

STORAGE NAME: h2011.brc
DATE: April 11, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
BUSINESS REGULATION AND CONSUMER AFFAIRS
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 2011 (PCB BRCA 97-01)

RELATING TO: Regulation of Professions

SPONSOR(S): Committee on Business Regulation and Consumer Affairs

STATUTE(S) AFFECTED: Chapters 177, 455, 468, 469, 470, 473, 474, 475, 476, 477, 489, 501,
and 553 F.S.

COMPANION BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) BUSINESS REGULATION AND CONSUMER AFFAIRS YEAS 8 NAYS 0
- (2)
- (3)
- (4)
- (5)

I. SUMMARY:

PCB BRCA 97-01 (PCB 1) is the legislative package for the Department of Business and Professional Regulation (DBPR). For the past two years, the DBPR legislative package has not become law. In 1995 it was vetoed by the Governor (due to provisions related to a local government control versus statewide contractors' controversy) and in 1996 the Senate failed to take action on it. It no longer contains the provision which caused the veto.

The affected professions include: land surveying (renamed Professional Surveyors and Mappers); auctioneers; athlete agents; water and wastewater plant operators; building inspector and building officials; asbestos abatement contractors; funeral directors and embalmers; certified public accountants; veterinarians; real estate brokers; real estate appraisers; barbers; cosmetologists; construction contractors; and electrical or alarm contractors. New regulation is established for industrial hygienists, home inspectors and medical gas work. The bill also includes changes to chapter 455, F.S., relating to general provisions affecting all persons and entities regulated under the department

Significant substantive changes include modifying provisions relating to: registration for hair wrapping; payments from the Construction Industry Recovery Fund, making recovery more accessible; real estate broker law relating to the "agency" issue; medical gas regulation; electrical and alarm system contractor regulation, adding new exemptions relating to alarm monitoring; electrical construction exemption relating to schools; and numerous other changes. See section-by-section portion of bill analysis for details.

Any expenses incurred will be paid from fees, fines, and other revenues collected from regulation of the various named professions. There should be no significant fiscal impact on local government or the private sector in general.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Land Boundary Regulation (Professional Surveyors and Mappers) - Chapter 177, F.S. (Section 1-16)

Chapter 177, F.S., contains laws relating to land boundaries. The chapter involves regulation about "platting" and the setting of "monuments." "Platting" essentially amounts to the formal drawing -- usually to scale -- of the location and boundaries of a piece of land. The creation of the plat requires the use of a person licensed as a Professional Surveyor and Mapper, under chapter 472, F.S. "Monuments" are physical markers which allow the person on the ground to see the boundaries established by the "plat."

General DBPR Provision - Chapter 455, F.S. (Sections 17-20)

COMPUTER-BASED TESTING
(Sections 17-19, 33-34, 64-65, 71, 88-90, 92, 100-102, and 105-107)

The boards under DBPR retain most of the examination design and approval authority, pursuant to ch. 455 and their respective practice acts.

NOTICE OF NONCOMPLIANCE
(Section 20)

Presently, boards are required to issue a notice of noncompliance -- rather than discipline such as a fine or license suspension or revocation -- for the first instance of a "minor offense." The boards specifically designate which violations are considered "minor." The DBPR has found that many boards are underutilizing this provision, and are engaging in expensive disciplinary proceedings and imposing stiff penalties in instances where a notice of noncompliance may have been appropriate.

Auctioneers - Chapter 468, F.S. (Sections 21-29)

Presently, any person seeking a license as an auctioneer must pass a written examination prepared and administered by the department which tests his general knowledge of the laws of the state relating to bulk sales, auctions, brokerage and the provisions of this act. A written agreement is not required for all auctions. Also, 468.389(1)(c), F.S., does not include the word "property."

An "Auctioneers Recovery Fund" is established in chapter 468, F.S., to reimburse consumers who have been economically damaged in dealing with a licensed auctioneer. The dollar amount of recovery against any auctioneer or auction business is now \$50,000. The lifetime limit is \$100,000. The fund is required to be maintained at \$500,000 minimum. This law allows one to file for recovery at any time within 6 months after one has made an effort to collect. The present statute states that notwithstanding any other provision of this part, no claim shall be paid until after October 1, 1995. All of

the claims which the board has received to date are for *occurrences* before October 1, 1995.

Community Association Managers (CMA's) - Chapter 468, F.S.
(Section 30)

The 1996 Legislature transferred regulation of CMA's from the Division of Land Sales, Condominiums, and Mobile Homes to the Division of Professions with within DBPR (ch. 96-291, L.O.F.). However, the legislation did not authorize the department to promulgate rules for implementation of the regulation.

Athlete Agents - Chapter 468, F.S.
(Section 32)

Presently, athlete agent applicants are required to provide their fingerprints, pursuant to the application process. However, there is no specific authority for the department being able to make this requirement.

Water and Wastewater Operators - Chapter 468, F.S.
(Sections 31 and 33-34)

In 1992, CS/SB 154 transferred the program of certifying water purification and wastewater treatment operators from the Department of Environmental Regulation (DER, now referred to as DEP [Department of Environmental Protection]) to the DBPR. The types of licensure and the conditions for obtaining licensure are found in rule, rather than in statute. This is potentially a problem of an unconstitutional delegation of legislative authority to an executive body (the DBPR). The courts have held that the Legislature may not delegate such decision-making authority to an executive body without providing clear standards in the statutes.

Building Code Administrators, Inspectors, and Plans Examiners - Chapter 468, F.S.
(Sections 35-40)

Currently, the Board of Building Code Inspectors reviews license applications itself, rather than delegating it to staff, as some boards do. Presently, there is no explicit provision making it a disciplinable offense to violate chapter 455 F.S., (which contains provisions meant to apply to all licensees under the DBPR), or chapter 489 (which contains provisions relating to construction and electrical contractors -- a license which many licensed building officials or inspectors hold).

Presently, according to the Board of Building Code Administrators and inspectors, architects and engineers are required to obtain license as a building code inspector (in addition to their architecture or engineering license) in order to perform building code inspection duties. Engineers state that despite the board interpretation, they believe the law was intended to allow them to do building code inspections without obtaining a license as a building code inspector.

There are no examination fees for employees of local governments applying for licensure as building code administrators and inspectors. Therefore, these examinations are subsidized by the board, a provision intended to assist in getting the

new certification program off the ground in 1994. Over 90% of affected government employees are now licensed by the board.

Asbestos Abatement - Chapter 469, F.S.
(Sections 41-47)

Current law requires the same person to possess a contractor license under Ch. 489, F.S., prior to the issuance of an asbestos contractor license, and requires that construction contractor license for all abatement work, not just abatement work involving a building structure.

In 1995, asbestos regulation was modified to establish and clarify that certain asbestos abatement activities do not require licensure. Several "cleanup and technical" changes remain to be made, in addition, the DBPR is recommending several technical changes to track federal Environmental Protection Agency (EPA) guidelines.

Funeral Directors and Embalmers - Chapter 470, F.S.
(Sections 48-57)

Chapter 470, F.S., provides authority to the DBPR and the Board of Funeral Directors and Embalmers to regulate, through licensure, registration and inspection, funeral directors, embalmers, direct disposers and the facilities each operates. The board is given rulemaking authority to set some fees for these regulatory activities.

The chapter was amended in 1996 by chapter 96-355, Laws of Florida, to expand and prioritize the list of individuals having authority to make funeral arrangements. However, the change did not include an attorney-in-fact or health surrogate who could be the only individuals available to make the arrangements.

Only a licensed embalmer or registered intern or apprentice may work in an embalming room. The apprentice program is limited to one year while the mortuary science course is a two year program. Some students choose to work at a funeral home while attending school, but current provisions prevent them from working in the embalming area for more than one year.

An applicant for licensure as a funeral director must complete a one-year internship before taking the licensure examination. Since the exam is given only twice each year, a person may have to wait several months between completing the internship and taking the exam.

Chapter 470, F.S., requires funeral directors, embalmers and direct disposers renewing their licenses to take a specified number of course hours and a course on communicable diseases that includes instruction on HIV and AIDS. However, s. 455.2226, F.S., also requires a course on HIV and AIDS creating confusion as to whether current courses comply with the two chapters.

Direct disposers offer cremation without embalming or memorial services, usually at a lower cost than a full funeral. In 1993, the law was changed to prohibit direct disposer facilities and funeral homes from colocating (i.e., operating out of the same facility) due

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to the number of complaints about "bait and switch" operations. The act intended to allow facilities licensed at the time to continue operating, however, due to conflicting effective dates a few facilities were not covered by the grandfather clause. Additionally, the language prevented a funeral home from operating a separate chapel, intended merely for visitation purposes, at another location. Instances have arisen, particularly in rural areas, where visitation chapels would benefit the community. The 1993 changes also established centralized embalming facilities requiring licensure and inspection. However, the act inadvertently failed to authorize the assessment of registration, inspection and renewal fees.

Funeral directors, embalmers, and direct disposers must submit information to the DBPR relating to deceased humans, however, no time frame for submission is specified. Therefore, the DBPR does not always receive timely information.

The former HRS had an administrative rule relating to the storage, preservation and transportation of human remains. That rule was deleted with a recommendation that chapter 470, F.S., include the provisions.

