

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/CS/CS/SB 474

INTRODUCER: Appropriations Committee; Commerce and Tourism Committee; Innovation, Industry, and Technology Committee; and Senators Albritton and Gruters

SUBJECT: Deregulation of Professions and Occupations

DATE: February 24, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>IT</u>	<u>Fav/CS</u>
2.	<u>McMillan</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
3.	<u>Davis</u>	<u>Kynoch</u>	<u>AP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 474 relates to businesses and professions regulated by the Department of Business and Professional Regulation (DBPR) and health professionals regulated by the Department of Health (DOH). The bill:

- Repeals the authority of the DOH and the DBPR to suspend or revoke a professional license because of a default on a student loan or failure to comply with service or work-conditional scholarship obligations;
- Waives the requirement to pass the commercial driver skills test for a military service member or veteran with specified training;
- Provides an exemption from the requirement to be licensed as a dietitian or nutritionist for persons who provide information and do not represent themselves as a dietitian or nutritionist or as a licensed or registered dietitian or nutritionist;
- Preempts the regulation of mobile food dispensing vehicles (food trucks) to the state, prohibits local government from requiring a license, registration, or permit, and prohibits local governments from prohibiting the operation of food trucks in the entirety of their jurisdiction; and
- Revises the membership of the Florida Building Commission.

The bill repeals registration requirements for labor organizations and their business agents, and license or registration requirements for the following professions regulated by the DBPR:

- Hair braiders, hair wrappers, and body wrappers; and

- Boxing announcers and timekeepers.

The bill also repeals the licensing requirements for talent agents. The bill maintains the requirement for a talent agent to obtain a bond, requires a talent agent to submit fingerprints to the FDLE for a criminal background check, and prohibits the bonding agency from issuing or renewing a bond to a talent agent who is registered as a sexual offender.

The regulation of interior design is revised by the bill to provide for a voluntary certificate of registration to practice interior design in place of the current license requirement. A certificate of registration is not required to practice interior design. To qualify for registration, an interior designer must have satisfactorily passed a qualification examination. Only a registered interior designer may use a seal issued by the DBPR when submitting documents for the issuance of a building permit. The bill imposes a nonrefundable biennial fee of no more than \$75 for a certificate of registration for interior designers.

The bill deletes the requirement that a yacht and ship broker must have a separate license for each branch office. The bill eliminates the additional business or firm license required for the following professional licensees:

- Auctioneers;
- Architects and interior designers;
- Landscape architects; and
- Geologists.

The bill provides additional options for the following professionals, if licensed in another state, to qualify for a professional license in Florida:

- Building code administrators and inspectors;
- Home inspectors;
- Engineers;
- Certified public accountants;
- Veterinarians;
- Barbers;
- Cosmetologists;
- Construction and electrical and alarm contractors;
- Landscape architects;
- Geologists.

For barbers, effective January 1, 2021, the bill reduces the minimum number of hours of training required for licensure from 1,200 hours to 900 hours. For cosmetologists, the bill reduces the number of hours of continuing education required for the biennial renewal of a cosmetology license from 16 hours to 10 hours. Effective January 1, 2021, the bill also reduces the number of training hours required to be registered as a nail, facial, or full specialist.

The bill has a significant negative fiscal impact on state revenues. According to the DBPR, the elimination of licensing requirements under the bill is estimated to reduce state revenues by \$2,868,528 over the next three fiscal years. See Section V.

Except as otherwise expressly provided in the act, the bill takes effect on July 1, 2020.

II. Present Situation:

For ease of reference, the Present Situation for each section of CS/CS/SB 474 is addressed in the Effect of Proposed Changes portion of this bill analysis. Background information about the Department of Business and Professional Regulation (the DBPR) is provided below.

Organization of the Department of Business and Professional Regulation

Section 20.165, F.S., establishes the organizational structure of the DBPR, which has 12 divisions:

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

The Florida State Boxing Commission is assigned to the DBPR for administrative and fiscal accountability purposes only.¹ The DBPR also administers the Child Labor Law and Farm Labor Contractor Registration Law.²

Powers and Duties of the DBPR

Chapter 455, F.S., applies to the regulation of professions constituting “any activity, occupation, profession, or vocation regulated by the [DBPR] in the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation,”³ as well as the procedural and administrative framework for those divisions and all of the professional boards within the DBPR.⁴

The DBPR’s regulation of professions is to be undertaken “only for the preservation of the health, safety, and welfare of the public under the police powers of the state,”⁵ and regulation is required when:

- The potential for harming or endangering public health, safety, and welfare is recognizable and outweighs any anticompetitive impact that may result;

¹ Section 548.003(1), F.S.

² See Parts I and III of ch. 450, F.S.

³ See s. 455.01(6), F.S.

⁴ See s. 455.203, F.S. The DBPR must also provide legal counsel for boards within the DBPR by contracting with the Department of Legal Affairs, by retaining private counsel, or by staff counsel at the DBPR. See s. 455.221(1), F.S.

⁵ Section 455.201(2), F.S.

- The public is not effectively protected by other state statutes, local ordinances, federal legislation, or other means; and
- Less restrictive means of regulation are not available.⁶

However, “neither the department nor any board may create a regulation that has an unreasonable effect on job creation or job retention,” or a regulation that unreasonably restricts the ability of those who desire to engage in a profession or occupation to find employment.⁷

DBPR Boards

Fifteen boards and programs exist within the Division of Professions,⁸ two boards are within the Division of Real Estate, and one board exists in the Division of Certified Public Accounting.

Permitting, Registration, Licensing, and Certification

Sections 455.203 and 455.213, F.S., establish general licensing authority for the DBPR, including the authority to charge license fees and license renewal fees. Each board within the DBPR must determine by rule the amount of license fees for each profession, based on estimates of the required revenue to implement the regulatory laws affecting the profession.⁹

When a person is authorized to engage in a profession or occupation in Florida, the DBPR issues a “license,” which may be referred to as either a permit, registration, certificate, or license.¹⁰ Those who are granted licenses are referred to as licensees.¹¹

In Fiscal Year 2018-2019, the Division of Accountancy had 39,591 active licensees, the Real Estate Commission had 293,012 active licensees, and the Board of Professional Engineers had 65,196 licensees.¹² In Fiscal Year 2018-2019, there were 439,821 active licensees in professions regulated by the Division of Professions,¹³ including:

- Architects and interior designers;
- Asbestos consultants and contractors;
- Athlete agents;
- Auctioneers;

⁶ *Id.*

⁷ Section 455.201(4)(b), F.S.

⁸ Section 20.165(4)(a), F.S., establishes the following boards and programs which are noted with the implementing statutes: Board of Architecture and Interior Design, part I of ch. 481; Florida Board of Auctioneers, part VI of ch. 468; Barbers’ Board, ch. 476; Florida Building Code Administrators and Inspectors Board, part XII of ch. 468; Construction Industry Licensing Board, part I of ch. 489; Board of Cosmetology, ch. 477; Electrical Contractors’ Licensing Board, part II of ch. 489; Board of Employee Leasing Companies, part XI of ch. 468; Board of Landscape Architecture, part II of ch. 481; Board of Pilot Commissioners, ch. 310; Board of Professional Engineers, ch. 471; Board of Professional Geologists, ch. 492; Board of Veterinary Medicine, ch. 474; Home Inspection Services Licensing Program, part XV of ch. 468; and Mold-related Services Licensing Program, part XVI of ch. 468, F.S.

⁹ Section 455.219(1), F.S.

¹⁰ Section 455.01(4), F.S.

¹¹ Section 455.01(5), F.S.

¹² Florida Department of Business and Professional Regulation, *Fiscal Year 2018-2019 Annual Report*, page 19, available at: http://www.myfloridalicense.com/DBPR/os/documents/DivisionAnnualReport_FY1819.pdf (last visited Feb. 4, 2020).

¹³ Of the total 460,857 licensees in the Division of Professions, 21,036 were inactive. *See supra* note 12.

- Barbers;
- Building code administrators and inspectors;
- Community association managers;
- Construction industry contractors;
- Cosmetologists;
- Electrical contractors;
- Employee leasing companies;
- Geologists;
- Home inspectors;
- Harbor pilots;
- Landscape architects;
- Mold-related services;
- Talent agencies; and
- Veterinarians.

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

- Condominium associations under ch. 718, F.S.;
- Cooperative associations under ch. 719, F.S.;
- Florida mobile home parks and related associations under ch. 723, F.S.;
- Vacation units and timeshares under ch. 721, F.S.;
- Yacht and ship brokers and related business entities under ch. 326, F.S.; and
- Homeowner's associations under ch. 720, F.S. (jurisdiction is limited to arbitration of election and recall disputes).¹⁴

III. Effect of Proposed Changes:

For ease of reference to each of the subjects addressed in CS/CS/SB 474, the Present Situation for each topic will be described, followed immediately by an associated section detailing the Effect of Proposed Changes.

Commercial Driver's License

Present Situation

Section 322.57, F.S., requires a person who drives any of the following types of vehicles to obtain an endorsement on his or her driver's license acknowledging successful completion of a skills test concerning the safe operation of such vehicle:

- A double or triple trailer;
- A passenger vehicle;
- A school bus;
- A tank vehicle;

¹⁴ Section 720.306(9)(c), F.S.

- A vehicle that transports hazardous materials and that is required to be placarded in accordance with 49 C.F.R. part 172, subpart F;
- A tank vehicle transporting hazardous materials; and
- A motorcycle.

Effect of Proposed Changes

Section 2 of the bill amends s. 322.57(4), F.S., to waive the requirement to pass the commercial driver skills test for a military service member or veteran with specified training, including having at least two years of experience in military service driving vehicles that would otherwise require a commercial driver license to operate. To qualify for the waiver, the person must be honorably discharged from military service within one year of the application for the waiver. The person must complete every other requirement for a commercial driver's license within one year of receiving a waiver.

Yacht and Ship Broker Branch Office Licenses

Present Situation

Chapter 326, F.S., governs the licensing and regulation of yacht and shipbrokers, salespersons, and related business organizations in the state. The Yacht and Ship Broker's Section, a unit of the Division of Florida Condominiums, Timeshares and Mobile Homes of the DBPR, processes license applications and responds to consumer complaints and inquiries by monitoring activities and compliance within the yacht brokerage industry.¹⁵

A person may not act as a yacht or ship broker or salesperson unless licensed under ch. 326, F.S.¹⁶ Each yacht or ship broker must maintain a principal place of business in Florida and may establish branch offices in Florida. A separate license must be maintained for each branch office.¹⁷ Applicants for a branch office license pay a \$100 fee, and the license must be renewed every two years.¹⁸

Effect of Proposed Changes

Section 3 of the bill amends s. 326.004(13), F.S., to delete the requirement for a separate license for each branch office maintained by a yacht and ship broker. The current law provisions related to licensing for yacht brokers and salespeople are retained.

Labor Organizations

Present Situation

Chapter 447, F.S., governs the licensing and regulation of labor organizations, and related business agents in the state. The Division of Regulation within the DBPR oversees the licensing and regulation of labor organizations. The Division of Regulation processes license applications

¹⁵ See ch. 326, F.S., and, Department of Business and Professional Regulation, *Yacht and Ship*, available at: <http://www.myfloridalicense.com/DBPR/yacht-and-ships/> (last visited Feb. 4, 2020).

¹⁶ Section 326.004(1), F.S.

¹⁷ Section 326.004(13), F.S.

¹⁸ See Fla. Admin. Code R. 61B-60.002 (2019).

and regulates the activities of labor unions and their officers, agents, organizers, and representatives.¹⁹

A labor organization is defined as “any 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.”²⁰

In Florida, all labor organizations are required to register with the DBPR and all business agents of labor organizations must obtain a license.²¹ Business agents are defined as “any 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; and
- Soliciting or receiving from any employer any right or privilege for employees.”²²

Applicants for a business agent license must pay a \$25 license fee and must meet a number of licensure requirements.²³ Labor organization applicants must pay an annual fee of \$1.²⁴

Effect of Proposed Changes

Sections 4 through 12 of the bill amend ch. 447, F.S., to eliminate the registration and regulation of labor organizations and their business agents by the DBPR and the requirement that the Public Employees Relations Commission notify the DBPR of registrations and renewals of such organizations. Provisions relating to the right to work and strike, recordkeeping, rights of franchise for labor organizations, civil causes of action, criminal penalties, and recognition of federal regulations are not affected by the bill.

Reciprocal Licensing by the DBPR

Present Situation

Section 455.213, F.S., provides general licensing provisions for the DBPR. Some professions licensed by the DBPR authorize the DBPR or the applicable board to issue a license by endorsement (reciprocity) to a person licensed in another state, if the other state’s license qualification requirements are equal to or greater than, the profession’s license qualification requirements in Florida.²⁵

¹⁹ Section 447.01, F.S., and *See* The Department of Business and Professional Regulation, *Labor Organizations and Business Agent*, available at: <http://www.myfloridalicense.com/DBPR/labor-organizations-and-business-agents/> (last visited Feb. 4, 2020).

²⁰ Section 447.02(1), F.S.

²¹ Sections 447.04(2) and 447.06, F.S.

²² Section 447.02(2), F.S.

²³ Section 447.04(2), F.S.

²⁴ Section 447.06(2), F.S.

²⁵ *See*, for example, s. 477.019(6), F.S., relating to licensure by endorsement for a person licensed as a cosmetologist in another state.

Effect of Proposed Changes

Section 13 of the bill amends s. 455.213, F.S., to require the department or board to enter into reciprocal licensing agreements with other states when permitted by the practice act for a profession. The bill requires the department to post on its website existing reciprocity agreements with other states or to identify the states whose licensing requirements are substantially equivalent or more stringent than the requirements in Florida.

Licensing and Student Loan Obligations

Present Situation

Healthcare Practitioner Licensing

The Division of Medical Quality Assurance (MQA) within the Florida Department of Health (DOH) is responsible for the licensing and regulation of healthcare practitioners in the state. The MQA works in conjunction with 22 boards and four councils to license and regulate seven types of health care facilities and more than 200 license types in over 40 health care professions. Each profession is regulated by an individual practice act and by ch. 456, F.S., which provides general regulatory and licensure authority for the MQA. The MQA regulates the following professions:

- Acupuncturists;
- Athletic Trainers;
- Chiropractors;
- Clinical Laboratory Personnel;
- Clinical Social Workers, Marriage and Family Counselors, and Mental Health Counselors;
- Dentists;
- Hearing Aid Specialists;
- Massage Therapists;
- Medical Doctors;
- Nurses;
- Nursing Home Administrators;
- Occupational Therapists;
- Opticians;
- Optometrists;
- Orthotists and Prosthetists;
- Osteopathic Doctors;
- Pharmacists;
- Physical Therapists;
- Podiatrists;
- Psychologists;
- Respiratory Care Practitioners;
- Speech-Language Pathologists and Audiologists;
- Dietetics and Nutrition Practitioners;
- Electrologists;
- Licensed Midwives;
- Physician Assistants;
- Certified Master Social Workers;

- Emergency Medical Technicians;
- Medical Physicists;
- Paramedics;
- Radiologic Technicians; and
- School Psychologists.

Healthcare Practitioner Discipline

Section 456.072(1)(k), F.S., provides that the DOH may discipline a healthcare practitioner for failing to perform any statutory or legal obligation placed upon a healthcare practitioner, which specifically includes failing to repay a government-backed student loan or comply with a service scholarship obligation. If the DOH finds that a healthcare practitioner has defaulted on his or her student loans or failed to comply with a service scholarship, at a minimum, the DOH must:

- Suspend the practitioner's license until he or she agrees to new loan repayment terms or resumes the scholarship obligation;
- Place the practitioner on probation for the duration of the student loan or scholarship obligation period; and
- Impose a fine equal to 10 percent of the defaulted loan amount.

