

By the Committee on Business Regulation & Consumer Affairs  
and Representatives Ogles, Brown, Turnbull, J. Miller,  
Cantens, Greenstein, Kilmer and Sorensen

1                                   A bill to be entitled  
2           An act relating to the regulation of  
3           professions and occupations; amending s. 11.62,  
4           F.S.; providing criteria for evaluating  
5           proposals for new regulation of a profession or  
6           occupation based on the effect of such  
7           regulation on job creation or retention;  
8           requiring proponents of legislation to regulate  
9           a profession or occupation not already  
10          regulated to provide additional cost  
11          information; amending ss. 455.201 and 455.517,  
12          F.S.; prohibiting the Department of Business  
13          and Professional Regulation and the Department  
14          of Health and their regulatory boards from  
15          creating any regulation that has an  
16          unreasonable effect on job creation or  
17          retention or on employment opportunities;  
18          providing for evaluation of proposals to  
19          increase the regulation of already regulated  
20          professions to determine the effect of such  
21          regulation on job creation or retention and  
22          employment opportunities; creating s. 455.2035,  
23          F.S.; providing rulemaking authority to the  
24          Department of Business and Professional  
25          Regulation for the regulation of any profession  
26          under its jurisdiction which does not have a  
27          regulatory board; creating s. 455.2123, F.S.;  
28          authorizing the use of distance learning to  
29          satisfy continuing education requirements;  
30          creating s. 455.2124, F.S.; authorizing  
31          proration of continuing education requirements;

1           amending s. 455.213, F.S.; requiring  
2           fingerprint cards with applications for  
3           registration, certification, or licensure in  
4           certain professions; providing for use of such  
5           cards for criminal history record checks of  
6           applicants; amending s. 468.453, F.S.; applying  
7           such fingerprint card requirements to  
8           applicants for licensure as an athlete agent;  
9           amending s. 475.175, F.S.; applying such  
10          fingerprint card requirements to persons  
11          applying to take the examination for licensure  
12          as a real estate broker or salesperson;  
13          amending s. 475.615, F.S.; applying such  
14          fingerprint card requirements to applicants for  
15          registration, certification, or licensure as a  
16          real estate appraiser; amending s. 455.225,  
17          F.S.; providing for a summary hearing on the  
18          existence of probable cause; amending s.  
19          455.227, F.S.; providing for denial of issuance  
20          or renewal of licensure under certain  
21          circumstances; amending s. 477.013, F.S.;  
22          redefining the term "cosmetology" and defining  
23          the terms "body wrapping" and "skin care  
24          services"; amending s. 477.0132, F.S.;  
25          requiring registration of persons whose  
26          occupation or practice is body wrapping;  
27          requiring a registration fee and certain  
28          education; amending s. 477.019, F.S.; exempting  
29          persons whose occupation or practice is  
30          confined solely to body wrapping from certain  
31          continuing education requirements; amending s.

1           477.026, F.S.; providing for the registration  
2           fee; amending s. 477.0265, F.S.; prohibiting  
3           advertising or implying that skin care services  
4           have any relationship to the practice of  
5           massage therapy; providing penalties; amending  
6           s. 477.029, F.S.; prohibiting holding oneself  
7           out as a body wrapper unless licensed,  
8           registered, or otherwise authorized under  
9           chapter 477, F.S.; providing penalties;  
10          providing an effective date.

11

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

13

14           Section 1. Subsections (3) and (4) of section 11.62,  
15 Florida Statutes, are amended to read:

16           11.62 Legislative review of proposed regulation of  
17 unregulated functions.--

18           (3) In determining whether to regulate a profession or  
19 occupation, the Legislature shall consider the following  
20 factors:

21           (a) Whether the unregulated practice of the profession  
22 or occupation will substantially harm or endanger the public  
23 health, safety, or welfare, and whether the potential for harm  
24 is recognizable and not remote;

