

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: SB 474

INTRODUCER: Senator Albritton

SUBJECT: Deregulation of Professions and Occupations

DATE: January 17, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>IT</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>CM</u>	_____
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 474 relates to businesses and professions regulated by the Department of Business and Professional Regulation (DBPR) and health professionals regulated by the Department of Health (DOH). The bill repeals the authority of the DOH to suspend or revoke a professional license because of a default on a student loan or failure to comply with service scholarship obligations.

The bill repeals registration requirements for labor organizations and their business agents, and license or registration requirements for the following professions regulated by the DBPR:

- Hair braiders, hair wrappers, and body wrappers;
- Interior Designers; and
- Boxing announcers and timekeepers.

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:

- Auctioneers
- Asbestos abatement consultants and contractors;
- Architects and interior designers; and
- Landscape architects.

The bill provides additional options for the following professionals, if licensed in another state, to qualify for a professional license in Florida:

- Building code administrators and inspectors;
- Home inspectors;
- Engineers;
- Certified public accountants;
- Veterinarians;

- Barbers;
- Cosmetologists;
- Construction and electrical and alarm contractors;
- Landscape architects.

For barbers, the bill reduces the minimum number of hours of training required for licensure from 1200 hours to 900 hours. For cosmetologists, the bill reduces the number of hours of continuing education required for the biennial renewal of a cosmetology license from 16 hours to 10 hours. The bill also reduces the number of training hours required to be registered as a nail, facial, or full specialist.

The bill revises the membership of the Florida Building Commission.

According to DBPR, the eliminations of licensing requirements will reduce state government revenues (DBPR) by \$3,143,723 over the next three fiscal years (FY 2020-21 to FY 2022-23). For the regulation of professions, a reduction of license fees, license renewal fees and unlicensed activity fees of approximately \$1,195,070 in Fiscal Year 2020-21, \$569,118 in Fiscal Year 2021-22, and \$1,358,895 in Fiscal Year 2022-23. The reduction related to the deregulation of business agent and labor organization license fee reduction is anticipated to be \$830 annually. For the Boxing Commission, the revenue reduction is approximately \$1,450 annually. For the Division of Condominiums, Timeshares, and Mobile Homes (Yacht and Ship Brokers) the revenue reduction is approximately \$5,400 in Fiscal Year 2020-21, \$3,000 in Fiscal Year 2021-22, and \$5,400 in Fiscal Year 2022-23. As a result of the revenue reduction, there will be a reduction in the 8 percent service charge to General Revenue of approximately \$96,220 in Fiscal Year 2020-21, \$45,952 in Fiscal Year 2021-22, and \$109,326 in Fiscal Year 2022-23. (See section V. Fiscal Impact Statement.)

Except as otherwise expressly provided in the act, the bill takes effect on July 1, 2020.

II. Present Situation:

For ease of reference, the Present Situation for each section of SB 474 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 DBPR

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

DBPR Boards

Fifteen boards and programs exist within the Division of Professions,⁸ two boards are within the Division of Real Estate, and one board exists in the Division of Certified Public Accounting.

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 at 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.

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;

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.⁹

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.¹⁰ Those who are granted licenses are referred to as licensees.¹¹

In Fiscal Year 2018-2019, the Division of Accountancy had 39,591 active licensees, the Real Estate Commission had 293,012 active licensees, and the Board of Professional Engineers had 65,196 licensees.¹² In Fiscal Year 2018-2019, there were 439,821 active licensees in the Division of Professions,¹³ including:

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

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.

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 Section 455.219(1), F.S.

¹⁰ Section 455.01(4), F.S.

¹¹ Section 455.01(5), F.S.

¹² Florida Department of Business and Professional Regulation, Fiscal Year 2018-2019 Annual Report, page 19, available at http://www.myfloridalicense.com/DBPR/os/documents/DivisionAnnualReport_FY1819.pdf (last visited Jan. 14, 2020).

¹³ Of the total 460,857 licensees in the Division of Professions, 21,036 were inactive. *See supra* note 12.

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).¹⁴

III. Effect of Proposed Changes:

For ease of reference to each of the subjects addressed in SB 474, 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.¹⁵

A person may not act as a yacht or ship broker or salesperson unless licensed under ch. 326, F.S.¹⁶ Each yacht or shipbroker must maintain a principal place of business in Florida and may establish branch offices in Florida. A separate license must be maintained for each branch office.¹⁷ Applicants for a branch office license pay a \$100 fee, and the license must be renewed every two years.¹⁸

Effect of Proposed Changes:

Section 3 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.

¹⁴ Section 720.306(9)(c), F.S.

¹⁵ See ch. 326, F.S., and Yacht and Ships, Department of Business and Professional Regulation, at <http://www.myfloridalicense.com/DBPR/yacht-and-ships/> (last visited Jan. 14, 2020).

¹⁶ Section 326.004(1), F.S.

¹⁷ Section 326.004(13), F.S.

¹⁸ See Fla. Admin. Code R. 61B-60.002 (2019).

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.¹⁹

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.”²⁰

In Florida, all labor organizations are required to register with the DBPR and all business agents of labor organizations must obtain a license.²¹ 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.”²²

Applicants for a business agent license must pay a \$25 license fee and must meet a number of licensure requirements.²³ Labor organization applicants must pay an annual fee of \$1.²⁴

Effect of Proposed Changes:

Sections 4 through 12 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

¹⁹ Section 447.01, F.S., and see <http://www.myfloridalicense.com/DBPR/labor-organizations-and-business-agents/> (last visited Jan. 11, 2020).

²⁰ Section 447.02(1), F.S.

²¹ Sections 447.04(2) and 447.06, F.S.

²² Section 447.02(2), F.S.

²³ Section 447.04(2), F.S.

²⁴ Section 447.06(2), F.S.