Each month, the DOH must obtain information from the United States Department of Health and Human Services (USDHHS) necessary to determine the Florida healthcare practitioners that have defaulted on government-backed student loans.²⁶ Upon learning that a healthcare practitioner has defaulted on such a student loan, the DOH must notify the practitioner that he or she has 45 days to provide the DOH with proof of a new repayment plan, or such practitioner will be subject to an emergency order suspending the practitioner's license.²⁷ The DOH may proceed with additional disciplinary action against the practitioner, regardless if he or she provides proof of entering a new repayment plan.²⁸

In the 2017-2018 fiscal year, the DOH reported 850 student loan defaults, 76 completed investigations, and 26 emergency suspension orders filed.²⁹ In the 2018-2019 fiscal year, the DOH reported 87 student loan defaults, 250 completed investigations, 121 emergency suspension orders filed, and further disciplinary action taken on 29 licensees.³⁰ In 2018-2019, the most affected licensed professions were Certified Nursing Assistant (43 suspension orders) and Registered Nurse (18 suspension orders).³¹

Licensure in Other State Agencies

Other agencies provide professional and occupational licensing and certification, such as the:

²⁶ Section 456.0721, F.S.

²⁷ See s. 456.074, F.S.

²⁸ *Id.*

²⁹ Florida Department of Health, *Annual Report and Long-range Plan Fiscal Year 2017-2018, Table 14: Student Loan Defaults*, at 44, available at: <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/documents/annual-report-1718.pdf> (last visited Feb. 4, 2019).

³⁰ Florida Department of Health, *Annual Report and Long-range Plan Fiscal Year 2018-2019, Table 14: Student Loan Defaults*, at 43, available at: <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/documents/annual-report-1819.pdf> (last visited Feb. 4, 2019).

³¹ *Id.*

- Department of Agriculture and Consumer Services;³²
- Department of Business and Professional Regulation;³³
- Department of Education;³⁴
- Department of Environmental Protection;³⁵
- Department of Financial Services;³⁶ and
- Department of Highway Safety and Motor Vehicles.³⁷

Each agency or affiliated board or commission is authorized to take action against a license or certificate based on violations of law or professional practice. However, no state law specifically authorizes such agencies to take disciplinary action against a license resulting from default on a student loan.

Effect of Proposed Changes

Section 14 of the bill creates s. 455.2278, F.S., to prohibit the DBPR or any board under DBPR from disciplining a licensee solely for defaulting or becoming delinquent on a federal or state guaranteed student loan or a work-conditional scholarship obligation.

Sections 15 through 17 of the bill repeal the authority of the DOH requirements to suspend or revoke a professional license because of a default on a student loan or failure to comply with service scholarship obligations. Specifically, the bill:

- Amends s. 456.072, F.S., to remove a licensee's failure to repay a federal- or state-guaranteed student loan or failure to comply with service scholarship obligations from the list of violations for which the DOH may take disciplinary action;
- Amends s. 456.074, F.S., to remove the requirement that the DOH notify a health care practitioner in default on a student loan that he or she is subject to suspension of a license unless the practitioner provides proof of repayment terms within 45 days of the notification; and

³² The Florida Department of Agriculture and Consumer Services licenses professions such as dealers in agricultural products, pest control operators, professional surveyors and mappers, recovery agents, private investigators and private security, and liquefied propane dealers or installers.

³³ The Florida Department of Business and Professional Regulation is charged with licensing and regulating businesses and professionals such as cosmetologists, veterinarians, real estate agents, and pari-mutuel wagering facilities. Florida Department of Business and Professional Regulation, *Department Overview*, <http://www.myfloridalicense.com/DBPR/about-us/department-overview/> (last visited Feb. 19, 2020).

³⁴ Florida educators must be certified to teach in public schools. Educators include classroom teachers, school administrators, and other support professionals, such as guidance counselors and media specialists. Florida Department of Education, *Educator Certification*, <http://www.fldoe.org/teaching/certification/> (last visited Feb. 19, 2020).

³⁵ The Florida Department of Environmental Protection is responsible for a professional licensure program for water and wastewater treatment plant operators along with water distribution system operators. Florida Department of Environmental Protection, *Certification and Restoration Program*, <https://floridadep.gov/water/certification-restoration> (last visited Feb. 19, 2020).

³⁶ The Florida Department of Financial Services licenses professions related to fire safety, funeral and cemetery services, and insurance. Florida Department of Financial Services, *Business and Professional*, <https://www.myfloridacfo.com/sitePages/services/display.aspx?a=Business%20and%20Professional> (last visited Feb. 19, 2020).

³⁷ The Florida Department of Highway Safety and Motor Vehicles licenses motor vehicle dealers, mobile home dealers, and recreational vehicle dealers. Florida Department of Highway Safety and Motor Vehicles, *Florida Motor Vehicle, Mobile Home, and Recreational Vehicle Dealers' Handbook* (2015), available at <https://www.flhsmv.gov/pdf/dealerservices/dealerhandbook.pdf> (last visited Feb. 19, 2020).

- Repeals s. 456.0721, F.S., to remove the requirement that the DOH obtain monthly reports from the USSHHS regarding health care practitioners who have failed to repay a student loan or comply with scholarship service obligations.

Auctioneers

Present Situation

Auction businesses, auctioneers, and apprentice auctioneers are licensed and regulated in accordance with part VI of ch. 468, F.S., and by the Florida Board of Auctioneers within the DBPR. The program processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the auctioneering industry.

An ‘auction business’ is a “sole proprietorship, partnership, or corporation which in the regular course of business arranges, manages, sponsors, advertises, promotes, or carries out auctions, employs auctioneers to conduct auctions in its facilities, or uses or allows the use of its facilities for auctions.”³⁸

A license is required before any person can auction or offer to auction any property in this state, and the auctioneer practice act applies to all auctions in the state with certain exceptions.³⁹

In order to qualify for licensure as an auctioneer, an applicant must:

- Be 18 years or older;
- Have not committed any act or offense in the state or any other jurisdiction which would constitute a basis for disciplinary action in Florida;
- Have held an apprentice license and has served as an apprentice for one year or more, or have completed a course of study, consisting of not less than 80 classroom hours of instruction, that meets standards adopted by the board; and
- Pass the required examination.⁴⁰

The Florida Board of Auctioneers assesses a variety of fees for licensure as an auctioneer, including application fees, examination fees, initial license fees, and renewal fees. For example, the application fee for an auctioneer license through examination is \$50, the examination fee is \$250 payable to the DBPR plus \$10 payable to the testing service, and the initial license fee for an auctioneer is \$150.⁴¹

An auctioneer may be disciplined or have a civil action brought against them by the DBPR for one of the following violations:⁴²

- Violating any trade or commerce law;
- Misrepresenting property for sale at auction;
- Failing to return money or property within 30 days of obtaining control of such money or property;

³⁸ Section 468.382(1), F.S.

³⁹ Sections 468.385(2) and 468.383, F.S.

⁴⁰ Sections 468.385(6), F.S.

⁴¹ See Fla. Admin. Code R. 61G2-3.001 (2019).

⁴² Section 468.389, F.S.

- False, deceptive, misleading, or untruthful advertising;
- Bad faith or dishonesty in a sales transaction;
- Using false bidders, cappers, or shills;
- Comingling auction monies with personal money;
- Refusing or neglecting to pay public moneys into the State Treasury when prescribed by law; and
- Other violations of the practice act.

An auctioneer commits a third degree felony for certain violations of the practice act, including:⁴³

- Failing to return money or property within 30 days of control of such money or property;
- Bad faith or dishonesty in a sales transaction;
- Using false bidders, cappers, or shills;
- Comingling auction monies with personal money; and
- Refusing or neglecting to pay the public moneys into the State Treasury when prescribed by law.

There is no continuing education requirement for auctioneers or auctioneer apprentices.

There were 2,600 active licensed auctioneers and 24 disciplinary orders issued in the 2018-2019 fiscal year.⁴⁴

Effect of Proposed Changes

Section 18 of the bill amends s. 468.385, F.S., to remove the requirement that an auction business must be licensed. Instead, it requires an auction business to be owned by an auctioneer who is licensed by the DBPR.

Section 97 of the bill amends s. 559.25(3), F.S., to delete the exemption for licensed auctioneers from compliance with requirements relating to fire and going-out-of-business sales and auctions.⁴⁵

Talent Agents and Agencies

Present Situation

Chapter 468, Part VII, F.S., establishes regulations and licensure requirements for talent agencies. Talent agencies are licensed by the Division of Regulation within the DBPR. Talent agents represent and promote talent and performers to prospective employers. They may also handle contract negotiations and other business matters for clients.⁴⁶ There were 418 licensed talent agencies and no disciplinary orders issued to talent agencies in the 2018- 2019 fiscal year.⁴⁷

⁴³ Section 468.391, F.S.

⁴⁴ *Supra* note 12 at pp. 19 and 90.

⁴⁵ See s. 559.21, F.S., relating to the regulation of sales.

⁴⁶ Section 468.401, F.S.

⁴⁷ *Supra* note 12.

Sections 468.403 and 468.405, F.S., provide licensure requirements, including proof of at least one year of direct experience in the talent agency business or specific related careers. A license application must be accompanied by affidavits of at least five reputable persons, other than artists, who have known or have been associated with the applicant for at least three years, stating that the applicant is a person of good moral character or, in the case of a corporation, has a reputation for fair dealing. Each application must also specify whether the agency, any person, or any owner of the agency is financially interested in any other business of a similar nature.

Talent agencies must pay an initial licensure application fee of \$300 and an initial license fee of \$400. Additionally, each talent agency must post a \$5,000 bond.⁴⁸ Licenses are renewed biennially.

Part VII of ch. 468, F.S., also includes requirements for recordkeeping,⁴⁹ prohibitions on registration fees,⁵⁰ and contractual requirements.⁵¹ Certain prohibited acts are crimes punishable as a second-degree misdemeanor or a third-degree felony and by revocation of the talent agency's license.⁵² Additionally, owning or operating a talent agency without a license, or obtaining such license by means of fraud, misrepresentation or concealment constitutes a felony of the third degree.⁵³ Section 468.13(4), F.S., provides that a state attorney may seek appropriate relief for violations of s. 468.413(1), F.S.

Section 468.415, F.S., prohibits sexual misconduct by a talent agent and authorizes the DBPR to permanently revoke the license of any agent, owner, or operator of a talent agency who violates this prohibition. Such person is also permanently disqualified from licensure as an agent, owner, or operator of a talent agency.

Effect of Proposed Changes

Sections 19 through 32 of the bill amend part VII of ch. 468, F.S., to repeal the license requirements for talent agencies. The bill retains several requirements for the conduct of talent agencies including the requirement to maintain a surety bond and requirements for the conduct of the profession, including record keeping requirements, prohibited acts, and criminal penalties for prohibitions that are unrelated to license requirements.

The bill retains the requirement in s. 468.408(1), F.S., for a talent agency to obtain a \$5,000 bond. The bill requires that a bond to a talent agent may not be issued or renewed by a bonding agency unless each owner or operator of the talent agency submits fingerprints to the Florida Department of Law Enforcement (FDLE) for a criminal background check. A bonding agency may not issue or renew a bond to a talent agent who is registered as a sexual offender. There is no penalty in the bill or in current law (other than discipline associated with the license, such as a

⁴⁸ Section 468.408, F.S.

⁴⁹ Section 468.409, F.S.

⁵⁰ Section 468.410, F.S.

⁵¹ See, e.g., sections 468.410(3), and 468.413(2)(f), F.S.

⁵² Section 468.413, F.S. A third-degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082(3)(e) and 775.083(1)(c), F.S.; A second-degree misdemeanor is punishable by no more than 60 days imprisonment and a \$500 fine. Sections 775.082(4)(b) and 775.083(1)(e), F.S.

⁵³ Section 468.413(1), F.S.

fine or suspension or revocation of the license) for failure by a talent agent to maintain the bond required by law.

The bill amends 468.413(2), F.S., to repeal the authority of the DBPR to seek relief in court for any violation by a talent agency or other person violating the provision of part VII of ch. 468, F.S. However, the bill retains the authority of any state attorney to seek appropriate relief in court. The bill also repeals the authority of the DBPR to issue a fine not to exceed \$5,000 for violations of a prohibited act.

The bill does not repeal the prohibition in s. 468.415, F.S., against sexual misconduct. Under the bill, violators are permanently prohibited from acting as an agent, owner, or operator of a Florida talent agency. However, the bill does not provide a remedy or other penalty if such person acts as an agent, owner, or operator of a Florida talent agency after being permanently barred from doing so. The criminal penalties in s. 468.413, F.S., for violations involving certain prohibited acts do not apply to the sexual misconduct prohibition in s. 468.415, F.S.

Dietetics and Nutrition

Present Situation

Dietitians and nutritionists are regulated by part X ch. 468, F.S., and by the Council of Dietetics and Nutrition (council), which is under the delegated authority of the Board of Medicine at the DOH.⁵⁴

The practice of dietetics and nutrition includes:⁵⁵

- Assessing nutritional needs and status using appropriate data;
- Recommending appropriate dietary regimens, nutrition support, and nutrient intake;
- Ordering therapeutic diets;
- Improving health status through nutrition, research, counseling, and education; and
- Developing, implementing, and managing nutrition care systems, including evaluating, monitoring, and maintaining appropriate standards of high quality food and nutrition services.

Nutrition counseling includes advising and assessing individuals or groups on appropriate nutritional intake by integrating information from a nutrition assessment.⁵⁶ A nutrition assessment is an evaluation of nutritional needs using appropriate data to determine nutrient needs or status and making appropriate nutrition recommendations.⁵⁷

⁵⁴ Section 468.506, F.S.

⁵⁵ Section 468.503(5), F.S.

⁵⁶ Section 468.503(10), F.S.

⁵⁷ Section 468.503(9), F.S.

An individual must be licensed to practice dietetics and nutrition or provide nutrition counseling for remuneration, or to hold oneself out as a practitioner of dietetics and nutrition practice or nutrition counseling.⁵⁸ To qualify for licensure, an applicant must:⁵⁹

- Possess a baccalaureate or post-baccalaureate degree in human nutrition, food and nutrition, dietetics, or food management, or an equivalent course of study, from an accredited school or program;
- Have experience of at least 900 hours or has education or experience determined to be equivalent by the Board of Medicine; and
- Pass a licensure examination.

There are a number of exceptions to these licensure requirements. Licensure is not required for a person:⁶⁰

- Licensed in this state as a certain health practitioner, as long as such person is engaging in the practice of the profession for which he or she is licensed.
- Employed by the federal government, if such person engages in dietetics solely under the direction or control of the organization by which the person is employed.
- Employed as a cooperative extension home economist.
- Pursuing a course of study leading to a degree in dietetics and nutrition from an accredited school, if the activities and services are a part of a supervised course of study and the person's title clearly indicates that he or she is a student or trainee.
- Fulfilling the pre-licensure experience requirement.
- Registered or licensed in another state practicing dietetics or nutrition incidental to a course of study when taking or giving a postgraduate course or other course of study in this state, if the person holds an appointment on the faculty of an accredited school.
- Marketing or distributing food, food materials, or dietary supplements, or engaging in the explanation of the use and benefits of those products or the preparation of those products, if the person does not engage for a fee in dietetics and nutrition practice or nutrition counseling.
- Marketing or distributing food, food materials, or dietary supplements, or engaging in the explanation of the use or preparation of such products, as an employee of a permitted pharmacy.
- Employed as an educator by a nonprofit organization approved by the council, a governmental entity, an elementary or secondary school, an accredited institution of higher education, if his or her activities are part of such employment.
- Providing weight control services or related weight control products, provided that the program has been reviewed by, consultation is available from, and no program change can be made without approval by a licensed dietitian/nutritionist.
- Employed by a licensed hospital, nursing home, continuing care facility, or assisted living facility, if the person is employed in compliance with governing facility licensure laws and rules regarding the operation of its dietetic department.
- Employed by a nursing facility exempt from licensure.
- Exempt from licensure under ch. 464, F.S., relating to the practice of nursing.

