

By Senator McKay

26-1025A-00

See HB 4005

1 A bill to be entitled
2 An act relating to the Florida Statutes;
3 repealing or deleting various statutory
4 provisions that have become obsolete, have had
5 their effect, have served their purpose, or
6 have been impliedly repealed or superseded;
7 repealing s. 468.4571, F.S., relating to
8 savings clauses applicable to the transition to
9 licensure of athlete agents; amending s.
10 468.70, F.S.; deleting findings relating to
11 regulation of athletic trainers; amending s.
12 470.001, F.S.; deleting findings relating to
13 regulation of funeral directing, embalming, and
14 direct disposition; repealing s. 470.0395(1),
15 (2), F.S., relating to savings clauses
16 applicable to regulation of funeral directing,
17 embalming, and direct disposition; amending s.
18 471.001, F.S.; deleting findings relating to
19 regulation of engineering; amending s. 472.001,
20 F.S.; deleting findings relating to regulation
21 of surveyors and mappers; repealing s.
22 472.013(2)(c) and (d), F.S., relating to
23 obsolete education and experience requirements
24 to take the examination for licensure as a
25 surveyor or mapper; repealing ss. 472.039 and
26 472.041, F.S., relating to the validity of
27 certain land surveyor registrations and the
28 automatic licensure of certain persons as
29 surveyors and mappers; repealing ss.
30 473.306(3)(e) and 473.307, F.S., relating to
31 obsolete experience requirements to be licensed

1 as a certified public accountant; amending s.
2 473.308, F.S.; deleting cross-references, to
3 conform; repealing s. 473.3251, F.S., relating
4 to a saving clause applicable to certain public
5 accountancy licenses; repealing s. 474.219,
6 F.S., relating to saving clauses applicable to
7 regulation of veterinary medical practice;
8 amending s. 475.001, F.S.; deleting findings
9 relating to regulation of real estate brokers,
10 salespersons, and schools; amending s. 475.610,
11 F.S.; deleting findings relating to regulation
12 of real estate appraisers; amending s. 476.024,
13 F.S.; deleting findings relating to regulation
14 of barbers; amending s. 477.012, F.S.; deleting
15 findings relating to regulation of cosmetology
16 practice; amending s. 481.201, F.S.; deleting
17 findings relating to regulation of the practice
18 of architecture; repealing s. 481.209(2)(e),
19 F.S., relating to obsolete experience
20 requirements to take the examination for
21 licensure as an interior designer; repealing s.
22 481.24, F.S., relating to licensure or
23 transitional licensure of certain interior
24 designers; amending s. 489.101, F.S.; deleting
25 findings relating to regulation of construction
26 contracting; amending s. 489.501, F.S.;
27 deleting findings relating to regulation of
28 electrical and alarm system contracting;
29 repealing s. 489.518(2)(d), F.S., relating to
30 training required to be employed as a burglar
31 alarm system agent; repealing s. 489.537(8)(b),

1 F.S., relating to experience requirements for
2 registration as an alarm system contractor II;
3 providing an effective date.

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

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7 Section 1. Section 468.4571, Florida Statutes, is
8 repealed.

9 Section 2. Section 468.70, Florida Statutes, is
10 amended to read:

11 468.70 Legislative ~~findings and intent.~~--~~The~~
12 ~~Legislature finds that without regulation of athletic training~~
13 ~~and trainers there is substantial threat to the public~~
14 ~~welfare.~~It is the intent of the Legislature that athletes be
15 assisted by persons adequately trained to recognize, prevent,
16 and treat physical injuries sustained during athletic
17 activities. Therefore, it is the further intent of the
18 Legislature to protect the public by licensing and fully
19 regulating athletic trainers.

20 Section 3. Section 470.001, Florida Statutes, is
21 amended to read:

22 470.001 Legislative ~~findings and intent.~~--

23 ~~(1)~~ The Legislature deems it necessary in the interest
24 of public health and safety to establish ~~finds that the~~
25 ~~practice of embalming, funeral directing, and final~~
26 ~~disposition by unskilled and incompetent practitioners~~
27 ~~presents a danger to the public health and safety.~~ The
28 ~~Legislature finds further that it is difficult for the public~~
29 ~~to make an informed choice about embalmers and funeral~~
30 ~~directors and that the consequences of a wrong choice could~~
31 ~~endanger the public health and welfare. The only way to~~

1 ~~protect the public from the incompetent practice of embalming,~~
2 ~~funeral directing, and final disposition is through the~~
3 ~~establishment of~~ minimum qualifications for entry into the
4 ~~such~~ professions of embalming and funeral directing and to
5 provide for ~~through~~ swift and effective discipline for those
6 practitioners who violate the law.

