

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1187 Regulated Professions and Occupations

**SPONSOR(S):** Grant

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1050

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Business & Professions Subcommittee	7 Y, 5 N	Brown-Blake	Anstead
2) Government Operations Appropriations Subcommittee	11 Y, 0 N	White	Topp
3) Regulatory Affairs Committee			

### SUMMARY ANALYSIS

The Department of Business and Professional Regulation (Department) licenses and regulates businesses and professionals in Florida. It is structured to include separate divisions and various boards responsible for carrying out the Department's mission to license efficiently and regulate fairly.

The bill amends current law relating to certain professions and business organizations. Specifically, the bill:

- Eliminates the requirement that the following licensees acquire a certificate of authorization for their business entities, but allows such licensees to continue to operate their business entities if they apply to be the qualifying agent for such business entity:
  - Asbestos abatement consultant or contractor;
  - Architect;
  - Interior Designer;
  - Landscape Architect; or
  - Geologist.
- Provides that yacht and ship brokers do not have to obtain a license for each branch office, so long as they maintain a primary office location.
- Removes the following professions and entities from the regulation of the Department and deletes provisions regulating the profession:
  - Labor organizations;
  - Athlete Agents;
  - Hair Wrappers; and
  - Body Wrappers.
- Repeals ch. 468, F.S., part VII, regarding Talent Agencies.
- Provides exemptions for the following individuals from licensure requirements:
  - Individuals providing veterinary acupuncture or massage;
  - Individuals solely painting fingers or nails;
  - Individuals selling, installing, or otherwise working on low voltage communication cable; and
  - Individuals installing low voltage landscape lighting containing a factory installed electrical cord with a plug.
- Exempts burglar alarm system agents from 14 hour board-approved training if the agent only performs sales or installations of wireless alarm systems other than fire alarm systems.

The bill is anticipated to significantly reduce revenues to the Department's Professional Regulation Trust Fund and an insignificant reduction in revenues to the Division of Condominiums, Timeshares and Mobile Homes Trust Fund. The revenue reduction is anticipated to be \$1,899,192 over the next three fiscal years. As a result of the reduction in revenues, there will also be a reduction in expenditures of approximately \$151,936 in the 8% revenue service charge sent to the General Revenue Fund.

The bill provides an effective date of July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### General

The Department of Business and Professional Regulation (Department) licenses and regulates businesses and professionals in Florida. It is structured to include separate divisions and various boards responsible for carrying out the Department's mission to license efficiently and regulate fairly. The Divisions established under the Department include:

- The Division of Administration;
- The Division of Alcoholic Beverages and Tobacco;
- The Division of Certified Public Accounting;
- The Division of Drugs, Devices, and Cosmetics;
- The Division of Florida Condominiums, Timeshares, and Mobile Homes;
- The Division of Hotels and Restaurants;
- The Division of Pari-mutuel Wagering;
- The Division of Professions;
- The Division of Real Estate;
- The Division of Regulation;
- The Division of Technology; and
- The Division of Service Operations.<sup>1</sup>

The Division of Professions (Professions) is responsible for the licensing of more than 415,000 professionals. Professions administers 12 professional boards, five department-regulated programs and one council, as follows:

- Board of Architecture and Interior Design;
- Asbestos Licensing Unit;
- Athlete Agents;
- Board of Auctioneers;
- Barbers' Board;
- Building Code Administrators and Inspectors Board;
- Regulatory Council of Community Association Managers;
- Construction Industry Licensing Board;
- Board of Cosmetology;
- Electrical Contractors' Licensing Board;
- Board of Employee Leasing Companies;
- Home Inspectors;
- Board of Landscape Architecture;
- Mold-Related Services;
- Board of Pilot Commissioners;
- Board of Professional Geologists;
- Talent Agencies;
- Board of Veterinary Medicine; and
- Florida Board of Professional Engineers (managed by the Florida Engineers Management Corporation).<sup>2</sup>

The Division of Regulation (Regulation) acts as the enforcement authority for the professional boards and programs. Regulation monitors the professionals and related businesses; investigates complaints; and utilizes compliance mechanisms such as notices of noncompliance and citations.

---

<sup>1</sup> s. 20.165, F.S.

<sup>2</sup> Department of Business and Professional Regulation, *Division of Professions*, <http://www.myfloridalicense.com/dbpr/pro/index.html> (last visited January 8, 2016).

Regulation is divided into six program areas as follows:

- Complaints/Investigations;
- Alternative Dispute Resolution;
- Unlicensed Activity;
- Farm Labor;
- Inspections; and
- Child Labor.<sup>3</sup>

The Division of Florida Condominiums, Timeshares, and Mobile Homes (FCTMH) provides consumer protection for Florida residents living in regulated communities through education, complaint resolution, mediation and arbitration, and developer disclosure.<sup>4</sup> FCTMH has limited regulatory authority over the following business entities and individuals:

- Condominium Associations;
- Cooperative Associations;
- Florida Mobile Home Parks and related associations;
- Vacation Units and Timeshares;
- Yacht and Ship Brokers and related business entities; and
- Homeowners' Associations (jurisdiction limited to arbitration of election and recall disputes).<sup>5</sup>

## **Yacht and Ship Broker Branch Office Licenses**

### **Background**

Chapter 326, F.S., governs the licensing and regulation of yacht and ship brokers, salespersons, and related business organizations in the state. The Yacht and Ship Broker's Section, a unit of the FCTMH, processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the yacht brokerage industry.<sup>6</sup>

A person may not act as a yacht or ship broker or salesperson unless licensed under ch. 326, F.S.<sup>7</sup> "Each [yacht or ship] broker must maintain a principle place of business in this state and may establish branch offices in the state. A separate license must be maintained for each branch office."<sup>8</sup>

Applicants for a branch office license and renewal pay a \$100 fee. The license needs to be renewed every two years.<sup>9</sup> There is no requirement on the branch office other than to obtain licensure. Additionally, there are no inspection requirements.

As of October 2015, there were 73 yacht and ship broker branch office licenses in active status and on average 13 new initial licenses issued annually during the 2012- 2015 fiscal years. There were no disciplinary cases brought against any yacht or ship broker branch office licenses during the 2012-2015 fiscal years.<sup>10</sup>

### **Effect of the Bill**

---

<sup>3</sup> Department of Business and Professional Regulation, *Division of Regulation*, <http://www.myfloridalicense.com/dbpr/pro/index.html>, (last visited January 8, 2016).

<sup>4</sup> Department of Business and Professional Regulation, *Division of Florida condominiums, Timeshares, and Mobile Homes*, <http://www.myfloridalicense.com/dbpr/lsc/index.html>, (last visited January 8, 2016).

