

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCB CCS 17-02 Deregulation of Professions and Occupations

**SPONSOR(S):** Careers & Competition Subcommittee

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Careers & Competition Subcommittee		Wright	Anstead

### SUMMARY ANALYSIS

The bill amends current law relating to certain professions and business organizations regulated by the Florida Department of Business and Professional Regulation. Specifically, the bill:

- Removes the following professions and entities from DBPR regulation and deletes provisions regulating the professions:
  - Interior designers,
  - Hair braiders,
  - Hair wrappers,
  - Body wrappers,
  - Boxing announcers, and
  - Boxing timekeepers.
- Removes the following professions and entities from DBPR regulation, but generally retains each profession's standards of operation, as well as civil and criminal causes of action:
  - Labor organizations and business agents,
  - Talent agencies, and
  - Auctioneers.
- Eliminates the requirement that the following licensees obtain a certificate of authorization for their business entities, but allows such licensees to continue to operate their business entities if they apply to be the qualifying agent for such business entity:
  - Asbestos abatement consultants and contractors,
  - Architects,
  - Landscape architects, and
  - Geologists.
- Reduces the hours of training required to obtain the following licenses:
  - Barbers,
  - Restricted barbers,
  - Nail specialists,
  - Facial specialists, and
  - Full specialists.
- Clarifies the definition of and scope of practice for the following professions:
  - Restricted barbers,
  - Nail specialists,
  - Full specialists,
  - Facial specialists, and
  - Hair braiders.
- Eliminates the requirement that yacht and ship brokers obtain a separate license for each branch office, but retains the requirement that a primary location office be maintained.

The bill will have a significant fiscal impact on DBPR due to a reduction of license fee revenues. DBPR estimates the bill will reduce revenues of \$976,303 in FY 2017-18, \$1,128,448 in FY 2018-19, and \$976,128 in FY 2019-20. This estimate does not include the impact related to the deregulation of interior designers.

The bill has an effective date of July 1, 2017.

**This document does not reflect the intent or official position of the bill sponsor or House of Representatives.**

**STORAGE NAME:** pcb02.CCS

**DATE:** 3/5/2017

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

#### **Organizational Structure of the Department of Business and Professional Regulation**

##### Background

The Florida Department of Business and Professional Regulation (DBPR), through various divisions, regulates and licenses businesses and professionals in Florida. The divisions established under DBPR include:

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

The Division of Professions (Professions) licenses and regulates more than 434,000 professionals through the following professional boards and programs:

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

The Division of Regulation (Regulations) is the enforcement authority for Labor Organizations and Business Agents, the Florida State Boxing Commission, Farm Labor Program, Child Labor Program, and

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

<sup>2</sup> Florida Department of Business and Professional Regulation, *Division of Professions*, <http://www.myfloridalicense.com/dbpr/pro/index.html> (last visited Feb. 20, 2017).

any professional boards and programs housed within Professions.<sup>3</sup> To ensure compliance with applicable laws and rules by those professions and related businesses, Regulations investigates complaints, utilizes compliance mechanisms, and performs inspections.<sup>4</sup>

The Division of Florida Condominiums, Timeshares, and Mobile Homes (FCTMH) provides consumer protection for Florida residents living in regulated communities through education, complaint resolution, mediation and arbitration, and developer disclosure.<sup>5</sup> FCTMH has limited regulatory authority over the following business entities and individuals:

- Condominium Associations;
- Cooperative Associations;
- Florida Mobile Home Parks and related associations;
- Vacation Units and Timeshares;
- Yacht and Ship Brokers and related business entities; and
- Homeowners' Associations (jurisdiction limited to arbitration of election and recall disputes).<sup>6</sup>

DBPR imposes a \$5 unlicensed activity fee in addition to any initial license fee or renewal fee.<sup>7</sup>

### Effect of the Bill

The bill would remove the Board of Auctioneers, the Talent Agencies Program, and the Labor Organizations Program from the regulatory power of DBPR. It would also rename the Board of Architecture and Interior Design to the Board of Architecture. For more information, please see the specific analysis for each profession below.

## **Yacht and Ship Broker Branch Offices**

### Background

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

Each yacht and ship broker must maintain a principle place of business in this state and may establish branch offices in the state. A separate license must be maintained for each branch office.

Applicants for a branch office license or a biennial renewal pay a \$100 fee.<sup>8</sup> There are no requirements of the branch office other than to obtain licensure and there are no inspection requirements.

As of October 2015, there were 73 yacht and ship broker branch office licenses in active status and on average 13 new initial licenses issued annually during the 2012- 2015 fiscal years. There were no disciplinary cases brought against any yacht or ship broker branch office licenses during the 2012-2015 fiscal years.<sup>9</sup>

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<sup>3</sup> Except the Board of Architecture and Interior Design, and the Florida Board of Professional Engineers. Florida Department of Business and Professional Regulation, *Division of Regulation*, <http://www.myfloridalicense.com/dbpr/reg/index.html> (Feb. 20, 2017).

<sup>4</sup> Florida Department of Business and Professional Regulation, *Division of Regulation*, <http://www.myfloridalicense.com/dbpr/reg/index.html> (Feb. 20, 2017).

<sup>5</sup> Department of Business and Professional Regulation, *Division of Florida Condominiums, Timeshares, and Mobile Homes*, <http://www.myfloridalicense.com/dbpr/lsc/index.html>, (last visited January 8, 2016).

<sup>6</sup> *Id.*

<sup>7</sup> s. 455.2281, F.S.

<sup>8</sup> Rule 61B-60.002, F.A.C.

<sup>9</sup> Department of Business and Professional Regulation, *Eliminating Duplicative and Excessive Regulation* (October, 2015), (on file with the Business & Professionals Subcommittee).

## Effect of the Bill

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

## **Labor Organizations**

### Background

Part I of ch. 447, F.S., governs the licensing and regulation of labor organizations, and related business agents in the state.<sup>10</sup> The Labor Organizations Program is a program located under Regulations, which processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the labor organization industry.