There is no statutory requirement that proper identification be placed on the remains, casket or container of a dead human. Winds and floods destroyed cemeteries during Hurricane Andrew and recent floods in the mid-west made it impossible in some instances to match a burial marker with human remains.

Certified Public Accountants - Chapter 473, F.S.
(Sections 58-62)

Chapter 473, F.S., regulates Certified Public Accountants (CPA) in Florida. It provides for the education, experience, examination and other requirements for sitting for the CPA examination. It also provides the basis and general guidelines for acceptable practice in Florida as a CPA. After the passage of NAFTA, the qualifications board of the National Association of State Boards of Accountancy declared Canadian CPAs to have equivalent education and examination requirements as those generally in the United States.

Chapter 473, F.S., was amended in 1994 to allow the Board of Accountancy to establish an alternative licensure examination for Canadian CPAs. With the signing of GATT, the national qualifications board is now approving CPAs from additional countries.

The state Board of Accountancy had an educational advisory committee in 1994 when chapter 94-119, L.O.F., was enacted requiring establishment of such committees by law.

No provision is made in law to allow for the collection of additional fees or the earmarking of a portion of the current licensure fees for special programs or uses.

CPA firms, along with other professional associations, were authorized in 1993 by chapter 93-110, L.O.F., to form limited liability companies. However, when authority was given in 1995 (chapter 95-409, L.O.F.) to other professions to form limited liability partnerships, ch. 473, F.S., was not amended to extend that authority to CPA firms.

Veterinarians - Chapter 474, F.S.
(Sections 63-70)

The practice of veterinary medicine in Florida requires licensure as a veterinarian from the Board of Veterinary Medicine (seven members: five licensed veterinarians; and two consumer members) under the Department of Business and Professional Regulation (DBPR). In order for a person to obtain such a license, they must have either a degree in veterinary medicine from a college accredited by the American Veterinary Medical Association Council on Education, or have graduated from a college of veterinary medicine listed in the American Veterinary Medical Association Roster of Veterinary Colleges of the World and obtained a certificate from the Education Commission for Foreign Veterinary Graduates. The applicant must also pass a licensure examination approved by the department. There are slightly more than 4,000 licensed veterinarians in Florida.

Any establishment, permanent or mobile, where a licensed veterinarian practices must be issued a premise permit. Each application shall specify the name of the licensed veterinarian who will be responsible for the management of the establishment and the name and address of the owners of the establishment. An inspection of the premises is required prior to licensure to determine that the establishment meets minimum standards as to sanitary conditions, record keeping, equipment, radiation monitoring, services required, and physical plant.

In s. 474.203 F.S. there are several exemptions from licensure requirements. A faculty member at a veterinary *school* is not required to obtain a veterinary license, so long as he only practices in conjunction with his teaching duties at the school. The law does not provide an exemption for an intern or resident.

There is no provision allowing a licensed veterinarian from another state to practice in Florida in order to assist a licensed veterinarian in this state.

The board has no authority to collect fees for individual limited service clinics and the DBPR (rather than each board) has the responsibility and authority to handle disciplinary cases related to any unlicensed activity, including unlicensed veterinary charges.

Real Estate Brokers, Salespersons, and Schools - Chapter 475, Part I, F.S.
(Sections 71-81)

Under chapter 475, F.S., the commission has authority to administer examinations and reexaminations. Limited liability partnerships and limited liability companies are presently ineligible to register as brokers. Under s. 475.17, F.S., broker applicants with out-of-state salesperson or broker experience may sit for the Florida broker exam, although confusion exists as to whether those applicants must still satisfy salesperson postlicensure education requirements; also, no exemption from the salesperson experience requirement exists for state employed real estate investigators desiring licensure as brokers.

Under s. 475.183, F.S., persons with involuntarily inactive licenses have four years before their licenses expire; the department is required to provide notice two years prior to license expiration. These provisions are seen as too lenient by the commission and have permitted thousands of licensees with involuntarily inactivated licenses to retain their status at the expense of active licensees.

The commission presently has the authority to assess fines up to \$1,000. Section 455.227(1)(I), F.S., requires licensees, with no exemptions, to report to the department known violations of chapter 455 or 475. This "snitch provision" is considered by many to undermine the effectiveness of local ethics committees and licensed instructors.

Section 475.451, F.S., currently defines "school instructor," but is ambiguous as to whether a license or permit is required and what requirements exist for that certification.

Under s. 475.452, F.S. and rules promulgated by the Florida Real Estate Commission (FREC), brokers that receive advance fees for the listing of real property are required to follow guidelines with regard to the deposit and accounting of those funds. Brokers receiving fees in advance of an auction are currently required to comply with this section, although common industry practice is to outline in a written agreement how advance funds will be spent.

Section 475.484, F.S., provides that if payment is made from the Real Estate Recovery Fund due to the settlement of a claim against a broker, the broker's license is suspended and may not be reinstated until the broker has repaid the amount paid from the fund.

Under current provisions in chapters 455 and 475, F.S., the department has no clear authority to inspect or audit brokers, appraisers, and their respective offices.

Real Estate Appraisers - Chapter 475, Part II, F.S.
(Sections 82-87)

The board has no authority under current provisions of chapter 475, F.S., to adopt a seal for the purpose of authenticating its documents, such as certified letters of licensure; further, the board has no clear authority to set appropriate fees.

Appraisers seeking a change in licensure status are currently charged the same fee as one seeking initial licensure. In addition, the education requirement of registered appraisers is currently defined as "up to 75 hours," although licensed appraisers are currently required to have "at least 75 hours." With the exception of registered appraisers, all applicants are required to have 2 years of appraiser experience. Registered appraisers are further required to complete up to 165 classroom hours of approved academic courses.

Section 475.624, F.S., is the appraiser counterpart of s. 475.25, F.S., and similarly requires appraisers to report violations of Part II or the "snitch" provisions of chapter 455, F.S. The justification offered by appraisers for this exemption is similar to that given by brokers and salespersons, that is, these provisions hinder the functions of local ethics boards and educational services.

Under current provisions of chapters 455 and 475, F.S., the department has no express authority to inspect or audit appraisers and their offices.

Barbers - Chapter 476, F.S.
(Sections 88-92)

The rules of the Barber Board allow an individual who simply cuts hair to apply for a restricted barber's license. Section 476.144, F.S., authorizes these licenses to individuals who: hold a license in another state; have not been disciplined for barbering violations in the past 15 years; and pass a practical examination. Florida citizens and individuals from foreign countries, therefore, are effectively prohibited from obtaining a restricted barber's license.

Cosmetologists - Chapter 477, F.S.
(Sections 93-99)

Hair wrapping entails wrapping ribbons or beads through strands of human hair and is usually performed at booths or kiosks in resort areas such as Disney World or Panama City Beach. Questions were raised last summer regarding licensure of this activity and the Board of Cosmetology determined it was the practice of cosmetology. In August 1996, Disney World terminated its agreements with the companies providing hair wrapping; 80 employees were laid off losing approximately \$200,000 in wages. No data are available on the total number of people affected throughout the state. On February 10, 1997, the board adopted an emergency rule authorizing registration to hair wrappers who: take 16 hours course work; and pay a \$25 registration fee and a \$100 salon registration fee. These requirements are the same as those for hair braiders.

The definition of cosmetology includes hair arranging which must be performed in a licensed salon. Exemptions are given to certain activities including fashion photography. However, businesses that cater to the general public and offer hair arranging as part of a photography session (i.e. Glamor Shots) must hire licensed cosmetologists and meet cosmetology salon requirements.

Present law does not provide continuing education requirements for cosmetologists.

Contractors (Construction, Electrical, and Alarm Systems) - Chapter 489, F.S.

Chapter 489, F.S., contains the regulation regarding construction contracting in part I and regulation regarding electrical and alarm contracting in part II. In order to perform construction contracting, or electrical or alarm system contracting, the person must either be registered or certified. A person becomes registered by complying with the requirements imposed by a specific local jurisdiction for obtaining a local license, and then applying to the state Construction Industry Licensing Board (CILB), or the state Electrical Contractors' Licensing Board (ECLB), as appropriate, for a registration. A registration allows the licensee to practice only within the jurisdiction which has issued him the local license.

Alternately, the person may apply for a certification, which allows the licensee to practice anywhere in Florida. Certification requires that the applicant take and pass a certification examination administered by the CILB or ECLB, as appropriate.

Both parts of chapter 489, F.S. -- construction contracting in part I, and electrical and alarm contracting in part II -- have continuing education requirements. Presently, there

is no "reciprocity" between the two parts regarding this requirement. Therefore, someone who is licensed under both parts must take all of the Part I and the Part II hours.

Construction Contractors - Chapter 489, Part I, F.S.
(Sections 103-117)

UNDERGROUND UTILITY CONTRACTORS

Currently, the definition of "Underground Utility and Excavation Contractor" (U.U.C.) does not accurately reflect the scope-of-work actually being done by the underground utility and excavation contractors in the field. Technologies have been added, and these additional technologies are not reflected in the current job scope set forth in the definition.

In addition, there is currently a considerable amount of controversy existing between plumbing contractors and U.U.C.'s regarding whether the U.U.C.'s may do certain work, or whether that work is restricted to plumbers. U.U.C.'s are basically "site development" contractors, putting in basic infrastructure at the site, from the earliest stages.