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.²⁵

Effect of Proposed Changes

Section 13 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.

Healthcare Practitioner Discipline – Student Loan Obligations

Present Situation

Healthcare Practitioner Licensing

The Division of Medical Quality Assurance (MQA) within the Florida Department of Health (DOH) is responsible for the licensing and regulation of healthcare practitioners in the state. The MQA works in conjunction with 22 boards and four councils to license and regulate seven types of health care facilities and more than 200 license types in over 40 health care professions. Each profession is regulated by an individual practice act and by ch. 456, F.S., which provides general regulatory and licensure authority for the MQA. The MQA regulates the following professions:

- Acupuncturists;
- Athletic Trainers;
- Chiropractors;
- Clinical Laboratory Personnel;
- Clinical Social Workers, Marriage and Family Counselors, and Mental Health Counselors;
- Dentists;
- Hearing Aid Specialists;
- Massage Therapists;
- Medical Doctors;
- Nurses;
- Nursing Home Administrators;
- Occupational Therapists;
- Opticians;
- Optometrists;
- Orthotists and Prosthetists;
- Osteopathic Doctors;
- Pharmacists;
- Physical Therapists;
- Podiatrists;
- Psychologists;

²⁵ See, for example, s. 477.019(6), F.S., relating to licensure by endorsement for a person licensed as a cosmetologist in another state.

- Respiratory Care Practitioners;
- Speech-Language Pathologists and Audiologists;
- Dietetics and Nutrition Practitioners;
- Electrologists;
- Licensed Midwives;
- Physician Assistants;
- Certified Master Social Workers;
- Emergency Medical Technicians;
- Medical Physicists;
- Paramedics;
- Radiologic Technicians; and
- School Psychologists.

Healthcare Practitioner Discipline

Section 456.072(1)(k), F.S., provides that DOH may discipline a healthcare practitioner for failing to perform any statutory or legal obligation placed upon a healthcare practitioner, which specifically includes failing to repay a government-backed student loan or comply with a service scholarship obligation. If DOH finds that a healthcare practitioner has defaulted on his or her student loans or failed to comply with a service scholarship, at a minimum, DOH must:

- Suspend the practitioner's license until he or she agrees to new loan repayment terms or resumes the scholarship obligation;
- Place the practitioner on probation for the duration of the student loan or scholarship obligation period; and
- Impose a fine equal to 10 percent of the defaulted loan amount.

Each month, the DOH must obtain information from the United States Department of Health and Human Services (USHHS) necessary to determine that Florida healthcare practitioners that have defaulted on government-backed student loans.²⁶ Upon learning that a healthcare practitioner has defaulted on such a student loan, the DOH must notify the practitioner that he or she has 45 days to provide the DOH with proof of a new repayment plan, or such practitioner will be subject to an emergency order suspending the practitioner's license. The DOH may proceed with additional disciplinary action against the practitioner, regardless if he or she provides proof of entering a new repayment plan.²⁷

In the 2017-2018 fiscal year, the DOH reported 850 student loan defaults, 76 completed investigations, and 26 emergency suspension orders filed. In the 2018-2019 fiscal year, the DOH reported 87 student loan defaults, 250 completed investigations, 121 emergency suspension orders filed, and further disciplinary action taken on 29 licensees.²⁸ In 2018-2019, the most

²⁶ Section 456.0721, F.S.

²⁷ Section 456.074(4), F.S.

²⁸ Florida Department of Health, *2019 Agency Analysis for SB 356* (Oct. 31, 2019), see also Florida Department of Health, *Annual Report and Long-range Plan Fiscal Year 2018-2019*, Table 14: Student Loan Defaults, at 43, available at http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/_documents/annual-report-1819.pdf (last visited Jan. 11, 2020).

affected licensed professions were Certified Nursing Assistant (43 suspension orders) and Registered Nurse (18 suspension orders).²⁹

Effect of Proposed Changes

The bill repeals the authority of the DOH requirements to suspend or revoke a professional license because of a default on a student loan or failure to comply with service scholarship obligations. Specifically, the bill:

- Amends s. 456.072, F.S., to remove a licensee’s failure to repay a federal- or state-guaranteed student loan or failure to comply with service scholarship obligations from the list of violations for which the DOH may take disciplinary action.
- Amends s. 456.074, F.S., to remove the requirement that the DOH notify a health care practitioner in default on a student loan that he or she is subject to suspension of a license unless the practitioner provides proof of repayment terms within 45 days of the notification.
- Repeals s. 456.0721, F.S., to remove the requirement that the DOH obtain monthly reports from the United States Department of Health and Human Services (USDHHS) regarding health care practitioners who have failed to repay a student loan or comply with scholarship service obligations.

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:

- 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

²⁹ Florida Department of Health, *Annual Report and Long-range Plan Fiscal Year 2018-2019, Table 14: Student Loan Defaults*, at 43, available at <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/documents/annual-report-1819.pdf> (last visited Jan. 11, 2019).

³⁰ Section 468.382(1), F.S.

³¹ Sections 468.385(2) and 468.383, F.S.

- 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 payable to the DBPR plus \$10 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 2,600 active licensed auctioneers and there were 24 disciplinary orders issued to auctioneers in the 2018-2019 fiscal year.³⁶

Effect of Proposed Changes

Section 17 of the bill amends s. 468.385, F.S., to remove the requirement that an auction business must be licensed. Instead, it requires an auction business to be owned by an auctioneer who is licensed by the DBPR.

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 12 at pp. 19 and 90.

Section 74 of the bill amends s. 559.25(3), F.S., to delete the exemption for licensed auctioneers from compliance with requirements relating to fire and going-out-of-business sales and auctions.³⁷

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).³⁸

A building code administrator, otherwise known as a building official, supervises building code activities, including plans review, enforcement, and inspection.³⁹

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.⁴⁰

A one and two family dwelling inspector may only inspect one and two family dwelling and accessory structures.