<sup>5</sup> *Id.*

<sup>6</sup> Department of Business and Professional Regulation, *Yacht and ship Brokers; Licensing and Enforcement*, <http://www.myfloridalicense.com/dbpr/lsc/YachtandShip.html>, (last visited on January 12, 2016).

<sup>7</sup> s. 326.004(1), F.S.

<sup>8</sup> s. 326.004(13), F.S.

<sup>9</sup> Rule 61B-60.002, F.A.C.

<sup>10</sup> Department of Business and Professional Regulation, *Eliminating Duplicative and Excessive Regulation* (October, 2015), (on file with the Business & Professionals Subcommittee).

The bill amends s. 326.004(13), F.S., removing the requirement for yacht and ship brokers to obtain a branch office license for each branch office. The bill does not remove the requirement for a broker to be licensed or to maintain a principle place of business in Florida.

## **Labor Organizations**

### **Background**

Chapter 447, F.S., governs the licensing and regulation of labor organizations and related business agents in the state. The Labor Organizations Program is a program located under the Division of Regulation. The program processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the labor organization industry.

A labor organization is defined as “[a]ny organization of employees or local or subdivision thereof, having within its membership residents of the state, whether incorporated or not, organized for the purpose of dealing with employers concerning hours of employment, rate of pay, working conditions, or grievances of any kind relating to employment and recognized as a unit of bargaining by one or more employers doing business in this state.”<sup>11</sup>

In Florida, all labor organizations are required to register with the Department and all business agents of labor organizations must obtain a license.<sup>12</sup> Business agents are defined as “[a]ny person, without regard to title, who shall, for a pecuniary or financial consideration, act or attempt to act for any labor organization in:

- The issuance of membership or authorization cards, work permits, or any other evidence of rights granted or claimed in, or by, a labor organization; or
- Soliciting or receiving from any employer any right or privilege for employees.”<sup>13</sup>

Applicants for a business agent license shall pay \$25 fee for licensure and must meet a number of licensure requirements.<sup>14</sup> Labor organization applicants must pay an annual fee of \$1.<sup>15</sup>

As of October 2015, there were 309 labor organizations registered and on average 15 new initial registrations issued annually during the 2012- 2015 fiscal years. Additionally, there were 469 business agents licensed and on average 48 new initial licenses issued annually during the 2012- 2015 fiscal years. There were no disciplinary cases brought against any labor organizations or business agents during the 2012-2015 fiscal years.

---

<sup>11</sup> s. 447.02(1), F.S.

<sup>12</sup> s. 447.04(2), F.S.

<sup>13</sup> s. 447.02(2), F.S.

<sup>14</sup> s. 447.04(2), F.S.

<sup>15</sup> s. 447.06(1), F.S.

## Effect of the Bill

The bill repeals certain provisions of ch. 447, F.S., which require labor organizations to be licensed and regulated by the Department. Specifically, the bill repeals:

- Section 447.04, F.S., regarding the licensure of business agents;
- Section 447.041, F.S., regarding hearings provided to licensees pursuant to ch. 120, F.S.;
- Section 447.045, F.S., regarding confidential information obtained by the Department during an investigation;
- Section 447.06, F.S., regarding the registration of labor organizations;
- Section 447.12, F.S., regarding the fees for registration; and
- Section 447.26, F.S., regarding the renewal of business agent's license renewal requirements.

Additionally, s. 447.02, F.S., was amended to remove the definition of "department," and s. 447.09, F.S. was amended to remove any disciplinary action against a business agent regarding licensure.

The bill does not affect the ability of individuals to pursue civil remedies against labor organizations for violations of ch. 447, F.S., or the ability of the state to pursue criminal penalties for a violation of the chapter. Additionally, the bill does not alter the obligations of a labor organization unrelated to registration with the Department.

## **Talent Agencies**

### Background

Chapter 468, Part VII, F.S., governs the licensing and regulation of talent agencies in the state. The Talent Agencies Program is a program located under the Division of Professions. The program processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the talent agency industry.

Individuals are prohibited from owning, operating, soliciting business, or otherwise engaging in or carrying on the occupation of a talent agency in this state unless the person first obtains licensure for the talent agency.<sup>16</sup> A talent agency is defined as "[a]ny person who, for compensation, engages in the occupation or business of procuring or attempting to procure engagements for an artist."<sup>17</sup>

To qualify for a talent agency license, the applicant must be of good moral character and shall show whether or not the agency, any person, or any owner of the agency is financially interested in any other business of like nature, and if so, shall specify the interests.<sup>18</sup>

At the time of application, applicants for a talent agency license must pay an application fee of \$300, an unlicensed activity fee of \$5, and an initial licensure fee of \$200 if licensed after March 31 of any odd numbered year. Otherwise the initial license fee is \$400. Talent agency license holders must pay a biennial renewal fee of \$400.<sup>19</sup>

Licensed talent agencies are required to:

- File an itemized schedule of maximum fees, charges, and commissions it intends to charge and collect for its services;<sup>20</sup>
- Pay to the artist all money collected from an employer for the benefit of an artist within five business days after receipt of the money;<sup>21</sup>
- Display a copy of the license conspicuously in the place of business;<sup>22</sup>

---

<sup>16</sup> s. 468.403(1), F.S.

<sup>17</sup> s. 468.401, F.S.

<sup>18</sup> s. 468.405, F.S.

<sup>19</sup> Rule 61-19.005, F.A.C.

<sup>20</sup> s. 468.406(1), F.S.

<sup>21</sup> s. 468.406(2), F.S.

<sup>22</sup> s. 468.407(2), F.S.

- File a bond with the Department in the form of a surety for the penal sum of \$5,000, which may be drawn upon if a person is aggrieved by the misconduct of the talent agency;<sup>23</sup>
- Maintain records including the application, registration, or contract of each artist, with additional information;<sup>24</sup>
- Provide a copy of the contract to the artist within 24 hours of the contract's execution;<sup>25</sup> and
- Comply with the prohibited acts set forth in s. 468.412, F.S.

Licensed talent agencies are prohibited from:

- Charging the artist a registration fee;<sup>26</sup> and
- Requiring the artist to subscribe to, purchase, or attend any publication, postcard service, and advertisement, resume service, photography service, school, acting school, workshop, or acting workshop.<sup>27</sup>

Section 468.415, F.S., provides prohibitions against sexual misconduct.

Section 468.413, F.S., provides criminal penalties for:

- Operating a talent agency without a license;
- Obtaining a license through misrepresentation;
- Assigning a license to another individual;
- Relocating a talent agency without notifying the Department;
- Failing to provide information on an application regarding related businesses;
- Failing to maintain records;
- Requiring the artist to subscribe to, purchase, or attend any publication, postcard service, advertisement, resume service, photography service, school, acting school, workshop, or acting workshop;
- Failing to provide a copy of the contract to the artist;
- Failing to maintain a record sheet; and
- Knowingly sending an artist to an employer the licensee knows to be in violation of the laws of Florida or of the United States.

