, is amended to read:

489.111 Licensure by examination; exemptions.—

(2) A person shall be eligible for licensure by examination if the person:

(a) Is 18 years of age;

(b) Is of good moral character; and

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

1. Has received a baccalaureate degree from an accredited



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4-year college in the appropriate field of engineering, architecture, or building construction and has 1 year of proven experience in the category in which the person seeks to qualify. For the purpose of this part, a minimum of 2,000 person-hours shall be used in determining full-time equivalency. An applicant who is exempt from passing an examination as provided in s. 489.113(1) is eligible for a license under this section.

2. Has a total of at least 4 years of active experience as a worker who has learned the trade by serving an apprenticeship as a skilled worker who is able to command the rate of a mechanic in the particular trade or as a foreman who is in charge of a group of workers and usually is responsible to a superintendent or a contractor or his or her equivalent, provided, however, that at least 1 year of active experience shall be as a foreman.

3. Has a combination of not less than 1 year of experience as a foreman and not less than 3 years of credits for any accredited college-level courses; has a combination of not less than 1 year of experience as a skilled worker, 1 year of experience as a foreman, and not less than 2 years of credits for any accredited college-level courses; or has a combination of not less than 2 years of experience as a skilled worker, 1 year of experience as a foreman, and not less than 1 year of credits for any accredited college-level courses. All junior college or community college-level courses shall be considered accredited college-level courses.

4.a. An active certified residential contractor is eligible to receive a certified building contractor license after passing or having previously passed ~~take~~ the building contractors'

examination if he or she possesses a minimum of 3 years of proven experience in the classification in which he or she is certified.

b. An active certified residential contractor is eligible to receive a certified general contractor license after passing or having previously passed ~~take~~ the general contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

c. An active certified building contractor is eligible to receive a certified general contractor license after passing or having previously passed ~~take~~ the general contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

5.a. An active certified air-conditioning Class C contractor is eligible to receive a certified air-conditioning Class B contractor license after passing or having previously passed ~~take~~ the air-conditioning Class B contractors' examination if he or she possesses a minimum of 3 years of proven experience in the classification in which he or she is certified.

b. An active certified air-conditioning Class C contractor is eligible to receive a certified air-conditioning Class A contractor license after passing or having previously passed ~~take~~ the air-conditioning Class A contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

c. An active certified air-conditioning Class B contractor

is eligible to receive a certified air-conditioning Class A contractor license after passing or having previously passed ~~take~~ the air-conditioning Class A contractors' examination if he or she possesses a minimum of 1 year of proven experience in the classification in which he or she is certified.

6.a. An active certified swimming pool servicing contractor is eligible to receive a certified residential swimming pool contractor license after passing or having previously passed ~~take~~ the residential swimming pool contractors' examination if he or she possesses a minimum of 3 years of proven experience in the classification in which he or she is certified.

b. An active certified swimming pool servicing contractor is eligible to receive a certified commercial swimming pool contractor license after passing or having previously passed ~~take~~ the swimming pool commercial contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

c. An active certified residential swimming pool contractor is eligible to receive a certified commercial swimming pool contractor license after passing or having previously passed ~~take~~ the commercial swimming pool contractors' examination if he or she possesses a minimum of 1 year of proven experience in the classification in which he or she is certified.

d. An applicant is eligible to receive a certified swimming pool/spa servicing contractor license after passing or having previously passed ~~take~~ the swimming pool/spa servicing contractors' examination if he or she has satisfactorily completed 60 hours of instruction in courses related to the scope of work covered by that license and approved by the

Construction Industry Licensing Board by rule and has at least 1 year of proven experience related to the scope of work of such a contractor.

Section 85. Subsection (1) of section 489.113, Florida Statutes, is amended to read:

489.113 Qualifications for practice; restrictions.—

(1) Any person who desires to engage in contracting on a statewide basis shall, as a prerequisite thereto, establish his or her competency and qualifications to be certified pursuant to this part. To establish competency, a person shall pass the appropriate examination approved by the board and certified by the department. If an applicant has received a baccalaureate degree from an accredited 4-year college in building construction, or a related degree as approved by the board by rule, such applicant is not required to pass such examination. Any person who desires to engage in contracting on other than a statewide basis shall, as a prerequisite thereto, be registered pursuant to this part, unless exempted by this part.

Section 86. Subsection (3) of section 489.115, Florida Statutes, is amended to read:

489.115 Certification and registration; endorsement; reciprocity; renewals; continuing education.—

(3) The board shall certify as qualified for certification by endorsement any applicant who:

(a) Meets the requirements for certification as set forth in this section; has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination required by this part; and has satisfied the requirements set forth in s.

489.111;

(b) Holds a valid license to practice contracting issued by another state or territory of the United States, if the criteria for issuance of such license were substantially equivalent to Florida's current certification criteria; ~~or~~

(c) Holds a valid, current license to practice contracting issued by another state or territory of the United States, if the state or territory has entered into a reciprocal agreement with the board for the recognition of contractor licenses issued in that state, based on criteria for the issuance of such licenses that are substantially equivalent to the criteria for certification in this state; or

(d) Has held a valid, current license to practice contracting issued by another state or territory for at least 10 years before the date of application and is applying for the same or similar license in this state, subject to subsections (5)-(9).

Section 87. Subsection (5) of section 489.511, Florida Statutes, is amended to read:

489.511 Certification; application; examinations; endorsement.—

(5) The board shall certify as qualified for certification by endorsement any individual applying for certification who:

(a) Meets the requirements for certification as set forth in this section; has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination required by this part; and has satisfied the requirements set forth in s. 489.521; ~~or~~

(b) Holds a valid license to practice electrical or alarm system contracting issued by another state or territory of the United States, if the criteria for issuance of such license was substantially equivalent to the certification criteria that existed in this state at the time the certificate was issued; or

(c) Has held a valid, current license to practice electrical or alarm system contracting issued by another state or territory for at least 10 years before the date of application and is applying for the same or similar license in this state, subject to ss. 489.510 and 489.521(3)(a), and subparagraph (1)(b)1.

Section 88. Subsection (3) and paragraph (b) of subsection (4) of section 489.517, Florida Statutes, are amended to read:

489.517 Renewal of certificate or registration; continuing education.—

(3) Each certificateholder or registrant shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 7 ~~14~~ classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate or registration. The board shall by rule establish criteria for the approval of continuing education courses and providers and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.

(4)

(b) Of the 7 ~~14~~ classroom hours of continuing education required, at least 1 hour ~~7 hours~~ must be on technical subjects, 1 hour on workers' compensation, 1 hour on workplace safety, 1

hour on business practices, and for alarm system contractors and electrical contractors engaged in alarm system contracting, 2 hours on false alarm prevention.

Section 89. Paragraph (b) of subsection (1) of section 489.518, Florida Statutes, is amended to read:

489.518 Alarm system agents.—

(1) A licensed electrical or alarm system contractor may not employ a person to perform the duties of a burglar alarm system agent unless the person:

(b) Has successfully completed a minimum of 14 hours of training <u>within 90 days after employment</u>, to include basic alarm system electronics in addition to related training including CCTV and access control training, with at least 2 hours of training in the prevention of false alarms. Such training shall be from a board-approved provider, and the employee or applicant for employment shall provide proof of successful completion to the licensed employer. The board shall by rule establish criteria for the approval of training courses and providers and may by rule establish criteria for accepting alternative nonclassroom education on an hour-for-hour basis. The board shall approve providers that conduct training in other than the English language. The board shall establish a fee for the approval of training providers or courses, not to exceed $60. Qualified employers may conduct training classes for their employees, with board approval.

Section 90. Section 492.104, Florida Statutes, is amended, to read:

492.104 Rulemaking authority.—The Board of Professional Geologists has authority to adopt rules pursuant to ss.



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120.536(1) and 120.54 to implement this chapter. Every licensee shall be governed and controlled by this chapter and the rules adopted by the board. The board is authorized to set, by rule, fees for application, examination, ~~certificate of authorization,~~ late renewal, initial licensure, and license renewal. These fees may ~~should~~ not exceed the cost of implementing the application, examination, initial licensure, and license renewal or other administrative process and shall be established as follows:

(1) The application fee shall not exceed $150 and shall be nonrefundable.

(2) The examination fee shall not exceed $250, and the fee may be apportioned to each part of a multipart examination. The examination fee shall be refundable in whole or part if the applicant is found to be ineligible to take any portion of the licensure examination.

(3) The initial license fee shall not exceed $100.

(4) The biennial renewal fee shall not exceed $150.

~~(5) The fee for a certificate of authorization shall not exceed $350 and the fee for renewal of the certificate shall not exceed $350.~~

(5) ~~(6)~~ The fee for reactivation of an inactive license may ~~shall~~ not exceed $50.

(6) ~~(7)~~ The fee for a provisional license may ~~shall~~ not exceed $400.

(7) ~~(8)~~ The fee for application, examination, and licensure for a license by endorsement is ~~shall be~~ as provided in this section for licenses in general.