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.⁴¹ 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.⁴²

³⁷ See s. 559.21, F.S., relating to the regulation of sales.

³⁸ Section 468.605, F.S.

³⁹ Section 468.603(1), F.S.

⁴⁰ Section 468.603(6), F.S.

⁴¹ Section 468.603(8), F.S.

⁴² Section 468.603(7), F.S.

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:⁴³

- 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:⁴⁴

- 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:⁴⁵

- 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 9,056 active licensed building code administrators and inspectors and there were six disciplinary orders issued in the 2018-2019 fiscal year.⁴⁶

Effect of the Bill

Section 18 of the bill amends s. 468.603(5)(f), F.S., to rename the license category of “one and two family dwelling inspector” with the term “residential inspector.” The term is also redefined

⁴³ Section 468.609(3), F.S.

⁴⁴ Section 468.609(2), F.S.

⁴⁵ Section 468.613, F.S.; and Fla. Admin. Code R. 61G19-6.0035(4) (2019).

⁴⁶ *Supra* note 12 at pp. 19 and 90.

to include inspections of one-family, two-family, or three-family residences not exceeding two habitable stories or more than one uninhabitable story and accessory use structure in connected to the residence.

Section 19 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;
- 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.

Under the bill, an application for a license by endorsement must be made either when the applicant's license in another state or territory is active or within two years after such license was last active.

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.⁴⁷

A person who is licensed in another state is eligible for a license by endorsement in Florida who:⁴⁸

- 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.⁴⁹

⁴⁷ Section 468.8313, F.S.

⁴⁸ Section 468.8414(3), F.S.

⁴⁹ Section 468.8314(3), F.S.

There were 7,090 active licensed home inspectors and four disciplinary orders were issued to home inspectors in the 2018-2019 fiscal year.⁵⁰

Effect of Proposed Changes

Section 20 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.

Under the bill, an application for a license by endorsement must be made either when the applicant's license in another state or territory is active or within two years after such license was last active.

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.

A person must be a licensed asbestos contractor in order to conduct asbestos abatement work,⁵¹ unless exempted.⁵² 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.⁵³

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.⁵⁴

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.⁵⁵

⁵⁰ *Supra* note 12 at pp. 19 and 90.

⁵¹ Section 469.003(3), F.S.

⁵² 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.

⁵³ Section 469.003, F.S.

⁵⁴ Section 469.004(1), F.S.

⁵⁵ Section 469.006(2), F.S.

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.⁵⁶ 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.⁵⁷ 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.⁵⁸

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 \$250.⁵⁹

There were 446 asbestos-related licensees and no disciplinary orders issued to asbestos-related services licensees in the 2018-2019 fiscal year.⁶⁰

Effect of Proposed Changes:

Sections 21 and 22 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 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.⁶¹

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

⁵⁶ *Id.*

⁵⁷ Section 469.006(3), F.S.

⁵⁸ *Id.*

⁵⁹ See Fla. Admin. Code R. 61E1-3.001 (2019).

⁶⁰ *Supra* note 12 at pp. 19 and 90.

⁶¹ Section 471.038(3), F.S.

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.⁶²

A person who is licensed in another state is eligible for a professional engineering license by endorsement in Florida if the person:⁶³

- 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 held a valid professional engineer's license in another state for 15 years and has had 20 years of continuous professional-level engineering experience.⁶⁴

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.⁶⁵

Effect of Proposed Changes

Section 23 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.

The bill deletes the requirement that an applicant for endorsement have the applicable number of continuous professional-level engineering experience, i.e., 20 years for an applicant who is deemed to have passed the fundamentals examination or 25 years for an applicant who is deemed to have passed both the fundamental examination and the principles and practices examination.

Certified Public Accountants

Present Situation

The Florida Board of Accounting (board) in the Department of Business and Professional Regulation (DBPR) is the agency responsible for regulating and licensing more than 38,000

⁶² Section 471.013, F.S.

⁶³ Section 471.015(3), F.S.

⁶⁴ Section 471.015(5), F.S.

⁶⁵ *Id.*

active and 2,700 inactive CPAs and more than 5,700 accounting firms in Florida.⁶⁶ The Division of Certified Public Accounting provides administrative support to the nine-member board, which consists of seven CPAs and two laypersons.⁶⁷

A certified public accountant is a person who holds a license to practice public accounting in this state under ch. 473, F.S., or an individual who is practicing public accounting in this state pursuant to the practice privilege granted in s. 473.3141, F.S.⁶⁸

The practice of public accounting includes offering to the public the performance of services involving audits, reviews, compilations, tax preparation, management advisory or consulting services, or preparation of financial statements.⁶⁹ To engage in the practice of public accounting, as defined in s. 473.302(8)(a), F.S., an individual or firm must be licensed pursuant to ss. 473.308 or 473.3101, F.S., and business entities must meet the requirements of s. 473.309, F.S.

To be licensed as a certified public accountant, a person must:⁷⁰

- 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.

Section 473.308, F.S., provides for the licensure of individuals desiring to be licensed as a certified public accountant. Section 473.308(7), F.S., provides for licensure of certified public accountants by endorsement. To qualify for licensure by endorsement, the applicant must satisfy education, work experience, good moral character requirements. Applicants for endorsement must also have completed continuing education courses that are equivalent to the continuing education requirements in this state during the two years immediately preceding the application for licensure by endorsement.

If the applicant is not licensed in another state or territory, the applicant must:⁷¹

- Have passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by s. 473.306, F.S.; and
- Have completed continuing professional education courses that are at least equivalent to the continuing professional education requirements for a Florida certified public accountant.