As of October 2015, there were 414 talent agency licenses in active status and on average 51 new initial licenses issued annually during the 2012- 2015 fiscal years. There were three disciplinary cases brought against talent agencies during the 2012-2015 fiscal years.<sup>28</sup>

### Effect of the Bill

The bill repeals all of ch. 468, Part VII, F.S., which requires talent agencies to be licensed and regulated by the Department. Specifically, the bill repeals:

- Section 468.401, F.S., providing definitions;
- Section 468.402, F.S., regarding disciplinary action taken against talent agency licenses;
- Section 468.403, F.S., providing license requirements for talent agencies;
- Section 468.404, F.S., regarding setting licensure fees and the requirement that a license be connected to a talent agency;
- Section 468.405, F.S., providing licensure qualifications;
- Section 468.406, F.S., regarding the regulation of fees charged by a talent agency for services;
- Section 468.407, F.S., regarding the posting of the agency license;
- Section 468.408, F.S., requiring the talent agency to obtain a bond;
- Section 468.409, F.S., requiring the talent agency to maintain certain business records;
- Section 468.410, F.S., requiring that talent agencies not charge a registration fee;

<sup>23</sup> s. 468.408, F.S.

<sup>24</sup> s. 468.409, F.S.

<sup>25</sup> s. 468.410(3), F.S.

<sup>26</sup> s. 468.410(1), F.S.

<sup>27</sup> s. 468.410(2), F.S.

<sup>28</sup> *Supra* note 10.

- Section 468.411, F.S., prohibiting a talent agency from sending a person to a place where a strike or labor dispute is in progress;
- Section 468.412, F.S., requiring that talent agents maintain specific records and provide the artist with a contract and other specific information;
- Section 468.413, F.S., providing criminal penalties for specific violations;
- Section 468.414, F.S., providing that fees and fines received be deposited in the Professional Regulation Trust Fund; and
- Section 468.415, F.S., prohibiting sexual misconduct in the operation of a talent agency.

The bill does not maintain the civil or criminal provisions provided for in ch. 468, Part VII, nor does it maintain contract or notice requirements.

## **Athlete Agents**

### **Background**

Chapter 468, Part IX, F.S., governs the licensing and regulation of athlete agents in the state. The Athlete Agents program is a program located under the Division of Professions. The program processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the athlete agent industry.

Individuals are prohibited from practicing as an athlete agent in Florida without first being licensed as an athlete agent.<sup>29</sup> An athlete agent is defined as:

[A] person who, directly or indirectly, recruits or solicits a student athlete to enter into an agent contract, or who, for any type of financial gain, procures, offers, promises, or attempts to obtain employment or promotional fees or benefits for a student athlete with a professional sports team or as a professional athlete, or with any promoter who markets or attempts to market the student athlete's athletic ability or athletic reputation. This term includes all employees and other persons acting on behalf of an athlete agent who participate in the activities included under this subsection. The term does not include a spouse, parent, sibling, grandparent, or guardian of the student athlete or an individual acting solely on behalf of a professional sports team or professional sports organization.<sup>30</sup>

In order to be licensed, an applicant must be at least 18 years of age, of good moral character, and have completed the application form and remitted an application fee of \$500, a licensure fee of \$375, and an unlicensed activity fee of \$5. Athlete agent license holders must pay a biennial renewal fee of \$220.<sup>31</sup>

Licensed athlete agents are required to:

- Comply with specific contract requirements;<sup>32</sup>
- Comply with the prohibited acts;<sup>33</sup> and
- Maintain financial and business records.<sup>34</sup>

Section 468.45615, F.S., provides criminal penalties for a licensed athlete agent who provides anything of value to any person to induce a student athlete to enter into an agreement by which the agent will represent the student athlete.<sup>35</sup>

<sup>29</sup> s. 468.453(1), F.S.

<sup>30</sup> s. 468.452(2), F.S.

<sup>31</sup> Rule 61-24.004, F.A.C.

<sup>32</sup> s. 468.454, F.S.

<sup>33</sup> s. 468.456, F.S.

<sup>34</sup> s. 468.4565, F.S.

<sup>35</sup> s. 468.456(1)(f), F.S.

As of October 2015, there were 292 athlete agent licenses in active status and on average 49 new initial licenses issued annually during the 2012- 2015 fiscal years. There were no disciplinary cases brought against any athlete agents during the 2012-2015 fiscal years.<sup>36</sup>

### Effect of the Bill

The bill amends s. 468.452 F.S., to provide that the Legislative Intent of the chapter is “to provide civil and criminal causes of action against athlete agents” for the remaining provisions of ch. 468, Part IX, F.S.

Criminal penalties are maintained for the act of offering anything of value to another person to induce a student athlete to enter into an agreement by which the athlete agent will represent the student athlete is not amended from the language.

The bill repeals all provisions of ch. 468, Part IX, F.S., which require athlete agents to be licensed and regulated by the Department. Specifically, the bill repeals:

- Section 468.453, F.S., regarding the licensure requirements of athlete agents;
- Section 468.4536, F.S., regarding the renewal of athlete agent licenses; and
- Section 468.457, F.S., regarding the Department’s rulemaking authority.

The bill removes the term “department” from the definitions section, and removes any reference to licensure in the contract requirements for contracts between athlete agents and student athletes. Additionally, the bill removes Departmental disciplinary actions that prohibit specific behavior.

### **Asbestos Abatement Business Organization**

#### Background

Chapter 469, F.S., governs the licensing and regulation of asbestos abatement in the state. The Asbestos Licensing Unit is a program located under the Division of Professions. The program processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the asbestos abatement industry.

An asbestos consultant’s license may be issued only to an applicant who holds a current, valid, active license as an architect, professional engineer, and professional geologist; is a diplomat of the American Board of Industrial Hygiene; or has been awarded designation as a Certified Safety Professional by the Board of Certified Safety Professionals.<sup>37</sup>

A person must be a licensed asbestos contractor in order to conduct asbestos abatement work.<sup>38</sup> A person must be a licensed asbestos consultant in order to:

- Conduct an asbestos survey;
- Develop an operation and maintenance plan;
- Monitor and evaluate asbestos abatement; and
- Prepare asbestos abatement specifications.<sup>39</sup>

If an applicant for licensure as an asbestos consultant or contractor proposed to engage in consulting or contracting as a business organization, such as a corporation or other legal entity, or in any name other than the applicant’s legal name, the business organization must be licensed as an asbestos abatement business. Each licensed business organization must have a qualifying agent that is licensed under ch. 469, F.S.,<sup>40</sup> and that is qualified to supervise and is financially responsible. If the qualifying

---

<sup>36</sup> *Supra* note 10.