They clear and grade the land. Then, they install *storm* sewers for water runoff, *sanitary* sewers to carry waste away, and pipes to deliver potable water to the site. It should be noted that the sanitary sewer pipes and the potable water pipes often need to be run for miles, in order to get to the site.

All of this must then be connected to the structure. The installation and repair of the pipes close to or within the structure is restricted to licensed plumbing contractors.

The controversy arises from the question of *at what point* the U.U.C.s should be restricted from going any further, and only the plumbing contractors should be allowed to proceed.

The U.U.C.'s want to be allowed to have their work come to within 5 feet of commercial buildings. The plumbing contractors do not believe that it is proper for them to be doing such work.

The Underground Utility and Excavation Contractors argument is as follows:

U.U.C.'s are *licensed* contractors following plans designed by a *licensed* Professional Engineer, inspected by the *licensed* inspectors employed by the local building department. The public is protected by the multiple layers of licensure and inspection responsibilities. U.U.C.'s are perfectly competent to do such work, and such work is in no essential technical sense different from the *other* work they are qualified to do, and are allowed to do.

For these reasons -- and others -- they argue that their work should be allowed to extend up to 5 feet of any *commercial* building. It should be emphasized that they do not ask that plumbers be restricted from doing such work, only that the U.C.C.'s *also* be allowed to do the work.

The plumbing contractors take the opposite position as follows:

They do not want the U.U.C.'s to be allowed to do the "close-in" work, and feel that work should be *reserved* to plumbing contractors. They argue that they are *particularly* capable and trained in this area, that they -- the plumbers -- have a work force that is often comprised of locally licensed plumbing *journeymen* (there is no comparable underground utility *journeymen* program).

One of the issues that generates this problem has to do with the question of who does the design, who inspects the work, and according to *which* standards or code is the inspection done? Different codes, different inspectors, applying to the same work creates an obvious potential for confusion and other difficulties.

Also, it should be remembered that plumbing contractors -- in addition to doing the actual work -- are allowed to also design the plumbing work. Underground Utility and Excavation Contractors do not have such authority to design the work they do, and instead must follow a plan which is designed by a Professional Engineer.

The *problem* comes in when the work approaches the building, and must be connected to the work done by the plumbers. Although engineering standards and plumbing code standards are *similar*, they are not *identical*. There is some question -- indeed some considerable *confusion* -- over who should inspect this "close-in" work. Should the work done by the U.U.C.'s be inspected by the engineering division of the building department, according to engineering standards? What if this same work were done by a plumber? Should that same work in this instance be inspected by the building department with a *plumbing* inspector, and according to plumbing standards?

It should be noted that even under *current* law it is not clear -- in fact, there is considerable *disagreement* over -- exactly where U.U.C.'s must stop, and where the work must then be done *only* by plumbing contractors. A building official interpreted the law to allow *both* U.U.C.'s *and* the plumbing contractors to do the work which is close to the building.

The building official stated that one of the reasons he felt comfortable with a U.U.C. doing the work close to the building is that they made sure that the plumbing inspector looked at the plans done by the engineer and that the inspection would be done by the plumbing inspector, and according to plumbing code standards. The building official felt that this procedure solved any problem that might arise.

One specific problem that was referenced on this subject is that -- if the engineer designs plans without taking the needs of the plumber into consideration -- the design may create a problem with the pipes being laid deeper than the plumbers would wish, considering that they will have to dig down to them to accomplish any future repairs.

MEDICAL GAS CERTIFICATION (Sections 109-110)

Medical gas piping systems are designed for various purposes, including the conveyance of oxygen to patient rooms, the precise delivery of anesthetic agents, or the suction of organic materials during surgery.

Presently, a license as a plumbing contractor is required in order to engage in the business of medical gas system installation, alteration, repair, or maintenance. Employees of the licensed contractor, working under the licensee's general supervision, are exempt from licensure requirements.

Medical gas systems, like other mechanical systems, are subject to applicable state and local building codes. Unlike most other systems, however, these systems are also subject to the scrutiny of Florida's Department of Health and Rehabilitative Services (DHRS), as well as the office of the State Fire Marshal.

PENALTIES FOR UNLICENSED CONTRACTING

Currently, the first offense for unlicensed construction contracting or unlicensed electrical contracting is a first degree misdemeanor.

"Unlicensed construction contracting," as generally understood, is actually a set of nine specific violations set forth as specific paragraphs under s. 489.127(1), F.S.

"Unlicensed electrical or alarm contracting," as generally understood, is actually a set of ten specific violations set forth as specific paragraphs under s. 489.531(1), F.S.

Presently, most instances of unlicensed contracting (including the first offense in almost all cases) are first degree misdemeanors, and only a few limited circumstances of unlicensed contracting amount to a felony violation. The circumstances under which it is presently a felony to commit unlicensed contracting are:

- (1) Unlicensed construction, electrical, or alarm contracting, if you have previously been convicted of unlicensed contracting (i.e., a second offense);
- (2) Unlicensed construction contracting during a declared state of emergency; or
- (3) Unlicensed construction contracting as a pollutant storage systems contractor, precision tank tester, or pollutant storage tank lining applicator.

A first degree misdemeanor is punishable by a term of imprisonment of up to one year, and a fine of up to \$1,000.

A third degree felony is punishable by a term of imprisonment of up to 5 years and a fine of up to \$5,000. In addition, many professions (and, in fact, many jobs) use a conviction of any felony as a disqualification from licensure or an opportunity to become employed.

Electrical and Alarm System Contractors - Chapter 489, Part II, F.S.
(Sections 118-132)

UTILITY COMPANY EXEMPTION (Section 118)

Presently, the exemption for utility companies is the same for power and telecommunication utilities. The exemption is for their "forces" (an undefined term) which do work "incidental to their business".

*FOUR DOLLAR CHARGE FOR THE BUILDING CONSTRUCTION INDUSTRY
ADVISORY COMMITTEE (BCIAC)
(Section 121)*

Presently, there is a \$4 surcharge placed on licensure fees paid by all of the contractors licensed under Part I of ch. 489, F.S. This revenue goes to fund the Building Construction Industry Advisory Committee, which approves grants for academic study of construction related issues and problems. The contractors licensed under Part II of the chapter (electrical and alarm system contractors) do not presently pay into this fund.

*RESTRICTIONS ON REGISTERED ELECTRICAL CONTRACTORS
(Section 131)*

Presently, a certified electrical contractor or a certified alarm system contractor can design, install, or modify alarm systems, including the associated conduits. Registered electrical contractors are not presently allowed to perform this work. Input from local school boards indicates that this creates a problem for them, and the Electrical Contractors' Licensing Board (ECLB) agrees that registered contractors should be allowed to install all electrical conduit, even that conduit used for alarm systems.

LICENSURE QUALIFICATIONS

The regulation of certified electrical or alarm system contractors has gone through years of changes designed to better enable technically qualified people to sit for the certification examination. Prior to 1993, in order to sit for the examination to obtain a state certification as an electrical or alarm system contractor, the applicant was required to show either: (1) three years "management" experience in the trade; (2) six years "comprehensive, specialized training, education or experience associated with an electrical or alarm system contracting business"; or (3) three years licensed as an engineer. The vast majority of applicants who have successfully qualified have done so pursuant to the "three years management" experience path, and virtually no applicants have ever successfully qualified pursuant to the six years "comprehensive, specialized" path.

The ECLB interprets "management" to mean "in control of," and has consistently required someone who is applying under management experience to have been in charge of the day-to-day operations of the business, including "check signing authority."

In 1993, the Legislature changed that, and provided that three years "supervisory" experience could qualify an applicant. However, in response to this, the ECLB sought to incorporate "management" into their definition (in rule) of "supervisory." This would have the effect of circumventing the legislative intent of imposing a path different from management, and of reimposing a requirement that the person have years of experience in control of an electrical or alarm business before he can sit for examination to obtain a license to run such a business.

Representatives of the industry and the ECLB explain their desire for a "management" experience licensure standard by asserting that the state certification law was originally designed so that anyone who did not already have several years of experience in control of his business -- prior to applying for a state certification -- could get that experience by obtaining a local (registered) license, and running his own locally licensed business for

at least three years. In other words, their argument is that: Since a person has the option of obtaining a local license to run a contracting business, the requirement that an applicant already possess "management" experience is not an unreasonable barrier.

Comparatively, in Part I of the chapter (construction contracting), all that is required for certification is four years experience "in the trade." Neither doctors, dentists, nor any other professional license applicant is required to show experience in control of a business related to his license, before being allowed to sit for the examination.

In 1994, the Legislature provided that four years as a foreman or supervisor would qualify an applicant to sit for the examination. Also, the term "business" was changed to "endeavor," thereby allowing persons with many years of electrical or alarm experience in the armed forces, or in government work, to qualify.

Septic Tank Contractors - Chapter 489, Part III, F.S.
(Section 133)

Septic tank contractors are regulated under the Department of Health and Rehabilitative Services, pursuant to Part III of chapter 489, F.S.

Presently, some licensure qualifications appear in rule and not in statute. Pursuant to a concern that such basic policy questions being resolved by executive branch action (i.e., by board rule) may amount to an invalid delegation of legislative authority, these licensure qualifications perhaps should be moved into statute.