If the applicant is licensed in another state or territory, the applicant has:⁷²

- Satisfied licensing criteria that were substantially equivalent to the licensure criteria in this state at the time the license was issued; or

⁶⁶ Supra, note 12 at p. 12.

⁶⁷ Section 473.303, F.S.

⁶⁸ See s. 473.302(4), F.S. Section 473.3141, F.S., permits a person who does not have an office in Florida to practice public accountancy in this state without obtaining a license under ch. 473, F.S., notifying or registering with the board, or paying a fee if the person meets the required criteria.

⁶⁹ Section 473.302(8), F.S.

⁷⁰ Sections 473.308(2)-(5), F.S.

⁷¹ Section 473.308(7)(a), F.S.

⁷² Section 473.308(7)(b), F.S.

- If the licensing criteria are not substantially equivalent to Florida, passed a national, regional, state or territorial licensing examination with examination criteria that were substantially equivalent to the examination criteria required in this state; or
- A valid license in another state or territory for at least 10 years before applying for a license in Florida, and has passed a national, regional, state or territorial licensing examination with examination criteria that were substantially equivalent to the examination criteria required in this state.

Effect of Proposed Changes

Section 24 of the bill amends s. 473.308, F.S., to delete the requirement that applicants for a license by endorsement during the 2 years immediately preceding the application for licensure must have completed 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.⁷³

A veterinarian is a health care practitioner licensed by the board to engage in the practice of veterinary medicine in Florida,⁷⁴ 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.⁷⁵

To be licensed as a veterinarian, an applicant must:

- 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.⁷⁶

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

⁷³ See ss. 474.204 through 474.2125, F.S., concerning the powers and duties of the board.

⁷⁴ See s. 474.202(11), F.S.

⁷⁵ 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.

⁷⁶ Fla. Admin. Code R. 61G18-11.002 (2019).

United States. PAVE evaluates such programs on behalf of participating American Association of Veterinary State Boards.⁷⁷

A person who is licensed in another state or country is eligible for licensure by endorsement in Florida, if the person has:⁷⁸

- 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.⁷⁹

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,⁸⁰ 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.⁸¹

The board establishes, by rule, minimum standards for the operation of limited service veterinary medical practices,⁸² which currently allows such practices to offer vaccinations, immunizations, and parasitic control services.⁸³

Effect of Proposed Changes

Sections 25 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 26 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.

⁷⁷ American Association of Veterinary State Boards, *International Pathways*, at: <https://www.aavsb.org/pave/> (last visited Jan. 11, 2020).

⁷⁸ Section 474.217(1), F.S.

⁷⁹ Section 474.217(2), F.S.

⁸⁰ Section 474.202(6), F.S.

⁸¹ Section 474.215(7)-(8), F.S.

⁸² Section 474.215(7), F.S.

⁸³ Fla. Admin. Code R. 61G18-15.007 (2019).

Section 27 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.⁸⁴

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,⁸⁵ or have a minimum of 1,200 hours of specified training.⁸⁶

The Barbers’ Board is authorized to establish by rule a procedure for a barber school or program to certify a person to take the licensure examination following completion of a minimum of 1,000 hours of training and for the licensure of such person who passes the examination. Upon passage of the examination by the person seeking licensure, the training requirement of 1,200 hours is deemed satisfied; failing the examination requires completion of the full training requirement.⁸⁷

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.⁸⁸ An applicant for a restricted barber license must satisfactorily complete 600 hours of training.⁸⁹

Effect of Proposed Changes:

Section 28 of the bill amends s. 476.114(2)(c)2., F.S., to decrease the minimum number of hours of training required for licensure from 1200 hours to 900 hours. The bill also provides that the training must be in sanitation, safety, and laws and rules.

⁸⁴ 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.

⁸⁵ 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.

⁸⁶ 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.

⁸⁷ See s. 476.114(2), F.S.

⁸⁸ See s. 476.144(6), F.S.

⁸⁹ Fla. Admin. Code R. 61G18-16.006 (2019).

Section 29 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.

The bill amends s. 477.019(6), F.S., relating to the licensing of a cosmetologist by endorsement, to provide a comparable provision for barbers. However, under the bill, an applicant for a cosmetology license by endorsement is required to complete a 2-hour course on human immunodeficiency virus and acquired immune deficiency syndrome. The bill does not require an applicant for a barber's license by endorsement to complete such a course for initial licensure. Current law requires such training as a condition for the biennial renewal of cosmetology and barber licenses.⁹⁰

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.⁹¹

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.⁹²

A "specialist" is defined as "any person holding a specialty registration in one or more of the specialties registered under [ch. 477, F.S.]."⁹³ 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."⁹⁴

The term "cosmetologist" is defined as "a person who is licensed to engage in the practice of cosmetology"⁹⁵ "Cosmetology" is defined as "the mechanical or chemical treatment of the head, face, and scalp for aesthetic rather than medical purposes, including, but not limited to, hair

⁹⁰ See s. 455.2228, F.S.

⁹¹ See s. 477.015, F.S., and <http://www.myfloridalicense.com/DBPR/cosmetology/> (last visited Mar. 28, 2019).

⁹² See ss. 477.013(6) and 477.0201, F.S.

⁹³ See s. 477.013(5), F.S.

⁹⁴ See s. 477.013(6), F.S.

⁹⁵ See s. 477.013(3), F.S.

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.”⁹⁶

A nail specialist may complete manicures and pedicures, and a full specialist may complete manicures, pedicures, and facials.⁹⁷ Manicures and pedicures, as a part of cosmetology services, are required to be provided in a licensed specialty salon or cosmetology salon.⁹⁸ All cosmetology and specialty salons are subject to inspection by the DBPR.⁹⁹

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.¹⁰⁰

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.¹⁰¹

The applicant must submit a specialist application for registration with the DBPR with a \$75 registration fee.¹⁰²

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.¹⁰³ 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.¹⁰⁴ 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.¹⁰⁵

⁹⁶ 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.