25           (b) Whether the practice of the profession or  
26 occupation requires specialized skill or training, and whether  
27 that skill or training is readily measurable or quantifiable  
28 so that examination or training requirements would reasonably  
29 assure initial and continuing professional or occupational  
30 ability;

31

1           (c) Whether the regulation will have an unreasonable  
2 effect on job creation or job retention in the state or will  
3 place unreasonable restrictions on the ability of individuals  
4 who seek to practice or who are practicing a given profession  
5 or occupation to find employment;

6           ~~(d)~~ Whether the public is or can be effectively  
7 protected by other means; and

8           ~~(e)~~~~(d)~~ Whether the overall cost-effectiveness and  
9 economic impact of the proposed regulation, including the  
10 indirect costs to consumers, will be favorable.

11           (4) The proponents of legislation that provides for  
12 the regulation of a profession or occupation not already  
13 expressly subject to state regulation shall provide, upon  
14 request, the following information in writing to the state  
15 agency that is proposed to have jurisdiction over the  
16 regulation and to the legislative committees to which the  
17 legislation is referred:

18           (a) The number of individuals or businesses that would  
19 be subject to the regulation;

20           (b) The name of each association that represents  
21 members of the profession or occupation, together with a copy  
22 of its codes of ethics or conduct;

23           (c) Documentation of the nature and extent of the harm  
24 to the public caused by the unregulated practice of the  
25 profession or occupation, including a description of any  
26 complaints that have been lodged against persons who have  
27 practiced the profession or occupation in this state during  
28 the preceding 3 years;

29           (d) A list of states that regulate the profession or  
30 occupation, and the dates of enactment of each law providing  
31 for such regulation and a copy of each law;

1 (e) A list and description of state and federal laws  
2 that have been enacted to protect the public with respect to  
3 the profession or occupation and a statement of the reasons  
4 why these laws have not proven adequate to protect the public;

5 (f) A description of the voluntary efforts made by  
6 members of the profession or occupation to protect the public  
7 and a statement of the reasons why these efforts are not  
8 adequate to protect the public;

9 (g) A copy of any federal legislation mandating  
10 regulation;

11 (h) An explanation of the reasons why other types of  
12 less restrictive regulation would not effectively protect the  
13 public;

14 (i) The cost, availability, and appropriateness of  
15 training and examination requirements;

16 ~~(j)(i)~~ The cost of regulation, including the indirect  
17 cost to consumers, and the method proposed to finance the  
18 regulation;

19 (k) The cost imposed on applicants or practitioners or  
20 on employers of applicants or practitioners as a result of the  
21 regulation;

22 ~~(l)(j)~~ The details of any previous efforts in this  
23 state to implement regulation of the profession or occupation;  
24 and

25 ~~(m)(k)~~ Any other information the agency or the  
26 committee considers relevant to the analysis of the proposed  
27 legislation.

28 Section 2. Subsection (4) of section 455.201, Florida  
29 Statutes, is amended to read:

30 455.201 Professions and occupations regulated by  
31 department; legislative intent; requirements.--

1           (4)(a) Neither the department nor any board may ~~No~~  
2 ~~board, nor the department, shall~~ create unreasonably  
3 restrictive and extraordinary standards that deter qualified  
4 persons from entering the various professions. Neither the  
5 department nor any board may ~~No board, nor the department,~~  
6 ~~shall~~ take any action that ~~which~~ tends to create or maintain  
7 an economic condition that unreasonably restricts competition,  
8 except as specifically provided by law.

9           (b) Neither the department nor any board may create a  
10 regulation that has an unreasonable effect on job creation or  
11 job retention in the state or that places unreasonable  
12 restrictions on the ability of individuals who seek to  
13 practice or who are practicing a given profession or  
14 occupation to find employment.

15           (c) The Legislature shall evaluate proposals to  
16 increase regulation of already regulated professions or  
17 occupations to determine their effect on job creation or  
18 retention and employment opportunities.