Section 91. Subsection (1) of section 492.108, Florida Statutes, is amended to read:

492.108 Licensure by endorsement; requirements; fees.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting an application fee, has been certified by the board that he or she:

(a) Has met the qualifications for licensure in s. 492.105(1)(b)-(e) and:~~.~~

1.~~(b)~~ Is the holder of an active license in good standing in a state, trust, territory, or possession of the United States.

2.~~(c)~~ Was licensed through written examination in at least one state, trust, territory, or possession of the United States, the examination requirements of which have been approved by the board as substantially equivalent to or more stringent than those of this state, and has received a score on such examination which is equal to or greater than the score required by this state for licensure by examination.

3.~~(d)~~ Has taken and successfully passed the laws and rules portion of the examination required for licensure as a professional geologist in this state.

(b) Has held a valid license to practice geology in another state, trust, territory, or possession of the United States for at least 10 years before the date of application and has successfully completed a state, regional, national, or other examination that is equivalent to or more stringent than the examination required by the department. If such applicant has met the requirements for a license by endorsement except successful completion of an examination that is equivalent to or more stringent than the examination required by the board, such

applicant may take the examination required by the board.

Section 92. Section 492.111, Florida Statutes, is amended to read:

492.111 Practice of professional geology by a firm, corporation, or partnership~~; certificate of authorization~~.—The practice of, or offer to practice, professional geology by individual professional geologists licensed under the provisions of this chapter through a firm, corporation, or partnership offering geological services to the public through individually licensed professional geologists as agents, employees, officers, or partners thereof is permitted subject to the provisions of this chapter, if ~~provided that~~:

(1) At all times that it offers geological services to the public, the firm, corporation, or partnership is qualified by ~~has on file with the department the name and license number of~~ one or more individuals who hold a current, active license as a professional geologist in the state and are serving as a geologist of record for the firm, corporation, or partnership. A geologist of record may be any principal officer or employee of such firm or corporation, or any partner or employee of such partnership, who holds a current, active license as a professional geologist in this state, or any other Florida-licensed professional geologist with whom the firm, corporation, or partnership has entered into a long-term, ongoing relationship, as defined by rule of the board, to serve as one of its geologists of record. ~~It shall be the responsibility of the firm, corporation, or partnership and~~ The geologist of record shall ~~to~~ notify the department of any changes in the relationship or identity of that geologist of record within 30



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days after such change.

~~(2) The firm, corporation, or partnership has been issued a certificate of authorization by the department as provided in this chapter. For purposes of this section, a certificate of authorization shall be required of any firm, corporation, partnership, association, or person practicing under a fictitious name and offering geological services to the public; except that, when an individual is practicing professional geology in her or his own name, she or he shall not be required to obtain a certificate of authorization under this section. Such certificate of authorization shall be renewed every 2 years.~~

(2)~~(3)~~ All final geological papers or documents involving the practice of the profession of geology which have been prepared or approved for the use of such firm, corporation, or partnership, for delivery to any person for public record with the state, shall be dated and bear the signature and seal of the professional geologist or professional geologists who prepared or approved them.

(3)~~(4)~~ Except as provided in s. 558.0035, the fact that a licensed professional geologist practices through a corporation or partnership does not relieve the registrant from personal liability for negligence, misconduct, or wrongful acts committed by her or him. The partnership and all partners are jointly and severally liable for the negligence, misconduct, or wrongful acts committed by their agents, employees, or partners while acting in a professional capacity. Any officer, agent, or employee of a corporation is personally liable and accountable only for negligent acts, wrongful acts, or misconduct committed



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by her or him or committed by any person under her or his direct supervision and control, while rendering professional services on behalf of the corporation. The personal liability of a shareholder of a corporation, in her or his capacity as shareholder, may be no greater than that of a shareholder-employee of a corporation incorporated under chapter 607. The corporation is liable up to the full value of its property for any negligent acts, wrongful acts, or misconduct committed by any of its officers, agents, or employees while they are engaged on behalf of the corporation in the rendering of professional services.

~~(5) The firm, corporation, or partnership desiring a certificate of authorization shall file with the department an application therefor, upon a form to be prescribed by the department, accompanied by the required application fee.~~

~~(6) The department may refuse to issue a certificate of authorization if any facts exist which would entitle the department to suspend or revoke an existing certificate of authorization or if the department, after giving persons involved a full and fair hearing, determines that any of the officers or directors of said firm or corporation, or partners of said partnership, have violated the provisions of s. 492.113.~~

Section 93. Subsection (4) of section 492.113, Florida Statutes, is amended to read:

492.113 Disciplinary proceedings.—

(4) The department shall reissue the license of a disciplined professional geologist ~~or business~~ upon certification by the board that the disciplined person has complied with ~~all of~~ the terms and conditions set forth in the



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final order.

Section 94. Section 492.115, Florida Statutes, is amended to read:

492.115 Roster of licensed professional geologists.—A roster showing the names and places of business or residence of all licensed professional geologists and all properly qualified firms, corporations, or partnerships practicing ~~holding certificates of authorization to practice~~ professional geology in the state shall be prepared annually by the department. A copy of this roster must be made available to ~~shall be obtainable by~~ each licensed professional geologist and each firm, corporation, or partnership qualified by a professional geologist ~~holding a certificate of authorization~~, and copies thereof shall be placed on file with the department.

Section 95. Paragraph (i) of subsection (2) of section 548.003, Florida Statutes, is amended to read:

548.003 Florida State Boxing Commission.—

(2) The Florida State Boxing Commission, as created by subsection (1), shall administer the provisions of this chapter. The commission has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter and to implement each of the duties and responsibilities conferred upon the commission, including, but not limited to:

~~(i) Designation and duties of a knockdown timekeeper.~~

Section 96. Subsection (1) of section 548.017, Florida Statutes, is amended to read:

548.017 Participants, managers, and other persons required to have licenses.—

(1) A participant, manager, trainer, second, ~~timekeeper,~~



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referee, judge, ~~announcer,~~ physician, matchmaker, or promoter must be licensed before directly or indirectly acting in such capacity in connection with any match involving a participant. A physician approved by the commission must be licensed pursuant to chapter 458 or chapter 459, must maintain an unencumbered license in good standing, and must demonstrate satisfactory medical training or experience in boxing, or a combination of both, to the executive director before working as the ringside physician.

Section 97. Paragraph (d) of subsection (1) of section 553.5141, Florida Statutes, is amended to read:

553.5141 Certifications of conformity and remediation plans.—

(1) For purposes of this section:

(d) "Qualified expert" means:

1. An engineer licensed pursuant to chapter 471.

2. A certified general contractor licensed pursuant to chapter 489.

3. A certified building contractor licensed pursuant to chapter 489.

4. A building code administrator licensed pursuant to chapter 468.

5. A building inspector licensed pursuant to chapter 468.

6. A plans examiner licensed pursuant to chapter 468.

7. An interior designer <u>who has passed the qualification examination prescribed by either the National Council for Interior Design Qualifications or the California Council for Interior Design Certification</u> ~~licensed pursuant to chapter 481~~.

8. An architect licensed pursuant to chapter 481.



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9. A landscape architect licensed pursuant to chapter 481.

10. Any person who has prepared a remediation plan related to a claim under Title III of the Americans with Disabilities Act, 42 U.S.C. s. 12182, that has been accepted by a federal court in a settlement agreement or court proceeding, or who has been qualified as an expert in Title III of the Americans with Disabilities Act, 42 U.S.C. s. 12182, by a federal court.

Section 98. Subsection (1) of section 553.74, Florida Statutes, is amended to read:

553.74 Florida Building Commission.—

(1) The Florida Building Commission is created and located within the Department of Business and Professional Regulation for administrative purposes. Members are appointed by the Governor subject to confirmation by the Senate. The commission is composed of 19 ~~27~~ members, consisting of the following members:

(a) One architect licensed pursuant to chapter 481 with at least 5 years of experience in the design and construction of buildings containing Florida Building Code designated Group R occupancy at or above 210 feet in height above the elevation of the lowest level of emergency services access ~~registered to practice in this state and actively engaged in the profession. The American Institute of Architects, Florida Section, is encouraged to recommend a list of candidates for consideration~~.

(b) One structural engineer registered to practice in this state and actively engaged in the profession. The Florida Engineering Society is encouraged to recommend a list of candidates for consideration.

(c) One air-conditioning or mechanical contractor certified

to do business in this state and actively engaged in the profession. The Florida Air Conditioning Contractors Association, the Florida Refrigeration and Air Conditioning Contractors Association, and the Mechanical Contractors Association of Florida are encouraged to recommend a list of candidates for consideration.

(d) One electrical contractor certified to do business in this state and actively engaged in the profession. The Florida Association of Electrical Contractors and the National Electrical Contractors Association, Florida Chapter, are encouraged to recommend a list of candidates for consideration.