⁹⁷ See s. 477.013(6), F.S.

⁹⁸ 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.

⁹⁹ See s. 477.025(9), F.S.

¹⁰⁰ See s 477.0201, F.S.

¹⁰¹ Fla. Admin. Code R. 61G5-22 (2019).

¹⁰² Fla. Admin. Code R. 61G5-22 (2019) and s. 477.0201, F.S.

¹⁰³ See s. 477.013(6)(a) and (b), F.S.

¹⁰⁴ See ss. 477.013(11), 477.0135(1)(f), and 477.0135(5), F.S.

¹⁰⁵ 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.”¹⁰⁶

“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.¹⁰⁷

“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.”¹⁰⁸

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.¹⁰⁹

Hair braiders, hair wrappers, and body wrappers are not required to complete continuing education as a condition for renewal of the registration.¹¹⁰

¹⁰⁶ Section 477.013(9), F.S. 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 Jan. 11, 2020).

¹⁰⁷ Section 477.013(10), F.S.

¹⁰⁸ Section 477.013(11), F.S.

¹⁰⁹ See s. 477.0132, F.S. Courses for hair braiding, hair wrapping, and body wrapping generally cost between \$75 and \$350. Examples include: ISTOPCEU.com, *Home*, <https://www.istopceu.com/livezilla/knowledgebase.php?article=6332971e65219f8cdfc5d16d8b113c10> (last visited Jan. 11, 2020); and JT’s Beauty Shop, Inc., *Florida State Certified Courses (Theory)*, <http://www.jtbeautysalon.com/> (last visited Jan 11, 2020).

¹¹⁰ Section 477.019(7)(b), F.S.

In Florida, cosmetology and specialty salons must be licensed.¹¹¹ Such salons are inspected periodically by the DBPR, in accordance with sanitary standards set forth by the Board of Cosmetology.¹¹²

Cosmetology services must be performed in a licensed cosmetology or specialty salon by a properly licensed professional,¹¹³ 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;¹¹⁴
- 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.¹¹⁵

The board is required to certify an applicant as qualified for licensure by endorsement if the applicant holds a current active license to practice cosmetology in another state. The board may not require proof of educational hours if the other state requires at least 1,200 hours of education and passage of a written examination. This provision is not applicable to applicants in the other state who received their license through an apprenticeship program.¹¹⁶

The board is also required to provide by rule the continuing education requirements to maintain the cosmetology license not to exceed 16 hours biennially. Any person whose practice is confined to hair braiding, hair wrapping, or body wrapping are exempt from the continuing education requirements.¹¹⁷

Effect of Proposed Changes:

Section 30 of the bill amends s. 477.013(9), F.S., to expand the definition of “hair braiding” to include the weaving or interweaving of natural human hair or commercial hair, and the use of hair extensions or wefts. Under current law, the use of hair extensions or wefts is excluded from “hair braiding.”

Section 31 of the bill repeals s. 477.0132, F.S., which provide that:

- Registration is required for hair braiding, hair wrapping, and body wrapping, and requires those registrants to take specified courses approved by the Board of Cosmetology.
- 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,

¹¹¹ Section 477.025(1), F.S.

¹¹² Section 477.025(9), F.S.; and Fla. Admin. Code R. Ch. 61G5-20 (2019).

¹¹³ Section 477.0263(1), F.S.

¹¹⁴ A “special event” is defined as a wedding or fashion show in Fla. Admin. Code R. 61G5-20.0015(1) (2019).

¹¹⁵ Sections 477.0263(2) through (4), F.S.

¹¹⁶ Section 477.019(6), F.S.

¹¹⁷ Section 477.019(7), F.S.

when hair braiding, hair wrapping, or body wrapping is practiced outside a cosmetology salon, or specialty salon.

Section 32 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.

Section 33 of the bill amends s. 477.019(6), F.S., to delete the requirement that an applicant for licensure by endorsement submit 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. It also deletes the exemption for persons licensed in another state who received their license through an apprenticeship program.

The bill requires an applicant for a cosmetology license by endorsement to complete a 2-hour course on human immunodeficiency virus and acquired immune deficiency syndrome.

The bill also amends s. 477.019(7), F.S., to decrease the number of hours of continuing education required for the biennial renewal of a cosmetology license from 16 hours to 10 hours.

Section 34 of the bill amends s. 477.0201(1), F.S., to reduce the number of hours required for a specialist registration under required under current rules.

The bill requires:

- 150 hours of training for a nail specialty (the current rule requires 250 hours);
- 160 hours of training for a facial specialty (the current rule requires 250 hours); and
- 300 hours of training for a full specialty (the current rule requires 250 hours).¹¹⁸

Section 35 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 36 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, hair arranging, nail polish removal, nail filing, nail buffing, and nail cleaning outside of a salon when the service is performed by a licensed person.

Section 37 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 38 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.

¹¹⁸ See Fla. Admin. Code R. 61G5-22 (2019).

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.¹¹⁹

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.¹²⁰

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.¹²¹

Interior Design

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.¹²²

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 \$125.¹²³ 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 \$125.¹²⁴

¹¹⁹ See s. 481.205, F.S., relating to the authority of the Board of Architecture and Interior Design. The board consists of 11 members. Five members must be registered architects; three members must be registered interior designers; and 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.

¹²⁰ Section 481.219(1), F.S.; such practice must comply with all the requirements in s. 481.219, F.S.

¹²¹ Section 481.219(2)-(3), F.S.

¹²² See <http://www.ncidq.org>

¹²³ See Fla. Admin. Code R. 61G1-17.001 and R. 61G1-17.002 (2019).

¹²⁴ Fla. Admin. Code R. 61G1-17.002 (2019).