19           Section 3. Subsection (4) of section 455.517, Florida  
20 Statutes, is amended to read:

21           455.517 Professions and occupations regulated by  
22 department; legislative intent; requirements.--

23           (4)(a) Neither the department nor any board may ~~No~~  
24 ~~board, nor the department, shall~~ create unreasonably  
25 restrictive and extraordinary standards that deter qualified  
26 persons from entering the various professions. Neither the  
27 department nor any board may ~~No board, nor the department,~~  
28 ~~shall~~ take any action that ~~which~~ tends to create or maintain  
29 an economic condition that unreasonably restricts competition,  
30 except as specifically provided by law.

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1       (b) Neither the department nor any board may create a  
2 regulation that has an unreasonable effect on job creation or  
3 job retention in the state or that places unreasonable  
4 restrictions on the ability of individuals who seek to  
5 practice or who are practicing a profession or occupation to  
6 find employment.

7       (c) The Legislature shall evaluate proposals to  
8 increase the regulation of regulated professions or  
9 occupations to determine the effect of increased regulation on  
10 job creation or retention and employment opportunities.

11       Section 4. Section 455.2035, Florida Statutes, is  
12 created to read:

13       455.2035 Rulemaking authority for professions not  
14 under a board.--The department may adopt rules pursuant to ss.  
15 120.54 and 120.536(1) to implement the regulatory requirements  
16 of any profession within the department's jurisdiction which  
17 does not have a statutorily authorized regulatory board.

18       Section 5. Section 455.2123, Florida Statutes, is  
19 created to read:

20       455.2123 Continuing education.--A board, or the  
21 department when there is no board, may provide by rule that  
22 distance learning may be used to satisfy continuing education  
23 requirements.

24       Section 6. Section 455.2124, Florida Statutes, is  
25 created to read:

26       455.2124 Proration of continuing education.--A board,  
27 or the department when there is no board, may:

28       (1) Prorate continuing education for new licensees by  
29 requiring half of the required continuing education for any  
30 applicant who becomes licensed with more than half the renewal  
31 period remaining and no continuing education for any applicant

1 who becomes licensed with half or less than half of the  
2 renewal period remaining; or

3 (2) Require no continuing education until the first  
4 full renewal cycle of the licensee.

5  
6 These options shall also apply when continuing education is  
7 first required or the number of hours required is increased by  
8 law or the board, or the department when there is no board.

9 Section 7. Subsection (10) is added to section  
10 455.213, Florida Statutes, 1998 Supplement, to read:

11 455.213 General licensing provisions.--

12 (10) For any profession requiring fingerprints as part  
13 of the registration, certification, or licensure process or  
14 for any profession requiring a criminal history record check  
15 to determine good moral character, a fingerprint card  
16 containing the fingerprints of the applicant must accompany  
17 all applications for registration, certification, or  
18 licensure. The fingerprint card shall be forwarded to the  
19 Division of Criminal Justice Information Systems within the  
20 Department of Law Enforcement for purposes of processing the  
21 fingerprint card to determine if the applicant has a criminal  
22 history record. The fingerprint card shall also be forwarded  
23 to the Federal Bureau of Investigation for purposes of  
24 processing the fingerprint card to determine if the applicant  
25 has a criminal history record. The information obtained by the  
26 processing of the fingerprint card by the Florida Department  
27 of Law Enforcement and the Federal Bureau of Investigation  
28 shall be sent to the department for the purpose of determining  
29 if the applicant is statutorily qualified for registration,  
30 certification, or licensure.