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

Business agents are defined as “[a]ny person, without regard to title, who shall, for a pecuniary or financial consideration, act or attempt to act for any labor organization in:

- The issuance of membership or authorization cards, work permits, or any other evidence of rights granted or claimed in, or by, a labor organization;
- Soliciting or receiving from any employer any right or privilege for employees.”<sup>12</sup>

Applicants for a business agent license shall pay \$25 fee for licensure. Labor organization applicants must pay an annual fee of \$1.

The National Labor Relations Board (NLRB) provides the same type of union oversight as DBPR and is active in Florida, maintaining offices in Tampa and Miami. The United States Department of Labor, Office of Labor Management Standards also registers unions at the federal level.<sup>13</sup>

As of October 2015, there were 309 labor organizations registered and on average 15 new initial registrations issued annually during the 2012- 2015 fiscal years. Additionally, there were 469 business agents licensed and on average 48 new initial licenses issued annually during the 2012- 2015 fiscal years. There were no disciplinary cases brought against any labor organizations or business agents during 2012-2015 fiscal years.<sup>14</sup>

## Effect of the Bill

The bill repeals certain provisions which require labor organizations and business agents to be licensed and regulated by DBPR. Specifically, the bill repeals:

- s. 447.04, F.S., regarding the licensure of business agents;
- s. 447.041, F.S., regarding hearings provided to licensees pursuant to ch. 120, F.S.;
- s. 447.045, F.S., regarding confidential information obtained by DBPR during an investigation;

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<sup>10</sup> This does not include certain public employee organizations, which are regulated by the Public Employees Relations Commission, an independent, quasi-judicial agency described in pt. II of ch. 447, F.S.

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

<sup>12</sup> s. 447.02(2), F.S.

<sup>13</sup> Florida Department of Business and Professional Regulation, Agency Analysis of 2017 Senate Bill 802, p. 4 (March 2, 2017)

<sup>14</sup> Eliminating Duplicative and Excessive Regulation, *supra* note 11.

- s. 447.06, F.S., regarding the registration of labor organizations;
- s. 447.12, F.S., regarding the fees for registration;
- s. 447.16, F.S., regarding the renewal of business agent's license renewal requirements.

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

The bill does not affect the ability of individuals to pursue civil remedies against labor organizations or the ability of the state to pursue criminal penalties against labor organizations. Additionally, the bill does not alter the obligations of a labor organization unrelated to registration with DBPR.

## **Auctioneers and Auctioneer Apprentices**

### Background

Part VI of chapter 468, F.S., provides for the regulation and licensing of auction businesses, auctioneers, and apprentice auctioneers by the Florida Board of Auctioneers within DBPR. The program processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the auctioneering industry.

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,<sup>15</sup> except in the following circumstances:

- Owner-conducted auctions, unless the owner acquired the goods to resell;
- Auctions required under a judicial or administrative order, or by law;
- Auctions by or for a charitable, civic, or religious organization;
- Livestock auctions under certain circumstances;
- Trustee-conducted auctions pursuant to a power of sale in a deed of trust on real property;
- Certain auctions conducted by the owner or agent of the lien on or interest in goods;
- Auctions conducted as a part of the sale of real property by a real estate broker;
- Auctions of motor vehicles among motor vehicle dealers if conducted by an auctioneer; and
- Certain auctions conducted for training purposes.<sup>16</sup>

Under section 468.385, F.S., in order to qualify for licensure as an auctioneer, an applicant must:

- be 18 years or older;
- not have committed any act or offense in the state or any other jurisdiction which would constitute a basis for disciplinary action under s. 468.389, F.S.;
- have held an apprentice license and have served as an apprentice for 1 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;
- pass the required examination; and
- be approved by the board.

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

Special regulations apply to apprentices and require supervision by licensed auctioneers. An apprentice must be licensed and serve under a licensed auctioneer who has agreed to serve as the supervisor of the apprentice. An apprentice cannot conduct, or contract to conduct, an auction without the express approval of his or her supervisor. The supervisor must regularly review the apprentice's records, which are required to be maintained, to determine if such records are accurate and current.

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<sup>15</sup> s. 468.385(2), F.S.

<sup>16</sup> s. 468.383, F.S.

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."<sup>17</sup>

There are 2,821 licensed auctioneers and there have been no disciplinary orders issued to auctioneers in the 2012- 2015 fiscal years.<sup>18</sup>

### Effect of the Bill

The bill repeals all provisions which require auctioneers, auctioneer apprentices, and auctioneer businesses to be licensed and regulated by DBPR. Specifically, the bill repeals:

- s. 468.384, F.S., relating to the Board of Auctioneers;
- s. 468.385, F.S., relating to auctioneering practice requirements;
- s. 468.3851, F.S., relating to license renewal;
- s. 468.3852, F.S., relating to license reactivation;
- s. 468.3855, F.S., relating to apprenticeship training requirements
- s. 468.386, F.S., relating to fees and local licensing requirements;
- s. 468.387, F.S., relating to licensure by endorsement; and
- ss. 468.392 through 468.399, F.S., relating to the Auctioneer Recovery Fund.

The bill maintains civil and criminal causes of action against auctioneers for failure to comply with statutory requirements. It removes the terms "department," "license," and "licensee" from the definitions section, and removes any reference to licensure for auctioneers, auctioneer apprentices, and auctioneer businesses.

## **Talent Agencies**

### Background

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

Individuals are prohibited from owning, operating, soliciting business, or otherwise engaging in or carrying on the occupation of a talent agency in this state unless the person first obtains licensure for the talent agency.<sup>19</sup> A talent agency is defined as "[a]ny person who, for compensation, engages in the occupation or business of procuring or attempting to procure engagements for an artist."<sup>20</sup>

To qualify for a talent agency license, the applicant must be of good moral character and identify financial interests in any other business of like nature.<sup>21</sup>

At the time of application, applicants for a talent agency license must pay an application fee of \$300 and an initial licensure fee of \$400, or \$200 if licensed after March 31 of any odd numbered year. Talent agency license holders must pay a biennial renewal fee of \$400.<sup>22</sup>

Licensed talent agencies are required to:<sup>23</sup>

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<sup>17</sup> s. 468.382(1), F.S.