In 1996, HB 905 was passed which (apparently inadvertently) did not view a licensed plumber who had provided septic tank contracting services for 3 years or more as being able to sit for the master septic tank contractor examination. In fact, a plumbing contractor who has done several years of septic tank work is eminently qualified to take the master septic tank contractor examination.

Private Home Inspectors - Chapter 501, Part II, F.S.
(Section 134)

No public regulation of private home inspectors currently exists. Inspectors are generally employed by prospective purchasers of previously lived in homes, and typically conduct inspections of the residence's major mechanical and physical components, including plumbing, electrical, and heating systems. Although several private organizations have established standards for certification, the majority of inspectors remain uncertified, thereby creating no minimum level of competence required to perform home inspections.

Industrial Hygienists - Chapter 501, F.S.
(Section 135)

Industrial hygienists are not currently regulated. According to industry sources:

An Industrial Hygienist is a person having a baccalaureate degree in engineering, chemistry, physics or closely related physical or biological science who has acquired competency in the field of industrial hygiene. Such studies and training should have been sufficient in all of the above cognate sciences to provide the abilities to: anticipate and recognize the environmental factors and stresses associated with work and work operations and to understand their effects on people and their well-being; to evaluate, on the basis of training and experience and with the aid of quantitative measurement techniques, the magnitude of these factors and stresses in terms of ability to impair human health and well-being; and to prescribe methods to eliminate, control or reduce such factors and stresses when necessary to alleviate their effects.

A closely allied field -- that of safety professionals -- is described by the same sources in the following way:

A safety professional is a person having a baccalaureate degree in engineering, chemistry, physics or closely related physical or biological science who has acquired competency in the field of safety. Such studies and training should have been sufficient in all of the above cognate sciences to provide the abilities for anticipating, identifying and evaluating hazardous conditions and practices, developing hazard control designs, methods, procedures and programs; implementing, administering and advising others on hazard controls and hazard control programs and measuring, auditing and evaluating the effectiveness of hazard controls and hazard control programs.

Building Energy-Efficiency Rating System - Chapter 553, Part XI, F.S.
(Sections 141-143)

Under the Florida Building Energy-Efficiency Rating Act, a statewide system exists for rating energy efficiencies and providing disclosure to prospective purchasers. The Department of Community Affairs is required to develop and maintain a training and certification program for raters. The Department must also prepare and provide energy efficiency information brochures for all types of buildings. In addition, the energy efficiency rating of a residential or commercial building shall be provided upon the request of the prospective purchaser. Thermal efficiencies of new or renovated buildings must already be disclosed under the provisions of the Florida Thermal Efficiency Code, s. 553.900, F.S. The cost to rate existing buildings is high; thus, few owners and purchasers seek the rating.

B. EFFECT OF PROPOSED CHANGES:

This bill affects both technical and substantive changes to provisions relating to the various professions regulated by the Department of Business and Professional Regulation (DBPR).

Land Boundary Regulation. (Professional Surveyors and Mappers) - Chapter 177, F.S. (Sections 1-16)

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The bill amends chapter 177, F.S., relating to land boundaries and the "platting" of land. These sections make a number of technical changes, and two broad substantive changes:

1. Redefines types and minimum size requirements for monuments.
2. Requires the local government to use a licensed Professional Surveyor and Mapper to review the plat "for conformity to" chapter 177, F.S.

General DBPR Provision - Chapter 455, F.S.

COMPUTER-BASED TESTING

(Sections 17-19, 33-34, 64-65, 71, 88-90, 92, 100-102, and 105-107)

The bill takes certain examination decision-making authority from the boards and gives it to the department in order to allow the department to implement its plans to go to "computer-based testing." Computer-based testing will allow the applicant to take the examination at virtually any time during normal business hours, and then receive the examination score immediately.

The changes which accomplish this are found in chapter 455, F.S., and in many of the practice acts. See section-by-section for specific areas modified.

NOTICE OF NONCOMPLIANCE

(Section 20)

The bill provides that the department may issue a notice of noncompliance -- rather than proceeding to any other discipline -- for an initial offense of a minor violation, whether a board charged with identifying "minor offenses" has identified the offense in question as a minor violation, or not.

Auctioneers - Chapter 468, F.S.

(Sections 21-29)

The bill makes a variety of minor or technical changes. It requires that a written contract is required for all auctions. It clarifies that property, as well as money, must be accounted for by an auctioneer. It reduces the total amount of funds that must be maintained in the Auctioneer Recovery Fund. It reduces the amount of money that may be recovered for violations of the auctioneer practice act from \$50,000 per judgment to \$25,000 per judgment and from a lifetime limit of \$100,000 per licensee to \$50,000 per licensee.

Community Association Managers - Chapter 468, F.S.

(Section 30)

Authorizes the department to adopt rules to implement the licensure and disciplinary requirements of Community Association Managers.

Athlete Agents - Chapter 468, F.S.

(Section 32)

The bill provides statutory authority for requiring athlete agent license applicants to submit fingerprint cards for criminal history checks.

Water and Wastewater Plant Operators - Chapter 468, F.S.
(Sections 31, and 33-34)

The bill requires continuing education for water and wastewater operators, not to exceed 20 hours for each biennial renewal cycle. The bill places water and wastewater operators licensure categories that presently exist in rule into statute, clarifying licensure requirements, and providing for a trainee license.

Building Code Administrators, Inspectors, and Plans Examiners - Chapter 468, F.S.
(Section 35-40)

The bill provides that examination fees for employees of local governments applying for licensure as building code administrators and inspectors shall only be charged if the examination is not within the scope of the work done for the local government.

Architects and engineers are authorized to provide building inspection services to a local government or state agency without obtaining a license as a building code inspector.

Asbestos Abatement - Chapter 469, F.S.
(Sections 41-47)

The bill makes minor and technical clarifications to existing asbestos abatement regulation. It conforms some terminology to that used by the federal EPA.

Funeral Directors and Embalmers - Chapter 470, F.S.
(Sections 48-57)

Chapter 470, F.S., is amended to:

- * Allow an attorney-in-fact or a health surrogate to make funeral arrangements when there is no family member;
- * Authorize the DBPR to extend the apprentice program to 3 years for students attending mortuary science courses. This authority will allow students to work in embalming areas and gain additional experience. No registration fees are authorized;
- * Allow an individual to take the funeral director examination prior to completing the one-year internship to reduce the time for licensure approval;
- * Combine the course on communicable diseases, required by ss. 470.015 and 470.018, F.S., and the HIV and AIDS course, required by s. 455.2226, F.S., into one course clarifying that funeral directors, embalmers and direct disposers do not have to take two courses on these topics;
- * Prohibit licensure of colocated facilities after July 1, 1997, to allow the facilities the 1993 law intended to grandfather in to continue to operate;
- * Allow licensed funeral homes to establish visitation chapels within the county; no additional registration or licensure fees are authorized;

- * Establish for centralized embalming facilities a new licensure and biennial renewal fee of up to \$300, a new late payment fee of up to \$50; and a new annual inspection fee of up to \$50. These fees are consistent with those currently charged removal and refrigeration facilities and corrects the 1993 inadvertent omission of authority to assess the fees. Testimony was given on March 19, 1997, to the House Committee on Business Regulation and Consumer Affairs that there are less than five of these facilities in Florida and that the Florida Funeral Directors Association is requesting these new fees;
- * Require submission of information relating to deceased persons to the DBPR by the 10th day of following the month of final disposition to ensure timely filing of information;
- * Provides the requirements, formally in an HRS rule, for storing, preserving and transporting human remains including covering the remains during transporting and treating the remains with dignity; and
- * Creates new requirements for identification markings of human remains to ensure proper identification in the event of a natural disaster.

Certified Public Accountants - Chapter 473, F.S.
(Sections 58-62)

This bill allows the Board of Accountancy to adopt an alternative licensure examination for individuals from other countries whose programs are approved by the qualifications board of the National Association of State Boards of Accountancy. This change gives the board flexibility in allowing individuals from other countries to sit for the licensure examination. The board may waive the required fifth year of accounting courses for those individuals who apply before August 1, 2000. Additionally, the bill gives the board the authority to establish an Education Advisory Council and a Continuing Professional Education Advisory Council to assist in determining proper educational requirements. The board had called these advisory groups committees. However, s. 20.03, F.S., provides that a council is statutorily appointed on a continuing basis to make recommendations, whereas a committee is statutorily established for no more than three years to solve a specific problem.

The bill also establishes the Certified Public Accountant Education Assistance Minority Program. This program allows the board, based on the recommendation of a new five-member advisory council, to provide scholarships to minority students enrolled in their fifth year of an accounting program at institutions approved by the board. A maximum of \$10 per existing licensure fee is required to be placed in a separate scholarship account from which the board is authorized to spend a maximum of \$100,000 per year for the scholarships.

CPA firms are given the authority to establish limited liability partnerships. This change conforms to the authority given to other professional organizations in chapter 620, F.S.

Veterinarians - Chapter 474, F.S.
(Sections 63-70)

The bill authorizes a board-certified licensed veterinarian from another state to assist a Florida licensed veterinarian with the treatment of a specified animal under limited circumstances, without being licensed in Florida. Authorizes the Board of Veterinary Medicine to impose an administrative fine of up to \$5,000 for violations.

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Provides an exemption for interns and residents and revises the exemption for medical faculty members. Requires limited service veterinary medical practice permittees to register such location, and provide for a registration fee not to exceed \$25.