<sup>37</sup> Florida Department of Business and Professional Regulation, 2016 Legislative Bill Analysis, Senate Bill 1050, p. 2, (December 16, 2015).

<sup>38</sup> s. 469.003(3), F.S.

<sup>39</sup> s. 469.003, F.S.

<sup>40</sup> s. 469.006, F.S.

agent terminates his or her affiliation with the business organization and is the only qualifying agent for the business organization, the business organization must be qualified by another qualifying agent within 60 days after the termination, and may not engage in the practice of asbestos abatement until it is qualified.

Applicants for an asbestos abatement business license pay an application fee of \$300, an unlicensed activity fee of \$5, an initial licensure fee of \$250, and a biennial renewal fee of \$250.<sup>41</sup> There is no requirement on the branch office other than to obtain licensure. Additionally, there are no inspection requirements.

As of October 2015, there were 239 asbestos abatement business licenses in active status and on average 12 new initial licenses issued annually during the 2012- 2015 fiscal years. There were no disciplinary cases brought against any asbestos business licenses during the 2012-2015 fiscal years.<sup>42</sup>

### Effect of the Bill

The bill removes the requirement for asbestos abatement licensees to obtain a separate license for an asbestos abatement business organization. Instead, if an applicant wants to practice under a firm offering asbestos abatement services, the qualifying agent must apply and have the license issued in his or her name and the business organization name must be noted on the license. The qualifying agent must still be a licensee pursuant to ch. 469, F.S., and must still prove he or she is qualified to supervise and is financially responsible.

The bill does not amend the responsibilities of licensees under ch. 469, F.S., or otherwise affect the obligations of asbestos consultants or contractors.

## **Veterinary Acupressure and Massage**

### Background

Chapter 474, F.S., governs the licensing and regulation of veterinarians in the state. The Board of Veterinarian Medicine is a board located under the Division of Professions. The board processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the veterinary medicine industry.

Individuals are prohibited from practicing veterinary medicine in Florida without first being licensed as a veterinarian.<sup>43</sup> A “veterinarian” is defined as “a health care practitioner who is licensed to engage in the practice of veterinary medicine in Florida under the authority of this chapter.”<sup>44</sup> “Veterinary medicine” includes, “with respect to animals, surgery, acupuncture, obstetrics, dentistry, physical therapy, radiology, theriogenology, and other branches or specialties of veterinary medicine.”<sup>45</sup>

Various education facilities provide classes teaching “veterinary acupressure” and “veterinary massage” to persons not seeking licensure as veterinarians. “Veterinary acupressure” is the stimulation with finger pressure, rather than the insertion of needles, of the same points on an animal’s body which are targeted in acupuncture. “Veterinary massage” is the use of fingers, hands, and machines to manipulate the animal’s soft tissues to improve the healing and recovery of the animal. Neither term includes the prescribing of drugs or the diagnoses or prognosis of a medical condition.

Currently, veterinary massage and acupressure fall under the scope of veterinary medicine and therefore must be performed under the supervision of a licensed veterinarian. The Department does not have a separate license for veterinary acupressure or massage. However, there have been no

---

<sup>41</sup> Rule 61E1-3.001, F.A.C.

<sup>42</sup> *Supra* note 10.

<sup>43</sup> s. 474.213, F.S.

<sup>44</sup> s. 474.202(11), F.S.

<sup>45</sup> s. 474.202(13), F.S.

disciplinary cases brought against any individuals regarding either veterinary massage or acupressure during the 2012-2015 fiscal years.<sup>46</sup>

### Effect of the Bill

The bill provides that veterinary acupressure and veterinary massage are exempt from the application of ch. 474, F.S., and regulation under the Board of Veterinary Medicine. Therefore, persons performing veterinary acupressure and veterinary massage will not be required to be under the supervision of a veterinarian.

The bill further defines “veterinary acupressure” and “veterinary massage” as indicated.

### Nail Painting

#### Background

Chapter 477, F.S., governs the licensing and regulation of cosmetologists, hair wrappers, hair braiders, nail specialists, facial specialists, full specialists, body wrappers and related salons in the state. The Board of Cosmetology is a board located under the Division of Professions. The board processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the cosmetology industry.

Individuals are prohibited from providing manicures or pedicures in Florida without first being registered as a nail specialist, full specialist, or cosmetologist.

A “specialist” is defined as “any person holding a specialty registration in one or more of the specialties registered under [ch. 477, F.S.]”<sup>47</sup> The term “specialty” is defined as “the practice of one or more of the following:

- Manicuring, or the cutting, polishing, tinting, coloring, cleansing, adding, or extending of the nails, and massaging of the hands. This term includes any procedure or process for the affixing of artificial nails, except those nails which may be applied solely by use of a simple adhesive;
- Pedicuring, or the shaping, polishing, tinting, or cleansing of the nails of the feet, and massaging or beautifying of the feet; and
- Facials, or the massaging or treating of the face or scalp with oils, creams, lotions, or other preparations, and skin care services.”<sup>48</sup>

The term “cosmetologist” is defined as “a person who is licensed to engage in the practice of cosmetology...”<sup>49</sup> The term “cosmetology” is defined as “the mechanical or chemical treatment of the head, face, and scalp for aesthetic rather than medical purposes, including, but not limited to, hair shampooing, hair cutting, hair arranging, hair coloring, permanent waving, and hair relaxing for compensation. This term also includes performing hair removal, including wax treatments, manicures, pedicures, and skin care services.”<sup>50</sup>

A nail specialist may complete manicures and pedicures. A full specialist may complete manicures, pedicures, and facials. Manicures and pedicures, as a part of cosmetology services, are required to be provided in a licensed specialty salon or cosmetology salon.<sup>51</sup> All cosmetology and specialty salons are subject to inspection by the Department.<sup>52</sup>

---

<sup>46</sup> *Supra* note 10.

<sup>47</sup> s. 477.013(5), F.S.

<sup>48</sup> s. 477.013(6), F.S.

<sup>49</sup> s. 477.013(3), F.S.

<sup>50</sup> s. 477.013(4), F.S.

<sup>51</sup> s. 477.0263, F.S.

<sup>52</sup> s. 477.025, F.S.

To qualify for a specialist license, the applicant must be at least 16 years old, obtain a certificate of completion from an approved specialty education program, and submit an application for registration with the Department with the registration fee.<sup>53</sup>

To qualify for a license as a cosmetologist, the applicant must be at least 16 years old, have received a high school diploma, have submitted an application with the applicable fee and examination fee, and have either a license in another state or country for at least one year, or have received 1,200 hours training including completing an education at an approved cosmetology school or program. The applicants must also pass all parts of the licensure examination.<sup>54</sup>

The act of painting nails with fingernail polish falls under the scope of manicuring, even if the individual is not cutting, cleansing, adding, or extending the nails. Therefore, individuals seeking to add polish to fingernails and toenails for compensation are required to obtain a registration as a specialist or a license as a cosmetologist. The Department does not have a separate license for polishing nails. There have been three disciplinary cases brought against unlicensed individuals regarding the polishing of nails during the 2012-2015 fiscal years.<sup>55</sup>

### Effect of the Bill

The bill amends s. 477.0135, F.S., to provide an exemption to the licensure and registration requirements of ch. 477, F.S., permitting individuals whose occupation or practice is solely confined to adding polish to fingernails and toenails to practice without obtaining a license or registration first.