<sup>18</sup> Florida Department of Business and Professional Regulation, Annual Report 2014- 2015, p. 21 (October 30, 2015).

<sup>19</sup> s. 468.403(1), F.S.

<sup>20</sup> s. 468.401, F.S.

<sup>21</sup> s. 468.405, F.S.

<sup>22</sup> Rule 61-19.005, F.A.C.

<sup>23</sup> ss. 468.406 - 410, F.S.

- File an itemized schedule of maximum fees, charges, and commissions it intends to charge and collect for its services;
- Pay to the artist all money collected from an employer for the benefit of an artist within five business days after receipt of the money;
- Display a copy of the license conspicuously in the place of business;
- File a bond with DBPR in the form of a surety for the penal sum of \$5,000, which may be drawn upon if a person is aggrieved by the misconduct of the talent agency;
- Maintain records including the application, registration, or contract of each artist, with additional information;
- Provide a copy of the contract to the artist within 24 hours of the contract's execution; and
- Comply with talent agency regulations and prohibitions set forth in s. 468.412, F.S.

Licensed talent agencies are prohibited from:<sup>24</sup>

- Charging the artist a registration fee;
- Requiring the artist to subscribe to, purchase, or attend any publication, postcard service, advertisement, resume service, photography service, school, acting school, workshop, or acting workshop; and
- Sexual misconduct.

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

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

As of October 2015, there were 414 talent agency licenses in active status and on average 51 new initial licenses issued annually during the 2012- 2015 fiscal years. There were three disciplinary cases brought against talent agencies during 2012- 2015 fiscal years.<sup>25</sup>

### Effect of the Bill

The bill repeals all provisions which require talent agents to be licensed and regulated by DBPR. Specifically, the bill repeals:

- s. 468.402, F.S., regarding the duties of DBPR and disciplinary matters against talent agents licenses;
- s. 468.403, F.S., regarding the talent agent licensure requirements;
- s. 468.404, F.S., regarding the talent agent license fees;
- s. 468.405, F.S., regarding the licensure qualifications for talent agents;
- s. 468.407, F.S., regarding the posting of a talent agent license; and
- s. 468.414, F.S., regarding DBPR's collecting of fines and penalties.

The bill still requires talent agents to comply with the following requirements:

<sup>24</sup> s. 468.410, F.S.

<sup>25</sup> Eliminating Duplicative and Excessive Regulation, *supra* note 11.

- Fee posting;
- Schedule posting;
- Maintenance of specific records;
- Obtaining a bond; and
- Contract provisions and availability.

The bill maintains civil and criminal causes of action against talent agents for failure to comply with statutory requirements. It removes the terms “department,” “license,” and “licensee” from the definitions section, and removes any reference to licensure for talent agents.

## **Asbestos Abatement Business Organization**

### Background

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

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

A person must be a licensed asbestos consultant in order to:

- Conduct an asbestos survey;
- Develop an operation and maintenance plan;
- Monitor and evaluate asbestos abatement;
- Prepare asbestos abatement specifications.<sup>26</sup>

A person must be a licensed asbestos contractor in order to conduct asbestos abatement work.<sup>27</sup>

If an applicant for licensure as an asbestos abatement consultant or contractor proposes to engage in consulting or contracting as a business organization, the business organization must be licensed as an asbestos abatement business. Each licensed business organization must have a qualifying agent that is licensed under ch. 469, F.S. If the qualifying agent terminates his or her affiliation with the business organization and is the only qualifying agent for the business organization, another qualifying agent must qualify the business organization within 60 days after the termination, and may not engage in the practice of asbestos abatement until it is qualified.<sup>28</sup>

Applicants for an asbestos abatement business license pay an application fee of \$300, an initial licensure fee of \$250, and a biennial renewal fee of \$250 and there are no inspection requirements.<sup>29</sup>

As of October 2015, there were 239 asbestos abatement business licenses in active status and on average 12 new initial licenses issued annually during the 2012- 2015 fiscal years. There were no disciplinary cases brought against any asbestos business licenses during 2012- 2015 fiscal years.<sup>30</sup>

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<sup>26</sup> s. 469.003, F.S.

<sup>27</sup> s. 469.003(3), F.S.

<sup>28</sup> s. 469.006, F.S.

<sup>29</sup> Rule 61E1-3.001, F.A.C.

<sup>30</sup> Eliminating Duplicative and Excessive Regulation, *supra* note 11.



### Effect of the Bill

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

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

## **Barbering**

### Background

Chapter 476, F.S., governs the licensing and regulation of barbers, restricted barbers, and barbershops in the state. The Barbers' Board is located under Professions. The board processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the barbering industry.

'Barbering' means any of the following practices when done for remuneration and for the public, but not when done for the treatment of disease or physical or mental ailments: shaving, cutting, trimming, coloring, shampooing, arranging, dressing, curling, or waving the hair or beard or applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical appliances."<sup>31</sup>

A 'restricted barber' is a person who has a restricted license to practice barbering. The restricted license limits the licensee's practice to those specific areas in which the applicant has demonstrated competence pursuant to rules adopted by the board. An applicant may obtain a restricted license if he or she:

- has successfully completed an approved restricted barber course;
- or
- holds or has within the previous 5 years held an active valid license to practice barbering in another jurisdiction or has held a Florida barbering license which has been declared null and void for failure to renew the license, and the applicant fulfilled the requirements for initial licensure; and has not been disciplined relating to the practice of barbering in the previous 5 years;
- and
- passes a written examination on the laws and rules governing the practice of barbering in Florida.

Barbers and restricted barbers must complete 1,200<sup>32</sup> hours of training to be eligible for licensure, in addition to passing the applicable exam and paying a \$223.50 fee.<sup>33</sup>

### Effect of the Bill

The bill reduces and restricts the amount of training for barbers and restricted barbers from 1,200 to 600 for barbers and from 1,200 to 325 for restricted barbers. The type of training prescribed is limited to sanitation, safety, and laws and rules.