31



1           Section 8. Paragraph (e) of subsection (2) of section  
2 468.453, Florida Statutes, 1998 Supplement, is amended to  
3 read:

4           468.453 Licensure required; qualifications;  
5 examination; bond.--

6           (2) A person shall be licensed as an athlete agent if  
7 the applicant:

8           (e) ~~Has provided sufficient information which must be~~  
9 ~~submitted to by the department a fingerprint card~~ for a  
10 ~~criminal history records check through the Federal Bureau of~~  
11 ~~Investigation. The fingerprint card shall be forwarded to the~~  
12 ~~Division of Criminal Justice Information Systems within the~~  
13 ~~Department of Law Enforcement for purposes of processing the~~  
14 ~~fingerprint card to determine if the applicant has a criminal~~  
15 ~~history record. The fingerprint card shall also be forwarded~~  
16 ~~to the Federal Bureau of Investigation for purposes of~~  
17 ~~processing the fingerprint card to determine if the applicant~~  
18 ~~has a criminal history record. The information obtained by the~~  
19 ~~processing of the fingerprint card by the Florida Department~~  
20 ~~of Law Enforcement and the Federal Bureau of Investigation~~  
21 ~~shall be sent to the department for the purpose of determining~~  
22 ~~if the applicant is statutorily qualified for licensure.~~

23           Section 9. Paragraph (a) of subsection (1) of section  
24 475.175, Florida Statutes, is amended to read:

25           475.175 Examinations.--

26           (1) A person shall be entitled to take the license  
27 examination to practice in this state if the person:

28           (a) Submits to the department the appropriate  
29 notarized application and fee, two photographs of herself or  
30 himself taken within the preceding year, and a fingerprint  
31 card. The fingerprint card shall be forwarded to the Division

1 of Criminal Justice Information Systems within the Department  
2 of Law Enforcement for purposes of processing the fingerprint  
3 card to determine if the applicant has a criminal history  
4 record. The fingerprint card shall also be forwarded to the  
5 Federal Bureau of Investigation for purposes of processing the  
6 fingerprint card to determine if the applicant has a criminal  
7 history record. The information obtained by the processing of  
8 the fingerprint card by the Florida Department of Law  
9 Enforcement and the Federal Bureau of Investigation shall be  
10 sent to the department for the purpose of determining if the  
11 applicant is statutorily qualified for examination.  
12 ~~fingerprints for processing through appropriate law~~  
13 ~~enforcement agencies; and~~

14 Section 10. Subsection (3) of section 475.615, Florida  
15 Statutes, 1998 Supplement, is amended to read:

16 475.615 Qualifications for registration, licensure, or  
17 certification.--

18 (3) Appropriate fees, as set forth in the rules of the  
19 board pursuant to s. 475.6147, and a fingerprint card  
20 ~~fingerprints for processing through appropriate law~~  
21 ~~enforcement agencies~~ must accompany all applications for  
22 registration, ~~licensure, and certification, or licensure.~~ The  
23 fingerprint card shall be forwarded to the Division of  
24 Criminal Justice Information Systems within the Department of  
25 Law Enforcement for purposes of processing the fingerprint  
26 card to determine if the applicant has a criminal history  
27 record. The fingerprint card shall also be forwarded to the  
28 Federal Bureau of Investigation for purposes of processing the  
29 fingerprint card to determine if the applicant has a criminal  
30 history record. The information obtained by the processing of  
31 the fingerprint card by the Florida Department of Law

1 Enforcement and the Federal Bureau of Investigation shall be  
2 sent to the department for the purpose of determining if the  
3 applicant is statutorily qualified for registration,  
4 certification, or licensure.

5 Section 11. Subsection (4) of section 455.225, Florida  
6 Statutes, 1998 Supplement, is amended to read:

7 455.225 Disciplinary proceedings.--Disciplinary  
8 proceedings for each board shall be within the jurisdiction of  
9 the department.

10 (4) The determination as to whether probable cause  
11 exists shall be made by majority vote of a probable cause  
12 panel of the board, or by the department, as appropriate. Each  
13 regulatory board shall provide by rule that the determination  
14 of probable cause shall be made by a panel of its members or  
15 by the department. Each board may provide by rule for multiple  
16 probable cause panels composed of at least two members. Each  
17 board may provide by rule that one or more members of the  
18 panel or panels may be a former board member. The length of  
19 term or repetition of service of any such former board member  
20 on a probable cause panel may vary according to the direction  
21 of the board when authorized by board rule. Any probable cause  
22 panel must include one of the board's former or present  
23 consumer members, if one is available, willing to serve, and  
24 is authorized to do so by the board chair. Any probable cause  
25 panel must include a present board member. Any probable cause  
26 panel must include a former or present professional board  
27 member. However, any former professional board member serving  
28 on the probable cause panel must hold an active valid license  
29 for that profession. All proceedings of the panel are exempt  
30 from s. 286.011 until 10 days after probable cause has been  
31 found to exist by the panel or until the subject of the