⁵⁸ Section 468.504, F.S.

⁵⁹ Pursuant to s. 468.509, F.S., a person may be licensed without examination if the person demonstrates that he or she is a registered dietician or nutritionist with the Commission on Dietetic Registration or is a certified as nutrition specialist by the Certification Board of Nutrition Specialist or is a diplomat of the American Clinical Board of Nutrition.

⁶⁰ Section 468.505, F.S.

- Employed as a dietetic technician.
- Disseminating information, conducting a class or seminar, or giving a speech related to nutrition, if such information, class, seminar or speech is provided without a fee.

Individuals who provide dietary or nutrition information for compensation as a part of a profession that is not regulated, such as a fitness trainer or a life coach, are subject to prosecution for the unlicensed practice of a regulated health profession.⁶¹

Applicants for a dietetics and nutrition license must pay an initial examination fee of \$200, an application fee of \$80, an initial license fee of \$80, and an unlicensed activity fee of \$5.⁶² The biennial renewal fee is \$75.⁶³

Currently, seven states do not register or license dietitians: Arizona, California, Colorado, Michigan, New Jersey, Texas, and Virginia.⁶⁴ California, Texas, and Virginia provide title protection for dietitians.⁶⁵

In the 2018-2019 fiscal year, there were 5,413 licensed dietitians and nutritionists. The DOH received eight complaints against dietitians and nutritionists, but no complaints were found legally sufficient by the Board of Medicine to take disciplinary action.⁶⁶

Effect of Proposed Changes

Section 33 amends s. 468.505, F.S., to authorize an unlicensed person to provide dietary and nutritional information for remuneration if the person does not represent or imply they are a dietitian, licensed dietitian, registered dietitian, licensed nutritionist, licensed nutrition counselor, or use any other term or symbol that implies they are a dietitian, nutritionist, or nutrition counselor.

Employee Leasing Companies

Present Situation

Employee leasing is an arrangement where a leasing company assigns its employees to a client and allocates the direction of and control over the leased employees between the leasing company and the client, with exceptions.⁶⁷ This is commonly referred to as a “temporary employment arrangement” or “temp job.”⁶⁸ The Board of Employee Leasing Companies under

⁶¹ See 456.065, F.S. The unlicensed practice of a regulated health care profession may be subject a person to administrative and criminal sanctions.

⁶² See Fla. Admin. R. 64B8-41.001 and Florida Department of Health, *Licensing*, <http://www.floridahealth.gov/licensing-and-regulation/dietetic-nutrition/licensing/index.html> (last visited Feb. 19, 2020).

⁶³ *Id.*

⁶⁴ Commission on Dietetic Registration, Academy of Nutrition and Dietetics, *Laws that Regulate Dietitians/Nutritionists*, available at <https://www.cdrnet.org/vault/2459/web/files/Licensurelawsregulations.pdf> (last visited Feb. 19, 2020).

⁶⁵ *Id.*

⁶⁶ Florida Department of Health, *supra* note 30 at 14, 29.

⁶⁷ Section 468.520(4), F.S.

⁶⁸ Michael Altiero, *PEO and Employee Leasing-What's the Difference?* (Jan. 8, 2018),

<https://www.extensigroup.com/blog/peo-and-employee-leasing-whats-the-difference> (last visited Feb. 21, 2020).

the DBPR licenses and regulates employee leasing companies.⁶⁹ There were 973 licensed employee leasing companies and 104 disciplinary orders issued to employee leasing companies in the 2018-2019 fiscal year.⁷⁰

Section 468.524(4), F.S., requires a one-year waiting period for re-application after an applicant for licensure as an employee leasing company is denied a license, or a licensee's license is revoked. This mandatory delay does not apply to administrative denials or revocations if:

- The applicant or licensee has made an inadvertent error or omission on the application;
- The experience documented to the Board of Employee Leasing Companies was insufficient at the time of the previous application; or
- The DBPR is unable to complete the criminal background investigation because of insufficient information from the Florida Department of Law Enforcement, the Federal Bureau of Investigation, or any other applicable law enforcement agency.

Effect of Proposed Changes

Section 34 of the bill amends s. 468.524(4), F.S., to delete the one-year mandatory delay for re-application for applicants who were denied an employee leasing company license, but retains the delay for licensees who had their license revoked.

The bill deletes the exemptions to the one-year restriction for re-application for a license if the DBPR was unable to complete a criminal background investigation or the applicant was found ineligible for lack of good moral character. Under the bill, such persons would remain ineligible for licensure under part XI of ch. 468, F.S., for one year after revocation of a license.

Building Code Administrators and Inspectors

Present Situation

Building officials, inspectors, and plans examiners are regulated by part XII of ch. 468, F.S., and are regulated and licensed by the Florida Building Code Administrators and Inspectors Board (FBCAIB).⁷¹

A building code administrator, otherwise known as a building official, supervises building code activities, including plans review, enforcement, and inspection.⁷²

A building code inspector inspects construction that requires permits to determine compliance with building codes and state accessibility laws. An inspector's ability to practice is limited to the category or categories in which the inspector has been certified. The inspector categories are:

- Building inspector;
- Coastal construction inspector;
- Commercial electrical inspector;
- Residential electrical inspector;

⁶⁹ Section 468.522, F.S.

⁷⁰ *Supra* note 12 at 19 and 90.

⁷¹ Section 468.605, F.S.

⁷² Section 468.603(1), F.S.

- Mechanical inspector;
- Plumbing inspector;
- One and two family dwelling inspector; and
- Electrical inspector.⁷³

A one and two family dwelling inspector may only inspect one and two family dwelling and accessory structures.

A plans examiner reviews plans submitted for building permits to determine design compliance with construction codes.⁷⁴ A plans examiner's ability to practice is limited to the category or categories the plans examiner is certified in. The plans examiner categories are:

- Building plans examiner;
- Plumbing plans examiner;
- Mechanical plans examiner; and
- Electrical plans examiner.⁷⁵

In order to become licensed, building code administrators, inspectors, and plans examiners must take the licensing exam required for the category sought.

In order to sit for the administrator exam, a person must be at least 18 years of age, be of good moral character, and meet one of the following eligibility requirements:⁷⁶

- Have 10 years of combined experience as an architect, engineer, plans examiner, building code inspector, registered or certified contractor, or construction superintendent, with at least five years of such experience in supervisory positions; or
- Have a combination of no more than five years of postsecondary education in the field of construction or related field and at least five years of experience as an architect, engineer, plans examiner, building code inspector, registered or certified contractor, or construction superintendent; and
- Have completed training on ethics and Florida laws relating to administrators.

In order to sit for the plans examiner or inspector exam, a person must be at least 18 years of age, be of good moral character, and meet one of the following eligibility requirements:⁷⁷

- Have four to five years combined relevant education and experience, depending on how the applicant chooses to qualify;
- Complete an approved cross-training program and have at least two years of experience;
- Hold a standard certificate issued by the FBCAIB or a firesafety inspector license, and
 - Have at least five years of relevant experience as an inspector or plans examiner;
 - Have a minimum of three years of experience in inspection or plan review, and completed an inspector or plans examiner training program in the new category sought;
 - Have a minimum of five years of experience in firesafety inspection, and completed a training program of not less than 200 hours in the new category sought; or

⁷³ Section 468.603(6), F.S.

⁷⁴ Section 468.603(7), F.S.

⁷⁵ *Id.*

⁷⁶ Section 468.609(3), F.S.

⁷⁷ Section 468.609(2), F.S.

- Complete an approved training program of not less than 300 hours in inspection or plans review; and a minimum of two years of experience in construction, inspection, plans review, fire code inspections and fire plans review of new buildings as a firesafety inspector; or
- Complete a four-year internship certification program.

A person who is licensed in another state is eligible for a building code administrator, inspector, or plans examiner license by endorsement in Florida if they:⁷⁸

- Meet experience, educational, or training program requirements;
- Complete the Florida principle and practice exam; and
- Complete the relevant International Codes Council (ICC) exams for the category sought.

There were 9,056 active licensed building code administrators and inspectors and six disciplinary orders issued in the 2018-2019 fiscal year.⁷⁹

Effect of Proposed Changes

Section 35 of the bill amends s. 468.603(5)(f), F.S., to rename the license category of “one and two family dwelling inspector” with the term “residential inspector.” The term is also redefined to include inspections of one-family, two-family, or three-family residences not exceeding two habitable stories or more than one uninhabitable story and accessory use structure in connection to the residence.

Section 36 amends s. 568.609(2), F.S., to reduce the number of years of experience and education required for certain pathways to become a building code inspector or plans examiner. The requirements are reduced to:

- Four years from five years for combined relevant experience;
- Three years from four years for combined post-secondary education and relevant experience; and
- Three years from four years for combined technical education and relevant experience.

Section 37 of the bill amends s. 468.613, F.S., to require the FBCAIB to waive examination, qualification, education, or training requirements, if an applicant is licensed in another state and the applicant:

- Is at least 18 years of age;
- Is of good moral character;
- Holds a valid license to practice as a building code administrator, inspector, or plans examiner in another state or territory of the United States for at least 10 years before the date of application; and
- Successfully completes an applicable examination administered by the ICC.

Under the bill, an application for a license by endorsement must be made either when the applicant’s license in another state or territory is active or within two years after such license was last active.

⁷⁸ Section 468.613, F.S.; and Fla. Admin. Code R. 61G19-6.0035(4) (2019).

⁷⁹ *Supra* note 12 at pp. 19 and 90.

Home Inspectors

Present Situation

Home inspectors are regulated by part XV of ch. 468, F.S., and are licensed by the Home Inspection Services Licensing Program within the DBPR.

In order to obtain licensure as a home inspector, a person must:

- Have good moral character;
- Carry liability insurance;
- Complete a course study of at least 120 hours; and
- Pass the required examination.⁸⁰

A person who is licensed in another state is eligible for a license by endorsement in Florida if the person:⁸¹

- Is of good moral character;
- Holds a valid license to practice home inspection services in another state or territory of the United States whose educational requirements are substantially equivalent to Florida; and
- Passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the Florida examination.

The DBPR may not issue a license by endorsement to any applicant who is under investigation in another state for any act that would constitute a violation of the practice act until the investigation is complete and disciplinary proceedings have been terminated.⁸²

There were 7,090 active licensed home inspectors and four disciplinary orders issued in the 2018-2019 fiscal year.⁸³

Effect of Proposed Changes

Section 38 of the bill amends s. 468.8314(3), F.S., to provide an additional means for an applicant to qualify for licensure by endorsement if the applicant:

- Maintains a commercial general liability insurance policy in an amount equal to or greater than \$300,000, as provided in s. 468.8322, F.S.; and
- Holds a valid license to practice home inspection services in another state or territory of the United States for at least 10 years before the date of application.

Under the bill, an application for a license by endorsement must be made when the applicant's license in another state or territory is active or within two years of such license being active.

⁸⁰ Section 468.8313, F.S.

⁸¹ Section 468.8414(3), F.S.

⁸² *Id.*

⁸³ *Supra* note 12 at pp. 19 and 90.

Engineering

Present Situation

The practice of engineering is regulated by the Florida Board of Professional Engineers (FBPE). Unlike most professions regulated by the DBPR, the administrative, investigative, and prosecutorial services for the FBPE are not provided by the DBPR. The DBPR contracts with the Florida Engineers Management Corporation (FEMC), a non-profit corporation, to provide such services.⁸⁴

In order to be licensed as a professional engineer, a person must successfully pass two examinations: the fundamentals examination and the principles and practices examination. Prior to being permitted to sit for the fundamentals examination, an applicant must graduate from an approved engineering curriculum of four years or more in an FBPE-approved school, college, or university, and have a record of four years of active engineering experience.⁸⁵

A person who is licensed in another state is eligible for a professional engineering license by endorsement in Florida if the person:⁸⁶

- Graduated from an FBPE-approved engineering program, has passed a licensing examination that is substantially equivalent to the fundamentals examination and principles and practice examination, and has satisfied the experience requirements; or
- Holds a valid license to practice engineering issued by another state or territory of the United States, if the criteria for issuance of the license was substantially the same as the licensure criteria that existed in this state at the time the license was issued.

The FBPE may deem that an applicant who seeks licensure by endorsement has passed an examination substantially equivalent to the fundamentals examination when such applicant has held a valid professional engineer's license in another state for 15 years and has 20 years of continuous professional-level engineering experience.⁸⁷

The FBPE may also deem that an applicant who seeks licensure by endorsement who has passed an examination substantially equivalent to the fundamentals examination and the principles and practices examination when such applicant has held a valid professional engineer's license in another state for 25 years and has had 30 years of continuous professional-level engineering experience.⁸⁸

Effect of Proposed Changes

Section 39 of the bill amends s. 471.015(5), F.S., to reduce the number of years that a professional engineer must be licensed in another jurisdiction to be deemed to have passed the licensure examinations for a license by endorsement. If such applicant has been licensed in another jurisdiction for 10 years, the applicant is deemed to have passed the fundamentals examination. If such applicant has been licensed in another jurisdiction for 15 years, the

⁸⁴ Section 471.038(3), F.S.

⁸⁵ Section 471.013, F.S.

⁸⁶ Section 471.015(3), F.S.

⁸⁷ Section 471.015(5), F.S.

⁸⁸ *Id.*

applicant is deemed to have passed both the fundamental examination and the principles and practices examination.

The bill deletes the requirement that an applicant for endorsement have the applicable number of continuous professional-level engineering experience, i.e., 20 years for an applicant who is deemed to have passed the fundamentals examination, or 25 years for an applicant who is deemed to have passed both the fundamental examination and the principles and practices examination.

Certified Public Accountants

Present Situation

The Florida Board of Accounting (board) in the DBPR is the agency responsible for regulating and licensing nearly 35,570 active and inactive CPAs and more than 5,700 accounting firms in Florida.⁸⁹ The Division of Certified Public Accounting provides administrative support to the nine-member board, which consists of seven CPAs and two laypersons.⁹⁰

A certified public accountant is a person who holds a license to practice public accounting in this state under ch. 473, F.S., or an individual who is practicing public accounting in this state pursuant to the practice privilege granted in s. 473.3141, F.S.⁹¹

The practice of public accounting includes offering to the public the performance of services involving audits, reviews, compilations, tax preparation, management advisory or consulting services, or preparation of financial statements.⁹² To engage in the practice of public accounting, as defined in s. 473.302(8)(a), F.S., an individual or firm must be licensed pursuant to ss. 473.308 or 473.3101, F.S., and business entities must meet the requirements of s. 473.309, F.S.

To be licensed as a certified public accountant, a person must:⁹³

- Be of good moral character;
- Pass the licensure exam; and
- Have at least 150 semester hours of education, with a focus on accounting and business.

Section 473.308, F.S., provides for the licensure of individuals desiring to be licensed as a certified public accountant. Section 473.308(7), F.S., provides for licensure of certified public accountants by endorsement. To qualify for licensure by endorsement, the applicant must satisfy education, work experience, and good moral character requirements. Applicants for endorsement must also have completed at least 80 hours of continuing education that are equivalent to the continuing education requirements in this state during the two years immediately preceding the application for licensure by endorsement.⁹⁴

⁸⁹ Supra, note 12 at p. 12.