7 ~~(2) The Legislature further finds that the~~
8 ~~unregistered practice of direct disposition presents a danger~~
9 ~~to the public welfare and, therefore,~~deems it necessary to
10 provide for the registration of all direct disposers, to
11 provide against improper conduct by practitioners of direct
12 disposition, and to establish swift and effective discipline
13 for those practitioners who violate the law.

14 Section 4. Subsections (1) and (2) of section
15 470.0395, Florida Statutes, are repealed.

16 Section 5. Section 471.001, Florida Statutes, is
17 amended to read:

18 471.001 Purpose.--The Legislature ~~finds that, if~~
19 ~~incompetent engineers performed engineering services, physical~~
20 ~~and economic injury to the citizens of the state would result~~
21 ~~and, therefore,~~deems it necessary in the interest of public
22 health and safety to regulate the practice of engineering in
23 this state.

24 Section 6. Section 472.001, Florida Statutes, is
25 amended to read:

26 472.001 Purpose.--The Legislature ~~finds that improper~~
27 ~~surveying and mapping of land, water, and space presents a~~
28 ~~significant threat to the public and therefore~~ deems it
29 necessary to regulate surveyors and mappers as provided in ss.
30 472.001-472.041.

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1 Section 7. Paragraphs (c) and (d) of subsection (2) of
2 section 472.013, Florida Statutes, are repealed.

3 Section 8. Sections 472.039 and 472.041, Florida
4 Statutes, are repealed.

5 Section 9. Section 473.307 and paragraph (e) of
6 subsection (3) of section 473.306, Florida Statutes, are
7 repealed.

8 Section 10. Subsections (2) and (3) of section
9 473.308, Florida Statutes, are amended to read:

10 473.308 Licensure.--

11 (2) The board shall certify for licensure any
12 applicant who successfully passes the licensure examination
13 and satisfies the requirements of s.~~ss.~~473.306 ~~and 473.307~~
14 and shall certify for licensure any firm which satisfies the
15 requirements of ss. 473.309 and 473.3101. The board may
16 refuse to certify any applicant or firm that has violated any
17 of the provisions of s. 473.322.

18 (3) The board shall certify as qualified for a license
19 by endorsement an applicant who:

20 (a)1. Is not licensed and has not been licensed in
21 another state or territory and who qualifies to take the
22 examination as set forth in s. 473.306 and, ~~who~~ has passed a
23 national, regional, state, or territorial licensing
24 examination which is substantially equivalent to the
25 examination required by s. 473.306, ~~and who has satisfied the~~
26 ~~experience requirements set forth in s. 473.307;~~ and

27 2. Has completed such continuing education courses as
28 the board deems appropriate, within the limits for each
29 applicable 2-year period as set forth in s. 473.312, but at
30 least such courses as are equivalent to the continuing
31 education requirements for a licensee in this state during the

1 2 years immediately preceding her or his application for
2 licensure by endorsement; or

3 (b)1.

4 a. Holds a valid license to practice public accounting
5 issued by another state or territory of the United States, if
6 the criteria for issuance of such license were substantially
7 equivalent to the licensure criteria which existed in this
8 state at the time the license was issued; or

9 b. Holds a valid license to practice public accounting
10 issued by another state or territory of the United States but
11 the criteria for issuance of such license did not meet the
12 requirements of sub-subparagraph a., who qualifies to take the
13 examination as set forth in s. 473.306 and, who has passed a
14 national, regional, state, or territorial licensing
15 examination which is substantially equivalent to the
16 examination required by s. 473.306, ~~and who has satisfied the~~
17 ~~experience requirements set forth in s. 473.307; and~~

18 2. Has completed continuing education courses which
19 are equivalent to the continuing education requirements for a
20 licensee in this state during the 2 years immediately
21 preceding her or his application for licensure by endorsement.

22 Section 11. Section 473.3251, Florida Statutes, is
23 repealed.

24 Section 12. Section 474.219, Florida Statutes, is
25 repealed.

26 Section 13. Section 475.001, Florida Statutes, is
27 amended to read:

28 475.001 Purpose.--~~The Legislature finds that a~~
29 ~~significant number of real property transactions are~~
30 ~~facilitated by real estate brokers and salespersons and that~~
31 ~~it is necessary to assure the minimal competence of real~~

1 ~~estate practitioners in order to protect the public from~~
2 ~~potential economic loss; therefore, the Legislature~~ deems it
3 necessary in the interest of the public welfare to regulate
4 real estate brokers, salespersons, and schools in this state.

5 Section 14. Section 475.610, Florida Statutes, is
6 amended to read:

7 475.610 Purpose.--The Legislature ~~finds that a~~
8 ~~significant number of appraisals of real property are~~
9 ~~performed in conjunction with federally related transactions~~
10 ~~by appraisers and that it is necessary to assure the minimal~~
11 ~~competence of such appraisers in order to protect the public~~
12 ~~from potential economic loss; therefore, the Legislature~~ deems
13 it necessary in the interest of the public welfare to regulate
14 real estate appraisers in this state.