The bill clarifies the definition of 'restricted barber' as performing the following services for remuneration:

- hair cutting and styling, including the application of hair tonics and hair spray, but not including the application of other chemical preparations or solutions to the hair;
- full facial shaves;

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<sup>31</sup> s. 476.034(2), F.S.

<sup>32</sup> Under certain circumstances, an applicant may take the exam after completing 1,000 hours of training. If he or she passes the exam, no more training is required. s. 476.114(c)2., F.S.

<sup>33</sup> Rule 61-35.006, F.A.C.

- mustache and beard trimming; and
- shampooing hair, including the application of shampoos and conditioners and blow drying the hair.

## **Cosmetology**

### Background

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

The term 'cosmetology' is defined as "the mechanical or chemical treatment of the head, face, and scalp for aesthetic rather than medical purposes, including, but not limited to, hair shampooing, hair cutting, hair arranging, hair coloring, permanent waving, and hair relaxing for compensation. This term also includes performing hair removal, including wax treatments, manicures, pedicures, and skin care services."<sup>34</sup> Becoming licensed as a cosmetologist requires 1,200 hours of training, which typically costs between \$5,000 and \$20,000.<sup>35</sup>

### Specialty Registrations

A 'specialist' is defined as any person holding a specialty registration in one or more of the cosmetology specialties. The term 'specialty' is defined as "the practice of one or more of the following:

- Manicuring, or the cutting, polishing, tinting, coloring, cleansing, adding, or extending of the nails, and massaging of the hands. This term includes any procedure or process for the affixing of artificial nails, except those nails which may be applied solely by use of a simple adhesive;
- Pedicuring, or the shaping, polishing, tinting, or cleansing of the nails of the feet, and massaging or beautifying of the feet; and
- Facials, or the massaging or treating of the face or scalp with oils, creams, lotions, or other preparations, and skin care services."<sup>36</sup>

A nail specialist may complete manicures and pedicures. A facial specialist may complete facials. A full specialist may complete manicures, pedicures, and facials.

To qualify for a specialist registration, the applicant must:

- be at least 16 years old;
- obtain a certificate of completion from an approved specialty education program, consisting 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;<sup>37</sup> and
- submit an application for registration with DBPR with a \$63.50 registration fee.<sup>38</sup>

### Hair Braiding, Hair Wrapping or Body Wrapping Registrations

Hair braiding, hair wrapping, and body wrapping are limited scope cosmetology registrations.<sup>39</sup>

<sup>34</sup> s. 477.013, F.S.

<sup>35</sup> BeautySchools.com, *The Cost of Beauty School*, <https://beautyschools.com/the-cost-of-beauty-school/> (last visited March 3, 2017).

<sup>36</sup> s. 477.013, F.S.

<sup>37</sup> Ch. 61G5-22, F.A.C.

<sup>38</sup> s. 477.0201, F.S.

<sup>39</sup> Described in ss. 477.013 and 477.0132, F.S.

‘Hair braiding’ means the weaving or interweaving of natural human hair for compensation without cutting, coloring, permanent waving, relaxing, removing, or chemical treatment and does not include the use of hair extensions or wefts.”

Persons whose occupation or practice is confined solely to hair braiding must:

- register with DBPR,
- pay the applicable \$25 registration fee, and
- take a two-day board-approved 16-hour course, consisting of 5 hours of HIV/AIDS and other communicable diseases, 5 hours of sanitation and sterilization, 4 hours of disorders and diseases of the scalp, and 2 hours of studies regarding laws affecting hair braiding.<sup>40</sup>

‘Hair wrapping’ means the wrapping of manufactured materials around a strand or strands of human hair, for compensation, without cutting, coloring, permanent waving, relaxing, removing, weaving, chemically treating, braiding, using hair extensions, or performing any other service defined as cosmetology.

Persons whose occupation or practice is confined solely to hair wrapping must:

- register with DBPR,
- pay the applicable \$25 registration fee, and
- take a one-day board-approved 6-hour course, consisting of education in HIV/AIDS and other communicable diseases, sanitation and sterilization, disorders and diseases of the scalp, and studies regarding laws affecting hair wrapping.

‘Body wrapping’ means a treatment program that uses herbal wraps for the purposes of cleansing and beautifying the skin of the body, but does not include the application of oils, lotions, or other fluids to the body, except fluids contained in presoaked materials used in the wraps, or manipulation of the body’s superficial tissue, other than that arising from compression emanating from the wrap materials.

A person whose occupation or practice is body wrapping must:

- register with DBPR,
- pay the applicable \$25 registration fee, and
- take a two-day board-approved 12-hour course, consisting of education in HIV/AIDS and other communicable diseases, sanitation and sterilization, disorders and diseases of the skin, and studies regarding laws affecting body wrapping.

Hair braiding, hair wrapping, and body wrapping are not required to be practiced in a cosmetology salon or specialty salon.

Continuing education is not required of hair braiders, hair wrappers, and body wrappers.<sup>41</sup>

The Board of Cosmetology issued 28 disciplinary orders against licensed hair braiders, hair wrappers, and body wrappers during the 2012- 2015 fiscal years. These actions generally did not involve consumer injury, but were technical scope of practice violations (e.g. practicing with an expired license or failing to timely renew the license). This constitutes a little over one percent of the 2,690 disciplinary orders issued by the Board of Cosmetology during these fiscal years.<sup>42</sup>

### Effect of the Bill

The bill clarifies which services can be performed by specialty registration holders, which are outlined as follows:

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<sup>40</sup>Courses for hair braiding, hair wrapping, and body wrapping generally cost between \$75 and \$250. Examples include: 1STOPCEU.com, *Home*, <http://www.floridahairbraider.com/> (last visited March 4, 2017); and JT’s Beauty Shop, Inc., *Florida State Certified Courses (Theory)*, [http://www.jtbeautysalon.com/certified\\_classes.html](http://www.jtbeautysalon.com/certified_classes.html) (last visited March 4, 2017).

<sup>41</sup> s. 477.019(7)(b), F.S.

<sup>42</sup> Agency Analysis of 2017 Senate Bill 802, *supra* note 15, at 4-5.

- Nail specialists can perform: 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;
- Facial specialists can perform: facials, or the massaging or treating of the face or scalp with oils, creams, lotions, or other preparations, and skin care services; and
- Full specialists can perform: manicuring, pedicuring, and facial services, including all services within the definition of nail specialty and facial specialty.

The bill reduces the amount of training hours required for specialty registrations, which must focus primarily on sanitation and safety, from:

- 240 hours to 150 hours for nail specialists,
- 260 hours to 165 hours for facial specialists, and
- 500 hours to 300 hours for full specialists.

The bill adds weaving or interweaving commercial hair without the use of adhesives or bonders to the scope of 'hair braiding.'

The bill removes all licensure and regulatory requirements for hair braiders, hair wrappers, and body wrappers and makes conforming changes to cross-references.

## **Interior Designers**

### Present Situation

Part I of ch. 481, F.S., regulates architects and interior designers. Both professions are regulated by the Board of Architecture and Interior Design under Professions.

Generally, 'Interior design' means "designs, consultations, studies, drawings, specifications, and administration of design construction contracts relating to nonstructural interior elements<sup>43</sup> of a [commercial] building or structure."<sup>44</sup> Interior designers have the ability to sign, date, and seal drawings, plans, specifications, and reports filed for public record.<sup>45</sup>

'Interior decorating,' which is differentiated from 'interior design' under Florida law, is limited to the selection or assistance in selection of surface materials, window treatments, wallcoverings, paint, floor coverings, surface-mounted lighting, surface-mounted fixtures, and loose furnishings not subject to regulation under applicable building codes.

In fiscal year 2014-2015, there were 2,917 licensed interior designers and 2 complaints against licensed interior designers were deemed legally sufficient.<sup>46</sup>

### Licensure

To practice interior design, an applicant must:

- Pay a \$30 fee,<sup>47</sup>
- Have a combination of 6 years of relevant education and experience, and

<sup>43</sup> "Nonstructural element" means an element which does not require structural bracing and which is something other than a load-bearing wall, load-bearing column, or other load-bearing element of a building or structure which is essential to the structural integrity of the building. s. 481.203(10), F.S.

<sup>44</sup> s. 481.203(8), F.S.

<sup>45</sup> s. 481.221(3), F.S.

<sup>46</sup> Email from Colton Madill, Deputy Legislative Affairs Director, Florida Department of Business and Professional Regulation, RE: We need This stuff (June 28, 2016).

<sup>47</sup> Rule 61G1-17.002, F.A.C.

- Pass an examination.

The 6-year combination of education and experience can be completed in several ways. The education requirement entails at least a 2-year board-approved interior design program. The experience requirement entails at least one year of work under the supervision of a licensed interior designer. Applicants can structure their education and experience in any of the following ways:

- 5-year program + 1 year of experience; or
- 4-year program + 2 years of experience; or
- 3-year program + 3 years of experience; or
- 2-year program + 4 years of experience.

The examination is a national 3-part exam administered by the National Council for Interior Design Qualification (NCIDQ) exam, at a cost of \$1,065, including the application fee. Other fees for late filing, updates to an application, and cancellation apply. Eligibility requirements, including education and experience requirements, to sit for the exam mirror Florida's licensure requirements.<sup>48</sup>

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. The initial license fee for a certificate of authorization is \$100 and the biennial renewal fee is \$125.<sup>49</sup>

Interior designers must complete 20 hours of continuing education, in subjects or courses approved by the Board, each biennium to renew their license.

### *Exemptions*

The law exempts the practice of *residential* interior design and interior decorating from licensure requirements.<sup>50</sup> Although the law prohibits an unlicensed actor from using the title 'interior designer' or words to that effect, this provision was found to be an unconstitutional restriction on free speech in 2010.<sup>51</sup> However, challenges to the requirement that interior designers be licensed in the commercial setting have not been successful. Also, the licensure requirements have withstood constitutional challenges as limitations on 1<sup>st</sup> amendment free speech<sup>52</sup> and interstate commerce<sup>53</sup> and as violations of due process and equal protection.<sup>54</sup>

The law also exempts employees of retail establishments providing interior decorator services<sup>55</sup> on the premises of the retail establishment or in the furtherance of a retail sale or prospective retail sale, and a manufacturer of commercial food service equipment who prepares designs, specifications, or layouts for the sale or installation of such equipment.

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<sup>48</sup> See <http://www.ncidq.org>

<sup>49</sup> Rule 61G1-17.002, F.A.C.

<sup>50</sup> Section 481.229(6)(a), F.S.

<sup>51</sup> *Locke v. Shore*, 682 F.Supp.2d 1283, 1295 (N.D.Fla., 2010).

<sup>52</sup> *Locke v. Shore*, 634 F.3d 1185, 1191 (11th Cir. 2011) ("Because the license requirement governs "occupational conduct, and not a substantial amount of protected speech," it does not implicate constitutionally protected activity under the First Amendment.").

<sup>53</sup> *Id.* at 1193 ("Out-of-state unlicensed interior designers may practice in commercial settings in Florida 'under the instruction, control or supervision' of a licensed architect or while 'acting as a contractor in the execution of work designed by an architect.'").

<sup>54</sup> *Id.* at 1196 ("Thus, the fact that, after Florida passed its license requirement, other states have considered and rejected the notion that the unlicensed practice of interior design poses safety concerns, is of no consequence.").

<sup>55</sup> Services limited to the selection or assistance in selection of surface materials, window treatments, wallcoverings, paint, floor coverings, surface-mounted lighting, surface-mounted fixtures, and loose furnishings not subject to regulation under applicable building codes. S. 481.203(15), F.S.

## Other States

Florida is one of five U.S. states or territories requiring interior designers be licensed. Approximately 20 other states offer title acts, allowing only candidates meeting statutory requirements to hold themselves out as 'registered interior designers.'<sup>56</sup>

## Effect of the Bill

The bill repeals all licensure and regulatory requirements for interior designers and interior design businesses and makes conforming changes to cross-references.