⁹⁰ Section 473.303, F.S.

⁹¹ See s. 473.302(4), F.S. Section 473.3141, F.S., permits a person who does not have an office in Florida to practice public accountancy in this state without obtaining a license under ch. 473, F.S., notifying or registering with the board, or paying a fee if the person meets the required criteria.

⁹² Section 473.302(8), F.S.

⁹³ Sections 473.308(2)-(5), F.S.

⁹⁴ Rule 61H1-29.003, F.A.C.

If the applicant is not licensed in another state or territory, the applicant must:⁹⁵

- Have passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by s. 473.306, F.S.; and
- Have completed continuing professional education courses that are at least equivalent to the continuing professional education requirements for a Florida certified public accountant.

If the applicant is licensed in another state or territory, the applicant must:⁹⁶

- Have satisfied licensing criteria that was substantially equivalent to the licensure criteria in this state at the time the license was issued, or if the licensing criteria was not substantially equivalent to Florida's, the applicant must have passed a national, regional, state or territorial licensing examination with examination criteria that was substantially equivalent to the examination criteria required in Florida;
- Have a valid license in another state or territory for at least 10 years before applying for a license in Florida; and
- Have passed a national, regional, state or territorial licensing examination with examination criteria that were substantially equivalent to the examination criteria required in this state.

Effect of Proposed Changes

Section 40 of the bill amends s. 473.308, F.S., to delete the requirement that during the two years immediately preceding the application for licensure, applicants for a license by endorsement must have completed 80 hours of continuing education before they are eligible for such license.

Veterinary Medicine

Present Situation

Veterinary medical practice is regulated by ch. 474, F.S., and veterinarians are licensed by the Board of Veterinary Medicine.⁹⁷

A veterinarian is a health care practitioner licensed by the board to engage in the practice of veterinary medicine in Florida,⁹⁸ which is the diagnosis of medical conditions of animals, and the prescribing or administering of medicine and treatment to animals for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease, or holding oneself out as performing any of these functions.⁹⁹

To be licensed as a veterinarian, an applicant must:

- Graduate from a college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education (AVMAE), or from a college of veterinary medicine listed in the American Veterinary Medical Association Roster of Veterinary

⁹⁵ Section 473.308(7)(a), F.S.

⁹⁶ Section 473.308(7)(b), F.S.

⁹⁷ See ss. 474.204 through 474.2125, F.S., concerning the powers and duties of the board.

⁹⁸ See s. 474.202(11), F.S.

⁹⁹ See s. 474.202(9), F.S. The profession also includes determining the health, fitness, or soundness of an animal, and performing any manual procedure for the diagnosis or treatment of pregnancy, fertility, or infertility of animals.

Colleges of the World (AVMARVC) and obtain a certificate from the Education Commission for Foreign Veterinary Graduates;

- Successfully complete the North American Veterinary Licensing Examination (NAVLE), or an examination determined by the board to be equivalent; and
- Successfully complete an examination of the laws and rules governing the practice of veterinary medicine in Florida.¹⁰⁰

The Program for the Assessment of Veterinary Education Equivalence (PAVE) is a common alternative pathway for graduates of international, non-accredited programs to practice in the United States. PAVE evaluates such programs on behalf of participating American Association of Veterinary State Boards.¹⁰¹

A person who is licensed in another state or country is eligible for licensure by endorsement in Florida, if the person has:¹⁰²

- Successfully completed an examination of the laws and rules governing the practice of veterinary medicine in Florida; and either:
- Holds a valid license to practice veterinary medicine in another jurisdiction of the United States for the 3 years immediately preceding the application for licensure, provided that the requirements for licensure are equivalent to or more stringent than a Florida license; or
- Has graduated from an AVMAE or AVMARVC program and has successfully completed an examination which is equivalent to or more stringent than the NAVLE.

The DBPR may not issue a license by endorsement to any applicant who is under investigation in any state, territory, or the District of Columbia for an act which would constitute a violation of the practice act until the investigation is complete and disciplinary proceedings have been terminated.¹⁰³

A “limited-service veterinary medical practice” means offering or providing limited types of veterinary services for a limited time at any location that has a primary purpose other than providing veterinary medical services at a permanent or mobile establishment. Such practice must provide veterinary medical services for privately owned animals that do not reside at that location,¹⁰⁴ and must obtain a permit and must register each location where a limited service clinic is held. A licensed veterinarian must supervise the limited practice.¹⁰⁵

The Board of Veterinary Medicine establishes, by rule, minimum standards for the operation of limited service veterinary medical practices,¹⁰⁶ which currently allows such practices to offer vaccinations, immunizations, and parasitic control services.¹⁰⁷

¹⁰⁰ Fla. Admin. Code R. 61G18-11.002 (2019).

¹⁰¹ American Association of Veterinary State Boards, *International Pathways*, available at: <https://www.aavsb.org/pave/> (last visited Feb. 4, 2020).

¹⁰² Section 474.217(1), F.S.

¹⁰³ Section 474.217(2), F.S.

¹⁰⁴ Section 474.202(6), F.S.

¹⁰⁵ Section 474.215(7)-(8), F.S.

¹⁰⁶ Section 474.215(7), F.S.

¹⁰⁷ Fla. Admin. Code R. 61G18-15.007 (2019).

Effect of Proposed Changes

Section 41 of the bill amends s. 474.202(6), F.S., to codify the current Board of Veterinary Medicine rule allowing limited service veterinary practices to perform vaccinations, immunizations, and parasitic control, and authorizes those practices to perform microchipping.

Section 42 of the bill amends s. 474.207, F.S., to allow graduates of a veterinary medicine program recognized by the PAVE to be eligible for licensure as a veterinarian.

Section 43 of the bill amends s. 474.217, F.S., to allow an applicant for licensure by endorsement who has been licensed in a jurisdiction of the United States to qualify for licensure in Florida if the applicant has successfully passed a licensing examination that is equivalent, to or more stringent than, the NAVLE.

Section 95 of the bill amends s. 823.15, F.S., to authorize employees, agents, or contractors of qualifying public or private animal shelters, humane organizations, or animal control agencies to implant cats and dogs with specified microchips. The bill also permits these persons to contact the owner of record listed on a radio frequency identification microchip to verify pet ownership.

Barbering

Present Situation

The term “barbering” in ch. 476, F.S., the Barbers’ Act, includes any of the following practices when done for payment by the public: shaving, cutting, trimming, coloring, shampooing, arranging, dressing, curling, or waving the hair or beard, applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical appliances.¹⁰⁸

An applicant for licensure as a barber must pass an examination. To be eligible to take the examination, the applicant must:

- Be at least 16 years of age;
- Pay the application fee; and
- Have held an active valid license in another state for at least one year,¹⁰⁹ or have a minimum of 1,200 hours of specified training.¹¹⁰

The Barbers’ Board is authorized to establish by rule a procedure for a barber school or program to certify a person to take the licensure examination following completion of a minimum of 1,000 hours of training and for the licensure of such person who passes the examination. Upon passage of the examination by the person seeking licensure, the training requirement of 1,200

¹⁰⁸ See s. 476.034(2), F.S. The term does not include those services when done for the treatment of disease or physical or mental ailments.

¹⁰⁹ See s. 476.144(5), F.S. Licensure by endorsement may also allow a practitioner holding an active license in another state or country to qualify for licensure in Florida.

¹¹⁰ See s. 476.114(2), F.S.; requiring the training to include, but is not limited to, the completion of services directly related to the practice of barbering at a licensed school of barbering, a public school barbering program, or a government-operated barbering program in Florida.

hours is deemed satisfied; failing the examination requires completion of the full training requirement.¹¹¹

Alternatively, a person may apply for and receive a “restricted license” to practice barbering, which authorizes the licensee to practice only in areas in which he or she has demonstrated competency pursuant to rules of the Barbers’ Board.¹¹² An applicant for a restricted barber license must satisfactorily complete 600 hours of training.¹¹³

Barbers must complete an educational course approved by the Barbers’ Board on human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) as a condition for licensure and as continuing education as part of biennial license renewal or recertification.¹¹⁴

Effect of Proposed Changes

Section 44 of the bill amends s. 476.114(2)(c)2., F.S., effective January 1, 2021, to decrease the minimum number of hours of training required for licensure from 1200 hours to 900 hours. The bill also provides that the training must be in sanitation, safety, and laws and rules.

Section 45 of the bill amends s. 476.144(5), F.S., to require the Barbers’ Board to provide licensure by endorsement to an applicant who holds a current active license to practice barbering in another state.

Nail and Facial Specialists, Hair Braiders, Hair Wrappers, and Body Wrappers

Present Situation

Chapter 477, F.S., governs the licensing and regulation of cosmetologists, hair braiders, hair wrappers, nail specialists, facial specialists, full specialists, body wrappers and related salons in the state. The Board of Cosmetology, within the DBPR’s Division of Professions, processes license applications, reviews disciplinary cases, and conducts informal administrative hearings relating to licensure and discipline.¹¹⁵

Individuals are prohibited from providing manicures, pedicures, or facials in Florida without first being licensed as a cosmetologist or registered as a nail specialist, facial specialist, or full specialist.¹¹⁶

A “specialist” is defined as “any person holding a specialty registration in one or more of the specialties registered under ch. 477, F.S.”¹¹⁷ The term “specialty” is defined as “the practice of one or more of the following:

¹¹¹ See s. 476.114(2), F.S.

¹¹² See s. 476.144(6), F.S.

¹¹³ Fla. Admin. Code R. 61G3-16.006 (2019).

¹¹⁴ Section 455.2228, F.S.

¹¹⁵ See s. 477.015, F.S., and Department of Business and Professional Regulation, *Cosmetology*, available at: <http://www.myfloridalicense.com/DBPR/cosmetology/> (last visited Feb. 4, 2019).

¹¹⁶ See ss. 477.013(6) and 477.0201, F.S.

¹¹⁷ See s. 477.013(5), F.S.

- 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.”¹¹⁸

The term “cosmetologist” is defined as “a person who is licensed to engage in the practice of cosmetology.”¹¹⁹ “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.¹²⁰

A nail specialist may complete manicures and pedicures, and a full specialist may complete manicures, pedicures, and facials.¹²¹ Manicures and pedicures, as a part of cosmetology services, are required to be provided in a licensed specialty salon or cosmetology salon.¹²² All cosmetology and specialty salons are subject to inspection by the DBPR.¹²³

To qualify for a specialist license, the applicant must be at least 16 years of age and obtain a certificate of completion from an approved specialty education program.¹²⁴

The specialty education program consists of:

- 240 hours of training for a nail specialty;
- 260 hours of training for a facial specialty; and
- 500 hours of training for a full specialty.¹²⁵

The applicant must submit a specialist application for registration with the DBPR with a registration fee not to exceed \$50.¹²⁶

The act of applying polish to fingernails and toenails falls under the scope of manicuring, even if the individual is not cutting, cleansing, adding, or extending the nails.¹²⁷ Therefore, individuals seeking to apply polish to fingernails and toenails for compensation are required to obtain a

¹¹⁸ See s. 477.013(6), F.S.

¹¹⁹ See s. 477.013(3), F.S.

¹²⁰ See s. 477.013(4), F.S. A licensed cosmetologist is not required to register separately as a hair braider, hair wrapper, body wrapper, or specialist.

¹²¹ See s. 477.013(6), F.S.

¹²² See s. 477.0263, F.S. Under s. 477.0135(3), F.S., licensing is not required for a person whose occupation is confined solely to cutting, trimming, polishing, or cleansing fingernails of customers in an active, licensed barbershop, and who did so before October 1, 1985.

¹²³ See s. 477.025(9), F.S.

¹²⁴ See s 477.0201, F.S.

¹²⁵ Fla. Admin. Code R. 61G5-22 (2019).

¹²⁶ Section 477.026, F.S.

¹²⁷ See s. 477.013(6)(a) and (b), F.S.

registration as a specialist or a license as a cosmetologist, as the DBPR does not issue a separate license for polishing nails.

The application of cosmetic products (makeup) by certain persons is exempted from ch. 477, F.S., under limited conditions, including application of such products in photography studio salons, in connection with certain retail sales, or during the production of qualified films.¹²⁸ In addition, persons providing makeup in a theme park or entertainment complex to actors or the general public are exempt from licensing requirements.¹²⁹

“Hair braiding” means “the weaving or interweaving of natural human hair for compensation without cutting, coloring, permanent waving, relaxing, removing, or chemically treating and does not include the use of hair extensions or wefts.”¹³⁰

“Hair wrapping” means the wrapping of manufactured materials around a strand 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.¹³¹

“Body wrapping” means “a treatment program that uses herbal wraps for the purpose 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.”¹³²

Cosmetologists and cosmetology specialists must complete an educational course approved by the Board of Cosmetology on HIV and AIDS as a condition for licensure or registration and as continuing education as part of biennial license or registration renewal.¹³³

A person who wishes to practice as a hair braider, hair wrapper, or body wrapper must register with the DBPR, pay the \$25 registration fee,¹³⁴ and:

- For hair braiders, take a two-day board-approved 16-hour education course consisting of:
 - Five hours of HIV/AIDS and other communicable diseases,
 - Five hours of sanitation and sterilization,
 - Four hours of disorders and diseases of the scalp, and
 - Two hours of studies regarding laws affecting hair braiding.
- For hair wrappers, take a one-day board-approved six-hour education course consisting of:
 - HIV/AIDS and other communicable diseases,
 - Sanitation and sterilization, and
 - Disorders and diseases of the scalp, and studies regarding laws affecting hair wrapping.

¹²⁸ See ss. 477.013(11), 477.0135(1)(f), and 477.0135(5), F.S.

¹²⁹ See s. 477.0135(6), F.S.

¹³⁰ Section 477.013(9), F.S. A “weft” of hair is a long curtain of hair that has a seam at the top and is found on wigs and hair extensions. See <https://www.voguewigs.com/what-is-a-weft.html> (last visited Feb. 4, 2020).

¹³¹ Section 477.013(10), F.S.

¹³² Section 477.013(11), F.S.

¹³³ Section 455.2228, F.S.

¹³⁴ Section 477.026, F.S.

- For body wrappers, take a two-day board-approved 12-hour education course consisting of:
 - HIV/AIDS and other communicable diseases,
 - Sanitation and sterilization,
 - Disorders and diseases of the skin, and
 - Laws affecting body wrapping.¹³⁵

Hair braiders, hair wrappers, and body wrappers are not required to complete continuing education as a condition for renewal of the registration.¹³⁶

In Florida, cosmetology and specialty salons must be licensed.¹³⁷ Such salons are inspected periodically by the DBPR, in accordance with sanitary standards set forth by the Board of Cosmetology.¹³⁸

Cosmetology services must be performed in a licensed cosmetology or specialty salon by a properly licensed professional,¹³⁹ except when services are performed in connection with:

- A special event by a properly licensed person who is employed by a licensed salon. Arrangements for the performance of such cosmetology services must be made through a licensed salon;¹⁴⁰
- A client for reasons of ill health is unable to go to a licensed salon. Arrangements for the performance of such cosmetology services must be made through a licensed salon; or
- The motion picture, fashion photography, theatrical, or television industry; a photography studio salon; a manufacturer trade show demonstration; or an educational seminar.¹⁴¹

The Board of Cosmetology is required to certify an applicant as qualified for licensure by endorsement if the applicant holds a current active license to practice cosmetology in another state. The board may not require proof of educational hours if the other state requires at least 1,200 hours of education and passage of a written examination. This provision is not applicable to applicants in the other state who received their license through an apprenticeship program.¹⁴²

The Board of Cosmetology is also required to provide by rule the continuing education requirements to maintain the cosmetology license not to exceed 16 hours biennially. Any person whose practice is confined to hair braiding, hair wrapping, or body wrapping are exempt from the continuing education requirements.¹⁴³

¹³⁵See s. 477.0132, F.S. Courses for hair braiding, hair wrapping, and body wrapping generally cost between \$75 and \$350. Examples include: 1STOPCEU.com, *Home*, available at:

<https://www.1stopceu.com/livezilla/knowledgebase.php?article=6332971e65219f8cdfc5d16d8b113c10> (last visited Feb. 4, 2020); and JT's Beauty Shop, Inc., *Florida State Certified Courses (Theory)*, available at: <http://www.jtbeautysalon.com/> (last visited Feb. 4, 2020).