1 investigation waives his or her privilege of confidentiality.  
2 The probable cause panel may make a reasonable request for,  
3 and upon such request the department shall provide, such  
4 additional investigative information as is necessary to the  
5 determination of probable cause. A request for additional  
6 investigative information shall be made within 15 days from  
7 the date of receipt by the probable cause panel of the  
8 investigative report of the department. The probable cause  
9 panel or the department, as may be appropriate, shall make its  
10 determination of probable cause within 30 days after receipt  
11 by it of the final investigative report of the department. The  
12 secretary may grant extensions of the 15-day and the 30-day  
13 time limits. In lieu of a finding of probable cause, the  
14 probable cause panel, or the department when there is no  
15 board, may issue a letter of guidance to the subject. If,  
16 within the 30-day time limit, as may be extended, the probable  
17 cause panel does not make a determination regarding the  
18 existence of probable cause or does not issue a letter of  
19 guidance in lieu of a finding of probable cause, the  
20 department, for disciplinary cases under its jurisdiction,  
21 must make a determination regarding the existence of probable  
22 cause within 10 days after the expiration of the time limit.  
23 If the probable cause panel finds no probable cause, the  
24 department within 10 days after that finding may petition for  
25 a determination of the existence of probable cause pursuant to  
26 s. 120.574. Information obtained by the department in such  
27 actions shall be held confidential as provided in subsection  
28 (10). The administrative law judge's order shall constitute  
29 final action with respect to the existence of probable cause.  
30 If the probable cause panel finds that probable cause exists,  
31 it shall direct the department to file a formal complaint

1 against the licensee. The department shall follow the  
2 directions of the probable cause panel regarding the filing of  
3 a formal complaint. If directed to do so, the department shall  
4 file a formal complaint against the subject of the  
5 investigation and prosecute that complaint pursuant to chapter  
6 120. However, the department may decide not to prosecute the  
7 complaint if it finds that probable cause had been  
8 improvidently found by the panel. In such cases, the  
9 department shall refer the matter to the board. The board may  
10 then file a formal complaint and prosecute the complaint  
11 pursuant to chapter 120. The department shall also refer to  
12 the board any investigation or disciplinary proceeding not  
13 before the Division of Administrative Hearings pursuant to  
14 chapter 120 or otherwise completed by the department within 1  
15 year after the filing of a complaint. The department, for  
16 disciplinary cases under its jurisdiction, must establish a  
17 uniform reporting system to quarterly refer to each board the  
18 status of any investigation or disciplinary proceeding that is  
19 not before the Division of Administrative Hearings or  
20 otherwise completed by the department within 1 year after the  
21 filing of the complaint. A probable cause panel or a board may  
22 retain independent legal counsel, employ investigators, and  
23 continue the investigation as it deems necessary; all costs  
24 thereof shall be paid from the Professional Regulation Trust  
25 Fund. All proceedings of the probable cause panel are exempt  
26 from s. 120.525.

27 Section 12. Subsection (3) of section 455.227, Florida  
28 Statutes, is amended to read:

29 455.227 Grounds for discipline; penalties;  
30 enforcement.--  
31

1           (3)(a) In addition to any other discipline imposed  
2 pursuant to this section or discipline imposed for a violation  
3 of any practice act, the board, or the department when there  
4 is no board, may assess costs related to the investigation and  
5 prosecution of the case excluding costs associated with an  
6 attorney's time.

