

STORAGE NAME: s1740z.brc
DATE: June 20, 2000

****AS PASSED BY THE LEGISLATURE****
CHAPTER #: 00-332, Laws of Florida

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
BUSINESS REGULATION & CONSUMER AFFAIRS
FINAL ANALYSIS**

BILL #: SB 1740 (CS/HB 4005; PCB RC 00-03)

RELATING TO: Florida Statutes/Repeals

SPONSOR(S): Senator McKay

TIED BILL(S): None

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

- (1) Senate Regulated Industries YEAS 7 NAYS 0
 - (2) Senate Rules & Calendar (W/D)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

The act repeals legislative findings, as well as, obsolete and inoperative provisions from various practice acts relating to athletic agents and trainers, funeral directors, engineers, land surveyors and mappers, certified public accountants, veterinarians, Realtors and real estate appraisers, barbers, cosmetologists, architects, interior designers, and construction contractors. Statements of legislative intent and purpose are not repealed.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

B. PRESENT SITUATION:

During the 1999 interim, Speaker Thrasher, President Jennings, and Governor Bush requested their respective staffs to conduct a review of the Florida Statutes with the goal of repealing those statutory sections, or portions of statutory sections, that are obsolete, redundant, inoperative, or that no longer serve their intended function. Statutory Revision participated in the review and drafted the various bills. Public input was solicited through the legislative web site, Online Sunshine.

The draft bills were submitted to the appropriate substantive committees and the Committee on Rules and Calendar for their review. Chairman Ogles also solicited input on the changes in the House companion bill from the Department of Business and Professional Regulation, the Department of Agriculture and Consumer Services, and each affected professional association.

C. EFFECT OF CHANGES:

This act repeals legislative findings from various statutes, as well as, obsolete and inoperative provisions. Statements of legislative intent and purpose are not repealed. However, in some instances sections titled "purpose" are, in fact, findings. Those sections, or parts of sections, are repealed by this act. Please see the Section-By-Section Analysis for a description of each change.

D. SECTION-BY-SECTION ANALYSIS:

These sections encompass practice acts relating to professions regulated by the Department of Business and Professional Regulation.

Athlete Agents and Trainers

Section 1. Repeals s. 468.4571, F.S., to remove an obsolete provision that allowed the registration of athlete agents to remain in effect after October 1, 1995, and provided entitlement to state licensure upon expiration of the registration. The repeal of this section also removes the obsolete provision that saved administrative proceedings pending on October 1, 1995.

Section 2. Amends s. 468.70, F.S., to delete the findings from the intent section relating to athletic trainers.

Funeral Directors, Embalmers, and Direct Disposers

Section 3. Amends s. 470.001, F.S., to delete the findings from the intent section of the chapter and to make technical changes for clarity.

Section 4. Repeals s. 470.0395(1) and (2), F.S., to remove the obsolete savings clauses relating to administrative proceedings pending on October 1, 1993, and licenses in effect on October 1, 1993. Subsection (3), relating to branch chapels established prior to June 30, 1979, is retained since several of these chapels still operate.

Engineers

Section 5. Amends s. 471.001, F.S., to remove the findings from the purpose section of the chapter.

Land Surveyors and Mappers

Section 6. Amends s. 472.001, F.S., to remove the findings from the purpose section of the chapter.

Section 7. Repeals s. 472.013 (2) (c) and (d), F.S., to remove inoperative grandfathering language that self-repealed on July 1, 1999.

Section 8. Repeals s. 472.039 and s. 472.041, F.S., to remove obsolete grandfathering language that preserved licenses in effect on June 30, 1979, and savings clauses relating to automatic licensure for certain persons after January 1, 1995.

Certified Public Accountants

Section 9. Repeals s. 473.307 and 473.306 (3)(e), F.S., to remove obsolete experience requirements for licensure prior to August 2, 1983, and a cross-reference to that licensure requirement.

Section 10. Amends s. 473.308 (2) and (3), F.S., to remove cross-references to s. 473.307, F.S., a statute repealed by this act.

Section 11. Repeals s. 473.3251, F.S., to remove the saving clause relating to licenses in effect in 1985.

Veterinarians

Section 12. Repeals s. 474.219, F.S., to remove the inoperative saving clauses relating to administrative procedures pending on October 1, 1985, as well as, veterinarian licenses in effect on that same day.

Realtors and Real Estate Appraisers

Section 13. Amends s. 475.001, F.S., to remove findings relating to real estate brokers, salespersons, and schools.

Section 14. Amends s. 475.610, F.S., to remove findings relating to real estate appraisers.

Barbers

Section 15. Amends s. 476.024, F.S., to remove findings relating to barbering.

Cosmetologists

Section 16. Amends s. 477.012, F.S., to remove findings relating to cosmetology.

Architects and Interior Designers

Section 17. Amends s. 481.201, F.S., to remove findings relating to architects.

Section 18. Repeals s. 481.209 (2)(e), F.S., to remove outdated requirements relating to interior designers.

Section 19. Repeals s. 481.24, F.S., to remove the obsolete grandfathering provisions for architects licensed as interior designers, and all interior designers who applied for licensure by October 1, 1994.

Construction Contractors

Section 20. Amends s. 489.101, F.S., to remove findings relating to construction contracting.

Section 21. Amends s. 489.501, F.S., to remove findings relating to electrical and alarm system contracting.

Section 22. Repeals s. 489.518 (2)(d), F.S., to remove obsolete provisions relating to burglar alarm system agents.

Section 23. Repeals s. 489.537 (8)(b), F.S., to remove obsolete provisions relating to registration of alarm system contractors.

Effective Date

Section 24. Provides that the act will take effect upon becoming a law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

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

B. REDUCTION OF REVENUE RAISING AUTHORITY:

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

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

Section 24 of the House companion, CS/HB 4005, removed obsolete findings from the statutory provisions relating to the regulation of health studios. Though these findings correctly described the 1977 need for more stringent regulation of health studio business practices (77-432, Laws of Florida), implementation of the increased regulation has corrected the problems existing at that time. The Senate, however, disagreed with the House assessment that the language is obsolete and did not include that change in this act.

Following is a description of the objections to the bill that were received by the House Committee on Business Regulation & Consumer Affairs prior to its passage of the companion bill, HB 4005, as a committee substitute:

The Department of Business and Professional Regulation wrote that a number of boards believe the purpose sections of the practice acts, "are a useful tool in the Department's ability to prosecute and defend rules. Department staff are reviewing those sections to determine what affect repeal would have on their ability to enforce and regulate." It should be noted that this act does not actually remove "purpose" provisions, but instead removes unnecessary or obsolete legislative "findings."

Landscape Architects' representatives requested that the repeal of s. 481.301, F.S., be removed from the bill. This section provides the legislative findings for the regulation of the profession.

Veterinarian comments were received from the chairman of the Board of Veterinary Medicine and several other veterinarians who requested that the repeal of the first sentence in s. 474.201, F.S., be removed from the bill. That sentence includes the legislative findings within the purpose section of the chapter.

This act does not include the repeal of legislative findings relating to veterinarians, landscape architects, athlete agents, and building code administrators and inspectors.

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These changes were made in response to specific requests or a determination that the findings were not obsolete or unnecessary.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VII. SIGNATURES:

COMMITTEE ON BUSINESS REGULATION & CONSUMER AFFAIRS:

Prepared by:

Staff Director:

Rebecca R. Everhart

Rebecca R. Everhart

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON BUSINESS REGULATION & CONSUMER AFFAIRS:

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