¹³⁶ Section 477.019(7)(b), F.S.

¹³⁷ Section 477.025(1), F.S.

¹³⁸ Section 477.025(9), F.S.; and Fla. Admin. Code R. Ch. 61G5-20 (2019).

¹³⁹ Section 477.0263(1), F.S.

¹⁴⁰ A "special event" is defined as a wedding or fashion show in Fla. Admin. Code R. 61G5-20.0015(1) (2019).

¹⁴¹ Sections 477.0263(2) through (4), F.S.

¹⁴² Section 477.019(6), F.S.

¹⁴³ Section 477.019(7), F.S.

Effect of Proposed Changes

Section 46 of the bill amends s. 477.013(9), F.S., to expand the definition of “hair braiding” to include the weaving or interweaving of natural human hair or commercial hair, and the use of hair extensions or wefts. Under current law, the use of hair extensions or wefts is excluded from “hair braiding.”

Section 47 of the bill repeals s. 477.0132, F.S., which provides that:

- Registration is required for hair braiding, hair wrapping, and body wrapping, and requires those registrants to take specified courses approved by the Board of Cosmetology.
- Hair braiding, hair wrapping, and body wrapping are not required to be practiced in a cosmetology salon or specialty salon; and
- Disposable implements must be used, or all implements must be sanitized in a disinfectant approved for hospital use or approved by the Federal Environmental Protection Agency, when hair braiding, hair wrapping, or body wrapping is practiced outside a cosmetology salon or specialty salon.

Section 48 of the bill amends s. 477.0135, F.S., to specifically exempt a person whose occupation or practice is confined solely to hair braiding, hair wrapping, body wrapping, applying polish to fingernails and toenails, or makeup removal from registration requirements.

Section 49 of the bill amends s. 477.019(6), F.S., to delete the requirement that an applicant for licensure by endorsement submit proof of educational hours if the license was issued in a state that requires 1,200 or more hours of prelicensure education and passage of a written examination. It also deletes the exemption for persons licensed in another state who received their license through an apprenticeship program.

The bill also amends s. 477.019(7), F.S., to decrease the number of hours of continuing education required for the biennial renewal of a cosmetology license from 16 hours to 10 hours.

Section 50 of the bill amends s. 477.0201(1), F.S., effective January 1, 2021, to reduce the number of hours required for a specialist registration required under current rules.

The bill requires:

- 180 hours of training for a nail specialty (the current rule requires 240 hours);
- 220 hours of training for a facial specialty (the current rule requires 260 hours); and
- 400 hours of training, or the number of hours required to maintain minimum Pell Grant requirements, for a full specialty (the current rule requires 250 hours).¹⁴⁴

Section 51 of the bill deletes the requirement in s. 477.026(1)(f), F.S., relating to license fees for hair braiders, hair wrappers, and body wrappers.

Section 52 of the bill amends s. 477.0263(4), F.S., to delete the requirement that an appointment for a special event has to be made through a licensed salon. The bill permits a properly licensed professional to perform hair shampooing, hair cutting, hair arranging, nail polish removal, nail

¹⁴⁴ See Fla. Admin. Code R. 61G5-22 (2019).

filing, nail buffing, and nail cleaning outside of a salon when the service is performed by a licensed person.

Section 53 of the bill amends s. 477.0265, F.S., to delete a reference to body wrapping in a prohibition respecting the advertising of services.

Section 54 of the bill amends s. 477.029(1)(a), F.S., to delete the criminal penalty for hair braiders, hair wrappers, and body wrappers who offer or provide services without being licensed or registered.

Architecture and Interior Design

Present Situation

Chapter 481, Part I, F.S., governs the licensing and regulation of architects, interior designers, and related business organizations. The Board of Architecture and Interior Design, under the DBPR's Division of Professions, processes license applications, reviews disciplinary cases, and conducts informal administrative hearings relating to licensure and discipline.¹⁴⁵

The practice or offering of architectural or interior design services to the public through certain business organizations is authorized for:

- Licensees acting through a corporation, limited liability company, or partnership; or
- A corporation, limited liability company, or partnership acting through licensees as agents, employees, officers, or partners.¹⁴⁶

An architecture or interior design business corporation, limited liability company, partnership, or a person practicing under a fictitious name, which is offering architecture or interior design service to the public, must obtain a certificate of authorization prior to practicing.¹⁴⁷

Interior Design

A person may not practice interior design unless the person is a registered interior designer or otherwise exempt from the requirement to register. If holding a valid license by the Board of Architecture and Interior Design and choosing to relinquish that license or failing to renew that license, a person may not use the title "interior designer" or "registered interior designer," or words to that effect.¹⁴⁸

Section 481.203(4), F.S., defines a "certificate of registration" to mean a license issued by the DBPR to a natural person to engage in the practice of architecture or interior design.

¹⁴⁵ See s. 481.205, F.S., relating to the authority of the Board of Architecture and Interior Design. The board consists of 11 members. Five members must be registered architects; three members must be registered interior designers; and three members must be laypersons who are not, and have never been, architects, interior designers, or members of any closely related profession or occupation. At least one member of the board must be 60 years of age or older.

¹⁴⁶ Section 481.219(1), F.S.; such practice must comply with all the requirements in s. 481.219, F.S.

¹⁴⁷ Section 481.219(2)-(3), F.S.

¹⁴⁸ Sections 481.223(1)(b) and (c), F.S.

The following persons may practice interior design without a license:¹⁴⁹

- A person who performs interior design services or interior decorator services for any residential application, provided that such person does not advertise as, or represent himself or herself as, an interior designer.¹⁵⁰
- An employee of a retail establishment providing “interior decorator services” on the premises of the retail establishment or in the furtherance of a retail sale or prospective retail sale, provided that such employee does not advertise as, or represent himself or herself as, an interior designer.¹⁵¹

Applicants for an interior design license must pass a three-part national examination administered by the National Council for Interior Design Qualification (NCIDQ), at a cost of \$1,335, including the application fee. Requirements to sit for the NCIDQ, including education and experience requirements, mirror Florida’s licensure prerequisites.¹⁵²

Applicants for an architecture business certificate of authorization or interior design business certificate of authorization must pay an application fee of \$75, an unlicensed activity fee of \$5, and a biennial renewal fee of \$100.¹⁵³ A business entity has no regulatory obligations other than to obtain licensure.

Business entities, or persons operating under fictitious names, offering interior design services must also obtain a certificate of authorization. At least one principal officer or partner and all personnel who act on the business entity’s behalf in the state must be registered interior designers.¹⁵⁴

Florida is one of eight U.S. states or territories requiring interior designers to be licensed. Approximately 20 other states allow only those persons meeting statutory requirements to hold themselves out as “registered interior designers.”¹⁵⁵

Use of Seals by an Interior Designer

Section 481.221(3), F.S., authorizes the Board of Architecture and Interior Design to prescribe, by rule, one or more forms of seal to be used by licensed interior designers. Each registered interior designer must obtain a seal. All drawings, plans, specifications, or reports prepared or issued by the registered interior designer and filed for public records, and all final documents provided to the owner or the owner’s representative must be signed by the licensee, dated, and sealed with the seal. The signature, date, and seal are evidence of the authenticity of the document to which they are affixed.

¹⁴⁹ Section 481.229(6), F.S.

¹⁵⁰ Section 481.229(6)(a), F.S., provides that “residential applications” includes all types of residences, including, but not limited to, residence buildings, single-family homes, multifamily homes, townhouses, apartments, condominiums, and domestic outbuildings appurtenant to one-family or two-family residences. “Residential applications” does not include common areas associated with instances of multiple-unit dwelling applications.

¹⁵¹ Section 481.229(6)(b), F.S.

¹⁵² See Council for Interior Design Qualification, *Become NCIDQ Certified*, available at: <http://www.cidq.org>.

¹⁵³ See Fla. Admin. Code R. 61G1-17.001 and R. 61G1-17.002 (2019).

¹⁵⁴ See s. 481.219, F.S.

¹⁵⁵ Commercial Interior Design Association, *State Information*, available at: <http://advocacy.iida.org/#interiordesignlaws> (last visited Feb. 4, 2020).

Architects

A person who is licensed in another state is eligible for a professional architect license by endorsement in Florida if the person:¹⁵⁶

- Qualifies to take the licensure examination, and has passed the licensure examination or a substantially equivalent examination in another jurisdiction, and has satisfied the internship requirements set forth in s. 481.211, F.S. for architects;
- Holds a valid license to practice architecture issued by another jurisdiction of the United States, if the criteria for issuance of such license were substantially equivalent to the licensure criteria that existed in this state at the time the license was issued; or
- Has passed the licensure examination and holds a valid certificate issued by the National Council of Architectural Registration Boards, and holds a valid license to practice architecture issued by another state or jurisdiction of the United States.

Effect of Proposed Changes

Sections 55 through 69 of the bill amend part I of ch. 481, F.S., to repeal licensure requirements for interior designers and interior design businesses. In lieu of a license requirement, the bill provides a voluntary certificate or registration to practice interior design, however, a certificate of registration is not required to practice interior design.

Section 57 of the bill amends s. 481.205, F.S., to revise the membership of the Board of Architecture and Interior Design to reflect that the board's duties include receiving complaints regarding investigating and disciplining persons with a certificate of registration for the practice of interior design.

Section 58 of the bill authorizes the Board of Architecture and Interior Design to impose a nonrefundable fee of not more than \$75 for a certificate of registration and for the biennial renewal of the certificate of registration.

Section 59 of the bill amends s. 481.209, F.S., to revise the qualifications for a certificate of registration to practice interior design. The bill repeals the education and experience requirements in current law. Under the bill, to qualify for a certificate of registration, a person must submit written proof that he or she has successfully passed the qualification examination prescribed by the NCIDQ or its successor entity, or the California Council for Interior Design Certification or its successor entity, or has successfully passed an equivalent exam as determined by the department.

The bill permits a person licensed as an interior designer in good standing as of July 1, 2020, to obtain a certificate of registration as a registered interior designer.

Section 60 of the bill amends s. 481.213(3), F.S., to revise the requirements for licensure by endorsement for a professional architect license to require an applicant to complete a class approved by the Board of Architecture on the Florida Building Code.

¹⁵⁶ Section 481.213, F.S.

The bill creates s. 481.213(8), F.S., to provide that a person who performs residential interior design services or interior decorator services is not required to hold a certificate of registration for interior design. The bill repeals s. 481.223(1)(b), F.S., which requires registration as a condition to practice interior design, unless the person is subject to an exemption from the registration requirement.

Sections 61 and 65 of the bill amend ss. 481.2131(1) and 481.221, F.S., respectively, to revise the requirements for seals used by a registered interior designer. Under the bill, if interior design documents are submitted for a building permit by an individual performing interior design services who is not a licensed architect, the documents must include a seal issued by the DBPR.

Additionally, the bill amends s. 481.221, F.S., to change the authority to require that the form of the seal for architects and interior designers be prescribed by rule of the DBPR instead of by rule of the Board of Architecture and Interior Design.

Section 62 of the bill amends s. 481.215(5), F.S., to require architects and registered interior designers to complete two hours in specialized or advanced courses on any portion of the Florida Building Code, and provides that such hours count towards the continuing education requirement.

Section 63 of the bill provides procedures for revocation of a registration.

Section 64 of the bill amends s. 481.219, F.S., to delete the requirement that architects and interior designers obtain a separate business license (certificate of authorization) in addition to an individual license. The bill provides that architects must qualify their business organizations (and disclose operations under a fictitious name) through their individual licenses.

Architects who act as qualifying agents must inform the DBPR of any change in their relationship with the qualified business, and if that qualifying agent is the business's only qualifying agent, the business has 60 days to obtain a replacement qualifying architect. If a business does not have a qualifying agent, it may not engage in the practice of architecture, unless the executive director or chair of the Board of Architecture authorizes another registered architect or interior designer employed by the business organization to temporarily serve as its qualifying agent for no more than 60 days.

Regarding interior designers, the current law provision in s. 481.219(7), F.S., which provides that an interior designer who signs and seals the interior design drawings, plans, or specifications is liable for professional services performed, is not amended by the bill to remove the statutory liability.

Section 65 of the bill amends ss. 481.221, F.S., to revise the requirements relating to seals used by architects and interior designers.

The bill amends s. 481.221(10), F.S., to require each business organization to include the license number of the registered architect who serves as the qualifying agent for that business organization in any newspaper, telephone directory, or other advertising medium used by the

business organization. The bill does not require that a registered interior designer include his or her license number in such advertisements for a business organization.

The bill retains the requirement in current law that an architect must include his or her license number in in any newspaper, telephone directory, or other advertising medium used by the architect. The bill removes the requirement in current law for a registered interior designer to include his or her license number in such advertisements.

Section 66 of the bill provides that a person not registered as an interior designer may use the title “interior designer” or “interior design firm.”

Section 67 amends s. 481.2251, F.S., to revise the requirements for disciplinary proceedings against registered interior designers. The bill replaces the term “license” with the term “register.” In place of suspension or revocation of a license, the bill authorizes the Board of Architecture and Interior Design to remove a registered interior designer from the registry for a violation of any of the prohibited acts listed in s. 481.2251, F.S. The bill repeals several grounds for disciplinary action by the board, and the grounds for denial of a registration, including:

- Failing to report to the board that a person is violating part I of ch. 481, F.S., or rule of the board, or an order of the board;
- Failing to perform a statutory or legal obligation; and
- Accepting compensation from someone other than a client without full disclosure to the client.

The bill reduces the applicable fines payable by an interior designer from \$1000 to \$500 for each violation or separate offense. The bill also reduces the fine for a violation of the Florida Building Code by an interior designer from \$5,000 to \$2,500.

Section 68 of the bill amends s. 481.229(6), F.S., to repeal the exemption from the application of part I of ch. 481, F.S., for persons who perform interior design services or interior decorator services for residential applications.

Section 96 of the bill amends s. 558.002, F.S., to replace the reference to a licensed interior designer with the term “registered interior designer” in the definition of the term “design professional” under ch. 558, F.S., for resolving construction defects.

Landscape Architecture Business Organization

Present Situation

Part II of ch. 481, F.S., governs the licensing and regulation of landscape architects and related business organizations in Florida. The Board of Landscape Architecture, under the DBPR’s Division of Professions, processes license applications, reviews disciplinary cases, and conducts informal administrative hearings relating to licensure and discipline.