~~(e) One member from fire protection engineering or technology who is actively engaged in the profession. The Florida Chapter of the Society of Fire Protection Engineers and the Florida Fire Marshals and Inspectors Association are encouraged to recommend a list of candidates for consideration.~~

(e) ~~(f)~~ One certified general contractor or one certified building contractor certified to do business in this state and actively engaged in the profession. The Associated Builders and Contractors of Florida, the Florida Associated General Contractors Council, the Florida Home Builders Association, and the Union Contractors Association are encouraged to recommend a list of candidates for consideration.

(f) ~~(g)~~ One plumbing contractor licensed to do business in this state and actively engaged in the profession. The Florida Association of Plumbing, Heating, and Cooling Contractors is encouraged to recommend a list of candidates for consideration.

(g) ~~(h)~~ One roofing or sheet metal contractor certified to do business in this state and actively engaged in the

profession. The Florida Roofing, Sheet Metal, and Air Conditioning Contractors Association and the Sheet Metal and Air Conditioning Contractors' National Association are encouraged to recommend a list of candidates for consideration.

(h) ~~(i)~~ One certified residential contractor licensed to do business in this state and actively engaged in the profession. The Florida Home Builders Association is encouraged to recommend a list of candidates for consideration.

(i) ~~(j)~~ Three members who are municipal, county, or district codes enforcement officials, one of whom is also a fire official. The Building Officials Association of Florida and the Florida Fire Marshals and Inspectors Association are encouraged to recommend a list of candidates for consideration.

(j) The State Fire Marshal or his or her designee.

~~(k) One member who represents the Department of Financial Services~~.

~~(l) One member who is a county codes enforcement official. The Building Officials Association of Florida is encouraged to recommend a list of candidates for consideration.~~

(k) ~~(m)~~ One member of a Florida-based organization of persons with disabilities or a nationally chartered organization of persons with disabilities with chapters in this state which complies with or is certified to be compliant with the requirements of the Americans with Disability Act of 1990, as amended.

(l) ~~(n)~~ One member of the manufactured buildings industry who is licensed to do business in this state and is actively engaged in the industry. The Florida Manufactured Housing Association is encouraged to recommend a list of candidates for



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consideration.

(o) One mechanical or electrical engineer registered to practice in this state and actively engaged in the profession. The Florida Engineering Society is encouraged to recommend a list of candidates for consideration.

~~(p) One member who is a representative of a municipality or a charter county. The Florida League of Cities and the Florida Association of Counties are encouraged to recommend a list of candidates for consideration.~~

(p) ~~(q)~~ One member of the building products manufacturing industry who is authorized to do business in this state and is actively engaged in the industry. The Florida Building Material Association, the Florida Concrete and Products Association, and the Fenestration Manufacturers Association are encouraged to recommend a list of candidates for consideration.

~~(r) One member who is a representative of the building owners and managers industry who is actively engaged in commercial building ownership or management. The Building Owners and Managers Association is encouraged to recommend a list of candidates for consideration.~~

(q) ~~(s)~~ One member who is a representative of the insurance industry. The Florida Insurance Council is encouraged to recommend a list of candidates for consideration.

~~(t) One member who is a representative of public education.~~

(r) ~~(u)~~ One member who is a swimming pool contractor licensed to do business in this state and actively engaged in the profession. The Florida Swimming Pool Association and the United Pool and Spa Association are encouraged to recommend a list of candidates for consideration.

~~(v) One member who is a representative of the green building industry and who is a third-party commission agent, a Florida board member of the United States Green Building Council or Green Building Initiative, a professional who is accredited under the International Green Construction Code (IGCC), or a professional who is accredited under Leadership in Energy and Environmental Design (LEED).~~

(s) ~~(w)~~ One member who is a representative of a natural gas distribution system and who is actively engaged in the distribution of natural gas in this state. The Florida Natural Gas Association is encouraged to recommend a list of candidates for consideration.

~~(x) One member who is a representative of the Department of Agriculture and Consumer Services' Office of Energy. The Commissioner of Agriculture is encouraged to recommend a list of candidates for consideration.~~

~~(y) One member who shall be the chair.~~

Section 99. Paragraph (c) of subsection (5) of section 553.79, Florida Statutes, is amended to read:

553.79 Permits; applications; issuance; inspections.—

(5)

(c) The architect or engineer of record may act as the special inspector provided she or he is on the Board of Professional Engineers' or the Board of Architecture's ~~Architecture and Interior Design's~~ list of persons qualified to be special inspectors. School boards may utilize employees as special inspectors provided such employees are on one of the professional licensing board's list of persons qualified to be special inspectors.

Section 100. Subsection (7) of section 558.002, Florida Statutes, is amended to read:

558.002 Definitions.—As used in this chapter, the term:

(7) "Design professional" means a person, as defined in s. 1.01, who is ~~licensed in this state as~~ an architect~~, interior designer,~~ a landscape architect, an engineer, a surveyor, or a geologist.

Section 101. Subsection (3) of section 559.25, Florida Statutes, is amended to read:

559.25 Exemptions.—The provisions of this part shall not apply to or affect the following persons:

~~(3) Duly licensed auctioneers, selling at auction.~~

Section 102. Paragraphs (h) and (k) of subsection (2) of section 287.055, Florida Statutes, are amended to read:

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

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

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

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

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



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practice landscape architecture.

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

Section 103. This act shall take effect July 1, 2019.



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**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 Innovation, Industry, and Technology

| | |
|---|---|
| BILL: | SPB 7100 |
| INTRODUCER: | For consideration by Innovation, Industry, and Technology Committee |
| SUBJECT: | Public Records/Department of the Lottery |
| DATE: | April 1, 2019 REVISED: |

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|---|---|---|---|---|
| | Kraemer | Imhof | | **Pre-meeting** |
| 1. | | | | |
| 2. | | | | |

## I. Summary:

SPB 7100 amends ss. 24.105(12) and 24.118(4), F.S., relating to confidential and exempt information, to create public records exemptions for specified information related to the operations and processes of the Department of the Lottery (department). The exemptions are necessary to protect the security and integrity of lottery operations, and to allow the department to participate in multistate lottery games. Information held by the department is designated as confidential and exempt, but may be disclosed under certain circumstances.

The exemptions are subject to the Open Government Sunset Review Act (OGSR) and will stand repealed on October 2, 2024, unless reviewed and reenacted by the Legislature.

The bill creates public records exemptions, and therefore it requires a two-thirds vote of the members present and voting for final passage.

The bill takes effect upon becoming a law.

## II. Present Situation:

### Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.[1] This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.[2] In addition to the Florida Constitution, the Florida Statutes provide that the public may access

[1] FLA. CONST. art. I, s. 24(a).
[2] *Id*.

legislative and executive branch records.[3] Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.[4] The Public Records Act states that:

> [i]t is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.[5]

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.[6] The Florida Supreme Court has interpreted public records as being "any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type."[7] A violation of the Public Records Act may result in civil or criminal liability.[8]

The Legislature may create an exemption to public records requirements by passing a general law by a two-thirds vote of each of the House and the Senate.[9] The exemption must explicitly lay out the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.[10] A statutory exemption, which does not meet these two criteria, may be unconstitutional and may not be judicially saved.[11]

When creating a public records exemption, the Legislature may provide that a record is "confidential and exempt" or "exempt."[12] Records designated "confidential and exempt" may be released by the records custodian only under the circumstances defined by the Legislature.

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[3] The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature's records are public pursuant to s. 11.0431, F.S., and FLA. CONST. art. I, s. 24(b). Public records exemptions for the Legislature are primarily located in s. 11.0431(2)-(3), F.S.

[4] Public records laws are found throughout the Florida Statutes.

[5] Section 119.01(1), F.S.

[6] Section 119.011(12), F.S., defines "public record" to mean "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." Section 119.011(2), F.S., defines "agency" as "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency."

[7] *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc*., 379 So. 2d 633, 640 (Fla. 1980).

[8] Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

[9] FLA. CONST. art. I, s. 24(c).

[10] *Id*.

[11] *Halifax Hosp. Medical Center v. News-Journal Corp.,* 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id*. at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a public records statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id*. at 196.

[12] If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

Records designated as "exempt" may be released at the discretion of the records custodian under certain circumstances.[13]

**Open Government Sunset Review Act**

The OGSR prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.[14] The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment. In order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.[15] In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

The OGSR provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.[16] An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;[17]
- Releasing sensitive personal information would be defamatory or would jeopardize an individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;[18] or
- It protects trade or business secrets.[19]

The OGSR also requires specified questions to be considered during the review process.[20] In examining an exemption, the OGSR asks the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.[21] If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is narrowed, then

[13] *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).
[14] Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S.
[15] Section 119.15(3), F.S.
[16] Section 119.15(6)(b), F.S.
[17] Section 119.15(6)(b)1., F.S.
[18] Section 119.15(6)(b)2., F.S.
[19] Section 119.15(6)(b)3., F.S.
[20] Section 119.15(6)(a), F.S. The specified questions are:
- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

[21] FLA. CONST. art. I, s. 24(c).

a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.[22]

**Department of the Lottery**

Section 15 of Article X of the State Constitution allows lotteries to be operated by the state. Section 24.102(2), F.S., provides:

- The net proceeds of lottery games shall be used to support improvements in public education;
- Lottery operations shall be undertaken as an entrepreneurial business enterprise; and
- The department shall be accountable through audits, financial disclosure, open meetings, and public records laws.