## **Architecture Business Organization**

### Background

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

An architecture business corporation, limited liability company, or partnership, which is offering architecture service to the public, must obtain a certificate of authorization prior to practicing.<sup>57</sup> One or more of the principal officers of the corporation or limited liability company, or one or more partners of the partnership, must be a licensed architect.

Applicants for an architecture business certificate of authorization must pay an application fee of \$100, an unlicensed activity fee of \$5, and a biennial renewal fee of \$125.<sup>58</sup> There is no requirement on the business entity other than to obtain licensure and there are no inspection requirements.

As of October 2015, there were 2,747 architecture business licenses in active status and on average 203 new initial licenses issued annually during the 2012- 2015 fiscal years. There were 17 disciplinary cases brought against architecture business licenses during the 2012- 2015 fiscal years.<sup>59</sup> Typically, the disciplinary actions taken were for operating without a supervising architect and for failing to use a license number in advertisements.<sup>60</sup>

### Effect of the Bill

The bill repeals all provisions that require licensees to obtain a certificate of authorization to practice architecture through a business organization. Instead, a licensed architect must apply to qualify the business organization as a qualifying agent if he or she proposes to engage in the practice of architecture as a business organization. The application submitted by a licensee to qualify a business organization must state:

- The names of the partners, if it's a partnership;
- The names of the corporation and its officers, if it's a corporation, including the names of its stockholders that are also officers or directors;
- The fictitious name under which the business is doing business, if it's operating under a fictitious name;

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<sup>56</sup> Licensure is also required in Louisiana, Nevada, Puerto Rico, and Washington, D.C. For a complete list of how other states regulate interior design, see <http://www.interiordesignsociety.org/content.asp?contentid=69>.

<sup>57</sup> s. 481.219(2)-(3), F.S.

<sup>58</sup> Rules 61G1-17.001 and 61G1-17.002, F.A.C.

<sup>59</sup> Eliminating Duplicative and Excessive Regulation, *supra* note 11.

<sup>60</sup> Agency Analysis of 2017 Senate Bill 802, *supra* note 15, at 5.

- The name of such other legal entity and its members, if it's not a partnership, corporation, or operating under a fictitious name.

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

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

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

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

The bill defines "incomplete contract" to mean:

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

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

The qualifying agent must ensure responsible supervising control of all projects of the business organization and upon termination of his or her employment with a business organization for which he or she qualifies, the agent must notify DBPR of the termination within 30 days.

## **Landscape Architecture Business Organization**

### *Background*

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

A corporation or partnership is permitted to apply for a certificate of authorization if:

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

- The corporation or partnership has been issued a certificate of authorization by the board.<sup>61</sup>

Applicants for a landscape architecture business certificate of authorization must pay an application fee and initial licensure fee of \$450.00 and a biennial renewal fee of \$337.50.<sup>62</sup> There is no requirement on the business entity other than to obtain licensure and there are no inspection requirements.

As of October 2015, there were 347 architecture business licenses in active status and on average 31 new initial licenses issued annually during the 2012- 2015 fiscal years. There were no disciplinary cases brought against any landscape architecture business licenses during the 2012-2015 fiscal years.<sup>63</sup>

### Effect of the Bill

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

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

The bill provides that a corporation or partnership is permitted to offer landscape architectural services to the public if:

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

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

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

## **Geology Business Organization**

### Background

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

An individual may not practice geology through a firm, corporation, or partnership offering geological services to the public unless the firm, corporation, or partnership has been issued a certificate of authorization.<sup>64</sup> A firm, corporation, or partnership is permitted to offer geological services to the public if:

- at all times, the entity has on file with DBPR the name and license number of one or more licensed geologists serving as a geologist with the entity;

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<sup>61</sup> s. 481.319(1), F.S.

<sup>62</sup> Rule 61G10-12.002, F.A.C.

<sup>63</sup> Eliminating Duplicative and Excessive Regulation, *supra* note 11.

<sup>64</sup> s. 492.111(2), F.S.



- the entity has been issued a certification of authorization by DBPR;
- all final geological documents prepared or approved for the use of the entity shall be dated and signed and sealed by the licensed geologist;
- the entity is not relieved of personal liability due to the fact that a licensed geologist practices at the entity;
- the entity files an application with DBPR.<sup>65</sup>

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

Applicants for a geology business certificate of authorization must pay an application fee of \$350.00 and a biennial renewal fee of \$350.<sup>66</sup> There is no requirement on the business entity other than to obtain licensure and there are no inspection requirements.

As of October 2015, there were 373 geology business licenses in active status and on average 27 new initial licenses issued annually during the 2012- 2015 fiscal years. There were no disciplinary cases brought against any geology business licenses during the 2012-2015 fiscal years.<sup>67</sup>

### Effect of the Bill

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

The qualifying agent is required to update DBPR of any changes in the relationship between himself or herself and the business organization within 30 days.

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

## **Pugilistic Timekeepers and Announcers**

### Background

Chapter 548, F.S., governs the Florida State Boxing Commission, which is under Regulations. The function of the Commission is to license and regulate professional boxing, kickboxing, and mixed martial arts. The Commission ensures that all matches are conducted in accordance with provisions of state laws and rules. It also makes certain that health and safety requirements are met and that matches are competitive and physically safe for participants. The Commission designates employees to attend the matches, appoints match officials, and ensures the matches are held in a safe and fair manner.

A 'timekeeper' is an individual who is assigned the duties to maintain the time for each round during a pugilistic event.<sup>68</sup>

An 'announcer' is an individual who has the authority to make all announcements, including the result of the event, during a pugilistic event.<sup>69</sup>

In order to obtain a license, a timekeeper or announcer applicant must:

<sup>65</sup> s. 481.319(1), F.S.

<sup>66</sup> Rule 61G10-12.002, F.A.C.

<sup>67</sup> Eliminating Duplicative and Excessive Regulation, *supra* note 11.

<sup>68</sup> Rule 61K1-3.0001(19), F.A.C.

<sup>69</sup> Rule 61K1-3.0001(1), F.A.C.

- be at least 18 years of age and
- pay an application fee of \$50.

Currently, there are 5 licensed timekeepers and 2 licensed announcers.<sup>70</sup>

*Effect of the Bill*

The bill deletes all licensure and regulatory requirements for boxing announcers and boxing timekeepers and makes conforming changes to cross-references.

**B. SECTION DIRECTORY:**

Section 1	Amends s. 20.165, F.S., relating to DBPR board structure;
Section 2	Amends s. 326.004, F.S., deleting requirement for yacht broker branch office licenses;
Section 3	Amends s. 447.02, F.S., conforming provisions;
Section 4	Repeals s. 447.04, F.S., relating to licensure requirements for business agents;
Section 5	Repeals s. 447.041, F.S., relating to hearings for labor organizations or business agents denied licensure;
Section 6	Repeals s. 447.045, F.S., relating to confidential application information;
Section 7	Repeals s. 447.06, F.S., relating to required registration of labor organizations;
Section 8	Amends s. 447.09, F.S., deleting certain actions relating to right of franchise of a member of a labor organization;
Section 9	Repeals s. 447.12, F.S., relating to fees;
Section 10	Repeals s. 447.16, F.S., relating to applicability;
Section 11	Amends s. 447.305, F.S., deleting provision requiring notification to DBPR;
Section 12	Amends s. 468.381, F.S., revising legislative findings and intent related to auctioneers;
Section 13	Amends s. 468.382, F.S., revising definitions;
Section 14	Repeals s. 468.384, F.S., relating to Florida Board of Auctioneers;
Section 15	Repeals s. 468.385, F.S., relating to auctioneering licensure requirements;
Section 16	Repeals s. 468.3851, F.S., relating to licensure renewal;
Section 17	Repeals s. 468.3852, F.S., relating to licensure reactivation;
Section 18	Repeals s. 468.3855, F.S., relating to training requirements;
Section 19	Repeals s. 468.386, F.S., relating to fees and local licensing requirements;

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<sup>70</sup> Email from Andrew Forst, Legislative Coordinator, Florida Department of Business and Professional Regulation, RE: Timekeeper and Announcer license counts (March 3, 2017).

- Section 20 Repeals s. 468.387, F.S., relating to licensure by endorsement;
- Section 21 Amends s. 468.388, F.S., relating to licensure requirements;
- Section 22 Amends s. 468.389, F.S., providing grounds for civil remedies;
- Section 23 Amends s. 468.391, F.S., conforming cross-references;
- Section 24 Repeals s. 468.392, F.S., relating to the Auctioneer Recovery Fund;
- Section 25 Repeals s. 468.393, F.S., relating to the Auctioneer Recovery Fund;
- Section 26 Repeals s. 468.394, F.S., relating to the Auctioneer Recovery Fund;
- Section 27 Repeals s. 468.395, F.S., relating to the Auctioneer Recovery Fund;
- Section 28 Repeals s. 468.396, F.S., relating to the Auctioneer Recovery Fund;
- Section 29 Repeals s. 468.397, F.S., relating to the Auctioneer Recovery Fund;
- Section 30 Repeals s. 468.398, F.S., relating to the Auctioneer Recovery Fund;
- Section 31 Repeals s. 468.399, F.S., relating to the Auctioneer Recovery Fund;
- Section 32 Amends s. 468.401, F.S., deleting definitions;
- Section 33 Repeals s. 468.402, F.S., relating to duties and authority of DBPR with regard to licensure of talent agencies;
- Section 34 Repeals s. 468.403, F.S., relating to duties and authority of DBPR with regard to licensure of talent agencies;
- Section 35 Repeals s. 468.404, F.S., relating to duties and authority of DBPR with regard to licensure of talent agencies;
- Section 36 Repeals s. 468.405, F.S., relating to duties and authority of DBPR with regard to licensure of talent agencies;
- Section 37 Amends s. 468.406, F.S., revising requirements to provide an itemized schedule of fees and charges;
- Section 38 Repeals s. 468.407, F.S., relating to posting requirements for licenses;
- Section 39 Amends s. 468.408, F.S., conforming provisions;
- Section 40 Amends s. 468.409, F.S., deleting records inspection requirement;
- Section 41 Amends s. 468.410, F.S., deleting a requirement to include specified information in a contract;
- Section 42 Amends s. 468.412, F.S., deleting recordkeeping and posting requirements;
- Section 43 Amends s. 468.413, F.S., revising criminal penalties;

- Section 44 Repeals s. 468.414, F.S., relating to depositing certain funds in the Professional Regulation Trust Fund;
- Section 45 Amends s. 468.415, F.S., revising penalties for sexual misconduct in the operation of a talent agency;
- Section 46 Amends s. 469.006, F.S., revising licensure requirements for asbestos abatement business entities;
- Section 47 Amends s. 469.009, F.S., conforming provisions;
- Section 48 Amends s. 476.034, F.S., defining 'restricted barber' and 'restricted barbering;'
- Section 49 Amends s. 476.114, F.S., revising barber training requirements;
- Section 50 Amends s. 476.144, F.S., requiring DBPR to license qualified restricted barbers;
- Section 51 Amends s. 477.013, F.S., revising and providing definitions;
- Section 52 Repeals s. 477.0132, F.S., relating to the registration of hair braiding, hair wrapping, and body wrapping;
- Section 53 Amends s. 477.0135, F.S., exempting hair braiders, hair wrappers, and body wrappers from licensure;
- Section 54 Amends s. 477.019, F.S., conforming provisions;
- Section 55 Amends s. 477.0201, F.S., providing requirements for specialty licenses;
- Section 56 Amends s. 477.026, F.S., conforming provisions;
- Section 57 Amends s. 477.0265, F.S., conforming provisions;
- Section 58 Amends s. 477.029, F.S., conforming provisions;
- Section 59 Repeals s. 481.2131, F.S., relating to the regulation of interior design;
- Section 60 Repeals s. 481.2251, F.S., relating to the regulation of interior design;
- Section 61 Amends s. 481.201, F.S., deletes legislative findings relating to interior design;
- Section 62 Amends s. 481.203, F.S., revising definitions for 'architecture,' 'certificate of authorization,' and 'business organization;'
- Section 63 Amends s. 481.205, F.S. renaming 'Board of Architecture' and revising board structure;
- Section 64 Amends s. 481.207, F.S., conforming provisions;
- Section 65 Amends s. 481.209, F.S., conforming provisions;
- Section 66 Amends s. 481.213, F.S., conforming provisions;
- Section 67 Amends s. 481.215, F.S., conforming provisions;
- Section 68 Amends s. 481.217, F.S., conforming provisions;