A person may not knowingly practice landscape architecture¹⁵⁷ unless the person holds a valid license issued pursuant to part II of ch. 481, F.S.¹⁵⁸ A corporation or partnership is permitted to offer landscape architectural services to the public, subject to the provisions of part II of ch. 481, F.S., if:

- One or more of the principals of the corporation, or partners in the partnership, are registered landscape architects;
- One or more of the officers, directors, or owners of the corporation, or one of more of the partners of the partnership are registered landscape architects; and
- The corporation or partnership has been issued a certificate of authorization by the board.¹⁵⁹

In order to be licensed as a landscape architect, a person must:

- Complete a landscape architecture degree program approved by the Landscape Architectural Accreditation Board, or have six years of practical experience, with some credit available for education credits;¹⁶⁰
- Pass the nationally recognized Landscape Architecture Registration Examination (LARE);¹⁶¹ and
- Have two years of practical experience, not including any experience used to qualify to take the examination.¹⁶²

A person who is licensed in another state is eligible for a landscape architecture license by endorsement in Florida if they:¹⁶³

- Have graduated from an approved program or have related experience, have an additional year of practical experience, and have passed a licensing examination which is substantially equivalent to the LARE; or
- Hold a valid license to practice landscape architecture issued by another state or territory of the United States, if the criteria for issuance of such license were substantially identical to the licensure criteria which existed in Florida at the time the license was issued.

If an applicant for a license by endorsement has been licensed for at least five years in another jurisdiction without disciplinary history, the additional year of practical experience is not required.¹⁶⁴

Applicants for a landscape architecture business certificate of authorization must pay an application fee and initial licensure fee of \$200, an unlicensed activity fee of \$5, and a biennial renewal fee of \$337.50.¹⁶⁵ A business entity has no regulatory obligations other than to obtain

¹⁵⁷ The term “landscape architecture” includes but is not limited to the determination of building settings, drainage, and contouring of land and water forms, and other activities including design in connection with land development for the preservation, conservation, enhancement, or determination of proper land uses, natural features, or naturalistic and aesthetic values. *See* s. 481.303(6)(a)-(d), F.S., relating to the professional services included in landscape architecture.

¹⁵⁸ Section 481.323(1)(a), F.S.

¹⁵⁹ Section 481.319(1), F.S.

¹⁶⁰ Section 481.309(1)(b), F.S.

¹⁶¹ Fla. Admin. Code R. 61G10-11.001 (2019).

¹⁶² Section 481.310, F.S.

¹⁶³ Section 481.311(3), F.S.

¹⁶⁴ Fla. Admin. Code R. 61G10-11.004(2)(e) (2019).

¹⁶⁵ *See* Fla. Admin. Code R. 61G10-12.002 (2019).

licensure and notify the DBPR within one month of any change in the information contained in its license application.¹⁶⁶

Effect of Proposed Changes

Sections 70 through 77 of the bill amend part II of ch. 481, F.S., to remove the requirement that landscape architects obtain a separate business license (certificate of authorization) in addition to an individual license. The bill provides that landscape architects must qualify their business organizations (and disclose operations under a fictitious name) through their individual licenses.

The bill repeals the DBPR's authority to issue a certificate of authorization to an applicant wishing to practice as a corporation or partnership offering landscape architectural services. Further, the bill repeals the Board of Landscape Architecture'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 one 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 part II of ch. 481, F.S., if:

- One or more of the principals of the corporation, or partners in the partnership, and all of the personnel of the business organization who act on its behalf as landscape architects are registered landscape architects; and
- One or more of the officers, directors, or owners of the corporation, or one or more of the partners of the partnership are registered landscape architects.

Under the bill, landscape architects who qualify as a business organization must inform the DBPR within one month after any change in the information in the license application for the qualified business. All landscape architects must notify the DBPR of termination of employment with a licensed business organization within one month after the termination.

Section 71 of the bill amends s. 481.310, F.S., to provide that an applicant who holds a master's degree in landscape architecture and a bachelor's degree in a related field does not have to demonstrate one year of practical experience in landscape architecture to qualify for licensure.

Section 72 of the bill amends s. 481.311(3), F.S., to provide that a person is eligible for a license by endorsement if they hold a valid license to practice landscape architecture in another state or territory of the United States.

The bill removes the requirements for licensure by endorsement requiring the applicant to have:

- Been licensed in the other jurisdiction for at least 10 years; and
- Passed a licensing examination which is substantially equivalent to the examination required in Florida.

Section 73 amends s. 481.313, F.S., to authorize landscape architects to receive hour-for-hour credit for certain approved continuing education courses approved by the Landscape Architecture Continuing Education System or another nationally recognized clearinghouse for

¹⁶⁶ See s. 481.319(4), F.S.

continuing education. To obtain continuing education credit, a licensed landscape architect must submit proof satisfactory to the Board of Landscape Architecture that the course is approved by the continuing education clearinghouse, including a syllabus or outline of the course and proof of actual attendance.

Section 74 amends s. 481.317(2), F.S., to delete the provision allowing the issuance of a temporary certificate of authorization.

Section 75 of the bill deletes s. 481.319(5), F.S., which provides that disciplinary action against a corporation or partnership is to be administered similar to disciplinary action against a registered landscape architect. Under current law, practicing landscape architecture through a corporation or partnership does not relieve a landscape architect from personal liability for professional acts, unless otherwise agreed by contract.¹⁶⁷

Construction Contractors

Present Situation

Construction contractors are regulated by part I of ch. 489, F.S., and licensed by the Construction Industry Licensing Board (CILB).

In order to become a construction contractor, an applicant for a license by examination must:¹⁶⁸

- Be of good moral character;
- Be at least 18 years of age;
- Successfully pass the certification examination; and
- Meet eligibility requirements according to a combination of education and experience as approved by the board, which must include at least one year of related experience.

If an applicant wishes to use test scores from a previous examination to qualify for another license type, the examination score used must be from a portion of the examination taken within four years from the date of the most recently passed portion of the examination.¹⁶⁹

A person who is licensed in another state is eligible for a license by endorsement in Florida if the:

- Criteria for issuance of such license were substantially equivalent to Florida's current certification criteria; or
- State or territory has entered into a reciprocal agreement with the board for the recognition of contractor licenses issued in that state, based on criteria for the issuance of such licenses that are substantially equivalent to the criteria for certification in this state.¹⁷⁰

An unlicensed person may perform work that falls under the scope of contracting if it is casual, minor, or inconsequential in nature, and the aggregate contract price for all labor and materials is less than \$1,000, subject to certain requirements. This is generally called the "handyman

¹⁶⁷ See s. 481.319(6), F.S., and s. 558.0035, F.S.

¹⁶⁸ Sections 489.111(2)(c)1. through 3., F.S.

¹⁶⁹ Fla. Admin. Code R. 61G4-16.005 (2019).

¹⁷⁰ Section 489.115(3), F.S.

exception.” The “handyman exception” was enacted in 1979, and the contractual amount to fit within the exception has not been updated since.¹⁷¹

Effect of Proposed Changes

Section 78 amends s. 489.103(9), F.S., to increase the maximum contract¹⁷² price for the “handyman exception” from \$1,000 to \$2,500.

Sections 79 and 80 amends ss. 489.111(2)(c), and 489.113(1) F.S., respectively, to exempt a person with a four-year baccalaureate degree in building construction and a GPA of 3.5 or higher from the requirement to successfully complete the construction contractor’s license examination.

Section 489.111(2)(c), F.S., eliminates the need for applicants to retake the examination to upgrade an existing residential, building, air conditioning, or swimming pool license if they have previously passed the required examination.

The bill clarifies that a licensure examination passage does not expire and may be used at any time to qualify for another license.

Section 81 creates s. 489.115(3)(d), F.S., to allow an applicant to qualify for a license by endorsement if the applicant has:

- Held a valid license to practice the same type of construction contracting in another state or territory for at least 10 years before the date of application;
- Complied with workers’ compensation requirements, provided proof of the financial health of their business organization, and submitted fingerprints for the required criminal background check; and
- Completed an approved four hour continuing education course on the Florida Building Code, as well as a one hour course on the laws and rules of contracting in Florida.

The bill authorizes the CILB to consider whether an applicant for licensure by endorsement has had licenses to practice revoked, suspended, or was otherwise acted against by the licensing authority of another state, territory, or country. Under the bill, an application for a license by endorsement must be made either when the applicant’s license in another state or territory is active or within two years after such license was last active.

The bill requires an applicant for licensure by endorsement for a Division I contractor’s license or a roofing contractor’s license to complete a two-hour course in the Florida Building Code which includes information on wind mitigation techniques. The course may be completed online.

Electrical Contractors

Present Situation

Electrical and alarm system contractors are regulated by part II of ch. 489, F.S., and licensed by the Electrical Contractors’ Licensing Board (ECLB).

¹⁷¹ Section 489.103(9), F.S.

¹⁷² This includes labor and materials.

In order to become an electrical contractor or alarm system contractor, a person must submit an application to the DBPR and must:

- Be at least 18 years of age;
- Be of good moral character;
- Successfully pass the certification examination; and
- Meet eligibility requirements according to a combination of education and experience as approved by the ECLB.¹⁷³

Electrical contractors and burglar alarm contractors must complete 14 hours of continuing education every two years for license renewal. Such continuing education must include at least seven hours on technical subjects, one hour on workers' compensation, one hour on workplace safety, one hour on business practices, and for alarm system contractors and electrical contractors engaged in alarm system contracting, two hours on false alarm prevention.¹⁷⁴

A person who is licensed in another state is eligible for a license by endorsement in Florida if the:

- Criteria for issuance of such license was substantially equivalent to Florida's current certification criteria; or
- State or territory has entered into a reciprocal agreement with the ECLB for the recognition of contractor licenses issued in that state, based on criteria for the issuance of such licenses that are substantially equivalent to the criteria for certification in Florida.

Only examinations from North Carolina, California, and Georgia have been found to be substantially similar to Florida's examination.¹⁷⁵

A "burglar alarm system agent" means a person:

- Who is employed by a licensed alarm system contractor or licensed electrical contractor; and
- Whose specific duties include any of the following activities of alarm system contracting: altering, installing, maintaining, moving, repairing, replacing, servicing, selling, or monitoring an intrusion or burglar alarm system for compensation.¹⁷⁶

Before an electrical contractor or alarm system contractor may employ an agent, the agent must complete a minimum of 14 hours of training from an ECLB-approved provider, which includes basic alarm system electronics in addition to related training including CCTV and access control training, with at least two hours of training in the prevention of false alarms.¹⁷⁷

¹⁷³ Sections 489.511(1)(a) and (b), F.S.

¹⁷⁴ Section 489.517(4), F.S.

¹⁷⁵ Department of Business and Professional Regulation, *Certified Electrical Contractor – Endorsement*, available at: https://www.myfloridalicense.com/CheckListDetail.asp?SID=&xactCode=1023&clientCode=0801&XACT_DEFN_ID=3688 (last visited Feb. 4, 2020).

¹⁷⁶ Section 489.505(25), F.S.

¹⁷⁷ Section 489.518(1)(b), F.S.

Effect of Proposed Changes

Section 82 amends s. 489.511(5), F.S., to allow an applicant to qualify for a license by endorsement if the applicant has:

- Held a valid license to practice electrical or alarm system contracting in another state or territory for at least 10 years before the date of application;
- Complied with workers' compensation requirements, provided proof of the financial health of their business organization, and is of good moral character; and
- Completed an approved four hour continuing education course on the Florida Building Code, as well as a one hour course on the laws and rules of electrical and alarm system contracting in Florida.

Under the bill, an application for a license by endorsement must be made either when the applicant's license in another state or territory is active or within two years after such license was last active.

The bill requires an applicant for licensure by endorsement for an electrical contractor's license to complete a two-hour course on the Florida Building Code which includes information on wind mitigation techniques. The course may be completed online.

Section 83 amends s. 489.517, F.S., to reduce the number of hours of continuing education that specialty and alarm system contractors must complete during each biennial license period from 14 hours to seven hours. The bill also reduces the number of hours of continuing education that must be devoted to technical subjects from seven hours to one hour.

The bill provides that for licensed specialty contractors or alarm system contractors, of the required seven classroom hours of continuing education, at least one hour must be on technical subjects, one hour must be on workers' compensation, one hour must be on workplace safety, one hour must be on business practices, and two hours must be on false alarm prevention.

The bill adds a requirement that each certificateholder or registrant licensed as an electrical contractor must provide proof that they have completed 11 classroom hours of at least 50 minutes each of continuing education every two years since the issuance or renewal of the certificate of registration.

The bill provides that for licensed electrical contractors, of the required 11 classroom hours of continuing education, at least seven hours must be on technical subjects, one hour must be on workers' compensation, one hour must be on workplace safety, and one hour must be on business practices. Additionally, electrical contractors engaged in alarm system contracting must also complete two hours on false alarm prevention.

Section 84 amends s. 489.518(1)(b), F.S., to allow a burglar alarm system agent to complete their required 14 hour training course within 90 days after employment by an electrical or alarm system contractor.

Professional Geology

Present Situation

A person must be licensed as a professional geologist by the Board of Professional Geologists to practice geology in Florida, which includes performing, or offering to perform, geological services, including consultation, investigation, evaluation, planning, and geologic mapping.¹⁷⁸

In order for a person licensed by another state as a professional geologist to be eligible for licensure by endorsement in Florida, an applicant must:

- Be at least 18 years of age;
- Not have committed any act or offense which would constitute the basis for disciplining a Florida professional geologist;
- Have graduated with a degree in geology, or other degree acceptable to the board with at least 30 semester hours or 45 quarter hours of geological coursework;
- Have at least five years of professional geological work experience;
- Have an active license in good standing in a jurisdiction of the United States;
- Have passed an examination which has been approved by the board as substantially equivalent to or more stringent than those of Florida; and
- Have successfully passed the laws and rules examination.¹⁷⁹

However, the DBPR may not issue a license to any applicant who is under investigation in any jurisdiction for an offense which would constitute a violation of the practice act.¹⁸⁰

A firm, corporation, or partnership may offer geology services to the public, if the business organization has:

- Filed with the Board of Professional Geologists the name and license number of its affiliated licensed geologists;
- Been issued a certification of authorization by the DBPR;
- A license geologist date, sign, and seal all final geological documents prepared or approved for the entity's use; and
- Filed an application with the DBPR.¹⁸¹

A professional geologist is not relieved of personal liability due to practicing as a business organization.¹⁸²

Any change in the business operating relationship between the business organization and the qualifying geologist must be reported to the DBPR within 30 days.

¹⁷⁸ Section 492.102(7), F.S.

¹⁷⁹ Section 492.105(1), F.S.

¹⁸⁰ Section 492.105(3), F.S.

¹⁸¹ Section 492.111, F.S.

¹⁸² *Id.*

Applicants for a geology business certificate of authorization must pay an application fee of \$350 and a biennial renewal fee of \$350.¹⁸³ There are no additional requirements to be met by the business entity, such as an inspection requirement.

Effect of Proposed Changes

Sections 85 through 89 of the bill repeal all provisions that require a certificate of authorization to practice geology through a business organization. A professional geologist may continue to practice through a business organization.

Section 86 amends s. 492.108(1), F.S., to allow a person licensed in another state to qualify for licensure by endorsement if the applicant has:

- A valid license to practice geology in another state, trust, territory, or possession of the United States for at least 10 years before the date of application; and
- Successfully completed a state, regional, national, or other examination that is equivalent to or more stringent than the Florida examination.

If the applicant has met the requirements for a license by endorsement but has not successfully completed an examination that is equivalent to or more stringent than the examination required by the board, the applicant may choose to take the examination required by the board.

The bill requires an application for a license by endorsement must be made either when the applicant's license in another state or territory is active or within two years after such license was last active.

Public Food Service Establishments

Present Situation

Section 509.013(5)(a), F.S., defines the term "public food service establishment" to mean:

...any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption.

The Division of Hotels and Restaurants within the DBPR is the state agency charged with enforcing the provisions of part I of ch. 509, F.S., and all other applicable laws relating to the inspection and regulation of public food service establishments for the purpose of protecting the public health, safety, and welfare.

There are several exclusions from the definition of public food service establishment, including:¹⁸⁴

¹⁸³ Fla. Admin. Code R. 61G16-3.001 (2019).