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.”¹²⁵

Architects

A person who is licensed in another state is eligible for a professional architect license by endorsement in Florida if the person:¹²⁶

- Qualifies to take the licensure examination, and has passed the licensure examination or a substantially equivalent examination in another jurisdiction, and has satisfied the internship requirements set forth in s. 481.211 for architects;
- Holds a valid license to practice architecture 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; or
- Has passed the 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.

Effect of Proposed Changes:

Sections 39 through 54 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 2 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 41 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 44 of the bill amends s. 481.213(3), F.S., to revise the requirements for licensure by endorsement for a professional architect license to require an applicant for a licensure by endorsement to complete a class approved by the Board of Architecture on the Florida Building Code.

Section 45 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 46 of the bill amends s. 481.215(5), F.S., to delete the requirement that the board require by rule a specified number of hours for advanced training on the Florida Building Code approved by the Florida Building commission.

¹²⁵ Commercial Interior Design Association, *State Information*, <http://advocacy.iida.org/#interiordesignlaws> (last visited Jan. 11, 2020).

¹²⁶ Section 471.015(3), F.S.

Section 48 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.

Regarding interior designers, the current law provision in s. 481.219(7), F.S., that an interior designer who signs and seals the interior design drawings, plans, or specifications is liable for professional services performed is not amended by the bill.

Section 49 of the bill amends s. 481.221, F.S., to remove the provisions authorizing the board to adopt by rule the seals used by a registered interior designer, and prescribing the requirements for the use of such seals.

Section 70 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 73 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 architecture¹²⁷ unless the person holds a valid license issued pursuant to part II of ch. 481, F.S.,¹²⁸ A corporation or partnership is permitted to

¹²⁷ 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.

¹²⁸ Section 481.323(1)(a), F.S.

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.¹²⁹

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;¹³⁰
- Pass the nationally recognized Landscape Architecture Registration Examination (LARE);¹³¹ and
- Have one year of practical experience, not including any experience used to qualify to take the examination.¹³²

A person who is licensed in another state is eligible for a landscape architecture license by endorsement in Florida if they:¹³³

- 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.¹³⁴

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.¹³⁵

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 \$337.50.¹³⁶ A business entity has no regulatory obligations other than to obtain

¹²⁹ Section 481.319(1), F.S.

¹³⁰ Section 481.309(1)(b), F.S.

¹³¹ Fla. Admin. Code R. 61G10-11.001 (2019).

¹³² Section 481.310, F.S.

¹³³ Section 481.311(3), F.S.

¹³⁴ Fla. Admin. Code R. 61G10-11.004(2)(e) (2019).

¹³⁵ Section 481.319(1), F.S.

¹³⁶ See Fla. Admin. Code R. 61G10-12.002 (2019).

licensure and notify the DBPR within one month of any change in the information contained in its license application.¹³⁷

Effect of Proposed Changes:

Sections 55 through 61 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
- 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 56 of the bill amends s. 481.310, F.S., to provide that an applicant who holds a master's degree in landscape architecture and a bachelor's degree in a related field does not have to demonstrate one year of practical experience in landscape architecture to qualify for licensure.

Section 57 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 hold a valid license to practice landscape architecture in another state or territory of the United States.

The bill removes the requirements for licensure by endorsement requiring the applicant to have:

- Been licensed in the other jurisdiction for at least 10 years; and
- Passed a licensing examination which is substantially equivalent to the examination required in Florida.

Section 58 amends s. 481.317(2), F.S., to delete the provision allowing the issuance of a temporary certificate of authorization.

¹³⁷ See s. 481.319(4), F.S.

Section 59 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.¹³⁸

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:¹³⁹

- Be of good moral character;
- Be at least 18 years of age;
- 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.¹⁴⁰

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.¹⁴¹

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.¹⁴²

Effect of Proposed Changes

Section 62 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.

¹³⁸ See s. 481.319(6), F.S., and s. 558.0035, F.S.

¹³⁹ Sections 489.111(2)(c)1. through 3., F.S.

¹⁴⁰ Fla. Admin. Code R. 61G4-16.005 (2019).

¹⁴¹ Section 489.115(3), F.S.

¹⁴² Section 489.103(9), F.S.

Sections 63 amends s. 489.111(2)(c), F.S., to eliminate the need for applicants to retake the examination to upgrade an existing residential, building, air conditioning, or swimming pool license from retaking an examination for the desired if they have previously passed the required examination.

The bill clarifies that a licensure examination passage does not expire and may be used at any time to qualify for another license.

Section 64 creates s. 489.115(3)(d), 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 for the required criminal background check.

The bill authorizes the Construction Industry Licensing Board to consider whether an applicant for licensure by endorsement has had licenses to practice revoked, suspended, or otherwise acted against by the licensing authority of another state, territory, or country. Under the bill, an application for a license by endorsement must be made either when the applicant's license in another state or territory is active or within two years after such license was last active.

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.¹⁴³

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.¹⁴⁴

A person who is licensed in another state is eligible for a license by endorsement in Florida if the:

¹⁴³ Sections 489.511(1)(a) and (b), F.S.

¹⁴⁴ Section 489.517(4), F.S.

- 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.¹⁴⁵

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.¹⁴⁶

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 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.¹⁴⁷

Effect of Proposed Changes

Section 65 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.

Under the bill, an application for a license by endorsement must be made either when the applicant’s license in another state or territory is active or within two years after such license was last active.

Section 66 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 67 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.

¹⁴⁵ DBPR, *Certified Electrical Contractor – Endorsement*, available at:

https://www.myfloridalicense.com/CheckListDetail.asp?SID=&xactCode=1023&clientCode=0801&XACT_DEFN_ID=3688 (last visited Jan. 11, 2020).

¹⁴⁶ Section 489.505(25), F.S.

¹⁴⁷ Section 489.518(1)(b), F.S.