7           (b) In any case where the board or the department  
8 imposes a fine or assessment and the fine or assessment is not  
9 paid within a reasonable time, such reasonable time to be  
10 prescribed in the rules of the board, or the department when  
11 there is no board, or in the order assessing such fines or  
12 costs, the department or the Department of Legal Affairs may  
13 contract for the collection of, or bring a civil action to  
14 recover, the fine or assessment.

15           (c) The department shall not issue or renew a license  
16 to any person against whom or business against which the board  
17 has assessed a fine, interest, or costs associated with  
18 investigation and prosecution until the person or business has  
19 paid in full such fine, interest, or costs associated with  
20 investigation and prosecution or until the person or business  
21 complies with or satisfies all terms and conditions of the  
22 final order.

23           Section 13. Subsection (4) of section 477.013, Florida  
24 Statutes, 1998 Supplement, is amended, and subsections (12)  
25 and (13) are added to said section, to read:

26           477.013 Definitions.--As used in this chapter:

27           (4) "Cosmetology" means the mechanical or chemical  
28 treatment of the head, face, and scalp for aesthetic rather  
29 than medical purposes, including, but not limited to, hair  
30 shampooing, hair cutting, hair arranging, hair coloring,  
31 permanent waving, hair relaxing, hair removing including wax

1 treatments of body hair, pedicuring, and manicuring, for  
2 compensation.

3 (12) "Body wrapping" means a treatment program which  
4 uses herbal wraps for the purposes of weight loss and of  
5 cleansing and beautifying the skin of the body, but does not  
6 include any other service defined as cosmetology in this  
7 chapter.

8 (13) "Skin care services" means the treatment of the  
9 skin of the body, other than the head, face, and scalp, by the  
10 use of a sponge, brush, cloth, or similar device to apply or  
11 remove a chemical preparation or other substance, except that  
12 chemical peels may be removed by the hands peeling the  
13 substance from the skin. Skin care services must be performed  
14 within a licensed cosmetology salon, and such services shall  
15 not involve massage, as defined in s. 480.033(3), through  
16 manipulation of the superficial tissue.

17 Section 14. Section 477.0132, Florida Statutes, 1998  
18 Supplement, is amended to read:

19 477.0132 Hair braiding,~~and~~ hair wrapping, and body  
20 wrapping registration.--

21 (1)(a) Persons whose occupation or practice is  
22 confined solely to hair braiding must register with the  
23 department, pay the applicable registration fee, and take a  
24 two-day 16-hour course. The course shall be board approved and  
25 consist of 5 hours of HIV/AIDS and other communicable  
26 diseases, 5 hours of sanitation and sterilization, 4 hours of  
27 disorders and diseases of the scalp, and 2 hours of studies  
28 regarding laws affecting hair braiding.

29 (b) Persons whose occupation or practice is confined  
30 solely to hair wrapping must register with the department, pay  
31 the applicable registration fee, and take a one-day 6-hour

1 course. The course shall be board approved and consist of  
2 education in HIV/AIDS and other communicable diseases,  
3 sanitation and sterilization, disorders and diseases of the  
4 scalp, and studies regarding laws affecting hair wrapping.

5 (c) Unless otherwise licensed or exempted from  
6 licensure under this chapter, any person whose occupation or  
7 practice is body wrapping must register with the department,  
8 pay the applicable registration fee, and take a two-day  
9 12-hour course. The course shall be board approved and consist  
10 of education in HIV/AIDS and other communicable diseases,  
11 sanitation and sterilization, disorders and diseases of the  
12 skin, and studies regarding laws affecting body wrapping.

13 (2) Hair braiding,~~and~~ hair wrapping, and body  
14 wrapping are not required to be practiced in a cosmetology  
15 salon or specialty salon. When hair braiding,~~or~~ hair  
16 wrapping, or body wrapping is practiced outside a cosmetology  
17 salon or specialty salon, disposable implements must be used  
18 or all implements must be sanitized in a disinfectant approved  
19 for hospital use or approved by the federal Environmental  
20 Protection Agency.