The department operates the Florida Lottery to maximize revenues "consonant with the dignity of the state and the welfare of its citizens"[23] for the benefit of public education.[24]

Section 24.105(12), F.S., provides that the department may determine by rule information relating to the operation of the lottery which is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, if necessary to the security and integrity of the lottery. Such information includes trade secrets; security measures and reports; bid and contractual information that, if disclosed, would impair the department to contract for goods or services on favorable terms, and personnel information unrelated to compensation, duties, qualifications, or responsibilities. Confidential information may be released to other governmental entities as needed in connection with the performance of their duties, but the recipient must retain the confidentiality of the information provided.

Penalties for the improper disclosure of information lottery information that is designated as confidential and exempt are addressed in s. 24.118(4), F.S. A person who, with intent to defraud or to provide a financial or other advantage to himself, herself, or another, knowingly and willfully discloses such confidential and exempt information, commits a felony of the first degree.[25]

## III. Effect of Proposed Changes:

This bill amends s. 24.105(12), F.S., to create s. 24.1051(1), F.S., relating to exemptions from inspection or copying of public records, relating to the following information held by the department:

- Information that, if released, could harm the security or integrity of the department, including information:
  - Relating to the security of the department's technologies and practices to protect networks, software, and data systems from attack, damage, or unauthorized access;

[22] Section 119.15(7), F.S.
[23] *See* s. 24.104, F.S.
[24] *See* s. 24.121(2), F.S.
[25] Section 775.082, F.S., provides a felony of the first degree is punishable by a term of imprisonment not to exceed thirty years. Section 775.083, F.S., provides a felony of the first degree is punishable by a fine not to exceed $10,000.

  - Relating to security information and measures of the department, whether physical or virtual;
  - About lottery games, promotions, and tickets, such as description, design, production, printing, packaging, shipping, delivery, storage, and validation processes; and
  - Concerning terminals and devices that issue tickets;
- Information required to be maintained as confidential in order for the department to participate in multistate lottery associations or games;
- Personal identifying information obtained by the department when processing background investigations of current or potential retailers or vendors; and
- Financial information about a vendor or lottery ticket retailer which is not publicly available and is provided for review of the entity's financial responsibility,[26] provided that the entity marks such information as confidential. However, financial information related to any contract, agreement, or addendum with the department, including the amount of money paid, any payment structure or plan, expenditures, incentives, bonuses, fees, and penalties, are public record.

The bill provides the exemption is remedial in nature, and states the legislative purpose and intent for the exemption to apply to information held by the department before, on, or after the effective date of the act.

Information that is made confidential and exempt under the bill may be released by the department to other governmental entities as needed for the performance of their duties, but recipients must maintain the confidential and exempt status of the information provided.

The bill states the legislative intent for creating the public records exemptions in the bill and overriding the strong public policy of open government, so that effective, efficient administration of the lottery may be maintained, and the department may participate in multistate games to generate revenue for public education, based upon the following compelling purposes:
- Ensuring the security and integrity of lottery operations to safeguard against players gaining an unfair advantage over other players and to enable the department to operate consistent with the dignity of the state lottery;
- Preventing the public disclosure of security information that would jeopardize the integrity and efficiency of the lottery and impair administration of the lottery;
- Allowing compliance with contracts requiring information to be held confidential as part of the operation and promotion of a multistate lottery with other states;
- Protecting personal identifying information of current or potential retailers and vendors for processing background investigations, as the release of sensitive personal information could cause great financial harm, cause unwarranted damage to reputations, and increase the risk of identity theft; and
- Preventing the disclosure of financial information of a vendor or retailer that is not publicly available and is provided to the department for review of financial responsibility of the entity, as the release of such information could harm the business operations of those the department seeks to contract with, cause them injury in the marketplace, and decrease the likelihood that they will contract with the department.

[26] *See* s. 24.111, F.S., relating to vendors that contract with the department, and s. 24.112, F.S., relating to lottery ticket retailers.

Section 24.1051(1)(d), F.S., provides for the repeal of the exemptions pursuant to the OGSR on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill transfers s. 24.118(4), F.S., relating to the penalties for the improper disclosure of lottery information that is designated as confidential and exempt, to s. 24.1051(4), F.S.

The bill includes technical drafting changes, conforming changes, elimination of obsolete language, and a directive to the Division of Law Revision.

The bill takes effect upon becoming a law.

## IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded exemption for public records and public meetings. If an exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are not required. The bill creates a public records exemption, therefore it requires a two-thirds vote for final passage.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

## 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 the following sections of the Florida Statutes: 24.105 and 24.118.

This bill creates section 24.1051 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.

**THE FLORIDA SENATE**

# APPEARANCE RECORD

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

4/2/19
*Meeting Date*

SPB 7100
*Bill Number (if applicable)*

Topic _____

*Amendment Barcode (if applicable)*

Name Jake Felder

Job Title legislative affairs director

Address _____ Phone _____
*Street*

_____ Email _____
*City* *State* *Zip*

Speaking: ☑ For ☐ Against ☐ Information

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

Representing Florida Lottery

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)

**FOR CONSIDERATION By** the Committee on Innovation, Industry, and Technology

580-03437-19 20197100pb

A bill to be entitled

An act relating to public records; transferring, renumbering, and amending ss. 24.105(12) and 24.118(4), F.S.; exempting from public records requirements certain security information held by the Department of the Lottery, information about lottery games, personal identifying information of retailers and vendors for purposes of background checks, and certain financial information held by the department; providing for retroactive application; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing applicability; providing a directive to the Division of Law Revision; providing an effective date.

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

Section 1. Paragraphs (a), (b), and (c) of subsection (12) of section 24.105, Florida Statutes, are transferred, renumbered as subsections (1), (2), and (3), respectively, of section 24.1051, Florida Statutes, and amended, and subsection (4) of section 24.118, Florida Statutes, is transferred, renumbered as subsection (4) of section 24.1051, Florida Statutes, and amended, to read:

24.1051 Exemptions from inspection or copying of public records.—

(1)(a) ~~(12)(a)~~ The following information held by the department ~~Determine by rule information relating to the operation of the lottery which~~ is confidential and exempt from



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

~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution:~~.~~

1. ~~Such~~ Information that, if released, could harm the security or integrity of the department, including:

a. Information relating to the ~~includes trade secrets;~~ security of the department's technologies, processes, and practices designed to protect networks, computers, data processing software, data, and data ~~measures,~~ systems from attack, damage, or unauthorized access. ~~procedures;~~

b. Security ~~reports;~~ information or information that would reveal security measures of the department, whether physical or virtual.

c. Information about lottery games, promotions, tickets, and ticket stock, including information concerning the description, design, production, printing, packaging, shipping, delivery, storage, and validation.

d. Information concerning terminals, machines, and devices that issue tickets.

2. Information that must be maintained as confidential in order for the department to participate in a multistate lottery association or game.

3. Personal identifying information obtained by the department when processing background investigations of current or potential retailers or vendors.

4. Financial ~~bids or other contractual data, the disclosure of which would impair the efforts of the department to contract for goods or services on favorable terms; employee personnel information unrelated to compensation, duties, qualifications, or responsibilities; and~~ information about an entity which is



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not publicly available and is provided to the department in connection with its review of the financial responsibility of the entity ~~obtained by the Division of Security~~ pursuant to s. 24.111 or s. 24.112, provided that the entity marks such information as confidential. However, financial information related to any contract or agreement, or an addendum thereto, with the department, including the amount of money paid, any payment structure or plan, expenditures, incentives, bonuses, fees, and penalties, shall be public record.

(b) This exemption is remedial in nature, and it is the intent of the Legislature that this exemption apply to information held by the department before, on, or after the effective date of this act.

(c) Information made confidential and exempt under this subsection ~~its investigations which is otherwise confidential. To be deemed confidential, the information must be necessary to the security and integrity of the lottery. Confidential information~~ may be released to other governmental entities as needed in connection with the performance of their duties. The receiving governmental entity shall maintain the confidential and exempt status ~~retain the confidentiality~~ of such information ~~as provided for in this subsection~~.

(d) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

(2)~~(b) Maintain the confidentiality of~~ The street address and the telephone number of a winner are~~, in that such information is~~ confidential and exempt from ~~the provisions of~~ s.



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119.07(1) and s. 24(a), Art. I of the State Constitution, unless the winner consents to the release of such information or as provided for in s. 24.115(4) or s. 409.2577.