¹⁸⁴ Section 509.013(5)(b), F.S.

- Any place maintained and operated by a public or private school, college, or university for the use of students and faculty or temporarily to serve events such as fairs, carnivals, and athletic contests;
- Any eating place maintained and operated by a church or a religious, nonprofit fraternal, or nonprofit civic organization for the use of members and associates or temporarily to serve events such as fairs, carnivals, or athletic contests;
- Any eating place located on an airplane, train, bus, or watercraft which is a common carrier;
- Any eating place maintained by a facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families;¹⁸⁵
- Any place of business issued a permit or inspected by the Department of Agriculture and Consumer Services under s. 500.12, F.S.;
- Any place of business serving only ice, beverages, popcorn, and prepackaged items;
- Any vending machine that dispenses any food or beverage other than potentially hazardous foods;¹⁸⁶ and
- Any research and development test kitchen limited to the use of employees and not open to the general public.

Effect of Proposed Changes

Section 90 of the bill creates s. 509.102, F.S, to preempt the regulation of mobile food dispensing vehicles (food trucks) to the state. The bill prohibits local government from requiring a separate license, registration, or permit to operate a food truck, or payment of fees for a license, registration, or permit. Also, a local government may not prohibit food trucks from operating within the entirety of the government's jurisdiction. The bill clarifies that the authority of local governments to regulate the operation of food trucks is not affected, except that local governments may not require a separate license, registration, or permit to operate a food truck, or require payment of fees for a license, registration, or permit.

State Boxing Commission

Present Situation

Chapter 548, F.S., provides for the regulation of professional and amateur boxing, kickboxing,¹⁸⁷ and mixed martial arts¹⁸⁸ by the Florida State Boxing Commission (commission), which is assigned to the DBPR for administrative and fiscal purposes.¹⁸⁹

¹⁸⁵ Other similar food service establishments are regulated under s. 381.0072, F.S.

¹⁸⁶ Vending machines located in a facility regulated under s. 381.0072, F.S. that dispense potentially hazardous foods are also excluded from the definition.

¹⁸⁷ The term "kickboxing" means the unarmed combat sport of fighting by striking with the fists, hands, feet, legs, or any combination, but does not include ground fighting techniques. *See* s. 548.002(12), F.S.

¹⁸⁸ The term "mixed martial arts" means the unarmed combat sport involving the use of a combination of techniques, including, but not limited to, grappling, kicking, striking, and using techniques from martial arts disciplines, including, but not limited to, boxing, kickboxing, Muay Thai, jujitsu, and wrestling. *See* s. 548.002(16), F.S.

¹⁸⁹ *See* s. 548.003(1), F.S.

The commission has exclusive jurisdiction over every boxing, kickboxing, and mixed martial arts match held in Florida¹⁹⁰ that involves a professional.¹⁹¹ Professional matches held in Florida must meet the requirements set forth in ch. 548, F.S., and the rules adopted by the commission.¹⁹² Chapter 548, F.S. does not apply to certain professional or amateur “martial arts,” such as karate, aikido, judo, and kung fu; the term “martial arts” is distinct from and does not include “mixed martial arts.”¹⁹³

However, in regards to amateur matches, the commission’s jurisdiction is limited to the approval, disapproval, suspension of approval, and revocation of approval of all amateur sanctioning organizations for amateur boxing, kickboxing, and mixed martial arts matches held in Florida.¹⁹⁴ Amateur sanctioning organizations are business entities organized for sanctioning and supervising matches involving amateurs.¹⁹⁵ During Fiscal Year 2018-2019, of the 137 amateur events in Florida, the Division of Regulation in the DBPR conducted 35 checks for compliance with health and safety standards and proper supervision of the events.¹⁹⁶

Under current law, certain persons providing certain services for a match involving a professional competing in a boxing, kickboxing, or mixed martial arts match must be licensed by the commission before directly or indirectly performing those services. Licensing is mandated for a participant, manager, trainer, second, timekeeper, referee, judge, announcer, physician, matchmaker, or promoter.¹⁹⁷

In Fiscal Year 2018-2019, the commission issued licenses to eight announcers and 11 timekeepers.¹⁹⁸

Effect of Proposed Changes

Sections 91 and 92 of the bill amend ss. 548.003(2) and 548.017, F.S., respectively, to eliminate the licensure requirement for persons serving as timekeepers and announcers for a match involving a participant.

¹⁹⁰ See s. 548.006(1), F.S.

¹⁹¹ The term “professional” means a person who has “received or competed for a purse or other article of a value greater than \$50, either for the expenses of training or for participating in a match. See s. 548.002(19), F.S.

¹⁹² See s. 548.006(4), F.S.

¹⁹³ See s. 548.007(6), F.S., and see *supra* note 149 for the definition of “mixed martial arts.”

¹⁹⁴ See s. 548.006(3), F.S.

¹⁹⁵ Section 548.002(2), F.S.

¹⁹⁶ See Department of Business and Professional Regulation, *Florida State Boxing Commission Annual Report, Fiscal Year 2017-2018*, available at: http://www.myfloridalicense.com/dbpr/os/documents/Boxing18_19.pdf at p. 6. (last visited on Feb. 4, 2020).

¹⁹⁷ The term “participant” means a professional competing in a boxing, kickboxing, or mixed martial arts match. See s. 548.002, F.S., for the definitions of “participant,” “manager,” “second,” “judge,” “physician,” “matchmaker,” and “promoter.” The terms “trainer,” “timekeeper,” “referee,” and “announcer” are not defined in ch. 548, F.S.

¹⁹⁸ *Supra*, note 156.

Florida Building Commission

Present Situation

In 2000, the Legislature authorized implementation of the first statewide Florida Building Code (code), which replaced all local building codes.¹⁹⁹

The Florida Building Commission (Commission) was created to implement the code. The Commission, which is housed within the DBPR, is a 27-member technical body responsible for the development, maintenance, and interpretation of the code. The Commission also approves products for statewide acceptance. Members are appointed by the Governor and confirmed by the Senate, and include design professionals, contractors, and government experts in the various disciplines covered by the code. Members, who must be able to do business in the state and must be actively engaged in the designated profession, include the following.²⁰⁰

- One architect;
- One structural engineer;
- One air-conditioning or mechanical contractor;
- One electrical contractor;
- One member from fire protection engineering or technology;
- One general contractor;
- One plumbing contractor;
- One roofing or sheet metal contractor;
- One residential contractor;
- Three members who are municipal or district code enforcement officials, one of whom is also a fire marshal;
- One member who represents the Department of Financial Services;
- One member who is a county codes enforcement official;
- One member of a Florida-based organization of persons with disabilities or a nationally chartered organization of persons with disabilities with chapters in the state;
- One member of the manufactured buildings industry;
- One mechanical or electrical engineer;
- One member who is a representative of a municipality or a charter county;
- One member of the building products manufacturing industry;
- One member who is a representative of the commercial building owners and managers industry;
- One member who is a representative of the insurance industry;
- One member who is a representative of public education;
- One member who is a swimming pool contractor;
- One member who is a representative of the green building industry and who is a third-party commission agent, a Florida board member of the United States Green Building Council or Green Building Initiative, a professional who is accredited under the International Green Construction Code (IGCC), or a professional who is accredited under Leadership in Energy and Environmental Design (LEED);

¹⁹⁹ Chapter 2000-141, Laws of Fla.

²⁰⁰ Section 553.74, F.S.

- One member who is a representative of a natural gas distribution system;
- One member who is a representative of the Department of Agriculture and Consumer Services' Office of Energy; and
- One member who is the chair.²⁰¹

The Commission has 11 Technical Advisory Committees (TAC) ranging from the building structural TAC to the swimming pool TAC.²⁰² The TACs are made up of commission members and other parties who advise the commission on declaratory statements, proposed amendments, and any other areas of interest of the commission.²⁰³

Effect of Proposed Changes

Section 94 of the bill amends s. 553.74, F.S., to reduce the number of members on the Commission from 27 members to 19 members. The bill:

- Requires the one architect member to be licensed pursuant to ch. 481, F.S., with at least 5 years of experience in the design and construction of buildings containing Code designated for Group E or Group I occupancies;²⁰⁴
- Allows a certified mechanical engineer or mechanical contractor as options in place of the member who is an air-conditioning contractor or mechanical contractor member to be a mechanical engineer.
- Allows the one electrical contractor member to be an electrical contractor or an electrical engineer and includes the Florida Engineering Society in the list of groups encouraged to recommend candidates for appointment;
- Allows the one general contractor member to be a certified general contractor or a certified building contractor;
- Allows the one general contractor member to be a certified general contractor or a certified building contractor, and includes the Florida Home Builders Association in the list of associations that are encouraged to recommend a candidate for consideration as the member representing the contractor profession; and
- Requires the one member representing a Florida-based organization of persons with disabilities or a nationally chartered organization of persons with disabilities with chapters in the state to be compliant with, or be certified compliant with, the requirements of the Americans with Disability Act of 1990, as amended.

The bill removes the following types of members from the current membership of the Commission:

²⁰¹ The chair is appointed by the Governor.

²⁰² Department of Business and Professional Regulation, *Florida Building Code Online*, available at: https://www.floridabuilding.org/c/c_commission.aspx (last visited on Feb. 4, 2020).

²⁰³ *Id.*

²⁰⁴ Group E occupancy relates to buildings and structures or portions thereof occupied by more than five children older than two and one-half years of age who receive educational, supervision, or personal care services for fewer than 24 hours per day, such as daycare facilities. Group I occupancy relates to the use of a building or structure, or a portion thereof, in which care or supervision is provided to persons who are or are not capable of self-preservation without physical assistance, e.g., hospitals, nursing homes, and foster care facilities, or in which persons are detained for penal or correctional purposes or in which the liberty of the occupants is restricted, e.g., correctional institutions. See Chapter 3, 2017 Florida Building Code - Building, Sixth Edition, available at: <https://up.codes/viewer/florida/fl-building-code-2017/chapter/3/use-and-occupancy-classification#308> (last visited Feb. 4, 2020).

- One member from fire protection engineering or technology;
- One member who represents the Department of Financial Services;
- One member who is a county codes enforcement official;
- One member who is a registered mechanical or electrical engineer;
- One member who is a representative of a municipality or charter county;
- One member who is a representative of public education;
- One member who is a representative of the Department of Agriculture and Consumer Services' Office of Energy; and
- One member who is solely the chair.

The amendments to the composition of the Florida Building Commission in s. 553.5141, F.S., take effect January 1, 2021.

Other Conforming Provisions

Section 97 amends s. 287.055, F.S., relating to the acquisition of professional services offered by “design-build firms” to state agencies, to delete the references to certified engineering and architectural business organizations, and to reference such business organizations as qualified rather than certified.

Effective Date

The bill provides an effective date of July 1, 2020, unless otherwise provided in the bill.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

The bill amends s. 481.203(13), F.S., to delete the licensure requirement in the definition of a “registered interior designer.” Section 481.207, F.S., amends the maximum amount of the initial application and examination fee for registered interior designers from \$775 to \$75 and the biennial renewal fee from \$500 to \$75.²⁰⁵ Since the definition of who is a registered interior designer has changed, this could be construed as a new fee for some

²⁰⁵ Rule 61G1-17.002, F.A.C. The current application and initial licensure fee for interior designers is \$30 and \$100 for the biennial renewal fee.

individuals and a separate fee bill may be needed pursuant to Article VII, section 19 of the Florida Constitution.

To the extent the bill imposes a fee while addressing other subjects, the bill may be unconstitutional as a violation the single-subject requirement for the imposition, authorization, or raising of a state tax or fee under Article VII, section 19 of the Florida Constitution. Under that section, a “state tax or fee imposed, authorized, or raised under this section must be contained in a separate bill that contains no other subject.” A “fee” is defined by the Florida Constitution to mean “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”²⁰⁶

E. Other Constitutional Issues:

The bill amends s. 481.203(13), F.S., to delete the licensure requirement in the definition of a “registered interior designer.” Section 481.207, F.S., amends the maximum amount of the initial application and examination fee for registered interior designers from \$775 to \$75 and the biennial renewal fee from \$500 to \$75.²⁰⁷ Since the definition of who is a registered interior designer has changed, this could be construed as a new fee for some individuals and a separate fee bill may be needed pursuant to Article VII, Section 19 of the Florida Constitution.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

According to the Department of Business and Professional Regulation (DBPR), the bill would result in a reduction of license fees, license renewal fees, and unlicensed activity fees paid by the private sector to the Division of Professions of approximately \$1,146,785 in Fiscal Year 2020-2021, \$411,268 in Fiscal Year 2021-2022, and \$1,282,485 in Fiscal Year 2022-2023.²⁰⁸

The fees received from the licensure of business agents and labor organizations will be eliminated, reducing expenditures by approximately \$830 annually.²⁰⁹

The Division of Condominiums, Timeshares, and Mobile Homes (Yacht and Ship Brokers) of the DBPR estimates that the bill will result in a reduction of license and license renewal fees paid by the private sector of approximately \$5,900 in Fiscal Year 2020-2021, \$7,500 in Fiscal Year 2021-2022, and \$9,100 in Fiscal Year 2022-2023.²¹⁰

²⁰⁶ FLA. CONST. art. VII, s. 19(d)(1)

²⁰⁷ Rule 61G1-17.002, F.A.C. The current application and initial licensure fee for interior designers is \$30 and \$100 for the biennial renewal fee.

²⁰⁸ E-mail from Colton Madill, Deputy Legislative Affairs Director, Florida Department of Business and Professional Regulation (Feb. 21, 2020) (on file with the Senate Committee on Appropriations).

²⁰⁹ *Id.*

²¹⁰ *Id.*

The DBPR estimates that the bill will result in a reduction of license and license renewal fees paid by the private sector to the Florida State Boxing Commission of approximately \$1,000 annually.²¹¹

B. Private Sector Impact:

The bill has an indeterminate positive fiscal impact for the private sector. The bill provides for the portability of Florida licensure by requiring reciprocity with states with similar requirements. The impact will vary, depending on how many licensees are provided licensure through reciprocity.

The bill has a positive fiscal impact on fees paid by the private sector. Over the next three fiscal years (Fiscal Year 2020-2021 to Fiscal Year 2022-2023), the estimated reduction totals \$2,868,528 as follows:²¹²

Professions: A reduction in license fees, license renewal fees, and unlicensed activity fees of approximately \$1,146,785 in Fiscal Year 2020-2021, \$411,268 in Fiscal Year 2021-2022, and \$1,282,485 in Fiscal Year 2022-2023.

The fees received from the licensure of business agents and labor organizations will be eliminated, reducing expenditures by approximately \$830 annually.²¹³

Condominiums: (Yacht and Ship Brokers) A reduction of approximately \$5,900 in Fiscal Year 2020-2021, \$7,500 in Fiscal Year 2021-2022, and \$9,100 in Fiscal Year 2022-2023.

Boxing Commission: A reduction of approximately \$1,000 annually.

Specifically, the bill:

- Eliminates license or registration costs for hair braiders, hair wrappers, body wrappers, labor organizations, and boxing timekeepers and announcers. The bill also increases from \$1,000 to \$2,500 the minimum cost of labor and materials for a construction handymen to qualify for the exemption from licensure requirements.
- Eliminates business license costs for architects and interior designers, and landscape architects.
- Eliminates the requirement that yacht and ship brokers must have a separate license for each branch office.
- Eliminates mandatory licensing costs for interior designers who provide interior design services for commercial applications.
- Reduces pre-licensure and continuing education costs for architects, barbers, cosmetologists, nail specialists, facial specialists, full specialists, and electrical and alarm contractors. The DBPR states the specific pre-licensure and continuing

²¹¹ *Id.*

²¹² *Id.*

²¹³ *Id.*

education cost savings to these licensees are difficult to determine, but anticipates costs to be reduced by one-third to one-half of current fees.

