

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 445

Department of Business and Professional Regulation

SPONSOR(S): Bullard

TIED BILLS:

IDEN./SIM. BILLS: SB 682

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Insurance, Business & Financial Affairs Policy Committee		Livingston	Cooper
2)	General Government Policy Council			
3)	Government Operations Appropriations Committee			
4)	Full Appropriations Council on General Government & Health Care			
5)				

SUMMARY ANALYSIS

Chapter 455, F.S., specifies the general powers of the Department of Business and Professional Regulation (DBPR). Each profession is administered either directly by the DBPR or through a separately appointed board, council, or commission. In addition to administering the professional boards, the DBPR processes applications for licensure and license renewal and implements an examination and testing function. This function includes developing and administering examinations, managing contracts with private testing companies, reviewing and approving continuing education courses and vendors, and overseeing compliance with continuing education requirements for licensed professions.

Section 20.165, F.S., establishes the organizational structure of the DBPR and includes the following divisions: Administration; Alcoholic Beverages and Tobacco; Certified Public Accounting; Florida Land Sales, Condominiums, and Mobile Homes; Hotels and Restaurants; Pari-mutuel Wagering; Professions; Real Estate; Regulation; and Technology, Licensure, and Testing. This section also establishes the authority and structure of the various boards within the DBPR.

The bill adds statutory reference to the Division of Service Operations to their organizational structure in chapter 20, F.S. and other cross-references where appropriate to reflect the organizational change.

The bill removes the specific statutory authority of the DBPR to use professional testing services for the development, preparation, and evaluation of examinations, when such services are available and approved by the respective board.

Fiscal - The bill is not anticipated to have an impact on revenues or expenditures.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present situation

Chapter 455, F.S., specifies the general powers of the Department of Business and Professional Regulation (DBPR). Each profession is administered either directly by the DBPR or through a separately appointed board, council, or commission. In addition to administering the professional boards, the DBPR processes applications for licensure and license renewal.

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The "scope of work" for which licensure is required is specified in statute by definition. Each definition of the various professions is known as the "practice act" for that profession and establishes the guidelines for the individual practitioners. The DBPR issues a "certificate" to those individuals who apply, show compliance with education and experience requirements, and pass an examination for a particular scope of practice.

DBPR budget documents indicate that the function of Education and testing – "develops and administers exams, manages contracts with private testing companies, reviews and approves continuing education courses and vendors, and oversees compliance with continuing education requirements for licensed professions."

Section 20.04(7)(b), F.S., provides in part:

Within the limitations of this subsection, the head of the department may recommend the establishment of additional divisions, bureaus, sections, and subsections of the department to promote efficient and effective operation of the department.

New bureaus, sections, and subsections of departments may be initiated by a department and established as recommended by the Department of

Management Services and approved by the Executive Office of the Governor, or may be established by specific statutory enactment.

In April of 2004, correspondence was received by the DBPR which stated, in part:

“The Governor’s Office of Policy and Budget (OPB) has approved your September 15, 2003 request and October 20, 2003 subsequent request to effect organizational changes as a result of comprehensive reengineering project and **to establish the Division of Service Operations.**” [emphasis supplied]

The statutes have not been amended to reflect this change.

Effect of proposed changes

The bill adds statutory reference to the Division of Service Operations to their organizational structure in chapter 20, F.S. and other cross-references where appropriate to reflect the statutory change.

The bill removes the specific statutory authority of the DBPR to use professional testing services for the development, preparation, and evaluation of examinations, when such services are available and approved by the board.

B. SECTION DIRECTORY:

Section 1. Amends s. 20.165(2), F.S., to add the Division of Service Operations to the list of divisions located within the DBPR.

Section 2. Amends s. 455.217, F.S., to correct cross references to the Division of Service Operations and to delete reference to using independent testing services provided by companies outside of the DBPR.

Section 3. Effective date – “upon becoming a law.”

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The DBPR estimates no impact on revenues.

2. Expenditures:

The DBPR estimates no impact on expenditure.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None anticipated.

2. Expenditures:

None anticipated.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Not anticipated to be significant.

D. FISCAL COMMENTS:

Correspondence between the Governor's Office of Policy and Budget and the DBPR states, in part:

We have reviewed the Department of Business and Professional Regulation's (DBPR) request to effect organizational changes as a result of a comprehensive reengineering project proposing to establish the Division of Service Operations. Funds were appropriated, specifically Appropriations 2320 through 2433 of Chapter 2003-397, Laws of Florida, for the Reengineering and Technology Project, for an on-line licensing system and customer contact services.

DBPR is requesting to make organizational changes that will reengineer and streamline the department by consolidating and centralizing key department functions that were previously dispersed across ten (10) divisions. Additionally, this proposal will facilitate better management of staffing resources and workload efficiencies by reducing duplicative personnel, which would include office space consolidation.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, does not appear to reduce the authority that counties or municipalities have to raise revenue in the aggregate, and does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES