



## **Conference Committee on Professional Deregulation**

### **Senate Offer #2**

**Friday, April 29, 2011, 8:45 a.m.  
401 Senate Office Building**

**Conference Committee on Professional Deregulation  
Conforming Bills Comparison - Senate Offer #2  
Budget Conference for FY 2011-2012**

|   | <b>HOUSE</b>   | <b>SENATE</b>       | <b>HOUSE OFFER #1</b> | <b>SENATE OFFER #1</b> | <b>HOUSE OFFER #2</b>   | <b>SENATE OFFER #2</b>  |
|---|--|---------------------|-----------------------|------------------------|---|---|
| 1 | <b>HB 5005 - Deregulation of Professions and Occupations</b>   | No Senate Companion |                       |                        |   |   |
| 2 | Section 1. Amends s. 20.165, F.S., deleting provisions establishing the Florida Board of Auctioneers.  |                     | HOUSE                 | SENATE                 | ACCEPT SENATE POSITION  | CLOSED  |
| 3 | Sections 2.-4. Repeal chapter 326, F.S., relating to the licensure of yacht and ship brokers and salespersons and conforming provisions in ss. 212.06 and 213.053, F.S.  |                     | HOUSE                 | SENATE                 | HOUSE   | SENATE  |
| 4 | Sections 5. & 6. Repeal part VI of chapter 468, F.S., relating to the licensure of auctioneers, apprentices, and auction businesses, the Florida Board of Auctioneers, the Auctioneer Recovery Fund, and the conduct of auctions; and conforming provisions in s. 538.03, F.S. |                     | HOUSE                 | SENATE                 | HOUSE<br><br>Revised House position to deregulate only Auctioneer Apprentices and provide an exemption for out of state auctioneers to practice in Florida at contest only. | SENATE MODIFIED<br>Revised to continue the regulation of apprentices but to accept the exemption for out of state auctioneers to practice in Florida at contest only (from House Offer #2). |
| 5 | Section 7. Repeals part VII of chapter 468, F.S., relating to the licensure and regulation of talent agencies.   |                     | HOUSE                 | SENATE                 | HOUSE   | SENATE  |
| 6 | Section 8. Repeals part IX of chapter 468, F.S., relating to the licensure and regulation of athlete agents.   |                     | HOUSE                 | SENATE                 | HOUSE   | SENATE  |
| 7 | Sections 9.-13. Amend s. 477.0132, F.S., repealing the registration of specialists of hair braiding, hair wrapping, and body wrapping; and conforming provisions in ss. 477.019, 477.026, 477.0265, and 477.029, F.S.  |                     | HOUSE                 | ACCEPT HOUSE POSITION  | CLOSED  | CLOSED  |

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|----|--|---------------|-----------------------|------------------------|-----------------------|------------------------|
| 8  | Sections 14.–16. Repeal ss. 481.2131 and 481.2251, F.S., repealing the registration of interior designers; and conforming provisions in ss. 481.201, and 481.203, F.S.   |               | <b>HOUSE</b>          | <b>SENATE</b>          | <b>HOUSE</b>          | <b>SENATE</b>          |
| 9  | Section 17. Amends s. 481.205, F.S., changing the name of the Board of Architecture and Interior Design, to conform; revising membership of the board; conforming provisions.  |               | <b>HOUSE</b>          | <b>SENATE</b>          | <b>HOUSE</b>          | <b>SENATE</b>          |
| 10 | Sections 18.–31. Amend ss. 481.207, 481.209, 481.211, 481.213, 481.215, 481.217, and 481.219, 481.221, 481.222, 481.223, 481.229, 481.231, 553.79, and 558.002, F.S., conforming provisions to the repeal of the regulation of interior designers.   |               | <b>HOUSE</b>          | <b>SENATE</b>          | <b>HOUSE</b>          | <b>SENATE</b>          |
| 11 | Sections 32.–44. Repeal chapter 496, F.S., relating to the registration of professional fundraising consultants and professional solicitors and the regulation of solicitation of charitable contributions and charitable sales promotions; and conforming provisions in ss. 110.181, 316.2045, 320.023, 322.081, 413.033, 550.0351, 550.1647, 741.0305, 775.0861, 790.166, 843.16, and 849.0935, F.S. |               | <b>HOUSE</b>          | <b>SENATE</b>          | <b>HOUSE</b>          | <b>SENATE</b>          |
| 12 | Section 45. Repeals s. 500.459, F.S., relating to the regulation of water vending machines and the permitting of water vending machine operators.  |               | <b>HOUSE</b>          | <b>SENATE</b>          | <b>HOUSE</b>          | <b>SENATE</b>          |