- Section 69 Amends s. 481.219, F.S., deleting provision relating to regulation of interior design and certificates of authorization;
- Section 70 Amends s. 481.221, F.S., conforming provisions;
- Section 71 Amends s. 481.222, F.S., conforming provisions;
- Section 72 Amends s. 481.223, F.S., conforming provisions;
- Section 73 Amends s. 481.229, F.S., conforming provisions;
- Section 74 Amends s. 481.231, F.S., conforming provisions;
- Section 75 Amends s. 553.79, F.S., conforming provisions;
- Section 76 Amends s. 558.002, F.S., conforming provisions;
- Section 77 Amends s. 481.303, F.S., deleting the definition of ‘certificate of authorization;’
- Section 78 Amends s. 481.311, F.S., conforming provisions;
- Section 79 Amends s. 481.317, F.S., conforming provisions;
- Section 80 Amends s. 481.319, F.S., deleting the requirement for a certificate of authorization and authorizing practice through a corporation or partnership;
- Section 81 Amends s. 481.321, F.S., revising requirements for the display of a certificate number;
- Section 82 Amends s. 481.329, F.S., conforming a cross-reference;
- Section 83 Amends s. 287.055, F.S., conforming a provision;
- Section 84 Amends s. 492.104, F.S., making conforming and technical changes;
- Section 85 Amends s. 492.111, F.S., deleting the requirements for a certificate of authorization for a professional geologist;
- Section 86 Amends s. 492.113, F.S., conforming provisions;
- Section 87 Amends s. 492.115, F.S., conforming provisions;
- Section 88 Amends s. 548.003, F.S., deleting the requirement for the Florida State Boxing Commission to adopt rules relating to a timekeeper;
- Section 89 Amends s. 548.017, F.S., deleting the licensure requirement for timekeepers and announcers;
- Section 90 Provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

Based on DBPR's fiscal analysis of SB 802 (2017) by Senator Passidomo, DBPR estimates the revenue reduction to state government will be \$3,080,878 over the next three fiscal years, stemming from a reduction of license fees, license renewal fees, and unlicensed activity fees. The estimate is broken down as follows:<sup>71</sup>

	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>2019-20</b>
Revenues: License Fees and Unlicensed Activity Fees	Condominiums (\$4,300)	Condominiums (\$4,300)	Condominiums (\$4,300)
	Professions (\$971,003)	Professions (\$1,123,148)	Professions (\$970,828)
	Boxing Commission (\$1,000)	Boxing Commission (\$1,000)	Boxing Commission (\$1,000)
<b>Total Fees Reduced</b>	<b>(\$976,303)</b>	<b>(\$1,128,448)</b>	<b>(\$976,128)</b>
Service Charge to General Revenue – Reduction (8% of revenues reduced above)	(\$78,104)	(\$90,276)	(\$78,090)

This estimate does not address the fiscal impact of deregulating the profession of interior design.

#### 2. Expenditures:

DBPR has not estimated the decrease of expenditures based on the reduction of applications processed, investigations conducted, or complaints received.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None.

#### 2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Interior Designers, auctioneers, talent agencies, labor organizations, pugilistic announcers, pugilistic timekeepers, hair braiders, hair wrappers, and body wrappers will no longer need to pay costs associated with professional licensure.

Nail specialists, facial specialists, full specialists, barbers, and restricted barber applicants will require less training to obtain licensure, which may lead to a reduced training cost.

<sup>71</sup> Agency Analysis of 2017 Senate Bill 802, *supra* note 15, at p. 7, 9.  
**STORAGE NAME:** pcb02.CCS  
**DATE:** 3/5/2017

Asbestos abatement consultants and contractors, landscape architects, geologists, and architects will no longer need to pay costs associated with retaining certificates of authorization for business organizations.

There may be an increase in the number of people in the workforce practicing their chosen professions.

**D. FISCAL COMMENTS:**

As of June 30, 2016, the fund balances for Talent Agencies, the Board of Professional Geologists and the Board of Auctioneers were negative.

The proposed elimination of the license fees for boards that have a deficit balance will result in the fund accounts closing with a negative balance. Funds with negative balances have borrowed from the other Board Funds during the years they have operated to address the negative balances.<sup>72</sup>

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

Application, forms, rules, and rule chapters will need to updated related to the following licensure programs:

- Condominiums (Yacht and Ship Brokers) – Rules 61B-60.001, 61B-60.002, 61B-60.003, 61B-60.005, F.A.C.;
- Talent Agents – Rule 61-19, F.A.C.;
- Asbestos – Rule 61E1, F.A.C.;
- Auctioneers, - Rule 61G2, F.A.C.;
- Barbers – Rule 61G3-16 and 15, F.A.C.;
- Cosmetology Specialties – Rules 61G5-31, 61-35.011, F.A.C.;
- Architecture and Interior Design – Rule 61G1, F.A.C.;
- Landscape Architects – Rules 61G10, 61-35.017, F.A.C.;
- Professional Geologists – Rule 61G16, F.A.C.;
- Labor Organizations – Rule 61E1-4.001; and
- Boxing Announcers and Timekeepers – Rules 61K1-3.002, 61K1-3.009, and 61K1-3.010, F.A.C.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

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<sup>72</sup> *Id.* at 9, 10.