(3) ~~(c)~~ Any information made confidential and exempt ~~from the provisions of s. 119.07(1)~~ under this section ~~subsection~~ shall be disclosed to the Auditor General, to the Office of Program Policy Analysis and Government Accountability, or to the independent auditor selected under s. 24.123 upon such person's request therefor. If the President of the Senate or the Speaker of the House of Representatives certifies that information made confidential and exempt under this section ~~subsection~~ is necessary for effecting legislative changes, the requested information shall be disclosed to him or her, and he or she may disclose such information to members of the Legislature and legislative staff as necessary to effect such purpose.

(4) ~~BREACH OF CONFIDENTIALITY.~~ Any person who, with intent to defraud or with intent to provide a financial or other advantage to himself, herself, or another, knowingly and willfully discloses any information relating to the lottery designated as confidential and exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution pursuant to this act is guilty of a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. (1) The Legislature finds that it is a public necessity that the following information be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution:

(a) Information relating to the security of the Department of the Lottery. Ensuring the security and integrity of lottery



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operations safeguards against players gaining an unfair advantage over other players and enables the department to operate in a manner consistent with the dignity of the state lottery. If such security information were made available to the public, the integrity and efficiency of the lottery would be jeopardized and the effective and efficient administration of the lottery would be significantly impaired. For these reasons, the Legislature finds that it is a public necessity to maintain the confidential and exempt status of such information. Maintaining the effective and efficient administration of the lottery is a sufficiently compelling purpose to override the strong public policy of open government and cannot be accomplished without this exemption.

(b) Information required to be held confidential in order for the department to participate in multistate games and associations. The department is authorized to enter into agreements with other states for the operation and promotion of a multistate lottery; and without the exemption, the department would be unable to join certain associations and games, thus causing the state to miss opportunities to generate revenue for education. As a result, the effective and efficient administration of the lottery would be significantly impaired if the confidentiality of these records is not maintained. For these reasons, the Legislature finds that it is a public necessity to maintain the confidential and exempt status of such information. Maintaining the effective and efficient administration of the lottery is a sufficiently compelling purpose to override the strong public policy of open government and cannot be accomplished without this exemption.

(c) Personal identifying information of current or potential retailers and vendors for purposes of processing background investigations. The release of such sensitive personal information could cause great financial harm to an individual and his or her family, cause unwarranted damage to the good name and reputation of such individuals, and increase the risk of identity theft. Without the exemption, current and potential retailers and vendors may be reluctant to participate as a department retailer or vendor, and the effective and efficient administration of the lottery would be significantly impaired. For these reasons, the Legislature finds that it is a public necessity to maintain the confidential and exempt status of such information. Maintaining the effective and efficient administration of the lottery and protecting sensitive personal information concerning individuals are sufficiently compelling purposes to override the strong public policy of open government and cannot be accomplished without this exemption.

(d) Financial information about an entity that is not publicly available and is provided to the department in connection with its review of the financial responsibility of the entity. The release of such information could harm the business operations of entities the department wishes to contract with, injure those entities in the marketplace, and decrease the likelihood that such entities work with the department. As a result, the effective and efficient administration of the lottery would be significantly impaired without maintaining the confidentiality of such financial information. For these reasons, the Legislature finds that it is a public necessity to maintain the confidential and exempt



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status of such information. Maintaining the effective and efficient administration of the lottery and protecting such confidential information concerning entities are sufficiently compelling purposes to override the strong public policy of open government and cannot be accomplished without this exemption.

(2) The Legislature further finds that these public record exemptions must be given retroactive application because they are remedial in nature.

Section 3. The Division of Law Revision is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date the act becomes a law.

Section 4. This act shall take effect upon becoming a law.



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**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 Innovation, Industry, and Technology

| | |
|---|---|
| BILL: | SPB 7102 |
| INTRODUCER: | For consideration by the Committee on Innovation, Industry and Technology |
| SUBJECT: | Hemp |
| DATE: | April 1, 2019 |
| REVISED: | |

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|---|---|---|---|---|
| 1. | Oxamendi | Imhof | | **Pre-meeting** |
| 2. | | | | |
| 3. | | | | |

## I. Summary:

SPB 7102 authorizes the distribution and retail sale of hemp extract, which may not have a THC[1] concentration that exceeds 0.3 percent on a dry weight basis. Before hemp extract may be distributed or sold, it must be analyzed and certified by an independent testing laboratory to confirm that the THC concentration does not exceed 0.3 percent on a dry-weight basis. The bill also provides package labeling requirements for hemp extract products.

The bill exempts hemp from the definition of the controlled substance "cannabis" in s. 893.02(3), F.S.

The bill takes effect only on the same date that SB 1020 or similar legislation, if adopted during the 2019 Regular Session, or an extension thereof, becomes law.

## II. Present Situation:

### Industrial Hemp

Industrial hemp is a *Cannabis sativa* plant (cannabis) that has been cultivated for approximately 10,000 years as a fiber and grain crop. It is used for fiber, building materials, forages (animal feed) and pain relief as a topical oil.[2]

[1] THC, or tetrahydrocannabinol, is the main active ingredient in cannabis and is responsible for most of the psychological effects of cannabis.

[2] *See* University of Florida, *UF/IFAS Industrial Hemp Pilot Project* at: https://programs.ifas.ufl.edu/hemp/ (last visited Mar. 29, 2019).

**Cannabis**

Cannabis is a Schedule I controlled substance.[3] It is a felony of the third degree[4] to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, cannabis in Florida.[5]

As a controlled substance in ch. 893, F.S., "cannabis" is defined to mean:

> all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. The term does not include "marijuana," as defined in s. 381.986, if manufactured, possessed, sold, purchased, delivered, distributed, or dispensed, in conformance with s. 381.986[, F.S., the Compassionate Medical Cannabis Act of 2014].[6]

**Medical Marijuana**

On November 4, 2016, Amendment 2 was adopted and codified at Article X, section 29, Florida Constitution. This section of the constitution became effective on January 3, 2017, and created several exemptions from criminal and civil liability for:

- Qualifying patients medically using marijuana in compliance with the amendment;
- Physicians, solely for issuing physician certifications with reasonable care and in compliance with the amendment; and
- Medical marijuana treatment centers (MMTCs), their agents, and employees for actions or conduct under the amendment and in compliance with rules promulgated by the Florida Department of Health.

Subsequently, the Legislature passed SB 8-A in Special Session A of 2017.[7] The bill revised the Compassionate Medical Cannabis Act of 2014[8] in s. 381.986, F.S., to implement Article X, section 29 of the Florida Constitution.

The term medical marijuana includes two distinct forms of the plant genus *Cannabis*:

- Marijuana without any limitation or restriction on the percentage of THC; and
- "Low-THC cannabis" in which the percentage of THC is limited to 0.8 percent or less and has more than 10 percent of cannabidiol weight for weight.[9]

Cannabidiol (CBD) is a chemical compound, known as a cannabinoid, found in cannabis. CBD does not have the same psychoactivity as THC, i.e., it is not associated with a "high" or other

[3] Section 893.03(1)(c)7., F.S.
[4] Section 775.082, F.S., provides that a felony of the third degree is punishable by a term of imprisonment not to exceed five years. Section 775.083, F.S., provides that a felony of the third degree is punishable by a fine not to exceed $5,000.
[5] Section 893.13(1)(a)2., F.S.
[6] Section 893.02(3), F.S.
[7] Chapter 2017-232, Laws of Fla.
[8] Chapter 2014-157, Laws of Fla.
[9] *See* ss. 381.986(1)(e) and (f), F.S.

mind-altering affects. Proponents of CBD use note the substance's beneficial calming and anti-anxiety effects.[10]

The Coalition for Medical Marijuana Research and Education located at the H. Lee Moffitt Cancer Center and Research Institute, Inc., is authorized by law to conduct medical marijuana research and education.[11]

An MMTC and a qualified patient or caregiver are specifically exempt from the criminal prohibition against the possession of cannabis.[12]

**2014 Federal Farm Bill and State Industrial Hemp Pilot Programs**

The Agricultural Improvement Act of 2014 (2014 Farm Bill) defined industrial hemp and allowed state departments of agriculture or universities to grow and produce industrial hemp as part of research or pilot programs. Specifically, the law allowed universities and state departments of agriculture to grow or cultivate industrial hemp if:

- The industrial hemp is grown or cultivated for purposes of research conducted under an agricultural pilot program or other agricultural or academic research; and
- The growing or cultivating of industrial hemp is allowed under the laws of the state in which such institution of higher education or state department of agriculture is located and such research occurs.[13]

The 2014 Farm Bill defines "industrial hemp" to mean:

> the plant *Cannabis sativa L.* and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.[14]

Section 1004.4473, F.S., authorizes the Department of Agriculture and Consumer Services (department) to oversee the development of industrial hemp pilot projects for the Institute of Food and Agricultural Sciences (IFAS) at the University of Florida, Florida Agricultural and Mechanical University, and any land grant university in the state that has a college of agriculture.[15] The purpose of the pilot projects is to cultivate, process, test, research, create, and market safe and effective commercial applications for industrial hemp in the agricultural sector in this state. The department has adopted a rule addressing safety, compliance, and accountability and other concerns.[16]

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[10] *See* Michael J Breus, *Despite What You May Think... CBD Is Not Weed* (Sept. 20, 2018), Psychology Today, available at: https://www.psychologytoday.com/us/blog/sleep-newzzz/201809/despite-what-you-may-think-cbd-is-not-weed (last visited Mar. 29, 2019).
[11] Section 1004.4351, F.S.
[12] *See* 381.986(14), F.S.
[13] Agricultural Improvement Act of 2014, Pub. L. No. 113-79, s.7606, 128 Stat. 912 (2014) (codified at 7 U.S.C. s. 5940).
[14] *Id.*
[15] See University of Florida, *About the UF/IFAS Industrial Hemp Project*, at: https://programs.ifas.ufl.edu/hemp/about-the-project/ (last visited Mar. 29, 2019).
[16] Fla. Admin. Code R. 5B-57.013 (2018).

