

STORAGE NAME: h4005s1.brc

DATE: February 1, 2000

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

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

RELATING TO: Florida Statutes/Repeals

SPONSOR(S): Committees on Business Regulation & Consumer Affairs and Rules & Calendar
and Representative Bitner

TIED BILL(S): None

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

- (1) Rules & Calendar YEAS 17 NAYS 0
- (2) Business Regulation & Consumer Affairs YEAS 8 NAYS 0
- (3)
- (4)
- (5)

I. SUMMARY:

The committee substitute repeals legislative findings, as well as, obsolete and inoperative provisions from various practice acts relating to the 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, construction contractors, and health studios. Statements of legislative intent and purpose are not repealed.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 (and 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 Online Sunshine.

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

C. EFFECT OF PROPOSED CHANGES:

This bill 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 bill. Please see the Section-By-Section Analysis for a description of each change.

D. SECTION-BY-SECTION ANALYSIS:

Sections 1 - 23 encompass 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, F.S., to remove the savings clauses relating to administrative proceedings pending on October 1, 1993; licenses in effect on October 1, 1993; and branch chapels established prior to June 30, 1979. (See section V. C. 2., Comments)

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 both 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 bill.

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.

Cosmetologists

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

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 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.

Health Studios (regulated by the Department of Agriculture and Consumer Services)

Section 24. Amends s. 501.012, F.S., to remove obsolete findings. See Comments.

Effective Date

Section 25. 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 bill 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 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:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

Section 24 of the bill removes 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. Therefore, the findings are obsolete.

Following is a description of the objections received on the bill prior to its passage as a committee substitute:

Department of Business and Professional Regulation

1. The DBPR 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." DBPR staff is reviewing those sections to determine what affect repeal would have on their ability to enforce and regulate. It should be noted that this bill does not actually remove "purpose" provisions, but instead removes unnecessary or obsolete legislative "findings."
2. The DBPR also stated that s. 470.0395(3), F.S., may need to be retained if it is determined that certain branch funeral chapels are still operating. After the Committee on Business Regulation & Consumer Affairs passed the committee substitute, the DBPR notified staff that there are indeed several branch funeral chapels in operation. Chairman Ogles will offer an amendment to remove from this bill the repeal of the authorization for such chapels.

Landscape Architects

Representatives of landscape architects 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.

Veterinarians

The chairman of the Board of Veterinary Medicine and several other veterinarians 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.

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VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Representative Ogles will offer an amendment to the committee substitute. See section V. C. 2., above, for an explanation of the amendment.

The committee substitute removes from the bill the repeal of legislative findings relating to veterinarians, landscape architects, athlete agents, and building code administrators and inspectors. These changes were made in response to specific requests or determination that the findings were not obsolete or unnecessary.

VII. SIGNATURES:

COMMITTEE ON BUSINESS REGULATION & CONSUMER AFFAIRS:

Prepared by:

Staff Director:

Rebecca R. Everhart

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