Real Estate Brokers, Salespersons, and Schools - Chapter 475, Part I, F.S.
(Sections 71-81)

Technical changes are made to ss. 475.125 and 475.175, F.S., to give the department authority to implement computer-based testing. The changes to s. 475.15, F.S., allow the registration of limited liability companies and limited liability partnerships as brokers. Section 475.17, F.S., is changed to clarify that salespersons licensed within the preceding five years must complete the salesperson postlicensure education requirements; and this section also provides that Division of Real Estate investigators with 24 months of experience are exempt from other experience requirements applicable to broker applicants.

A revision to s. 475.183, F.S., will provide that involuntarily inactive licenses will expire after 18 months rather than four years; further, the department will be required to provide one year rather than two years notice prior to such expiration.

Section 475.25, F.S., as revised gives the commission authority to assess fines up to \$5,000; further, this section exempts licensees under Part I from reporting violations of Chapters 455 or 475, F.S. This change allows the free exchange of information at the local level of ethics committees and real estate educational facilities. This section also provides that the Uniform Standards for Professional Appraisal Practice are applicable to licensees; also provides that comparative market analyses are exempt from this section.

Section 475.451, F.S., is revised to provide that school instructors may teach in colleges, technical centers, and real estate proprietary schools; instructors are required to hold a permit; and instructor permits may revert to an involuntarily inactive status if not renewed at the end of the two year permit period.

As revised, s. 475.452, F.S., exempts brokers from the requirements where a written agreement between broker and seller expressly provides for anticipated expenses to be incurred and paid; brokers, however, are still required to first comply with this subsection if trust funds are received as a commission in advance of an auction.

Section 475.484, F.S., exempts current and former debtors in bankruptcy from making restitution to the Real Estate Recovery Fund.

As created, s. 475.5016, F.S., gives the department the clear authority to inspect and audit brokers, appraisers, and their offices, thereby preempting challenges to the department's future actions.

Real Estate Appraisers - Chapter 475, Part II, F.S.
(Sections 82-87)

The creation of s. 475.6145, F.S., gives the board the authority to adopt a seal in order to authenticate its proceedings, records, and acts; further, the seal may be used as

prima facie of proceedings, records, and acts in Florida courts. The creation of s. 475.6147, F.S., gives the board authority to set various fees applicable to appraisers.

Section 475.615, F.S., allows licensees who are seeking a change of licensure within 180 days of renewal to pay a different fee, as established by the board. The board could waive certain redundant fees, such as the federal registry fee. A revised s. 475.617, F.S., clarifies that licensure and registration require *at least* 75 hours of approved courses and 2 years of experience. The educational requirement of residential appraisers is reduced to 120 classroom hours to conform to federal standards.

Section 475.624, F.S., exempts appraisers from reporting violations of chapter 455, F.S. Section 475.6295, F.S., gives the department express authority to inspect any appraiser or appraisal office licensed under chapter 475, F.S.

Barbers - Chapter 476, F.S.
(Sections 88-92)

This bill extends the restricted barber's license to anyone who: completes a restricted barber's course; or has held a restricted Florida license or a license from another country within the past five years; and has not been disciplined for barbering violations within the past 5 years; and passes a written and practical examination.

Cosmetologists - Chapter 477, F.S.
(Sections 93-99)

This bill defines hair wrapping; provides for registration and payment of a biennial \$25 registration fee; requires 16-course hours prior to registration; exempts hair wrappers and braiders from practicing in a cosmetology or specialty salon; requires the use of sanitized implements; and authorizes the board to require up to 16 hours of continuing education for cosmetologists and allows the DBPR to privatize that education and paperwork.

The bill also defines photography studio salons; requires a cosmetologist to supervise the hair arranging in said salons; and exempts these photography studios from cosmetology salon requirements.

Construction Contractors - Chapter 489, F.S.
(Sections 103-117)

EXCEPTIONS TO UNLICENSED CONTRACTING

It clarifies an exemption that provides that persons who work for a licensed contractor may do so on a contract basis, even though they are not licensed, provided that they are performing a small specialty within the job scope of the licensed contractor, and providing that the licensed contractor is held responsible for their work. This exception would not apply to any subcontractor categories, except underground utility and excavation contractors.

MEDICAL GAS CERTIFICATION
(Sections 109-110)

The bill requires any licensed plumbing contractor who does medical gas work to undergo training in the field of medical gas according to specified criteria. This training shall be for a minimum of 6 hours, and may be part of his existing Continuing Education (C.E.) requirement. The contractor's workforce who engage in medical gas work is required to obtain at least 8 hours of specified training in the field. Any other person who wishes to perform only the brazing work associated with medical gas work must be tested on brazing. All training and testing must be approved by the CILB. It is the contractor's responsibility to see that his workforce is properly qualified pursuant to these requirements.

The bill also requires that all installation, improvements, maintenance, or repair of the conduit that transports medical gas shall be "governed and regulated" by the National Fire Prevention Association Standard 99C. It also provides that no county or municipality is exempt from the medical gas code requirements established in the bill.

PENALTIES FOR UNLICENSED CONTRACTING

It revises remedies available relating to unlicensed contracting to make a first offense violation involving over \$5,000 a third degree felony, and allows courts to order restitution, public service, and to add a surcharge to fines where victims are elderly or handicapped (the bill inserts similar provisions regarding electrical contractors). It modifies provisions relating to claims based on CILB restitution orders, adjusting the claims process to encompass more claimants and provide greater access by harmed consumers.

Amends s. 489.127, F.S., in Part I of the chapter, increasing the penalty in many instances for unlicensed construction contracting from a misdemeanor to a felony of the third degree. The new felony penalties apply only to unlicensed persons performing unlicensed contracting (theoretically, a licensed contractor can perform unlicensed contracting by straying across the various jurisdictional lines between contractor categories). Also, they do not apply to instances of construction projects having a value of \$1,000 or less, performed by unlicensed persons. The new felony penalties also do not apply to violations of all of the paragraphs of the subsection in each part (ss. 489.127[1], F.S., and 489.531[1], F.S.) which set forth the actual activities generally considered to encompass "unlicensed contracting."

Electrical and Alarm System Contractors - Chapter 489, F.S.
(Sections 118-132)

UTILITY COMPANY EXEMPTION (Section 118)

It provides that the exemption relating to utility companies varies slightly according to whether the utility is a telecommunications utility, or not. Under the changes, the exemption for a telecommunications company is for electrical work that "is incidental to their business," and the exemption for all other types of utilities (essentially: power companies) is for electrical work "incidental to their facilities."

FOUR DOLLAR CHARGE FOR THE BUILDING CONSTRUCTION INDUSTRY ADVISORY COMMITTEE (BCIAC) (Section 121)

The bill provides that four dollars of the existing licensure fee for contractors licensed under Part II of chapter 489 (electrical and alarm system contractors) shall be allocated to the same committee (the Building Code Industry Advisory Committee) which produces academic studies which benefit the construction industry.

RESTRICTIONS ON REGISTERED ELECTRICAL CONTRACTORS
(Section 131)

The bill allows registered contractors to do conduit and raceway work associated with alarm systems.

LICENSURE QUALIFICATIONS

This bill clarifies and refines licensure qualifications for electrical or alarm system contractors. It explicitly allows experience in the trade gained in the armed forces or government to count toward licensure qualification. It provides for a category that had been absent in current law, providing that a person with a couple of years of experience in one type of category (education, for instance), and a couple of years in another category (the armed forces, for instance) and another couple of years in a third category (supervisor category, for instance) would qualify for the examination, so long as the categories totaled to at least six years. The bill requires electrical contractors licensed by local governments to have taken an examination in order to become registered with the ECLB.

Septic Tank Contractors - Chapter 489, Part III, F.S.
(Section 133)

The bill moves existing licensure qualifications for septic tank contractors from rule to statute to address a concern for an invalid delegation of legislative authority to an executive branch entity.

The bill corrects a “glitch” resulting from a bill passed last year. The change allows a plumbing contractor who has three or more years of septic tank contracting experience to sit for the master septic tank contractor examination.

Private Home Inspectors - Chapter 501, Part II, F.S.
(Section 134)

Section 501.935, as created, defines “home inspector” and “home inspection,” and requires certain disclosures under the Deceptive and Unfair Trade Practices Act. Exempted from the requirements of this section are licensed engineers, architects, and construction contractors. Other requirements placed on home inspectors include: disclosure in a prescribed form; certain prohibitions on accepting or offering commissions; a prohibition on performing remedial work; and prohibited disclosure without the client’s consent.

Industrial Hygienists - Chapter 501, F.S.
(Section 135)

The bill requires industrial hygienists and safety professionals to accurately disclose their credentials, and to not refer to themselves as “associate safety professionals,” “certified industrial hygienists,” “certified industrial health and safety technologists,” “or “certified safety professionals,” unless they possess a certification from one of two specific, cited boards, or a certification from a program with substantially equivalent standards.