Section 1004.4473, F.S., does not provide a specific exemption from the criminal prohibition against the possession of cannabis in s. 893.13(1)(a)2., F.S.

**2018 Federal Farm Bill**

The 2018 Farm Bill legalized industrial hemp as an agricultural product by removing hemp's classification as a controlled substance.[17] The 2018 Farm Bill defines "hemp" to mean:

> the plant *Cannabis sativa L*. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.[18]

The 2018 Farm Bill allows a state department of agriculture or an Indian tribe to submit a plan to the United States Secretary of Agriculture and apply for primary regulatory authority over the production of hemp in their state or tribal territory. A state or tribal plan must include:

- A procedure for tracking land upon which hemp will be produced;
- Testing methods for determining THC concentration levels of hemp;
- Methods for effective disposal of noncompliant products;
- Enforcement procedures;
- Inspection procedures; and
- Certification procedures for the persons authorized to produce hemp producers, test hemp products, inspect hemp producers, and enforce the provisions of the state or tribal plan.[19]

**Hemp Legislation in Other States**

At least 38 states considered legislation related to industrial hemp in 2018. These bills ranged from clarifying existing laws to establishing new licensing requirements and programs. Alaska, Arizona, Kansas, Missouri, New Jersey, and Oklahoma enacted legislation in 2018 establishing hemp research and industrial hemp pilot programs.[20]

**CS/SB 1020 (2019 Regular Session)**

CS/SB 1020 (2019 Regular Session) by the Senate Committee on Agriculture and Senator Bradley authorizes the department to administer a state industrial hemp program to regulate the cultivation, distribution, and retail sale of hemp, including hemp extract. CS/SB 1020 requires initial registration and renewal registration for participation in the state hemp program. CS/SB 1020 authorizes the department to adopt rules, in consultation with the Department of Health and the Department of Business and Professional Regulation, to administer the state hemp program.

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[17] Agricultural Improvement Act of 2018, Pub. L. No. 115-334, s. 12619, 132 Stat. 409 (2018) (codified at 21 U.S.C 802(16)).
[18] Agricultural Improvement Act of 2018, Pub. L. No. 115-334, s. 10113, 132 Stat. 409 (2018) (codified at 7 U.S.C. s. 1639o).
[19] Agricultural Improvement Act of 2018, Pub. L. No. 115-334, s. 10113, 132 Stat. 409 (2018) (codified at 7 U.S.C. s. 1639p).
[20] *See* http://www.ncsl.org/research/agriculture-and-rural-development/state-industrial-hemp-statutes.aspx (last visited Mar. 29, 2019).

The rules must include sampling and testing measures and nonrefundable fees for administering the program.

## III. Effect of Proposed Changes:

The bill creates s. 581.218, F.S., to authorize the distribution and retail sale of hemp extract.

The bill defines hemp extract to mean a no-THC or low-THC substance or compound that:
- Is derived from or contains any part of the plant *Cannabis sativa L.* which meets the definition of industrial hemp under s. 1004.4473, F.S.;
- Contains a total THC concentration, including immediate precursors, that does not exceed 0.3 percent on a dry-weight basis; and
- Does not contain other controlled substances.

Hemp extract may be distributed and sold, if it is a product of a batch that is:
- Analyzed and certified by an independent testing laboratory confirming the patch as having a THC concentration that does not exceed 0.3 percent on a dry-weight basis; and
- The tested batch does not contain contaminants unsafe for human consumption.

The packaging for the hemp extract must include:
- A scannable barcode linked to the certificate of analysis;
- The batch number;
- The Internet address of a website where batch information may be obtained;
- The expiration date;
- The number of milligrams of no-THC or low-THC hemp extract; and
- A statement that the product contains a total THC concentration, including immediate precursors,[21] which does not exceed 0.3 percent on a dry-weight basis.

The bill amends the definition of the controlled substance "cannabis" in s. 893.02(3), F.S., to exempt hemp, as defined in s. 581.218, F.S., and industrial hemp, as defined in s. 1004.4473, F.S., from the definition.

Chapter 581, F.S., relates to the regulation of the plant industry by the department. The bill does not authorize the department to adopt rules to administer its provisions. However, the bill is linked to CS/SB 1020 which authorizes the department to adopt rules to administer a state hemp program for the cultivation, distribution, and retail sale of hemp, including hemp extract.

The bill takes effect only on the same date that CS/SB 1020 or similar legislation, if adopted during the 2019 Regular Session, or an extension thereof, becomes law.

[21] A "precursor" is an inactive, chemical substance that is converted (or transformed) into an active substance, such as an enzyme, vitamin, or hormone. See Medicinenet.com, *Medical Definition of Precursor*, at: https://www.medicinenet.com/script/main/art.asp?articlekey=14105 (Last visited March 29, 2019).

## IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

## V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill does not provide administrative duties to the department, such as rulemaking, which may incur a cost.

## VI. Technical Deficiencies:

None.

## VII. Related Issues:

SPB is linked to CS/SB 1020, which is linked to SB 7088 by the Committee on Agriculture. SB 7088 amends s. 581.217, F.S., as created by CS/SB 1020, to authorize a fee for each application for initial registration and renewal registration for participation in the state hemp program created under CS/SB 1020. The fee authorized by SB 7088 must be specified in a rule adopted by the department, and may not exceed $500 per application. SB 7088 allows the

department to waive payment of the fee by rule and requires fees collected to be deposited in the Plant Industry Trust Fund.[22]

## VIII. Statutes Affected:

This bill amends section 893.02 of the Florida Statutes.

This bill creates section 581.218 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.

[22] Section 570.321, F.S., creates the Plant Industry Trust Fund to be administered by the department.

Duplicate

**THE FLORIDA SENATE**

# APPEARANCE RECORD

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

4-2-2019
*Meeting Date*

7102
*Bill Number (if applicable)*

Topic Hemp

*Amendment Barcode (if applicable)*

Name Marnie George

Job Title Sr. Advisor, Buchanan Ingersoll & Rooney P.A.

Address 101 North Monroe St., Suite 1090
*Street*

Phone (850) 510-8866

Tallahassee FL 32303
*City* *State* *Zip*

Email marnie.george@bipc.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing U.S. Hemp Roundtable

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)

4/2/19
*Meeting Date*

SPB 7102
*Bill Number (if applicable)*

*Amendment Barcode (if applicable)*

Topic Hemp

Name Benny Blanchard

Job Title Real Estate / Healthcare

Address 111 W Plymouth St
*Street*

Tampa FL 33603
*City* *State* *Zip*

Phone 813 414 1495

Email Benny@AdairRealty.com

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

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

Representing Entrepreneurs

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)

**THE FLORIDA SENATE**

# APPEARANCE RECORD

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

4/2/19
*Meeting Date*

7102
*Bill Number (if applicable)*

*Amendment Barcode (if applicable)*

Topic HEMP

Name ~~JEFF~~ SHARKEY

Job Title CEO, CAC

Address 106 E College Ave # 640
*Street*

TLH FL 32301
*City* *State* *Zip*

Phone 850 224 1660

Email jeffsharkey@gray...

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FLORIDA HEMP INDUSTRIES 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)

**FOR CONSIDERATION By** the Committee on Innovation, Industry, and Technology

580-03561C-19 20197102pb

A bill to be entitled

An act relating to hemp; creating s. 581.218, F.S.; providing legislative findings; defining terms; providing requirements for the distribution and retail sale of hemp extract; amending s. 893.02, F.S.; revising the term "cannabis" to exclude hemp for purposes of ch. 893, F.S.; providing a contingent effective date.

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

Section 1. Section 581.218, Florida Statutes, is created to read:

581.218 Hemp extract.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that:

(a) Hemp is an agricultural commodity.

(b) Hemp-derived cannabinoids, including, but not limited to, cannabidiol, are not controlled substances or adulterants.

(c) Products containing one or more hemp-derived cannabinoids, including, but not limited to, cannabidiol, intended for ingestion are foods and not controlled substances or adulterated products.

(d) The addition of hemp derivatives, including, but not limited to, hemp-derived cannabidiol, to cosmetics, personal care products, and products intended for human or animal consumption is not an adulteration of such products.