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|--------------|--|---------------|-----------------------|------------------------|-----------------------|------------------------|
| 13           | Section 46. Amends s. 500.511, F.S., deleting provisions for the deposit of operator permitting fees, the enforcement of the state's water vending machine regulations, penalties, and the preemption of county and municipal water vending machine regulations, to conform.                                   |               | <b>HOUSE</b>          | <b>SENATE</b>          | <b>HOUSE</b>          | <b>SENATE</b>          |
| 14           | Sections 47. & 48. Repeal ss. 501.012-501.019, F.S., relating to the registration of health studios and the regulation of health studio services; and conforming provisions in s. 501.165, F.S.  |               | <b>HOUSE</b>          | <b>SENATE</b>          | <b>HOUSE</b>          | <b>SENATE</b>          |
| 15           | Sections 49. & 50. Repeal s. 501.143, F.S., relating to the Dance Studio Act, the registration of ballroom dance studios, and the regulation of dance studio lessons and services; and conforming provisions in s. 205.1969, F.S.  |               | <b>HOUSE</b>          | <b>SENATE</b>          | <b>HOUSE</b>          | <b>SENATE</b>          |
| 16           | Sections 51.–56. Repeal part IV of chapter 501, F.S., relating to the Florida Telemarketing Act, the licensure of commercial telephone sellers and salespersons and the regulation of commercial telephone solicitation; and conforming provisions in ss. 205.1973, 501.165, 648.44, 772.102, and 895.02, F.S. |               | <b>HOUSE</b>          | <b>SENATE</b>          | <b>HOUSE</b>          | <b>SENATE</b>          |
| 17           | Sections 57. & 58. Repeal chapter 507, F.S., relating to the registration of movers and moving brokers and the regulation of household moving services; and conforming provisions in ss. 205.1975, F.S.  |               | <b>HOUSE</b>          | <b>SENATE</b>          | <b>HOUSE</b>          | <b>SENATE</b>          |

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|----|--|---------------|-----------------------|------------------------|------------------------|------------------------|
| 18 | Sections 59. & 60. Amend s. 509.242, F.S., removing the license classifications of "rooming house" from public lodging establishments for purposes of provisions regulating such establishments; and conforming provisions in s. 509.221, F.S.   |               | HOUSE                 | ACCEPT HOUSE POSITION  | CLOSED                 | CLOSED                 |
| 19 | Section 61. Repeals chapter 555, F.S., relating to the regulation of outdoor theaters in which audiences view performances from parked vehicles.   |               | HOUSE                 | ACCEPT HOUSE POSITION  | CLOSED                 | CLOSED                 |
| 20 | Section 62. Repeals part VIII of chapter 559, F.S., relating to the Sale of Business Opportunities Act and the regulation of certain business opportunities.   |               | HOUSE                 | SENATE                 | HOUSE                  | ACCEPT HOUSE POSITION  |
| 21 | Sections 63.–66. Repeal part IX of chapter 559, F.S., relating to the registration of motor vehicle repair shops, the Motor Vehicle Repair Advisory Council, and the regulation of motor vehicle repair; and conforming provisions in ss. 320.27, 445.025, and 713.585, F.S.   |               | HOUSE                 | SENATE                 | ACCEPT SENATE POSITION | CLOSED                 |
| 22 | Sections 67.–72. Repeal part XI of chapter 559, F.S., relating to the Florida Sellers of Travel Act, the registration of sellers of travel, certification of certain business activities, and the regulation of prearranged travel, tourist-related services, tour-guide services, and vacation certificates; and conforming provisions in ss. 205.1971, 501.604, 501.608, 636.044, and 721.11, F.S. |               | HOUSE                 | SENATE                 | HOUSE                  | SENATE                 |