Building Energy-Efficiency Rating System - Chapter 553, Part XI, F.S.
(Sections 141-143)

The Florida Building Energy-Efficiency Rating Act is amended to require that energy information brochures are provided to prospective purchasers of real property at or before the execution of the contract for sale and purchase.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

Yes.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

Yes.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Yes.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

Yes.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. SECTION-BY-SECTION RESEARCH:

Land Boundary Regulation (Professional Surveyors and Mappers)

Sections 1-15. Amend chapter 177, F.S., relating to land boundaries and the "platting" of land. These sections make a number of technical changes, and two broad substantive changes to:

1. Redefine types and minimum size requirements for monuments.
2. Require the local government to use a licensed Professional Surveyor and Mapper to review the plat "for conformity to" chapter 177, F.S.

Section 16. Amends s. 287.055, F.S., to conform a title-reference.

General DBPR Provision

COMPUTER-BASED TESTING

Sections 17-18. Amend ss. 455.213, and 455.217, F.S., to give the department the authority necessary to implement computer-based testing.

Section 19. Amends s. 466.007, to make a technical change related to correcting a cross reference.

NOTICE OF NONCOMPLIANCE

Section 20. Amends s. 455.225, F.S., providing that the department may issue a notice of noncompliance -- rather than proceeding to any other discipline -- for an initial offense of a minor violation, whether a board charged with identifying "minor offenses" has identified the offense in question as a minor violation, or not.

Auctioneers

Section 21. Amends s. 468.385, F.S., to update terminology relating to subjects to be tested on the auctioneer licensing exam.

Section 22. Amends s. 468.388, F.S., to give the department the authority necessary to implement computer based testing.

Section 23. Amends s. 468.388, F.S., to require that a written contract is required for all auctions.

Section 24. Amends s. 468.389, F.S., to clarify that property, as well as money, must be accounted for by an auctioneer.

Section 25. Reenacts s. 468.391, F.S., for purely technical reasons.

Section 26. Amends s. 468.393, F.S., to reduce the total amount of funds that must be maintained in the Auctioneer Recovery Fund from \$500,000 to \$250,000.

Section 27. Reenacts subsection (5) of section 468.392, F.S., for purely technical reasons.

Section 28. Amends s. 468.395, F.S., to reduce the amount of money that may be recovered for violations of the auctioneer practice act from \$50,000 to \$25,000 per claim and from a lifetime limit of \$100,000 to \$50,000 per licensee.

Section 29. Amends s. 468.396, F.S., to conform to the lower recovery limits.

Community Association Managers

Section 30. Amends s. 468.432, F.S., to give the department authority to adopt rules related to licensure and disciplining community association managers.

Water and Wastewater Plant Operators

Section 31. Amends s. 468.542, F.S., to enumerate classes for water or wastewater treatment operator licenses and to define the scope of each license class.

Athlete Agents

Section 32. Amends s. 468.453, F.S., to specifically require that applicants for athlete agent licensure provide fingerprints for a criminal records check. This conforms to FBI standards that fingerprints must be statutorily required to be processed.

Water and Wastewater Plant Operators

Sections 33-34. Amend ss. 468.547 and 468.548, F.S., to give the department authority to establish computer-based testing for said applicants.

Building Code Administrators, Inspectors, and Plans Examiners

Section 35. Amends s. 468.607, F.S., to allow the board to delegate its authority to review license applications to board staff. The board retains final authority for certifying applicants for licensure.

Section 36. Amends s. 468.609, F.S., to clarify qualifications for licensure for building code administrators, to require standard or limited certification for all building code administrators after October 1, 1997, and to authorize the board to issue provisional or temporary certificates. In addition the section requires all individuals applying for certification after October 1, 1998, to have taken the technical and principle and practices examinations.

Section 37. Effective upon becoming law, amends 468.617, F.S., to allow local building departments to employ persons as building inspectors, even if they are not licensed as building inspectors, so long as they are exempted from such licensure requirements.

Section 38. Creates s. 468.619, F.S., to provide that a licensed architect or engineer may perform building inspection services to a local government or state agency, upon its request, without being licensed as a building code inspector.

Section 39. Amends s. 468.621, F.S., to include a prohibition against violating chapter 455 or 489, F.S.

Section 40. Amends s. 468.629, F.S., to include additional prohibitions relating to violating chapter 455 or 489, F.S., or to falsely representing oneself as a licensee.

Asbestos Abatement

Section 41. Amends s. 469.001, F.S., to revise the definitions of "abatement" and "survey" and create a definition of "project designer." These changes conform Florida law to federal standards.

Section 42. Amends s. 469.002(1)(e), F.S., to exempt certain demolition activities by government agencies on government-owned buildings (included at the request of FDOT and directed primarily at buildings condemned for road and other government projects).

Section 43. Amends s. 469.004(3), F.S., to eliminate the requirement for being an asbestos consultant for a licensed roofer who is removing asbestos-containing roofing material.

Section 44. Amends s. 469.005, F.S., to revise licensure requirements to conform to federal standards.

Section 45. Amends s. 469.006(5)(a), F.S., to require that the consultant or contractor affix their signature and license number to documents which are submitted to governmental agencies.

Section 46. Amends s. 469.013, F.S., to correct a cross-reference.

Section 47. Repeals s. 469.015, F.S., requiring the use of seals.

Funeral Directors and Embalmers

Section 48. Amends s. 470.002, F.S., to expand a definition of "legally authorized person" to include attorney-in-fact or health surrogate.

Section 49. Amends s. 470.0085, F.S., to extend the apprentice program to mortuary science students employed by funeral establishments.

Section 50. Amends s. 470.009, F.S., to allow licensure examination prior to completing internship.

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Section 51. Amends s. 470.015, F.S., to combine the communicable disease course and the HIV and AIDS course into one course for funeral directors and embalmers seeking licensure renewal.

Section 52. Amends s. 470.018, F.S., to combine the communicable disease course and the HIV and AIDS course into one course for direct disposers seeking licensure renewal.

Section 53. Amends s. 470.024, F.S., to allow funeral homes to operate visitation chapels at no additional regulatory cost; and to clarify prohibition of colocated facilities after July 1, 1997.

Section 54. Amends s. 470.029, F.S., to specify the filing with the DBPR of certain documents by the 10th of the month.

Section 55. Amends s. 470.0301, F.S., to establish new fees for centralized embalming facilities.

Section 56. Creates s. 470.0315, F.S., to establish regulations for the storing, preserving and transporting of human remains.

Section 57. Creates s. 470.0355, F.S., to require affixing some permanent identification to human remains or containers.

Certified Public Accountants

Section 58. Amends s. 473.306, F.S., to allow for alternative licensure examinations under certain circumstances and to establish an Educational Advisory Council.

Section 59. Creates s. 473.3065, F.S., to establish the Certified Public Accountant Education Minority Assistance Program for fifth year accountant students and to establish an advisory council to assist the board in administering the program.

Section 60. Amends s. 473.308, F.S., to allow the board to waive the fifth year of college courses in accountancy requirement for certain foreign persons seeking licensure.

Section 61. Amends s. 473.309, F.S., to allow CPA firms to form limited liability partnerships and to establish practice requirements for those partnerships.

Section 62. Amends s. 473.312, F.S., to authorize the board to appoint a Continuing Professional Education Advisory Council.

Veterinarians

Section 63. Amends s. 474.203, F.S., to revise the exemption for a medical faculty member. Establishes an exemption for a person practicing as an intern or resident veterinarian. The section is also amended to provide a licensure exemption for a board certified veterinarian licensed in another state who is requested to assist in treatment of specific animals by a Florida licensed veterinarian.

Section 64. Amends s.474.2065, F.S., to give the department the authority necessary to implement computer-based testing.

Section 65. Amends s. 474.207, F.S., to provide the department the necessary authority to implement computer-based testing.

Section 66. Amends s. 474.211, F.S., to allow the board to approve continuing education providers, in addition to its current authority to approve programs or courses.

Section 67. Amends s. 474.2125, F.S., to exempt veterinarians licensed in other states who receive temporary Florida licenses from the Florida law and rules examination.

Section 68. Amends s. 474.214, F.S., to provide that the maximum allowable fine which may be imposed is increased from \$1,000 to \$5,000.

Section 69. Amends s. 474.215, F.S., to require a limited service permittee to register each location where clinics are held with a \$25 fee for each location; places limitations on County Health Units which undertake temporary rabies vaccination efforts; and provides that a person who is not a licensed veterinarian may obtain a permit to operate a veterinarian establishment only under certain circumstances. Such permit holder must undergo a criminal history check, associate with a licensed veterinarian, and will be disciplinable for violations of the chapter or board rules.

Section 70. Amends s. 474.217, F.S., to revise a reference to an examination approved by the board and certified by the department.

Real Estate Brokers, Salespersons, and Schools

Section 71. Amends s. 475.125, F.S., to remove authority of the commission to set examination and reexamination fees. Provide the department the necessary authority to implement computer-based testing.

Section 72. Amends s. 475.15, F.S., to allow the registration of limited liability companies and limited liability partnerships as brokers.

Section 73. Amends s. 475.17, F.S., to clarify that a person licensed as a real estate salesperson who applies for broker licensure must complete salesperson postlicensure education requirements. Provides that investigators employed by the Division of Real Estate with at least 24 months of experience are exempt from certain broker licensure requirements. Permits investigators holding a current salesperson's license for at least 12 months to sit for the broker's examination.

Section 74. Amends s. 475.175, F.S., to make technical changes required for implementation of computer-based testing.

Section 75. Amends s. 475.183, F.S., to provide that licenses automatically expire after 18 months of involuntary inactive status. Provides that the department shall provide notice to the licensee one year prior to expiration of inactive license.