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

(a) "Cannabidiol" means the compound by the same name, which is derived from the hemp variety of the plant *Cannabis*



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

*sativa L.*

(b) "Contaminants unsafe for human consumption" includes, but is not limited to, any microbe, fungus, yeast, mildew, herbicide, pesticide, fungicide, residual solvent, metal, or other contaminant found in any amount that exceeds any of the Department of Health's accepted limitations as determined by rules promulgated in accordance with s. 381.986, or other limitation pursuant to Florida law, whichever is lowest.

(c) "Hemp" means the plant *Cannabis sativa L.* and any part of that plant, including seeds, derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers thereof, whether growing or not, which does not exceed the concentration of THC authorized under subparagraph (d)2. and in 7 U.S.C. s. 5940. The term includes industrial hemp as defined in s. 1004.4473.

(d) "Hemp extract" means a no-THC or low-THC substance or compound that:

1. Is derived from or contains any part of the plant *Cannabis sativa L.* which meets the definition of industrial hemp under s. 1004.4473;

2. Contains a total delta-9-tetrahydrocannabinol concentration, including immediate precursors, that does not exceed 0.3 percent on a dry-weight basis; and

3. Does not contain other controlled substances.

(e) "Independent testing laboratory" means a laboratory that:

1. Does not have a direct or indirect interest in the entity whose product is being tested;

2. Does not have a direct or indirect interest in a

facility that cultivates, processes, distributes, dispenses, or sells no-THC or low-THC hemp extract or a substantially similar substance in another jurisdiction; cultivates, processes, distributes, dispenses, or sells marijuana as defined in s. 381.986; or cultivates, processes, distributes, dispenses, or sells industrial hemp; and

3. Is accredited by a third-party accrediting body, such as the American Association for Laboratory Accreditation or Assured Calibration and Laboratory Accreditation Select Services, as a competent testing laboratory pursuant to standard ISO/IEC 17025 of the International Organization for Standardization.

(3) DISTRIBUTION AND RETAIL SALE OF HEMP EXTRACT.—Hemp extract may be distributed and sold in this state only if the product:

(a) Has a certificate of analysis that is prepared by an independent testing laboratory which states:

1. The hemp extract is the product of a batch tested by the independent testing laboratory;

2. The batch contained a total delta-9-tetrahydrocannabinol concentration, including immediate precursors, which does not exceed 0.3 percent on a dry-weight basis pursuant to the testing of a random sample of the batch; and

3. The batch does not contain contaminants unsafe for human consumption.

(b) Is distributed or sold in packaging that includes:

1. A scannable barcode or quick response code linked to the certificate of analysis of the hemp strain extract by an independent testing laboratory;

2. The batch number;

3. The Internet address of a website where batch information may be obtained;

4. The expiration date;

5. The number of milligrams of no-THC or low-THC hemp extract; and

6. A statement that the product contains a total delta-9-tetrahydrocannabinol concentration, including immediate precursors, which does not exceed 0.3 percent on a dry-weight basis.

Section 2. Subsection (3) of section 893.02, Florida Statutes, is amended to read:

893.02 Definitions.—The following words and phrases as used in this chapter shall have the following meanings, unless the context otherwise requires:

(3) "Cannabis" means all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. The term does not include "marijuana," as defined in s. 381.986, if manufactured, possessed, sold, purchased, delivered, distributed, or dispensed, in conformance with s. 381.986. The term does not include hemp as defined in s. 581.218 or industrial hemp as defined in s. 1004.4473.

Section 3. This act shall take effect on the same date that SB 1020 or similar legislation takes effect, if such legislation is adopted in the same legislation session or an extension thereof and becomes a law.



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

# CourtSmart Tag Report

**Room:** EL 110 **Case No.:** **Type:**
**Caption:** Senate Innovation, Industry and Technology Committee **Judge:**

**Started: 4/2/2019 10:04:11 AM**
**Ends: 4/2/2019 11:59:20 AM Length: 01:55:10**

**10:04:10 AM** Meeting called to order by Chair Simpson
**10:04:14 AM** Roll Call by Administrative Assistant Lynn Koon
**10:04:24 AM** Quorum present
**10:04:52 AM** Pledge of Allegiance
**10:04:58 AM** Comments from Chair Simpson
**10:05:13 AM** Introduction of Tab 1, Confirmation Hearing on Commissioner Julie Brown
**10:05:28 AM** Comments from Commissioner Brown
**10:06:57 AM** Comments from Chair Simpson
**10:07:02 AM** Senator Benacquisto moves to recommend confirmation of Commissioner Brown
**10:07:09 AM** Roll call by AA
**10:07:13 AM** Commissioner Brown Confirmed favorably
**10:07:33 AM** Introduction of Tab 2, Confirmation Hearing on Commissioner Gary Clark
**10:07:47 AM** Comments from Commissioner Clark
**10:08:42 AM** Comments from Chair Simpson
**10:08:47 AM** Senator Benacquisto moves to recommend confirmation on Commissioner Clark
**10:08:57 AM** Roll call by AA
**10:09:01 AM** Confirmation confirmed on Commissioner Clark
**10:09:51 AM** Introduction of Tab 5, SB 1618 by Senator Simpson
**10:10:26 AM** Explanation of SB 1618, Tobacco Products by Senator Simmons
**10:14:41 AM** Comments from Chair Simpson
**10:14:47 AM** Question from Senator Benacquisto
**10:14:54 AM** Response from Senator Simmons
**10:16:05 AM** Follow-up question from Senator Benacquisto
**10:16:15 AM** Response from Senator Simmons
**10:18:03 AM** Question from Senator Bradley
**10:18:10 AM** Response from Senator Simmons
**10:19:01 AM** Question from Senator Bracy
**10:19:32 AM** Response from Senator Simmons
**10:23:13 AM** Follow-up question from Senator Bracy
**10:23:24 AM** Response from Senator Simmons
**10:27:03 AM** Comments from Senator Bracy
**10:27:42 AM** Late-filed Amendment Barcode No. 209878 introduced by Chair Simpson
**10:28:04 AM** Explanation of Amendment by Senator Bracy
**10:29:37 AM** Comments from Chair Simpson
**10:29:45 AM** Rivers Buford, American Heart Association in opposition of Amendment
**10:30:12 AM** Comments from Senator Bracy
**10:30:30 AM** Question from Senator Bracy
**10:30:34 AM** Response from Mr. Buford
**10:32:15 AM** Follow-up question from Senator Bracy
**10:32:23 AM** Response from Mr. Buford
**10:33:25 AM** Comments from Senator Bracy
**10:33:30 AM** Response from Mr. Buford

**10:33:47 AM** Speaker Heather Youmas, American Cancer Society in opposition
**10:34:29 AM** Senator Simmons in debate on Amendment
**10:35:06 AM** Senator Bracy moves to withdraw Amendment
**10:36:02 AM** Introduction of Late-file Amendment Barcode No. 663984 by Chair Simpson
**10:36:17 AM** Explanation of Late-filed Amendment by Senator Bracy
**10:36:44 AM** Speaker Rivers Buford on Amendment
**10:37:29 AM** Senator Simmons in debate on the Amendment
**10:37:59 AM** Senator Bracy in closure on Amendment 639684 withdrawn
**10:38:24 AM** Explanation of Late-filed Amendment by Senator Brandes
**10:39:00 AM** Question from Senator Passidomo
**10:39:05 AM** Response from Senator Brandes
**10:39:38 AM** Speaker Matt Jordan, American Cancer Society
**10:40:24 AM** Senator Simmons in debate on Amendment
**10:41:47 AM** Senator Brandes in closure
**10:41:53 AM** Amendment adopted
**10:42:09 AM** Question from Senator Brandes
**10:42:14 AM** Response from Senator Simmons
**10:43:24 AM** Follow-up question from Senator Brandes
**10:43:32 AM** Response from Senator Simmons
**10:44:14 AM** Speaker Jonathan Risteen, Small Business Owner
**10:46:33 AM** Speaker J.D. McCormick
**10:47:32 AM** Brian Walters waives in opposition
**10:47:46 AM** James Walters waives in opposition
**10:47:51 AM** Marnie George waives in support
**10:48:08 AM** Rivers Buford waives in support
**10:48:17 AM** Mark Landreth waives in support
**10:48:27 AM** Fely Curva waives in support
**10:48:34 AM** Speaker Michael Boling
**10:50:01 AM** Alexandria Abbound waives in support
**10:50:15 AM** Speaker Jennifer Cunningham in support
**10:51:10 AM** Speaker Heather Youmans, American Cancer Society in support
**10:52:16 AM** Speaker Austin Hopper in opposition
**10:53:43 AM** Patricia Greene waives in support
**10:53:49 AM** Speaker Matthew Kleizo in opposition
**10:57:05 AM** Speaker Anthony Nieblas in opposition
**10:59:32 AM** Speaker Cheryl Lockhart
**11:01:20 AM** Speaker Cindi Kinch
**11:02:58 AM** Speaker Daniel Marlin
**11:05:15 AM** Speaker Joshua Unger
**11:06:28 AM** Speaker Adrien Taylor
**11:08:08 AM** Speaker Robert Lovett
**11:09:30 AM** T.D. Bowen waives in opposition
**11:09:47 AM** Senator Simmons in closure
**11:13:41 AM** Roll call on CS/SB 1618
**11:14:03 AM** CS/SB 1618 reported favorably
**11:14:12 AM** Senator Brandes moves that technical changes be made to Bill
**11:14:29 AM** Introduction of Tab 3, SB 1024 by Chair Simpson
**11:14:42 AM** Explanation of SB 1024, Blockchain Technology by Senator Gruters
**11:14:59 AM** Amendment Barcode No. 847996 introduced by Chair Simpson
**11:15:08 AM** Explanation of Amendment by Senator Gruters
**11:15:24 AM** Late-filed Amendment to Amendment introduced by Chair Simpson
**11:15:54 AM** Explanation of Late-file Amendment to Amendment by Senator Gibson