State Boxing Commission

Present Situation:

Chapter 548, F.S., provides for the regulation of professional and amateur boxing, kickboxing,¹⁴⁸ and mixed martial arts¹⁴⁹ by the Florida State Boxing Commission (commission), which is assigned to the DBPR for administrative and fiscal purposes.¹⁵⁰

The commission has exclusive jurisdiction over every boxing, kickboxing, and mixed martial arts match held in Florida¹⁵¹ which involves a professional.¹⁵² Professional matches held in Florida must meet the requirements set forth in ch. 548, F.S., and the rules adopted by the commission.¹⁵³ 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.”¹⁵⁴

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.¹⁵⁵ Amateur sanctioning organizations are business entities organized for sanctioning and supervising matches involving amateurs.¹⁵⁶ 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.¹⁵⁷

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.¹⁵⁸

In Fiscal Year 2018-2019, the commission issued licenses to eight announcers and 11 timekeepers.¹⁵⁹

¹⁴⁸ 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.

¹⁴⁹ 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.

¹⁵⁰ *See* s. 548.003(1), F.S.

¹⁵¹ *See* s. 548.006(1), F.S.

¹⁵² 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.

¹⁵³ *See* s. 548.006(4), F.S.

¹⁵⁴ *See* s. 548.007(6), F.S., and *see supra* note 149 for the definition of “mixed martial arts.”

¹⁵⁵ *See* s. 548.006(3), F.S.

¹⁵⁶ Section 548.002(2), F.S.

¹⁵⁷ *See* DBPR, *Florida State Boxing Commission Annual Report, Fiscal Year 2018-2019*, at p. 6.

¹⁵⁸ 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.

¹⁵⁹ *Supra*, note 157.

Effect of Proposed Changes:

Sections 68 and 69 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.¹⁶⁰

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:¹⁶¹

- 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;
- 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;

¹⁶⁰ Chapter 2000-141, Laws of Fla.

¹⁶¹ Section 553.74, F.S.

- 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.¹⁶²

The Commission has 11 Technical Advisory Committees (TAC) ranging from the building structural TAC to the swimming pool TAC.¹⁶³ The 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.¹⁶⁴

Effect of Proposed Changes

Section 71 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 for Group E or Group I occupancies ;¹⁶⁵
- Allows a certified mechanical engineer as an option in place of the member who is an air-conditioning contractor or mechanical contractor member to be a mechanical engineer.
- Allows the one electrical contractor member to be an electrical contractor or an electrical engineer and includes the Florida Engineering Society in the list of groups encouraged to recommend candidates for appointment;
- Allows the one general contractor member to be a certified general contractor or a certified building contractor;
- Allows 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; and
- Requires the one member representing a Florida-based organization of persons with disabilities or a nationally chartered organization of persons with disabilities with chapters in

¹⁶² The chair is appointed by the Governor.

¹⁶³ DBPR, *Florida Building Code Online*, https://www.floridabuilding.org/c/c_commission.aspx (last visited on Jan. 11, 2020).

¹⁶⁴ *Id.*

¹⁶⁵ Group E occupancy relates to buildings and structures or portions thereof occupied by more than five children older than two and one-half years of age who receive educational, supervision, or personal care services for fewer than 24 hours per day, such as daycare facilities. Group I occupancy relates to the use of a building or structure, or a portion thereof, in which care or supervision is provided to persons who are or are not capable of self-preservation without physical assistance, e.g., hospitals, nursing homes, and foster care facilities, or in which persons are detained for penal or correctional purposes or in which the liberty of the occupants is restricted, e.g., correctional institutions. See Chapter 3, 2017 Florida Building Code - Building, Sixth Edition, available at: <https://up.codes/viewer/florida/fl-building-code-2017/chapter/3/use-and-occupancy-classification#308> (last visited Jan. 11, 2020).

the state to be compliant with, or be certified compliant with, the requirements of the Americans with Disability Act of 1990, as amended.

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 registered mechanical or electrical engineer;
- One member who is a representative of public education;
- 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.

The amendments to the composition of the Florida Building Commission in s. 553.5141, F.S., take effect January 1, 2021.

Other Conforming Provisions

Section 75 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, 2020, unless otherwise provided in the bill.

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:

According to the Department of Business and Professional Regulation (DBPR), the bill will result in a reduction of license fees, license renewal fees, and unlicensed activity fees paid by the private sector to the Division of Professions of approximately \$1,195,070 in Fiscal Year 2020-21, \$569,118 in Fiscal Year 2021-22, and \$1,358,895 in Fiscal Year 2022-23.¹⁶⁶

The fees received from the licensure of business agents and labor organizations will be eliminated, reducing expenditures by approximately \$830 annually.¹⁶⁷

The Division of Condominiums, Timeshares, and Mobile Homes (Yacht and Ship Brokers) of the DBPR estimates that the bill will result in a reduction of license and license renewal fees paid by the private sector of approximately \$5,400 in Fiscal Year 2020-21, \$3,000 in Fiscal Year 2021-22, and \$5,400 in Fiscal Year 2022-23.¹⁶⁸

The DBPR estimates that the bill will result in a reduction of license and license renewal fees paid by the private sector to the Florida State Boxing Commission of approximately \$1,450 annually.¹⁶⁹

B. Private Sector Impact:

The bill has an indeterminate positive fiscal impact for the private sector. The bill provides for the portability of Florida licensure by requiring reciprocity with states with similar requirements. The impact will vary, depending on how many licensees are provided licensure through reciprocity.

The bill has a positive fiscal impact on fees paid by the private sector. Over the next three fiscal years (FY 2020-21 to FY 2022-23), the estimated reduction totals \$3,143,723 as follows:¹⁷⁰

Professions: A reduction of license fees, license renewal fees and unlicensed activity fees of approximately \$1,195,070 in Fiscal Year 2020-21, \$569,118 in Fiscal Year 2021-22, and \$1,358,895 in Fiscal Year 2022-23.