## **Hair Wrapping and Body Wrapping**

### Background

Persons who wish to practice hair wrapping or body wrapping must register with the Department.<sup>56</sup>

Hair wrapping is defined as “wrapping of manufactured materials around a strand or strands of human hair, for compensation, without cutting, coloring, permanent waving, relaxing, removing, weaving, chemically treating, braiding, using hair extensions, or performing any other service defined as cosmetology.”<sup>57</sup>

Body wrapping is defined as “a treatment program that uses herbal wraps for the purposes of cleansing and beautifying the skin of the body, but does not include:

- The application of oils, lotions, or other fluids to the body, except fluids contained in presoaked materials used in the wraps; or
- Manipulation of the body’s superficial tissue, other than that arising from compression emanating from the wrap materials.”<sup>58</sup>

To qualify for a hair wrapping or body wrapping registration, the applicant must submit a registration application with the Department, provide the registration fee, and take a two-day, 12-hour, board-approved course that consists of education in HIV/AIDS and other communicable diseases, sanitation and sterilization, disorders and diseases of the skin, and studies regarding laws affecting hair wrapping or body wrapping.<sup>59</sup>

---

<sup>53</sup> s. 477.0201, F.S.

<sup>54</sup> s. 477.019(2), F.S.

<sup>55</sup> *Supra* note 10.

<sup>56</sup> s. 477.0132(1), F.S.

<sup>57</sup> s. 477.013(10), F.S.

<sup>58</sup> s. 477.013(12), F.S.

<sup>59</sup> *Id.* at note 57.

At the time of application, applicants for a hair wrapping or body wrapping registration must pay a registration fee of \$20 and an unlicensed activity fee of \$5. Registration holders must pay a biennial renewal fee of \$20.<sup>60</sup>

As of October 2015, there were 908 registered hair wrappers in active status and on average 270 new initial licenses issued annually during the 2012- 2015 fiscal years. There were nine disciplinary cases brought against hair wrappers during the 2012-2015 fiscal years.<sup>61</sup>

As of October 2015, there were 5715 registered body wrappers in active status and on average 1298 new initial licenses issued annually during the 2012- 2015 fiscal years. There were two disciplinary cases brought against body wrappers during the 2012-2015 fiscal years.<sup>62</sup>

### Effect of the Bill

The bill repeals all provisions of ch. 477, F.S., which require hair wrappers or body wrappers to be registered and regulated by the Department. Additionally, the bill removes references to the hair wrappers registration requirements, including education and fees.

The bill removes disciplinary actions against persons who provide body wrapping services.

The bill amends s. 477.0135, F.S., to provide an exemption to the requirements of ch. 477, F.S., for individuals whose occupation or practice is solely confined to hair wrapping or body wrapping.

### Architecture Business or Interior Design Organization

#### Background

Chapter 481, Part I, F.S., governs the licensing and regulation of architects, interior designers, and related business organizations in the state. The Board of Architecture and Interior Design is a board located under the Division of Professions. The board processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the architecture and interior design industries.

“The practice of or the offer to practice architecture or interior design by licensees through a corporation, limited liability company, or partnership offering architectural or interior design services to the public, or by a corporation, limited liability company, or partnership offering architectural or interior design services to the public through licensees under this part as agents, employees, officers, or partners, is permitted, subject to the provisions of [ch. 481, Part I, F.S.]”<sup>63</sup> An architecture or interior design business corporation, limited liability company, or partnership, which is offering architecture or interior design service to the public, must obtain a certificate of authorization prior to practicing.<sup>64</sup>

Applicants for an architecture business certificate of authorization or interior design business certificate of authorization must pay an application fee of \$100.00, an unlicensed activity fee of \$5, and a biennial renewal fee of \$125.<sup>65</sup> There is no requirement on the business entity other than to obtain licensure. Additionally, there are no inspection requirements.

As of October 2015, there were 2747 architecture business licenses in active status and on average 203 new initial licenses issued annually during the 2012- 2015 fiscal years. There were 17 disciplinary cases brought against architecture business licenses during the 2012-2015 fiscal years.<sup>66</sup>

---

<sup>60</sup> Rule 61G5-24.019, F.A.C.

<sup>61</sup> *Supra* note 10.

<sup>62</sup> *Id.*

<sup>63</sup> s. 481.219(1), F.S.

<sup>64</sup> s. 481.219(2)-(3), F.S.

<sup>65</sup> Rules 61G1-17.001 and 61G1-17.002, F.A.C.

<sup>66</sup> *Supra* note 10.

As of October 2015, there were 1047 interior design business licenses in active status and on average 98 new initial licenses issued annually during the 2012- 2015 fiscal years. There were five disciplinary cases brought against interior design business licenses during the 2012-2015 fiscal years.<sup>67</sup>

### Effect of the Bill

The bill repeals all provisions of ch. 481, Part I, F.S., which require licensees to obtain a certificate of authorization to practice architecture or interior design through a business organization. Instead, a licensed architect or interior designer must apply to qualify the business organization as a qualifying agent if he or she proposes to engage in the practice of architecture or interior design as a business organization. The application submitted by a licensee to qualify a business organization must state:

- The names of the partners if it's a partnership;
- The names of the corporation and its officers if it's a corporation, including the names of its stockholders that are also officers or directors;
- The fictitious name under which the business is doing business if it's operating under a fictitious name; and
- The name of such other legal entity and its members, if it's not a partnership, corporation, or operating under a fictitious name.

The bill repeal's the Department's authority to issue a certificate of authorization to an applicant wishing to practice as a corporation, limited liability company, or partnership offering architectural or interior design services. Additionally, it removes the authority for the Department to renew the certificate or authorization or adopt rules establishing a procedure for biennial renewal of certificates of authorization.

The Board of Architecture and Interior Design may deny an application to qualify a business organization if the applicant or any person required to be named in the application has been involved in disciplinary actions or other grounds for which individual registration or certification may be denied.

The qualifying agent is jointly and severally liable with the business organization for any damages resulting from the actions of the business organization.