**11:18:07 AM** Senator Braynon in debate on the Amendment
**11:18:26 AM** Response from Senator Gruters
**11:18:36 AM** Closure waived
**11:18:41 AM** Amendment to Amendment is adopted
**11:19:04 AM** Amendment adopted
**11:19:18 AM** Question from Senator Gibson
**11:19:22 AM** Response from Senator Gruters
**11:20:31 AM** Follow-up question from Senator Gibson
**11:20:41 AM** Response from Senator Gruters
**11:21:34 AM** Amanda Bolen, Manufacturers Association of Florida waives in support
**11:21:56 AM** Meredith Stanfield, Department of Financial Services waives in support
**11:22:11 AM** Closure waived
**11:22:16 AM** Roll call on CS/SB 1024
**11:22:30 AM** CS/SB 1024 reported favorably
**11:23:16 AM** Introduction of Tab 4, CS/SB 610 by Chair Simpson
**11:23:30 AM** Explanation of CS/SB 610, Condominium Associations by Senator Pizzo
**11:24:00 AM** Introduction of Late-filed Amendment Barcode No. 702520 by Chair Simpson
**11:24:15 AM** Explanation of Amendment by Senator Pizzo
**11:24:29 AM** Gary Hunter, American Resort Development Association waives in support
**11:24:43 AM** Amendment adopted
**11:24:52 AM** Speaker Mark Anderson, Community Association Managers in opposition
**11:27:19 AM** Travis Moore, Community Associations Institute waives in opposition
**11:27:31 AM** Richard Pinskey, Cyber Citizens waives in support
**11:27:43 AM** Senator Farmer in debate
**11:28:54 AM** Senator Brandes in debate
**11:29:46 AM** Roll call on CS/CS/610
**11:29:57 AM** CS/CS/SB 610 reported favorably
**11:30:34 AM** Tab 7, SB 1640 introduced by Chair Simpson
**11:30:42 AM** Explanation of SB 1640, Deregulation of Professions and Occupations by Senator Albritton
**11:30:52 AM** Introduction of Amendment Barcode No. 468322 by Chair Simpson
**11:30:59 AM** Explanation of Amendment by Senator Albritton
**11:31:49 AM** Sandra Mortham waives in support
**11:31:54 AM** Allen Mortham waives in support
**11:32:02 AM** Jessica White waives in support
**11:32:20 AM** Raizia Largie waives in support
**11:32:27 AM** Magda Guzman waives in support
**11:32:32 AM** Speaker Destiny Hart in support
**11:32:36 AM** Robert Rosenberg waives in support
**11:32:45 AM** Mez Varol waives in support
**11:32:50 AM** Dan Washburn waives in support
**11:32:57 AM** Terri Alexander waives in support
**11:33:02 AM** Stacy Thompson waives in support
**11:33:04 AM** Speaker Michael Halmon, American Institute of Beauty, Inc. in support
**11:34:04 AM** Toni Winkley waives in support
**11:34:08 AM** Shelby Yaderia waives in support
**11:34:13 AM** William Coots waives in support
**11:34:20 AM** Gina Sais Quol waives in support
**11:34:26 AM** Frankie Baughn waives in support
**11:34:32 AM** Clarence Glover waives in support
**11:34:38 AM** Jason Taylor waives in support
**11:34:43 AM** Jessica Jones waives in support

**11:34:46 AM** Destiny Lastra waives in support
**11:34:51 AM** Mycala Cruz waives in support
**11:34:58 AM** Jason Taylor waives in support
**11:35:02 AM** Clarence Glover waives in support
**11:35:05 AM** Grace Lovett waives in support
**11:35:16 AM** Mycala Cruz waives in support
**11:35:34 AM** Rachael Young waives in support
**11:35:38 AM** Katherine Prine waives in support
**11:35:41 AM** Jose Tejada waives in support
**11:35:48 AM** Brittany O'Bonnon waives in support
**11:35:51 AM** Jessica Peters waives in support
**11:35:58 AM** Vanessa Maynor waives in support
**11:36:02 AM** Kaitlyn Williams waives in support
**11:36:08 AM** Patrick Bene waives in support
**11:36:13 AM** Linda Connell waives in support
**11:36:18 AM** Jessica Bowman waives in support
**11:36:21 AM** Monica Douglas waives in support
**11:36:30 AM** Patience Pecorans waives in support
**11:36:34 AM** April Ozark waives in support
**11:36:37 AM** Devin Torres waives in support
**11:37:00 AM** Senator Gibson in debate
**11:38:42 AM** Closure waived
**11:38:44 AM** Amendment adopted
**11:38:54 AM** Question from Senator Passidomo
**11:39:05 AM** Response from Senator Albritton
**11:40:15 AM** Follow-up question from Senator Passidomo
**11:40:30 AM** Response from Senator Albritton
**11:40:44 AM** Question from Senator Braynon
**11:40:56 AM** Response from Senator Albritton
**11:42:05 AM** Speaker Justin Pearson, Institute for Justice in support
**11:43:33 AM** Barney Bishop, Florida Smart Justice Alliance waives in support
**11:43:44 AM** Speaker Phil Leary, Florida Association of Professional Geologists in opposition
**11:44:50 AM** Bob Harris, Florida Barber Academy waives in support
**11:45:00 AM** Speaker Sal Nuzzo, The James Madison Institute in support
**11:46:50 AM** Speaker Carol Butler in opposition
**11:47:52 AM** Speaker Kelley Robinson in opposition
**11:49:44 AM** Speaker Sue Brown in opposition
**11:53:14 AM** Jill Pable in opposition
**11:53:18 AM** Michelle Brown in opposition
**11:53:23 AM** Lisa Waxman in opposition
**11:53:34 AM** Melise Hulslander in opposition
**11:53:41 AM** Arely Cavazos in opposition
**11:53:48 AM** Amy O'Keefe in opposition
**11:53:52 AM** David Roberts waives in opposition
**11:54:03 AM** Dan Washburn in opposition
**11:54:11 AM** Mez Varol in opposition
**11:54:18 AM** Diego Echeverri in support
**11:54:24 AM** H .L. Moffitt
**11:54:29 AM** Robert Rosenberg
**11:54:42 AM** Deborah Foote in opposition
**11:54:47 AM** Jessica White
**11:55:02 AM** Student

**11:55:08 AM** Shar Bennow in opposition
**11:55:15 AM** Jon Pasqualom in opposition
**11:55:22 AM** Jeff Branch in opposition
**11:55:26 AM** Terri Alexander
**11:55:30 AM** Stacey Thompson
**11:55:36 AM** Toni Winkley
**11:55:40 AM** Shelby Yadevia
**11:55:51 AM** Michael Halmon
**11:55:56 AM** William Coots
**11:56:01 AM** Gina Sais Quol
**11:56:06 AM** Frankie Baugan
**11:56:12 AM** Jessica Jones
**11:56:15 AM** Destiny Hart
**11:56:19 AM** Magda Guzman
**11:56:22 AM** Rachel Young
**11:56:27 AM** David Woodside in opposition
**11:56:33 AM** Devin Torres
**11:56:39 AM** Jose Tejada
**11:56:43 AM** April Ozark
**11:56:49 AM** Patience Pecorano
**11:56:54 AM** Patrick Bene
**11:56:57 AM** Linda Connell
**11:56:58 AM** Jessica Bowman
**11:57:00 AM** Monica Douglas
**11:57:04 AM** Kaitlyn Williams
**11:57:06 AM** Vanessa Maynor
**11:57:08 AM** Jessica Peters
**11:57:12 AM** Brittany O'Bonnan
**11:57:13 AM** Tracey Filmore in opposition
**11:57:20 AM** Katherine Prine
**11:57:23 AM** Jorge Chamizo is support
**11:57:38 AM** Senator Farmer in debate
**11:58:37 AM** Roll call on CS/SB 1640
**11:58:47 AM** CS/SB 1640 voted favorably
**11:59:07 AM** Senator Benacquisto moves to adjourn