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|----|---|---------------|-----------------------|------------------------|-----------------------|------------------------|
| 23 | Section 73. Repeals s. 686.201, F.S., relating to contracts with sales representatives involving commissions.   |               | HOUSE                 | ACCEPT HOUSE POSITION  | CLOSED                | CLOSED                 |
| 24 | Section 74. Repeals s. 817.559, F.S., relating to the labeling of television picture tubes.   |               | HOUSE                 | ACCEPT HOUSE POSITION  | CLOSED                | CLOSED                 |
| 25 | Section 75. Provides an effective date.   |               | HOUSE                 | ACCEPT HOUSE POSITION  | CLOSED                | CLOSED                 |
| 26 | <b>HB 5007 - Reducing and Streamlining Regulations</b>  |               |                       |                        |                       |                        |
| 27 | <b>Section 1.</b> Transfers responsibility for distribution of a motor vehicle consumer's rights pamphlet to a motor vehicle owner from the Department of Agriculture and Consumer Services to the Department of Legal Affairs. |               | HOUSE                 | ACCEPT HOUSE POSITION  | CLOSED                | CLOSED                 |
| 28 | <b>Section 2.</b> Providing for the release of certain driver license information by the Department of Highway Safety and Motor Vehicles to the Department of Business and Professional Regulation under certain circumstances. |               | HOUSE                 | ACCEPT HOUSE POSITION  | CLOSED                | CLOSED                 |
| 29 | <b>Section 3.</b> Providing alternative criteria for obtaining a home inspector's license.  |               | HOUSE                 | SENATE                 | HOUSE                 | SENATE                 |
| 30 | <b>Section 4.</b> Exempts home inspectors from mold assessment licensure requirements.  |               | HOUSE                 | ACCEPT HOUSE POSITION  | CLOSED                | CLOSED                 |
| 31 | <b>Section 5.</b> Eliminates the requirements for a 2 year college degree and specific years of experience.   |               | HOUSE                 | SENATE                 | HOUSE                 | SENATE                 |
| 32 | <b>Section 6.</b> Revising the training requirements for mold assessors and remediators to remove water, mold, and respiratory protection.  |               | HOUSE                 | SENATE                 | HOUSE                 | SENATE                 |

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|----|--|---------------|---|--|------------------------|------------------------|
| 33 | <b>Section 7.</b> Revising the training requirements for mold assessors and remediators to remove water, mold, and respiratory protection.   |               | HOUSE   | SENATE   | HOUSE                  | SENATE                 |
| 34 | <b>Section 8.</b> Reduces years of experience and invoices requires for licensure.   |               | HOUSE   | SENATE   | HOUSE                  | SENATE                 |
| 35 | <b>Section 9.</b> Deletes the requirements for a licensed Asbestos Consultant or Contractor's sole proprietorship to obtain an additional license.   |               | HOUSE   | ACCEPT HOUSE POSITION  | CLOSED                 | CLOSED                 |
| 36 | <b>Sections 10 through 20.</b> Updates references to current Federal Law.  |               | Revised language makes technical and clarifying corrections to the bill as it relates to the Uniform Standards of Professional Appraisal Practice provisions. | ACCEPT HOUSE POSITION, except on line 205 of the revised House language, replace term "adopted by the Appraiser" to "developed by the Appraisal" | ACCEPT SENATE POSITION | CLOSED                 |
| 37 | <b>Section 21.</b> Deletes criminal penalties for persons who violate orders or rules of the Florida Real Estate Commission, persons who violate orders or rules of the Florida Real Estate Appraisal Board or related grounds for disciplinary action.          |               | HOUSE   | ACCEPT HOUSE POSITION  | CLOSED                 | CLOSED                 |
| 38 | <b>Sections 22 &amp; 23.</b> Delete criminal penalties for persons who violate orders or rules of the Florida Real Estate Commission, persons who violate orders or rules of the Florida Real Estate Appraisal Board or related grounds for disciplinary action. |               | HOUSE   | ACCEPT HOUSE POSITION  | CLOSED                 | CLOSED                 |