Section 76. Amends s. 475.25, F.S., to allow the commission to assess fines up to \$5,000; provides that the "snitch provisions" in chapter 455, F.S., are not applicable to

real estate licensees and to provide that the Uniform Standards for Professional Appraisal Practice apply to real estate licensees performing appraisals with certain exceptions. Provides that brokers and salespersons performing comparative market analyses are exempt from these standards.

Section 77. Reenacts ss. 475.180, 475.181, 475.22, 475.422, and 475.482, F.S., for the purpose of incorporating the amendment to s. 475.25, F.S.

Section 78. Amends s. 475.451, F.S., to revise provisions relating to the permitting of instructors for proprietary real estate schools or state institutions and to provide permit renewal requirements.

Section 79. Amends s. 475.452, F.S., to specify requirements for the receipt of advance fees by real estate brokers auctioning real property; exempts brokers from this section if a written agreement between broker and seller provides for anticipated expenses to be incurred and paid; and requires brokers to comply with this subsection in the event trust funds are received in advance of the auction.

Section 80. Amends s. 475.484, F.S., to provide that a discharge in bankruptcy may relieve a licensee from the penalties and disabilities of this section to the extent that this paragraph conflicts with 11 U.S.C. s. 525, and at the discretion of the commission.

Section 81. Creates s. 475.5016, F.S., to authorize agents and employees of the DBPR to inspect and audit licensed real estate broker offices.

Real Estate Appraisers

Section 82. Creates s. 475.6145, F.S., to authorize the Florida Real Estate Appraisal Board to adopt a seal for use in authenticating its proceedings.

Section 83. Creates s. 475.6147, F.S., to give the board authority to establish fees.

Section 84. Amends s. 475.615, F.S., to waive fees for a licensee's change of status under certain circumstances.

Section 85. Amends s. 475.617, F.S., to clarify appraiser education and experience requirements.

Section 86. Amends s. 475.624, F.S., to exempt real estate appraiser licensees from the "snitch provisions" in ch. 455, F.S.

Section 87. Creates s. 475.6295, F.S., to authorize agents and employees of the DBPR to inspect licensed real estate appraiser offices.

Barbers

Sections 88-90. Amend s. 476.114 and 476.124, F.S., and repeal s. 476.134, F.S., to give the department the authority necessary to implement computer-based testing.

Section 91. Amends s. 476.144, F.S., to allow certain Florida residents and foreign individuals to apply for a restricted barber's license under certain circumstances.

Section 92. Amends s. 476.192, F.S., to give the department the authority necessary to implement computer-based testing.

Cosmetologists

Section 93. Amends s. 477.013, F.S., to define “hair wrapping” and “photography studio salon”.

Section 94. Amends s. 477.0132, F.S., to provide registration requirements for hair wrappers, exempts them from salon requirements, and provides for use of sanitary implements.

Section 95. Amends s. 477.0135, F.S., to exempt photography studio salons from licensure requirements.

Section 96. Amends s. 477.019, F.S., to provide continuing education requirements for cosmetologists and allow the DBPR to privatize that activity.

Section 97. Repeals s. 477.022, to give the department the authority necessary to implement computer-based testing.

Section 98. Amends s. 477.026, F.S., to establish registration fees for hair wrappers and eliminates reference to examination and reexamination fees.

Section 99. Amends s. 477.0263, F.S., to allow cosmetologists to work in photography studio salons.

Computer-Based Testing

Sections 100-102. Amend ss. 481.207, 481.209, and 481.213, F.S., (architects and interior designers) to give the department the authority necessary to implement computer-based testing.

Construction Contractors

Section 103. Amends s. 489.103(15) and creates subsection (17), F.S., clarifying the exemption for installation and maintenance of water conditioning units and creates an exemption from contractor licensure requirements for persons who set up storage sheds of less than 250 square feet, and which are not intended for human habitation.

Section 104. Amends various paragraphs of subsection (3) of s. 489.105, F.S., and subsection (19), to:

(3) (a) Provide that the scope of work for the general contractor includes all activities which require licensure under Part I, unless specifically provided otherwise.

(d), (f), (g),

- and (l) Provide that licensure is required if someone cleans ducts for air-conditioning or heating and ventilation systems, if they at least partially disassemble the system in the course of cleaning it.
- (n) Revise the definition of "Underground Utility and Excavation Contractor" to reconcile the permissible scope of work with the activities actually being done by the underground utility and excavation contractors in the field. Since the category was created in 1982, the technology and the types of work done have greatly evolved.
- (19) Clarify the term "initial issuance".

Section 105. Amends s. 489.107, F.S., to allow the CILB and the ECLB to appoint committees to meet jointly twice a year, rather than requiring the entire board to do so. Gives the department the authority necessary to implement computer-based testing.

Sections 106-107. Amend s. 489.109, and 489.111, F.S., to give the department the authority necessary to implement computer-based testing.

Section 108. Amends s. 489.113, F.S., to clarify and further limit the circumstances under which a contractor may employ by contract an unlicensed person to perform work for which the licensed contractor is responsible. Also, expands that circumstance to apply specifically to underground utility and excavation contractors, allowing them to employ (by contract) persons to perform a narrow specialty within the licensed contractor's job scope.

Section 109. Creates s. 489.1136, F.S., to require any licensed plumbing contractor who does medical gas work to undergo training in the field of medical gas according to specified criteria. This training shall be for a minimum of 6 hours, and may be part of the existing Continuing Education (C.E.) requirement. The contractor's workforce who engage in medical gas work is required to obtain at least 8 hours of specified training in the field. Any other person who wishes to perform only the brazing work associated with medical gas work must be tested on brazing. All training and testing must be approved by the CILB. It is the contractor's responsibility to see that his workforce is properly qualified pursuant to these requirements.

Section 110. Creates subsection (4) in s. 553.06, F.S., to establish the "National Fire Prevention Association Standard 99C" as the applicable standard for medical gas work; and provides that no county or municipality is exempt from the code requirements established in this subsection.

Section 111. Amends s. 489.115(4)(b)1., F.S., to provide that a person licensed under both parts of chapter 489, F.S., may apply courses taken to comply with continuing education requirements in Part II to the continuing education requirements in Part I of chapter 489, F.S., so long as those courses were on the subject of workers' compensation, safety, and business practices.

Section 112. Amends s. 489.119(3)(a), F.S., to provide clarification of the term "incomplete contract".

Section 113. Amends s. 489.127(1) and (2), F.S., in Part I of the chapter, increasing the penalty in many instances for unlicensed construction contracting from a misdemeanor to a felony of the third degree. The new felony penalties apply only to unlicensed persons performing unlicensed contracting (theoretically, a licensed contractor can perform unlicensed contracting by straying across the various jurisdictional lines between contractor categories). Also, they do not apply to instances of construction projects having a value of \$1,000 or less, performed by unlicensed persons.

Section 114. Amends s. 489.140, F.S., to strike provision transferring surplus moneys collected from disciplinary fines to recovery fund. CILB collects only about 10-12% of fines levied, so there is no surplus.

Section 115. Amends s. 489.141, F.S., to recognize claims based on CILB restitution orders. The change to s. 489.141(1)(a)1., F.S., strikes provision requiring claimant to file a notice at the time a civil suit is filed. Other amendments to subsequent subsections provide that claims are paid on "first in time, first in right" basis. Sec. 489.141(1)(c), F.S., is amended to allow filing of claim up to one year after conclusion of civil/administrative action. These amendments all adjust the claim's process to encompass more claimants and provide greater access by harmed consumers.

Section 116. Amends s. 489.142, F.S., to provide that the board may commence action regarding a claim even in an instance where the board has not received a certified notice of action.

Section 117. Amends s. 489.143(1), F.S., to recognize claims based on CILB restitution orders; deleting subsection (5), relating to a "stop-loss" provision; and new (5) and (6) are added to provide for payment of claims in the order filed, until annual appropriation is expended, with pending claims carried forward to next fiscal year.

Electrical and Alarm System Contractors

Section 118. Amends s. 489.503, F.S., to provide exemptions from the licensure requirements for:

- ◆ Various types of utility companies. Such exemptions vary slightly according to whether the utility is a telecommunications utility, or not. The exemption for a telecommunications company is for electrical work that "is incidental to their business." The exemption for all other types of utilities (essentially: power companies) is for electrical work "incidental to their facilities."
- ◆ Monitoring of an alarm system by a direct employee of a law enforcement agency or fire department, or by a law enforcement officer acting in an official capacity.
- ◆ Monitoring for direct employees of financial institutions providing that the alarm systems are limited to the commercial property of the bank where the banking operations take place, or on the private property occupied by the bank's executive officers.
- ◆ Monitoring for direct employees of any business entity, providing the system is: (1) owned by the entity; (2) complies with applicable firesafety standards; and (3) used

only on property leased by the business, or is on property owned by the business which is not leased to someone else.

Section 119. Amends s. 489.505, F.S., to amend the definition of "alarm system" to include signaling devices, to amend the definition of "certified alarm contractor" to include an additional fire protection standard, and to repeal the obsolete definition in subsection (24) of "limited burglar alarm system contractor." Establishes the definition of "monitoring" to mean receiving electronic or electrical signals by an alarm system or closed circuit television system, and initiating a response thereto. Provides that monitoring does not include the instance where an occupant or employee initiates emergency action in response to an alarm signal, providing that such action is incidental to his primary responsibilities, and that he is not working in a proprietary monitoring facility, as defined in the NFPA code adopted under chapter 633, F.S.