15 Section 15. Section 476.024, Florida Statutes, is
16 amended to read:

17 476.024 Purpose.--The Legislature deems it recognizes
18 ~~that barbering is potentially dangerous to the public in that~~
19 ~~barbers work in close proximity to patrons, thus risking~~
20 ~~transmission of disease and vermin, apply various caustic~~
21 ~~chemical agents to the hair and scalp of patrons, and employ~~
22 ~~instruments which could harm patrons if improperly used.~~
23 ~~Therefore, it is deemed~~ necessary in the interest of public
24 health, safety, and welfare to regulate the practice of
25 barbering in this state. However, restrictions should be
26 imposed only to the extent necessary to protect the public
27 from these recognized dangers and in a manner which will not
28 unreasonably affect the competitive market.

29 Section 16. Section 477.012, Florida Statutes, is
30 amended to read:

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1 477.012 Purpose.--The Legislature ~~recognizes that the~~
2 ~~practice of cosmetology involves the use of tools and~~
3 ~~chemicals which may be dangerous when applied improperly and,~~
4 ~~therefore,~~deems it necessary in the interest of public health
5 to regulate the practice of cosmetology in this state.
6 However, restrictions shall be imposed only to the extent
7 necessary to protect the public from significant and
8 discernible danger to health and not in a manner which will
9 unreasonably affect the competitive market. Further, consumer
10 protection for both health and economic matters shall be
11 afforded the public through legal remedies provided for in
12 this act.

13 Section 17. Section 481.201, Florida Statutes, is
14 amended to read:

15 481.201 Purpose.--~~The Legislature finds that the~~
16 ~~practice of architecture is a learned profession.~~The primary
17 legislative purpose for enacting this part is to ensure that
18 every architect practicing in this state meets minimum
19 requirements for safe practice. It is the legislative intent
20 that architects who fall below minimum competency or who
21 otherwise present a danger to the public shall be prohibited
22 from practicing in this state. The Legislature further finds
23 that it is in the interest of the public to limit the practice
24 of interior design to interior designers or architects who
25 have the design education and training required by this part
26 or to persons who are exempted from the provisions of this
27 part.

28 Section 18. Paragraph (e) of subsection (2) of section
29 481.209, Florida Statutes, is repealed.

30 Section 19. Section 481.24, Florida Statutes, is
31 repealed.

1 Section 20. Section 489.101, Florida Statutes, is
2 amended to read:

3 489.101 Purpose.--The Legislature deems ~~recognizes~~
4 ~~that the construction and home improvement industries may pose~~
5 ~~a danger of significant harm to the public when incompetent or~~
6 ~~dishonest contractors provide unsafe, unstable, or short-lived~~
7 ~~products or services. Therefore, it is necessary in the~~
8 interest of the public health, safety, and welfare to regulate
9 the construction industry.

10 Section 21. Section 489.501, Florida Statutes, is
11 amended to read:

12 489.501 Purpose.--The Legislature ~~finds that~~
13 ~~electrical contracting and alarm system contracting are~~
14 ~~important services and potentially dangerous if not properly~~
15 ~~provided and, therefore, deems it necessary in the interest of~~
16 public health, safety, and welfare to regulate the electrical
17 and alarm system contractors in this state. This regulation
18 seeks to enable qualified persons to obtain licensure, while
19 ensuring that applicants have sufficient technical experience
20 in the applicable trade prior to licensure, are tested on
21 technical and business matters, and upon licensure are made
22 subject to disciplinary procedures and effective policing of
23 the profession.

24 Section 22. Paragraph (d) of subsection (2) of section
25 489.518, Florida Statutes, is repealed.

26 Section 23. Paragraph (b) of subsection (8) of section
27 489.537, Florida Statutes, is repealed.

28 Section 24. This act shall take effect upon becoming a
29 law.

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LEGISLATIVE SUMMARY

Repeals or deletes various statutory provisions that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded. Repeals or deletes provisions relating to athletic trainers, funeral directors, embalmers, direct disposers, engineers, surveyors and mappers, veterinarians, real estate brokers, salespersons, schools, and appraisers, barbers, cosmetologists, architects, construction contractors, and electrical and alarm system contractors; savings clauses applicable to the transition to licensure of athlete agents, the regulation of funeral directing, embalming, and direct disposition, and certain public accountancy licenses; obsolete education and experience requirements to take the examination for licensure as a surveyor or mapper; the validity of certain land surveyor registrations and the automatic licensure of certain persons as surveyors and mappers; obsolete experience requirements to be licensed as a certified public accountant; obsolete experience requirements to take the examination for licensure as an interior designer; licensure or transitional licensure of certain interior designers; training required to be employed as a burglar alarm system agent; and experience requirements for registration as an alarm system contractor II.