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|----|--|---------------|-----------------------|------------------------|-----------------------|------------------------|
| 39 | <b>Section 24.</b> Deletes criminal penalties for persons who commit certain violations of the Florida Cosmetology Act or rules of the Board of Cosmetology. |               | HOUSE                 | ACCEPT HOUSE POSITION  | CLOSED                | CLOSED                 |
| 40 | <b>Section 25.</b> Reducing continuing education requirements for reactivating professional licenses.  |               | HOUSE                 | ACCEPT HOUSE POSITION  | CLOSED                | CLOSED                 |
| 41 | <b>Section 26.</b> Reducing continuing education requirements for reactivating Home Inspector licenses.  |               | HOUSE                 | ACCEPT HOUSE POSITION  | CLOSED                | CLOSED                 |
| 42 | <b>Section 27.</b> Reducing continuing education requirements for reactivating Mold Assessor and Remediator licenses.  |               | HOUSE                 | ACCEPT HOUSE POSITION  | CLOSED                | CLOSED                 |
| 43 | <b>Section 28.</b> Reducing continuing education requirements for reactivating Cosmetology licenses.   |               | HOUSE                 | ACCEPT HOUSE POSITION  | CLOSED                | CLOSED                 |
| 44 | <b>Section 29.</b> Reducing continuing education requirements for reactivating Architect licenses.   |               | HOUSE                 | ACCEPT HOUSE POSITION  | CLOSED                | CLOSED                 |
| 45 | <b>Section 30.</b> Reducing continuing education requirements for reactivating Landscape Architect licenses.   |               | HOUSE                 | ACCEPT HOUSE POSITION  | CLOSED                | CLOSED                 |
| 46 | <b>Section 31.</b> Reducing continuing education requirements for reactivating Construction Contractor licenses.   |               | HOUSE                 | ACCEPT HOUSE POSITION  | CLOSED                | CLOSED                 |
| 47 | <b>Section 32.</b> Reducing continuing education requirements for reactivating Electrical Contractor licenses.   |               | HOUSE                 | ACCEPT HOUSE POSITION  | CLOSED                | CLOSED                 |

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|----|---|---------------|--|------------------------|-----------------------|------------------------|
| 48 | <b>Section 33.</b> Allows accountants with a Masters degree from an accredited state college or university to be licensed without course reviews. Allows a CPA licensed in another state with 5 years of experience in the field of public accountancy to become licensed in Florida if all applicable fees are paid to the department regardless of the scope of the applicant's out of state course work. |               | Revised language to clarify that a master's degree in accounting, or its equivalent, is a satisfactory education level to apply for a Certified Public Accountant license. | ACCEPT HOUSE POSITION  | CLOSED                | CLOSED                 |
| 49 | <b>Section 34.</b> Revising the post licensure education requirements for real estate brokers and sales associates.   |               | Revised language to clarify that initial licensure and postlicensure requirements do not apply to applicants for Real Estate Broker who holds specific education degrees.  | ACCEPT HOUSE POSITION  | CLOSED                | CLOSED                 |
| 50 | <b>Section 35.</b> Deletes the requirements for a licensed Architects' sole proprietorship to obtain an additional license.   |               | HOUSE  | ACCEPT HOUSE POSITION  | CLOSED                | CLOSED                 |
| 51 | <b>Section 36.</b> Authorizes Landscape Designers to submit plan to government agencies for approval.   |               | HOUSE  | ACCEPT HOUSE POSITION  | CLOSED                | CLOSED                 |
| 52 | <b>Section 37.</b> Revising requirements for the method of payment of certain fees to not require check payments be certified.  |               | HOUSE  | ACCEPT HOUSE POSITION  | CLOSED                | CLOSED                 |
| 53 | <b>Section 38.</b> Revising requirements for the method of payment of certain fees to not require check payments be certified.  |               | HOUSE  | ACCEPT HOUSE POSITION  | CLOSED                | CLOSED                 |