If the qualifying agent terminates his or her affiliation with the business organization and is the only qualifying agent for the business organization, the business organization must be qualified by another qualifying agent within 60 days after the termination, and may not engage in the practice of architecture or interior design until it is qualified, with one exception. The executive director or chair of the Board of Architecture and Interior Design may grant a temporary, nonrenewable certificate or registration to a licensee in supervising control, the president, a managing member, a partner, or the general partner of a limited partnership, for the purpose of allowing the business organization to begin or continue work required under an incomplete contract.

The bill defines "incomplete contract" to mean:

- A contract that has been awarded to, or entered into by, the business organization before the termination of affiliation of the qualifying agent; or
- A contract on which the business organization was a low bidder and that is subsequently awarded to the business organization, regardless of whether any work has commenced before the termination of the qualifying agent.

The qualifying agent must provide notice to the Department when he or she begins to conduct business in his or her own name or with another business organization following the previous termination. The qualifying agent or the new business organization must submit the required application information.

The qualifying agent must ensure responsible supervising control of projects of the business organization and upon termination of his or her employment with a business organization that he or she qualified, shall notify the Department of the termination within 30 days of the termination.

---

<sup>67</sup> *Supra* note 10.

## Landscape Architecture Business Organization

### Background

Chapter 481, Part II, F.S., governs the licensing and regulation of landscape architects and related business organizations in the state. The Board of Landscape Architecture is a board located under the Division of Professions. The board processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the landscape architecture industry.

A person may not knowingly practice landscape architecture unless the person holds a valid license issued pursuant to ch. 481, Part II, F.S.<sup>68</sup>

A corporation or partnership is permitted to offer landscape architectural services to the public, subject to the provisions of ch. 481, Part I, F.S., if:

- One or more of the principles of the corporation, or partners in the partnership, is a licensed landscape architect;
- One or more of the officers, directors, or owners of the corporation, or one of more of the partners of the partnership is a licensed landscape architect; and
- The corporation or partnership has been issued a certificate of authorization by the board.<sup>69</sup>

Applicants for a landscape architecture business certificate of authorization must pay an application fee and initial licensure fee of \$450, an unlicensed activity fee of \$5, and a biennial renewal fee of \$337.50.<sup>70</sup> There is no requirement on the business entity other than to obtain licensure. Additionally, there are no inspection requirements.

As of October 2015, there were 347 architecture business licenses in active status and on average 31 new initial licenses issued annually during the 2012- 2015 fiscal years. There were no disciplinary cases brought against any landscape architecture business licenses during the 2012-2015 fiscal years.<sup>71</sup>

---

<sup>68</sup> s. 481.323(1)(a), F.S.

<sup>69</sup> s. 481.319(1), F.S.

<sup>70</sup> Rule 61G10-12.002, F.A.C.

<sup>71</sup> *Supra* note 10.

### Effect of the Bill

The bill repeals all provisions of ch. 481, Part II, F.S., which require licensees to obtain a certificate of authorization to practice landscape architecture through a business organization. Instead, a licensed landscape architect must apply to qualify the business organization as a qualifying agent if he or she proposes to engage in the practice of landscape architecture as a business organization.

The bill repeals the Department's authority to issue a certificate of authorization to an applicant wishing to practice as a corporation, limited liability company, or partnership offering landscape architectural services. Furthermore, the bill repeals the board's ability to grant a temporary certificate of authorization for a business organization that is seeking to work on one project in Florida for a period not to exceed a year to an out-of-state corporation, partnership, or firm.

The bill provides that a corporation or partnership is permitted to offer landscape architectural services to the public, subject to the provisions of ch. 481, Part I, F.S., if:

- One or more of the principles of the corporation, or partners in the partnership, is a licensed landscape architect; and
- One or more of the officers, directors, or owners of the corporation, or one or more of the partners of the partnership is a licensed landscape architect.

The qualifying agent must provide notice to the Department within one month of any change in the information contained in the licensee application.

The bill removes disciplinary actions against certificates of authorization for business organizations. The bill did not modify the personal liability of a landscape architect for his or her professional acts.

### **Low Voltage Communication Cable**

#### Background

Chapter 489, Part II, F.S., governs the licensing and regulation of electrical contractors, alarm system contractors, and certain specialty contractors in the state. The Electrical Contractors' Licensing Board is a board located under the Division of Professions. The board processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the electrical contracting industry.

The term "electrical contractor" is defined as:

[A] person who conducts business in the electrical trade field and who has the experience, knowledge, and skill to install, repair, alter, add to, or design, in compliance with law, electrical wiring, fixtures, appliances, apparatus, raceways, conduit, or any part thereof, which generates, transmits, transforms, or utilizes electrical energy in any form, including the electrical installations and systems within plants and substations, all in compliance with applicable plans, specifications, codes, laws, and regulations. The term means any person, firm, or corporation that engages in the business of electrical contracting under an express or implied contract; or that undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid to engage in the business of electrical contracting; or that does itself or by or through others engage in the business of electrical contracting.<sup>72</sup>

The term "alarm system contractor" is defined as:

[A] person whose business includes the execution of contracts requiring the ability, experience, science, knowledge, and skill to lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace, or service alarm systems for compensation, including, but not limited to, all types of alarm systems for all purposes. This term also means any person, firm, or corporation that engages in the business of alarm contracting under an

---

<sup>72</sup> s. 489/505(12), F.S.

expressed or implied contract; that undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid to engage in the business of alarm contracting; or that by itself or by or through others engages in the business of alarm contracting.

The term “specialty contractor” as referenced in ch. 489, Part II, F.S., is defined as:

[A] contractor whose scope of practice is limited to a specific segment of electrical or alarm system contracting established in a category adopted by board rule, including, but not limited to, residential electrical contracting, maintenance of electrical fixtures, and fabrication, erection, installation, and maintenance of electrical advertising signs together with the interrelated parts and supports...<sup>73</sup>

The board created a “Limited Energy Systems” specialty, clarifying the scope of the specialty license to include “the installation, repair, fabrication, erection, alteration, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, conduit, and fiber optics (transmission of light over stranded glass) or any part thereof not to exceed 98 volts, (RMS). The scope of work of this license does not include installation, repair, fabrication, erection, alteration, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, conduit, that are part of an alarm system.”<sup>74</sup>

The act of installing low voltage communication cabling currently falls under the scope of practice of a limited energy systems specialty license, electrical residential contractor license, and alarm systems contractor license. Therefore, currently, an individual wishing to do so for compensation is required to obtain one of the listed licenses prior to completing the work.

Section 489.503(14), F.S., provides an exemption from licensure requirements for the selling, installing, repairing, altering, adding, or designing of low voltage communication cabling by employees of cable or communication companies operating under a certificate issued under ch. 364 or ch. 610, F.S., or under a local franchise or right-of-way agreement.