¹⁶⁶ See Department of Business and Professional Regulation, *SB 474, 2020 Agency Legislative Bill Analysis*, p. 13 (Nov. 4, 2019) (on file with Senate Committee on Innovation, Industry, and Technology).

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

¹⁷⁰ *Id.*

The fees received from the licensure of business agents and labor organizations will be eliminated, reducing expenditures by approximately \$830 annually.¹⁷¹

Condominiums: (Yacht and Ship Brokers) A reduction of approximately \$5,400 in Fiscal Year 2020-21, \$3,000 in Fiscal Year 2021-22, and \$5,400 in Fiscal Year 2022-23.

Boxing Commission: A reduction of approximately \$1,450 annually.

Specifically, the bill:

- Eliminates license or registration costs for hair braiders, hair wrappers, body wrappers, labor organizations, and boxing 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.
- Eliminates business license costs for architects and interior designers, asbestos contractors, and landscape architects.
- Eliminates the requirement that yacht and ship brokers must have a separate license for each branch office.
- Reduces pre-licensure and continuing education costs for architects, barbers, cosmetologists, nail specialists, facial specialists, full specialists, 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.

C. Government Sector Impact:

According to the DBPR, the elimination of professional licensing requirements contained in the bill is anticipated to reduce state government revenues by \$3,143,723 over the next three fiscal years (FY 2020-21 to FY 2022-23).¹⁷² Specifically:¹⁷³

- Professions: a reduction of license fees, license renewal fees and unlicensed activity fees of approximately \$1,195,070 in Fiscal Year 2020-21, \$569,118 in Fiscal Year 2021-22, and \$1,358,895 in Fiscal Year 2022-23.
- Regulation: the business agent and labor organization license fee reduction is anticipated to be \$830 annually.
- Boxing Commission: a revenue reduction of approximately \$1,450 annually.
- Condominiums, Timeshares, and Mobile Homes (Yacht and Ship Brokers): Revenue reduction of approximately \$5,400 in Fiscal Year 2020-21, \$3,000 in Fiscal Year 2021-22, and \$5,400 in Fiscal Year 2022-23.¹⁷⁴

As a result of the revenue reduction, there will be a reduction in the 8 percent service charge to General Revenue of approximately \$96,220 in Fiscal Year 2020-21, \$45,952 in Fiscal Year 2021-22, and \$109,326 in Fiscal Year 2022-23.

¹⁷¹ *Id.*

¹⁷² *Id.* at page 16.

¹⁷³ *Id.*

¹⁷⁴ See Department of Business and Professional Regulation, *CS/CS/SB 1640 Bill Analysis*, p. 13 (Apr. 9, 2019) (on file with Senate Committee on Appropriations).

The bill will result in a reduction of expenditures related to the reduced workload because of the deregulation of entities currently regulated by the DBPR in the amount of \$130,840 in FY 2020-21, \$137,140 in FY 2021-22 and \$137,340 in FY 2022-23.¹⁷⁵

The Bureau of Education and Testing (Bureau) in the DBPR also indicates that the bill will have a minimal impact on its workload, although some examination content may require updating; such updating is a part of the Bureau's standard procedure to address statutory changes.¹⁷⁶

VI. Technical Deficiencies:

SB 474 amends ss. 456.072 and 456.074, F.S., and repeals s. 456.0721, F.S., to remove the authority of the Department of Health (DOH) to take disciplinary action against a health care practitioner who is in default on a student loan guaranteed by the state or federal government. However, the bill may not remove all DOH requirements relating to student loan default, specifically relating to initial award or renewal of a license. The DOH, or a licensing board within the jurisdiction of the DOH, must refuse to issue or renew a license to an individual that is currently listed on the USDHHS Office of Inspector General's List of Excluded Individuals and Entities (LEIE).¹⁷⁷ Federal law¹⁷⁸ provides that a default on a health education loan or scholarship obligation is permissive grounds for being placed on the LEIE and that such exclusion lasts until the default or obligation is resolved. If a candidate or applicant is placed on the LEIE for a default on such a loan, the DOH must deny that person's application for an initial license or renewal of an existing license.¹⁷⁹

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.165, 326.004, 447.02, 447.09, 447.305, 455.213, 456.072, 456.0721, 456.074, 468.385, 468.603, 468.613, 468.8314, 469.006, 469.009, 471.015, 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, 489.115, 489.511, 489.517, 489.518, 548.003, 548.017, 553.5141, 553.74, 553.79, 558.002, 559.25, and 287.055.

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*

¹⁷⁷ Section 456.0635(2)(e) and (3)(e), F.S. The LEIE provides information to the health care industry, patients and the public regarding individuals and entities currently excluded from participation in Medicare, Medicaid and all other Federal health care programs. USDHHS, Office of Inspector General, *Exclusions FAQ*, <https://oig.hhs.gov/faqs/exclusions-faq.asp>, (last visited Nov. 4, 2019). Individuals must be excluded (placed on the LEIE) for a conviction of specified crimes, including patient abuse, fraud, or actions related to a controlled substance. Individuals may be placed on the LEIE for acts including convictions relating to audits, specified misdemeanors, claims of unnecessary services, kickbacks, or default on health education loans or scholarship obligations. 42 U.S.C. s. 1320a-7.

¹⁷⁸ Section 1128(b)(14) of the Social Security Act and 42 U.S.C. 1320a-7(b)(14).

¹⁷⁹ Florida Department of Health, *2019 Agency Analysis of SB 356* (Oct. 31, 2019).

This bill repeals the following sections of the Florida Statutes: 447.04, 447.041, 447.045, 447.06, 447.12, 447.16, 477.0132, and 481.2251.

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.