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|----|--|---------------|-----------------------|---|------------------------|--|
| 54 | <b>Section 39.</b> Revising terminology for repossessor schools and training facilities.                                       |               | HOUSE                 | ACCEPT HOUSE POSITION                                     | CLOSED                 | CLOSED   |
| 55 | <b>Section 40.</b> Revising requirements for the method of payment of certain fees to not require check payments be certified. |               | HOUSE                 | ACCEPT HOUSE POSITION                                     | CLOSED                 | CLOSED   |
| 56 | <b>Section 41.</b> Revising terminology to conform.  |               | HOUSE                 | Revised language to conform to CS/CS/SB 1916, section 23. | ACCEPT SENATE POSITION | CLOSED   |
| 57 | <b>Section 42.</b> Providing and revising definitions for purposes of the Florida Food Safety Act.                             |               | HOUSE                 | SENATE  | HOUSE                  | ACCEPT HOUSE POSITION  |
| 58 | <b>Section 43.</b> Providing penalties for food safety violations committed by cottage food operations.                        |               | HOUSE                 | SENATE  | HOUSE                  | SENATE MODIFY<br>Revised Senate position to accept House Position with amendments to change the label to provide that it is not subject to routine inspections by DACS and provide that the food items are not for resale. |

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|----|--|---------------|-----------------------|---|------------------------|------------------------|
| 59 | Section 44. Exempting cottage food operations from food permitting requirements; limiting the annual gross sales of cottage food operations and the persons who whom cottage food products may be sold; requiring certain packaging and labeling of cottage food products; limiting the sale of cottage food products to certain locations; prohibiting the resale of cottage food products; providing for application; authorizing the Department of Agriculture and Consumer Services to investigate complaints and enter into the premises of a cottage food operation. |               | HOUSE                 | SENATE  | HOUSE                  | ACCEPT HOUSE POSITION  |
| 60 | <b>Section 45.</b> Deleting authority for the department to enforce certain prohibitions against unconscionable practices during a declared state of emergency.  |               | HOUSE                 | Revised language to conform to CS/CS/SB 1916, section 31. | ACCEPT SENATE POSITION | CLOSED                 |
| 61 | <b>Section 46.</b> Revising which matters relating to the regulation of public lodging establishments and food service establishments are preempted to the state.  |               | HOUSE                 | ACCEPT HOUSE POSITION                                     | CLOSED                 | CLOSED                 |
| 62 | <b>Section 47.</b> Authorizing the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to require certain public lodging establishments and public food service establishments to complete certain food safety training.  |               | HOUSE                 | ACCEPT HOUSE POSITION                                     | CLOSED                 | CLOSED                 |
| 63 | <b>Section 48.</b> Revises requirements for Home Inspectors conducting hurricane mitigation inspections.   |               | HOUSE                 | SENATE  | HOUSE                  | SENATE                 |

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|----|---|---------------|---|---|--|------------------------|
| 64 | <b>Section 49.</b> Increases inactive license period from 2 years to 8 years for Fire Sprinkler Installers.   |               | HOUSE   | ACCEPT HOUSE POSITION   | CLOSED                                 | CLOSED                 |
| 65 | Sections 50 through 56. Transferring certain responsibilities of the Division of Consumer Services of the Department of Agriculture and Consumer Services for the Motor Vehicle Warranty Enforcement Act to the Department of Legal Affairs; authorizing the Department of Legal Affairs to adopt rules; conforming provisions. |               | Revises sections 51-54 to make technical changes to conform to SB 1916. | ACCEPT HOUSE POSITION   | CLOSED                                 | CLOSED                 |
| 66 | <b>Section 57.</b> Related to the transfer of Lemon Law from DACS to DLA  |               | HOUSE   | ACCEPT HOUSE POSITION   | CLOSED                                 | CLOSED                 |
| 67 | <b>Section 58.</b> Provides that Chapter 2010-84, Laws of Florida, regarding real estate appraisal management companies will not take effect until July 1, 2014. This change will allow time for the federal regulators to promulgate their rules.  |               | HOUSE   | ACCEPT HOUSE POSITION   | CLOSED                                 | CLOSED                 |
| 68 | <b>Section 59.</b> Provides an effective date of July 1, 2011, except as otherwise provided in the act.   |               | HOUSE   | ACCEPT HOUSE POSITION   | CLOSED                                 | CLOSED                 |
| 69 | <b>Additional Items</b>   |               |   |   |  |                        |
| 70 | Title Insurance Agents  |               | Study of Title Insurance Agents by DFS                                  | SENATE  | Study of Title Insurance Agents by DFS | ACCEPT HOUSE POSITION  |
| 71 | Fee Waiver by DBPR  |               |   | Attached language from section 2 of CS/CS/SB 1824 provides for the waiver of fees for DBPR on a case-by-case basis for financial hardship or error caused by the department | ACCEPT SENATE POSITION                 | CLOSED                 |