C. Government Sector Impact:

According to the DBPR, the elimination of professional licensing requirements contained in CS/CS/CS/SB 474 is anticipated to reduce state government revenues by \$2,868,528 over the next three fiscal years (Fiscal Year 2020-2021 to Fiscal Year 2022-2023).²¹⁴ Specifically:²¹⁵

- Professions: a reduction of license fees, license renewal fees and unlicensed activity fees of approximately \$1,146,785 in Fiscal Year 2020-2021, \$411,268 in Fiscal Year 2021-2022, and \$1,282,485 in Fiscal Year 2022-2023.
- Regulation: the business agent and labor organization license fee reduction is anticipated to be \$830 annually.
- Boxing Commission: a revenue reduction of approximately \$1,000 annually.
- Condominiums, Timeshares, and Mobile Homes (Yacht and Ship Brokers): Revenue reduction of approximately \$5,900 in Fiscal Year 2020-2021, \$7,500 in Fiscal Year 2021-2022, and \$9,100 in Fiscal Year 2022-2023.²¹⁶

According to the DBPR, the elimination of the business and individual license and renewal costs for interior designers will result in a reduction of \$439,775 in FY 2020-2021, \$5,390 in FY 2021-2022, and \$455,945 in FY 2022-2023. However, the increase of revenue as a result of the new fees for a certificate of registration to practice interior design and biennial renewals are estimated to be \$249,725 in FY 2020-2021, \$3,325 in FY 2021-2022, and \$257,325 in FY 2022-2023. The net of the revenue reduction is included in the total state government revenue reductions for professions listed above.

As a result of the revenue reduction, there will be a reduction in the eight percent service charge to General Revenue of approximately \$92,361 in Fiscal Year 2020-2021, \$33,648 in Fiscal Year 2021-2022, and \$103,473 in Fiscal Year 2022-2023.

The bill will result in a reduction of expenditures related to the reduced workload because of the deregulation of entities currently regulated by the DBPR in an amount of \$89,620 over the next three fiscal years (\$28,240 in FY 2020-2021, \$30,440 in FY 2021-2022, and \$30,940 in FY 2022-2023).²¹⁷

The Bureau of Education and Testing (Bureau) in the DBPR also indicates that the bill will have a minimal impact on its workload, although some examination content may require updating; such updating is a part of the Bureau's standard procedure to address statutory changes.²¹⁸

²¹⁴ *Id.*

²¹⁵ *Id.*

²¹⁶ *Id.*

²¹⁷ E-mail from Colton Madill, Deputy Legislative Affairs Director, Florida Department of Business and Professional Regulation (Feb. 17, 2020) (on file with the Senate Committee on Appropriations).

²¹⁸ See Department of Business and Professional Regulation, *SB 474, 2020 Agency Legislative Bill Analysis*, p. 14 (Nov. 4, 2019) (on file with Senate Committee on Innovation, Industry, and Technology).

VI. Technical Deficiencies:

None.

VII. Related Issues:**Student Loan Defaults**

The bill amends ss. 456.072 and 456.074, F.S., and repeals s. 456.0721, F.S., to remove the authority of the Department of Health (DOH) to take disciplinary action against a health care practitioner who is in default on a student loan guaranteed by the state or federal government. However, the bill may not remove all the DOH requirements relating to student loan default, specifically relating to initial award or renewal of a license. The DOH, or a licensing board within the jurisdiction of the DOH, must refuse to issue or renew a license to an individual that is currently listed on the USDHHS Office of Inspector General's List of Excluded Individuals and Entities (LEIE).²¹⁹ Federal law²²⁰ provides that a default on a health education loan or scholarship obligation is permissive grounds for being placed on the LEIE and that such exclusion lasts until the default or obligation is resolved. If a candidate or applicant is placed on the LEIE for a default on such a loan, the DOH must deny that person's application for an initial license or renewal of an existing license.²²¹

Talent Agents

The bill amends part VII of ch. 468, F.S., to repeal the license requirements for talent agencies. The bill retains several requirements for the conduct of talent agencies, including the requirement to obtain a \$5,000 bond a surety bond in s. 468.408(1), F.S. The bill requires that a bond may not be issued or renewed to a talent agent or agency by a bonding agency unless each owner or operator of the talent agency submits fingerprints to the Florida Department of Law Enforcement (FDLE) and Federal Bureau of Investigations (FBI) for a criminal background check. A bonding agency may not issue or renew a bond to a talent agent who is registered as a sexual offender.

The FDLE has advised that owners and operators of talent agencies are not a regulatory agency and are unable to submit fingerprints to FDLE for a state and national criminal history record check. Under Public Law 92-544, the FBI is authorized to conduct a criminal record check for a noncriminal justice licensing or employment purpose, if authorized by a state statute which has been approved by the Attorney General of the United States.²²² According to the FDLE,²²³ the following standards employed by the FBI in approving Public Law 92-544 authorizations have

²¹⁹ Section 456.0635(2)(e) and (3)(e), F.S. The LEIE provides information to the health care industry, patients and the public regarding individuals and entities currently excluded from participation in Medicare, Medicaid and all other Federal health care programs. USDHHS, Office of Inspector General, *Exclusions FAQ*, <https://oig.hhs.gov/faqs/exclusions-faq.asp>, (last visited Feb. 3, 2019). Individuals must be excluded (placed on the LEIE) for a conviction of specified crimes, including patient abuse, fraud, or actions related to a controlled substance. Individuals may be placed on the LEIE for acts including convictions relating to audits, specified misdemeanors, claims of unnecessary services, kickbacks, or default on health education loans or scholarship obligations. 42 U.S.C. s. 1320a-7.

²²⁰ Section 1128(b)(14) of the Social Security Act and 42 U.S.C. 1320a-7(b)(14).

²²¹ Florida Department of Health, *2019 Agency Analysis of SB 356* (Oct. 31, 2019).

²²² 28 C.F.R. s. 0.85(j) and 28 C.F.R. s. 50.12.

²²³ Email from Bobbie Smith, Legislative Analyst, Office of External Affairs, Florida Department of Law Enforcement (Feb. 20, 2020) (on file with the Senate Committee on Appropriations).

been established by a series of memoranda issued by the Office of Legal Counsel, Department of Justice:²²⁴

- The authorization must exist as the result of legislative enactment (or its functional equivalent);
- The authorization must require fingerprinting of the applicant;
- The authorization must, expressly or by implication, authorize use of FBI records for screening of the applicant;
- The authorization must not be against public policy; and
- The authorization must not be overly broad in its scope; it must identify the specific category of applicants/licensees.

Fingerprint card submissions to the FBI under Public Law 92-544 must be forwarded through the State Identification Bureau (the FDLE). The state must also designate an authorized governmental agency to be responsible for receiving and screening the results of the record check to determine an applicant's suitability for employment or licensing.

The requirement that a talent agent to submit fingerprints as a condition of the bond requirement, may serve as a bar to practicing as a talent agent in Florida because persons desiring to so practice as a talent agent will not be able to satisfy the fingerprinting and background check requirements in the bill.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.165, 287.055, 322.57, 326.004, 447.02, 447.09, 447.305, 455.213, 456.072, 456.074, 468.385, 468.401, 468.406, 468.408, 468.409, 468.410, 468.412, 468.413, 468.415, 468.505, 468.524, 468.603, 468.609, 468.613, 468.8314, 471.015, 473.308, 474.202, 474.207, 474.217, 476.114, 476.144, 477.013, 477.0135, 477.019, 477.0201, 477.026, 477.0263, 477.0265, 477.029, 481.201, 481.203, 481.205, 481.207, 481.209, 481.213, 481.2131, 481.215, 481.217, 481.219, 481.221, 481.223, 481.2251, 481.229, 481.231, 481.303, 481.310, 481.311, 481.313, 481.317, 481.319, 481.321, 481.329, 489.103, 489.111, 489.113, 489.115, 489.511, 489.517, 489.518, 548.003, 492.104, 492.108, 492.111, 492.113, 492.115, 548.003 548.017, 553.5141, 553.74, 558.002, 559.25, and 823.15.

This bill repeals the following sections of the Florida Statutes: 447.04, 447.041, 447.045, 447.06, 447.12, 447.16, 456.0721, 477.0132, 468.402, 468.403, 468.404, 468.405, 468.507, and 468.414.

This bill creates the following sections of the Florida Statutes: 455.2278 and 509.102.

²²⁴ See also 28 C.F.R. part 20, dealing with the regulations relating to criminal history record information.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS/CS/CS by Appropriations on February 20, 2020:**

The committee substitute:

- Prohibits the DBPR from suspending or revoking a license because of a default on a student loan or failure to satisfy the requirements of a work-conditional scholarship.
- Repeals licensing requirements for talent agents and requires talent agents to obtain a bond after submitting fingerprints to the FDLE for a criminal background check, and prohibits the bonding agency from issuing a bond to a talent agent who is registered as a sexual offender.
- Exempts from the requirement to be licensed as a dietitian or nutritionist persons who provides information and do not represent themselves as a dietitian or nutritionist or as a licensed or registered dietitian or nutritionist.
- For employee leasing companies, repeals the requirement for a criminal background check and moral character license requirements for an employee leasing company and the person controlling the company, and removes the one-year time restriction for reapplication after a license is denied, but retains the time restriction for licensees who had their license revoked.
- Reduces the education and experience requirements for building code inspectors and plans examiners.
- Provides an effective date of January 1, 2021, for the provision in the bill reducing the minimum number of hours of training required for barber licensure from 1200 hours to 900 hours.
- Exempts from cosmetology license or registration requirements a person whose occupation or practice is limited to specified makeup removal activities.
- Removes from the bill the requirement that an applicant for a cosmetology license by endorsement must complete a two-hour course on HIV and AIDS.
- Provides an effective date of January 1, 2021, for the training requirements in the bill to register as a nail, facial, or nail and facial specialist.
- Permits a person licensed as an interior designer and in good standing as of July 1, 2020, to obtain a certificate of registration as a registered interior designer.
- Requires an applicant for licensure by endorsement complete a two-hour class approved by the Board of Architecture and Interior Design (BAID) on the Florida Building Code.
- Requires registered interior designers to complete two hours in specialized or advanced courses on any portion of the Florida Building Code, and provides that such hours count towards the continuing education requirement. (The bill only references architects.)
- Exempts a person with a four-year BA degree in building construction and a GPA of 3.5 or higher from the requirement to pass a construction contractor's license examination.
- Requires an applicant for licensure by endorsement for a Division I or a roofing contractor's license to complete a two-hour course in the Florida Building Code which includes information on wind mitigation techniques. (This provision is in place

of a provision in CS/CS/SB 474 requiring an applicant by endorsement to complete a four-hour continuing education course on the Florida Building Code, as well as a one hour course on the laws and rules of contracting in Florida.)

- Requires an applicant for licensure by endorsement for an electrical contractor's license to complete a two-hour course in the Florida Building Code which includes information on wind mitigation techniques. (This provision is in place of a provision in CS/CS/SB 474 requiring an applicant by endorsement to complete a four-hour continuing education course on the Florida Building Code, as well as a one-hour course on the laws and rules of contracting in Florida.)
- Authorizes employees, agents, or contractors of qualifying public or private animal shelters, humane organizations, or animal control agencies to contact the cat or dog owner of record to verify ownership.
- Repeals the requirement that a geologist firm, corporation, or partnership obtain a separate license to operate.
- Permits a person to qualify for a geologist license by endorsement if the person has held a valid license to practice geology in another state, trust, territory, or possession of the United States for at least 10 years before the date of application, has successfully completed one of the specified examinations, and has been licensed in the other jurisdiction, and the application is made when the applicant's license in another state or territory is active, or within two years of when such license was last active.

CS/CS by Commerce and Tourism on February 5, 2020:

The committee substitute:

- Adds "makeup application" to the list of activities that may be performed in a location other than a licensed salon when the service is performed by a person who holds the proper license;
- Authorizes landscape architects to receive hour-for-hour credit for certain approved continuing education courses;
- Provides that the board may establish fees for architects and registered interior designers in s. 481.207, F.S.;
- Deletes s. 481.207(2), F.S., and moves the relevant fees from that provision into s. 481.207(1), F.S.
- Establishes that each certificate holder or registrant licensed as a specialty contractor or alarm system contractor must prove they have completed at least 7 classroom hours of continuing education courses;
- Adds a requirement that each certificateholder or registrant licensed as an electrical contractor must provide proof that they have completed 11 classroom hours of at least 50 minutes each of continuing education every 2 years since the issuance or renewal of the certificate of registration;
- Gives the Electrical Contractors' Licensing Board the authority to establish criteria for continuing education requirements;
- Provides that for licensed specialty contractors or alarm system contractors, of the required 7 classroom hours of continuing education, at least 1 hour must be on technical subjects, 1 hour must be on workers' compensation, 1 hour must be on

- workplace safety, 1 hour must be on business practices, and 2 hours must be on false alarm prevention;
- Provides that for licensed electrical contractors, of the required 11 classroom hours of continuing education, at least 7 hours must be on technical subjects, 1 hour must be on workers' compensation, 1 hour must be on workplace safety, and 1 hour must be on business practices;
 - Provides that electrical contractors engaged in alarm system contracting must also complete 2 hours on false alarm prevention;
 - Authorizes employees, agents, or contractors of qualifying public or private animal shelters, humane organizations, or animal control agencies to implant cats and dogs with specified microchips;
 - Requires that architects complete 2 hours in specialized or advanced courses on any portion of the Florida Building Code, and provides that such hours count towards the continuing education requirement;
 - Clarifies that a municipality, county, or other local government entity's authority to regulate mobile food dispensing vehicles is only limited by s. 509.102(2).
 - Adds a requirement under s. 489.115, F.S., that within 30 days after receiving a license, the licensee is required to complete an approved 4 hour continuing education course on the Florida Building Code, as well as a 1 hour course on the laws and rules of contracting in Florida; and
 - Adds a requirement under s. 489.511, F.S., that within 30 days after receiving a license, the licensee is required to complete an approved 4 hour continuing education course on the Florida Building Code, as well as a 1 hour course on the laws and rules of electrical and alarm system contracting in Florida.

CS by Innovation, Industry, and Technology on January 21, 2020:

The committee substitute:

- Amends s. 322.57, F.S., to waive the requirement to pass the commercial driver license skills test for military service members and veterans with specified training and experience.
- Does not amend ss. 469.006 and 469.009, F.S., to revise provisions related to asbestos abatement business licenses.
- Revises the amendment to s. 477.0135, F.S., to remove persons whose occupation or practice is confined solely to makeup application from the list of persons who are exempt from license and specialty registration requirements.
- Revises the minimum training hours in s. 477.0201(1), F.S., for cosmetology specialists.
- Does not amend s. 481.205, F.S., to revise the membership of the Board of Architecture and Interior Design.
- Amends ch. 481, F.S., to provide for a voluntary certificate or registration to practice interior design in place of the current license requirement and to impose a nonrefundable fee not to exceed \$75 for a certificate of registration for interior designers and its renewal.
- Revises the qualifications for a registered interior designer, the board's authority to prescribe the form of seals, requirements related to the use of seals by registered

interior designers, and applicable discipline, including fines, and disciplinary grounds for registered interior designers.

- Amends s. 489.517, F.S., to revise the minimum continuing education hours for electrical contractors.
- Creates s. 509.102, F.S, to preempt the regulation of mobile food dispensing vehicles to the state, prohibit local governments from requiring a license, registration, or permit, and prohibit local governments from prohibiting the operation of food trucks.

B. Amendments:

None.