### *Effect of the Bill*

The bill removes the part of the provision exempting only employees of cable and communication companies operating under a certificate issued under ch. 364 or ch. 610, F.S., or under a local franchise or right-of-way agreement from licensing requirements when selling, installing, repairing, altering, adding, or designing low voltage communication cabling. Thereby, the bill expands the exemption to apply to all persons that sell, install, repair, alter, add, or design low voltage communication cabling as described in s. 489.503(14), F.S.

The Department has not had any disciplinary cases brought against individuals installing low voltage data or communication cabling during the 2012-2015 fiscal years.<sup>75</sup>

### *Low-Voltage Landscape Lighting*

#### *Background*

The act of installing low voltage landscape lighting systems that plug into existing receptacles currently falls under the scope of practice of a limited energy systems specialty license, electrical residential contractor license, and alarm systems contractor license. Therefore, an individual wishing to do so for compensation is currently required to obtain one of the listed licenses prior to completing the work.

The Department has not had any disciplinary cases brought against individuals installing low voltage landscape lighting systems that plug into existing receptacles during the 2012-2015 fiscal years.<sup>76</sup>

---

<sup>73</sup> s. 489.505(19), F.S.

<sup>74</sup> Rule 61G6-7.001(4), F.A.C.

<sup>75</sup> *Supra* note 10.

<sup>76</sup> *Supra* note 10.

### Effect of the Bill

The bill provides an express exemption from ch. 489, F.S., for persons who install low-voltage landscape lighting containing a factory-installed electrical cord with a plug which does not require installation, wiring, or a modification to the electrical wiring in a structure.

### **Burglar Alarm Systems Agents**

#### Background

A licensed electrical or alarm system contractor may hire a burglar alarm system agent to perform elements of alarm system contracting. A burglar alarm systems agent is defined as a person:

- Who is employed by a licensed alarm system contractor or licensed electrical contractor;
- Who is performing duties which are an element of an activity which constitutes alarm system contracting requiring licensure under this part; and
- Whose specific duties include any of the following: altering, installing, maintaining, moving, repairing, replacing, servicing, selling, or monitoring an intrusion or burglar alarm system for compensation.<sup>77</sup>

A licensed electrical or alarm system contractor may not employ a person as a burglar alarm system agent unless that person:

- Is at least 18 years old;
- Has completed a minimum of 14 hours of specific training from a board-approved provider;
- Has not been convicted within the previous three years of a crime directly related to the employment; and
- Has not been committed for controlled substance abuse or been found guilty of a crime under chapter 893, F.S., within the previous three years.<sup>78</sup>

Each burglar alarm system agent must receive six hours of continuing education on burglar alarm system installation and repair and false alarm prevention every two years from a board-approved sponsor of training and through a board-approved training course.<sup>79</sup>

The Department has not had any disciplinary cases brought against burglar alarm agents during the 2012-2015 fiscal years.<sup>80</sup>

### Effect of the Bill

The bill removes the requirement that an alarm systems agent obtain 14 hours of specific training from the board-approved provider if the agent only performs sales or installations of wireless alarm systems other than fire alarm systems, in single-family residences.

---

<sup>77</sup> s. 489.505(25), F.S.

<sup>78</sup> s. 489.518(1), F.S.

<sup>79</sup> s. 489.518(6), F.S.

<sup>80</sup> *Supra* note 10.

## Geology Business Organization

### Background

Chapter 492, F.S., governs the licensing and regulation of geologists and related business organizations in the state. The Board of Professional Geologists is a board located under the Division of Professions. The board processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the geology industry.

A person may not knowingly practice geology unless the person holds a valid license issued pursuant to ch. 492.<sup>81</sup> An individual may not practice geology through a firm, corporation, or partnership offering geological services to the public unless the firm, corporation, or partnership has been issued a certificate of authorization.<sup>82</sup> A firm, corporation, or partnership is permitted to offer geological services to the public, subject to the provisions of ch. 492, F.S., if:

- At all times, the entity has on file with the Department the name and license number of one or more licensed geologists serving as a geologist with the entity;
- The entity has been issued a certification of authorization by the Department;
- All final geological documents prepared or approved for the use of the entity shall be dated and signed and sealed by the licensed geologist;
- The entity is not relieved of personal liability due to the fact that a licensed geologist practices at the entity; and
- The entity files with the Department an application.<sup>83</sup>

Applicants for a geology business certificate of authorization must pay an application fee of \$350.00, an unlicensed activity fee of \$5, and a biennial renewal fee of \$350.<sup>84</sup> There is no requirement on the business entity other than to obtain licensure. Additionally, there are no inspection requirements.

As of October 2015, there were 373 geology business licenses in active status and on average 27 new initial licenses issued annually during the 2012- 2015 fiscal years. There were no disciplinary cases brought against any geology business licenses during the 2012-2015 fiscal years.<sup>85</sup>

### Effect of the Bill

The bill repeals all provisions of ch. 492, F.S., which require licensees to obtain a certificate of authorization to practice geology through a business organization. Instead, a licensed geologist must apply to qualify the business organization as a qualifying agent if he or she proposes to engage in the practice of geology as a firm, corporation, or partnership.

The qualifying agent is required to update the Department of any changes in the relationship between himself or herself and the business organization.

The bill repeals the Department's authority to issue a certificate of authorization to an applicant wishing to practice as a firm, corporation, or partnership offering geological services.

#### B. SECTION DIRECTORY:

**Section 1** amends s. 326.004, F.S., deleting a requirement that yacht and ship brokers maintain a separate license for each branch office.

**Section 2** amends s. 447.02, F.S., deleting a definition.

**Section 3** repeals s. 447.04, F.S., relating to business agents, licenses, and permits.

---

<sup>81</sup> s. 492.112(1)(a), F.S.

<sup>82</sup> s. 492.111(2), F.S.

<sup>83</sup> s. 492.111, F.S.

<sup>84</sup> Rule 61G10-12.002, F.A.C.

<sup>85</sup> *Supra* note 10.

**Section 4** repeals s. 447.041, F.S., relating to hearings.

**Section 5** repeals s. 447.045, F.S., relating to certain confidential information.

**Section 6** repeals s. 447.06, F.S., relating to the required registration of labor organizations.

**Section 7** amends s. 447.09, F.S., deleting prohibitions against specified actions.

**Section 8** repeals s. 447.12, F.S., relating to registration fees.

**Section 9** repeals s. 447.16, F.S., relating to the applicability of ch. 447, F.S.

**Section 10** repeals part VII of ch. 468, F.S., relating to the regulation of talent agencies.

**Section 11** amends s. 468.451, F.S., revising legislative intent related to the regulation of athlete agents.

**Section 12** reorders and amends s. 468.452, F.S., deleting the term "department."

**Section 13** repeals s. 468.453, F.S., relating to the licensure of athlete agents.

**Section 14** repeals s. 468.4536, F.S., relating to renewal of athlete agent licenses.

**Section 15** amends s. 468.454, F.S., revising the information that must be stated in agent contracts.

**Section 16** repeals s. 468.456, F.S., relating to prohibited acts for athlete agents.

**Section 17** repeals s. 468.4561, F.S., relating to unlicensed activity and penalties for violations.

**Section 18** amends s. 468.45615, F.S., conforming provisions to changes made.

**Section 19** amends s. 468.4565, F.S.; deleting provisions authorizing the Department to access and inspect certain records of athlete agents and related disciplinary actions and subpoena powers.