21 (3) Pending issuance of registration, a person is  
22 eligible to practice hair braiding,~~or~~ hair wrapping, or body  
23 wrapping upon submission of a registration application that  
24 includes proof of successful completion of the education  
25 requirements and payment of the applicable fees required by  
26 this chapter.

27 Section 15. Paragraph (c) of subsection (7) of section  
28 477.019, Florida Statutes, 1998 Supplement, is amended to  
29 read:

30  
31



1           477.019 Cosmetologists; qualifications; licensure;  
2 supervised practice; license renewal; endorsement; continuing  
3 education.--

4           (7)

5           (c) Any person whose occupation or practice is  
6 confined solely to hair braiding, ~~or~~ hair wrapping, or body  
7 wrapping is exempt from the continuing education requirements  
8 of this subsection.

9           Section 16. Paragraph (f) of subsection (1) of section  
10 477.026, Florida Statutes, 1998 Supplement, is amended to  
11 read:

12           477.026 Fees; disposition.--

13           (1) The board shall set fees according to the  
14 following schedule:

15           (f) For hair braiders, ~~and~~ hair wrappers, and body  
16 wrappers, fees for registration shall not exceed \$25.

17           Section 17. Paragraph (g) is added to subsection (1)  
18 of section 477.0265, Florida Statutes, to read:

19           477.0265 Prohibited acts.--

20           (1) It is unlawful for any person to:

21           (g) Advertise or imply that skin care services, as  
22 performed under this chapter, have any relationship to the  
23 practice of massage therapy as defined in s. 480.033(3),  
24 except those practices or activities defined in s. 477.013.

25           Section 18. Paragraph (a) of subsection (1) of section  
26 477.029, Florida Statutes, 1998 Supplement, is amended to  
27 read:

28           477.029 Penalty.--

29           (1) It is unlawful for any person to:

30           (a) Hold himself or herself out as a cosmetologist,  
31 specialist, hair wrapper, ~~or~~ hair braider, or body wrapper

1 unless duly licensed or registered, or otherwise authorized,  
2 as provided in this chapter.

3           Section 19. This act shall take effect July 1, 1999.  
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HOUSE SUMMARY

Provides criteria for evaluating proposals for new regulation of a profession or occupation based on the effect of such regulation on job creation or retention. Requires proponents of legislation to regulate a profession or occupation not already regulated to provide additional cost information. Prohibits the Department of Business and Professional Regulation and the Department of Health and their regulatory boards from creating any regulation that has an unreasonable effect on job creation or retention or on employment opportunities. Provides for evaluation of proposals to increase the regulation of already regulated professions to determine the effect of such regulation on job creation or retention and employment opportunities.

Amends and creates various provisions relating to regulation of professions under the Department of Business and Professional Regulation. Provides rulemaking authority to the department for the regulation of any profession under its jurisdiction which does not have a regulatory board. Authorizes the use of distance learning to satisfy continuing education requirements, and provides for proration of continuing education requirements. Requires fingerprint cards with applications for registration, certification, or licensure in certain professions, and provides for use of such cards for criminal history record checks of applicants. Applies such fingerprint card requirements to applicants for licensure as an athlete agent, persons applying to take the examination for licensure as a real estate broker or salesperson, and applicants for registration, certification, or licensure as a real estate appraiser. Authorizes the department to petition for a summary hearing on the existence of probable cause, after a finding of no probable cause by the probable cause panel. Provides for denial of issuance or renewal of licensure until all fines, interest, and costs assessed have been paid or the final order otherwise satisfied.

Defines the term "body wrapping." Requires registration of persons whose occupation or practice is body wrapping. Requires a registration fee and certain education. Exempts persons whose occupation or practice is confined solely to body wrapping from certain continuing education requirements. Prohibits holding oneself out as a body wrapper unless licensed, registered, or otherwise authorized under chapter 477, F.S., and provides penalties therefor.

Defines the term "skin care services" and requires such services to be performed in a licensed cosmetology salon. Prohibits advertising or implying that skin care services have any relationship to the practice of massage therapy

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