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|-------|----------------------------------|--------|----------------|---|----------------|--|
| 72    | CPA Peer Review                  |        |                | Attached language from sections 18-21 of CS/CS/SB 1824 which creates a CPA peer-review oversight process. | HOUSE          | SENATE   |
| 73    | Architecture and Interior Design |        |                |   |                | <b>NEW SENATE LANGUAGE</b><br>Attached language added to provide that the Board of Architecture and Interior Design may contract for services. |

**Sections changed are in bold.**

Section 44. Section 500.80, Florida Statutes, is created to read:

500.80 Cottage food operations.-

(1) (a) A cottage food operation must comply with the applicable requirements of this chapter but is exempt from the permitting requirements of s. 500.12 if the cottage food operation complies with this section and has annual gross sales of cottage food products that do not exceed \$15,000.

(b) For purposes of this subsection, a cottage food operation's annual gross sales include all sales of cottage food products at any location, regardless of the types of products sold or the number of persons involved in the operation. A cottage food operation must provide the department, upon request, with written documentation to verify the operation's annual gross sales.

**(2) A cottage food operation may not sell or offer for sale cottage food products over the Internet, by mail order, at wholesale, or for resale.**

(3) A cottage food operation may only sell cottage food products which are prepackaged with a label affixed that contains the following information:

(a) The name and address of the cottage food operation.

(b) The name of the cottage food product.

(c) The ingredients of the cottage food product, in descending order of predominance by weight.

(d) The net weight or net volume of the cottage food product.

(e) Allergen information as specified by federal labeling requirements.

(f) If any nutritional claim is made, appropriate nutritional information as specified by federal labeling requirements.

(g) The following statement printed in at least 10-point type in a color that provides a clear contrast to the background of the label: "**Made in a cottage food operation that is not subject to routine inspection by the Department of Agriculture and Consumer Services and is not for resale**"

(4) A cottage food operation may only sell cottage food products that it stores on the premises of the cottage food operation.

(5) This section does not exempt a cottage food operation from any state or federal tax law, rule, regulation, or certificate that applies to all cottage food operations.

(6) A cottage food operation must comply with all applicable county and municipal laws and ordinances regulating the preparation, processing, storage, and sale of cottage food products by a cottage food operation or from a person's residence.

(7) (a) The department may investigate any complaint which alleges that a cottage food operation has violated an applicable provision of this chapter or rule adopted under this chapter.

(b) Only upon receipt of a complaint, the department's authorized officer or employee may enter and inspect the premises of a cottage food operation to determine compliance with this chapter and department rules, as applicable. A cottage food operation's refusal to permit the department's authorized officer or employee entry to the premises or to conduct the inspection is grounds for disciplinary action pursuant to s. 500.121.

(8) This section does not apply to a person operating under a food permit issued pursuant to s. 500.12.

**The amendment provides that the Architecture and Interior  
Design Board may contract for services.**

Section xx. Present subsection (4) of section 481.205, Florida Statutes, is renumbered as subsection (5), and a new subsection (4) is added to that section, to read:

481.205 Board of Architecture and Interior Design.—

(4) In addition to the authority granted in subsection (3),  
the board may contract for all other services pursuant to s.  
455.32.