**Section 20** repeals s. 468.457, F.S., relating to rulemaking authority.

**Section 21** amends s. 469.006, F.S., providing requirements for a qualifying agent.

**Section 22** amends s. 469.009, F.S., deleting the authority of the Department to reprimand, censure, or impose probation on certain business organizations.

**Section 23** amends s. 474.203, F.S., excluding veterinary acupuncture and massage from ch. 474, F.S.

**Section 24** amends s. 477.0132, F.S., excluding the practices of hair wrapping and body wrapping from regulation under the Florida Cosmetology Act.

**Section 25** amends s. 477.0135, F.S., providing that a license or registration is not required for a person whose occupation or practice is confined solely to adding polish to nails or solely to hair wrapping or body wrapping.

**Sections 26, 27, 28, and 29** amend ss. 477.019, 477.026, 477.0265, and 477.029, F.S., conforming provisions to changes made by the act.

**Section 30** amends s. 481.203, F.S., amending definitions.

**Section 31** amends s. 481.219, F.S., providing requirements for a licensee that qualifies an architecture or interior design business organization.

**Sections 32 and 33 amend** ss. 481.221 and 481.229, F.S., conforming provisions to changes made by the act.

**Section 34** reorders and amends s. 481.303, F.S., deleting the term "certificate of authorization."

**Section 35** amends s. 481.321, F.S., revising provisions that require persons to display certificate numbers under certain circumstances.

**Sections 36, 37, and 38** amend ss. 481.311, 481.317, and 481.319, F.S., conforming provisions to changes made by the act.

**Section 39** amends s. 481.329, F.S., conforming a cross-reference

**Section 40** amends s. 489.503, F.S., exempting a person who installs certain low-voltage landscape lighting from specified requirements.

**Section 41** amends s. 489.518, F.S., exempting certain persons from initial training for burglar alarm system agents.

**Section 42** amends s. 492.111, F.S., requiring a geology firm, corporation, or partnership to be qualified by one or more individuals licensed as a professional geologist under certain circumstances.

**Sections 43, 44, and 45** amend ss. 492.104, 492.113, and 492.115, F.S., conforming provisions to changes made by the act.

**Section 46** provides an effective date of July 1, 2016.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

The revenue reduction to state government is anticipated to be \$1,899,192 (\$1,884,392 from the Professional Regulation Trust Fund and \$14,800 from the Division of Condominiums, Timeshares and Mobile Homes Trust Fund) over the next three fiscal years (FY 2016-17 to FY 2018-19). As a result, there will be a reduction of approximately \$151,936 in the 8% revenue service charge sent to the General Revenue Fund.

<b>Revenue Reduction</b>		
2016-17	2017-18	2018-19
Condominiums (Yacht and Ship Brokers) (\$6,100)	Condominiums (Yacht and Ship Brokers) (\$2,600)	Condominiums (Yacht and Ship Brokers) (\$6,100)
Professions (\$346,059)	Professions (\$1,192,274)	Professions (\$346,059)

While the reduction in revenues is significant, the Professional Regulation Trust Fund is projected to have a sufficient cash balance moving forward.

<b>Professional Regulation Trust Fund</b>			
	FY 2016-17	FY 2017-18	FY 2018-19
Beginning Balance	51,822,395	61,105,450	65,188,002
Estimated Revenue	81,079,939	75,759,960	79,709,884
Impact of HB 1187	(346,059)	(1,192,274)	(346,059)
<b>Total Revenue</b>	<b>80,733,880</b>	<b>74,567,686</b>	<b>79,363,825</b>
Estimated Expenditures	71,450,825	70,485,134	71,849,485
<b>Estimated Year-End Balance</b>	<b>61,105,450</b>	<b>65,188,002</b>	<b>72,702,341</b> <sup>86</sup>

#### 2. Expenditures:

Due to the reduction in revenues, the Department will have less expenditures in the form of a surcharge to General Revenue.

<b>Expenditure Reduction</b>		
2016-17	2017-18	2018-19
Condominiums (Yacht and Ship Brokers) (\$488)	Condominiums (Yacht and Ship Brokers) (\$208)	Condominiums (Yacht and Ship Brokers) (\$488)
Professions (\$27,685)	Professions (\$95,382)	Professions (\$27,685)

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None.

<sup>86</sup> January 25, 2016, e-mail from Department of Business and Professional Regulation staff on file with the Government Operations Appropriations Subcommittee  
**STORAGE NAME:** h1187c.GOAS  
**DATE:** 2/16/2016

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Numerous professions will no longer be required to obtain a license in order to practice, resulting in the following fee reductions:

Condominiums: (Yacht and Ship Brokers) Expenditure reduction of approximately \$6,100 in Fiscal Year 2016-17, \$2,600 in Fiscal Year 2017-18 and \$6,100 in Fiscal Year 2018-19.

Professions: Licensees will see an expenditure reduction of approximately \$346,059 in Fiscal Year 2016-17, \$1,192,274 in Fiscal Year 2017-18 and \$346,059 in Fiscal Year 2018-19.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The elimination of certain licenses and registration will necessitate the repeal or amendment of rules regarding those licenses and registrations. According to the Department, the following rules will need to be amended:

- Condominiums (Yacht and Ship Brokers) – Rules 61B-60.001, 61B-60.002, 61B-60.003, 61B-60.005, F. A.C., section 1;
- Talent Agents – Rule 61-19, F.A.C.;
- Athlete Agents – Rules 61-24, 61-35.004, F.A.C.;
- Asbestos – Rule 61E1, F.A.C.;
- Veterinary Medicine – Rule 61G18, F.A.C.;
- Cosmetology Specialties – Rules 61G5-31, 61-35.011, F.A.C.;
- Architecture and Interior Design – Rule 61G1, F.A.C.;
- Landscape Architects – Rules 61G10, 61-35.017, F.A.C.;
- Electrical Contractors – Rules 61G6, 61-35.012, F.A.C.; and
- Professional Geologists – Rule 61G16, F.A.C.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill repeals talent agencies without leaving any civil remedies or corresponding requirements for how talent agencies should conduct their business. Due to the nature of the business and the fact that minors employ the services of talent agencies, the language could be amended to maintain the civil remedies, written contract requirements, and prohibition against sexual misconduct.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.