Section 120. Amends s. 489.507, F.S., to allow a committee consisting of members of the CILB and the ECLB to meet jointly, rather than requiring the full boards to meet.

Section 121. Amends s. 489.509, F.S., to conform the time frame for renewal to current department procedures; provides that \$4 out of existing licensure fees shall go to fund academic studies benefiting the construction field.

Section 122. Amends s. 489.511(2) and (5)(b), F.S., to eliminate the examination qualification path for "foremen"; changes the six-year experience path from being experience at an "electrical or alarm system installation or servicing endeavor" to experience at an "electrical or alarm system contracting business;" provides that electrical or alarm work experience in the armed forces or the government will be accepted toward licensure; provides that a combination of experience from the categories of education, supervision and management shall be acceptable as qualification to sit for the examination, so long as it totals six years of experience; and requires six years "supervisory" experience, rather than "broad" experience in one of the licensure qualification categories.

Section 123. Amends s. 489.513(3), F.S., to provide that locally licensed electrical contractors, in order to be registered, must have passed an examination given by the local jurisdiction which is "appropriate" and which tests "skills and knowledge relevant to the technical performance of the profession," or pass an examination "substantially equivalent" to the certification examination.

Section 124. Creates s. 489.517(4), F.S., to provide the "companion" exemption to the exemption found in s. 489.115(4)(b)1., F.S., of this bill, providing that persons licensed in both parts of the chapter may apply courses taken to comply with continuing education requirements in Part I to the continuing education requirements in Part II of chapter 489, F.S., so long as those courses were on the subject of workers' compensation, safety, and business practices.

Section 125. Amends s. 489.519, F.S., to allow a licensee to apply for inactive status at any time.

Section 126. Amends s. 489.521(8), F.S., to clarify the criteria the board should use in determining whether to allow a single licensee to qualify more than one business entity, establishes that the licensee must have both the capacity and intent to properly

supervise the operation of each entity, and that failure to supervise can result in that qualification being suspended or revoked.

Section 127. Amends s. 489.525(1), F.S., to change the yearly date that the department must inform local jurisdictions of the licensure status of all state certified contractors from October to December 31.

Section 128. Amends s. 489.529, F.S., to provide that if an alarm system has auditory or visual sensors that allow the monitor to verify the alarm, then no alarm verification call is required.

Section 129. Amends s. 489.531, F.S., in Part II of the chapter, to conform to s. 489.127(1) and (2), F.S., in this bill. These provisions apply to electrical and alarm contractors. Those in Part I apply to all other types of contractors (i.e., "construction" contractors).

Section 130. Reenacts s. 489.533(1)(a) and (2), F.S., for technical purposes.

Section 131. Amends s. 489.537, F.S., to allow registered electrical contractors to contract for the construction or repair of raceway systems.

Section 132. Amends s. 489.539, F.S., to provide for the continuing adoption of current electrical and alarm standards by the board.

Septic Tank Contractors

Section 133. Amends s. 489.553(4)(a), F.S., to revise the qualifications for registration as a septic tank contractor.

Private Home Inspectors

Section 134. Creates s. 501.935, F.S., to establish disclosure requirements under the Deceptive and Unfair Trade Practices Act for persons offering private home inspection services; defines "home inspector" and "home inspection"; exempts persons licensed under chapters 471, 481, or 489, F.S.; requires disclosure in a prescribed form; prohibits accepting or offering third-party commissions; and prohibits performing any remedial work needed as a result of the inspection for 12 months. Does not establish any state license or regulation.

Industrial Hygienists

Section 135. Creates s. 501.937, F.S., to require industrial hygienists and safety professionals to accurately disclose their credentials, and to not refer to themselves as "certified industrial hygienist" "certified safety professional," "certified industrial health and safety technologist," or "associate safety professionals," unless they possess a certification from one of two specific, cited boards, or a certification from a program with substantially equivalent standards. Failure to comply constitutes a deceptive and unfair trade practice.

Other Provisions

Section 136. Amends s. 553.06(1), F.S., to allow the Board of Building Codes and Standards to review and approve alternative testing standards for water treatment units.

Section 137. Amends s. 553.19, F.S., to update technical codes, and to allow the board to update such codes through a rules process.

Section 138. Effective upon becoming law, amends s. 553.504(12)(f) and (13)(a), F.S., to modify the height standard requirement found in the plumbing code for toilets.

Sections 139-140. Amend s. 553.63, F.S., and repeal s. 553.64, F.S., to delete paperwork and reporting requirements relating to digging trenches.

Building Energy-Efficiency Rating System

Section 141. Amends s. 553.991, F.S., to delete a provision that states that the purpose of the Florida Building Energy-Efficiency Rating Act is to ensure that energy ratings are disclosed to prospective purchasers at their request.

Section 142. Amends s. 553.994, F.S., to provide a technical change deleting obsolete language.

Section 143. Effective upon becoming law, amends s. 553.996, F.S., to delete the requirement that an energy-efficiency rating report be provided to prospective purchasers at their request. Provides for an information brochure to be provided at no cost to prospective purchasers of certain real property at the time of or before the execution of the purchase contract.

Effective Date

Section 144. Except as otherwise provided, provides an effective date of July 1, 1997.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

See Fiscal Comments.

2. Recurring Effects:

See Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

See Fiscal Comments.

2. Recurring Effects:

See Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

As provided by the department, the burden on the estimated 120,000 licensees would be \$12-24 million (based on a range of \$100-\$200 for the 16 hours of CE) every two years.

(See Fiscal Comments)

2. Direct Private Sector Benefits:

See Fiscal Comments.

3. Effects on Competition, Private Enterprise and Employment Markets:

See Fiscal Comments.

D. FISCAL COMMENTS:

The following information was provided by the Department of Business and Professional Regulation regarding the fiscal impact of the bill:

Computer-Based Testing

An amendment was added to this section that impliedly overrides s. 287.057(3)(f), F.S., by requiring competitive bidding, regardless of practicality or cost-effectiveness. This could result in additional costs versus current law, which allows agencies to contract directly with governmental agencies. The Department can now quickly contract with a university for test development. Under this provision, there could be delay and costs associated with bids, bid protests, bid specifications, etc. The Department sees no justification for treating it any differently than other state agencies. Section 287.057, F.S., was amended last year to expand the exemption from bidding to commodities. This goes in the other direction.

Auctioneers

The additional UCC requirements will require development of test questions at a non-reoccurring cost of \$300 for OPS and \$2,500 for travel to an item writing workshop.

Athlete Agents

Modification of BEST Revenue Subsystem to record receipt of fingerprint revenue and receipt of fingerprint cards. Modification of BEST Profile Subsystem to allow for the tracking of fingerprint cards. There are currently 77 active Athlete Agent licensees. during the FY 1995-96, there were only 22 additional licenses issued by the department. Total of 2 Man Weeks @ \$85.00 per hours = \$6,800

Building Code Inspectors

The exemption for architects and engineers would result in an indeterminate revenue loss and corresponding workload decrease. The fiscal comment on the effect of the end of the grandfather is now inapplicable.

Veterinarians

The veterinarian medical establishment provision will require a non-reoccurring cost of \$4,400 to develop a batch program and a reoccurring cost of \$1000 per year for data processing. The Changes to the PCB eliminate any other significant fiscal impact.

Real Estate involuntary inactive license

Modifications of current renewal programs. Man weeks -- 6
Annual increase in data processing costs.
Total of 6 Man weeks @ \$85.00 per hour = \$20,400
Total of increase in processing costs = \$ 600
Total of Involuntary inactive changes = \$21,000
With recurring cost of \$600 each year

Barbers

The expansion of the restricted license will require the development of test questions and administration of an exam at non-reoccurring costs of \$4,700 for OCO, \$800 for OPS, \$2,500 for travel (the latter 2 items related to test development) , and reoccurring costs of .50 FTE, \$2,850 expenses, and \$200 OPS.

Cosmetologists/ Hair-wrappers

The burden on the estimated 120,000 licensees would be \$12-24 million (based on a range of \$100-200 for the 16 hours of CE) every 2 years. The Departmental workload for CE rule development, writing privatization contracts for vendor and course approval, if that option is taken, is roughly estimated at .5 FTE, non-re-occurring. The impact on enforcement would be huge if the department was in a position to effectively enforce existing CE requirements. Some changes in the law and procedures may allow better enforcement without more resources. The department may be able to make further recommendations on the necessary law changes by next session.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

The following "position" comments were provided by the Department of Business and Professional Regulation:

DBPR General Provision

Supports addition of language allowing the department to close minor cases with notices of noncompliance.

Athlete Agents

DBPR supports as necessary to comply with FBI standards that fingerprints must be statutorily required to be processed.

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DATE: April 11, 1997

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Building Code Administrators, Inspectors

Board of Building Code Administrators and Inspectors opposes proposal to exempt engineers and architects from certain registrations.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON BUSINESS REGULATION AND CONSUMER AFFAIRS:

Prepared by:

Legislative Research Director:

Gip Arthur/Becky Everhart/Peter Rodnite

Lucretia Shaw Collins