



Conference Committee on Professional Deregulation

House Offer #2

Meeting Packet

Thursday, April 28, 2011, 9:40 p.m.

Room 401 Senate Office Building

**Conference Committee on Professional Deregulation
Conforming Bills Comparison - House Offer #2
Budget Conference for FY 2011-2012**

	HOUSE	SENATE	HOUSE OFFER #1	SENATE OFFER #1	HOUSE OFFER #2
1	HB 5005 - Deregulation of Professions and Occupations	No Senate Companion			
2	Section 1. Amends s. 20.165, F.S., deleting provisions establishing the Florida Board of Auctioneers.		HOUSE	SENATE	ACCEPT SENATE POSITION
3	Sections 2.-4. Repeal chapter 326, F.S., relating to the licensure of yacht and ship brokers and salespersons and conforming provisions in ss. 212.06 and 213.053, F.S.		HOUSE	SENATE	HOUSE
4	Sections 5. & 6. Repeal part VI of chapter 468, F.S., relating to the licensure of auctioneers, apprentices, and auction businesses, the Florida Board of Auctioneers, the Auctioneer Recovery Fund, and the conduct of auctions; and conforming provisions in s. 538.03, F.S.		HOUSE	SENATE	HOUSE Revised House position to deregulate only Auctioneer Apprentices and provide an exemption for out of state auctioneers to practice in Florida at contest only.
5	Section 7. Repeals part VII of chapter 468, F.S., relating to the licensure and regulation of talent agencies.		HOUSE	SENATE	HOUSE
6	Section 8. Repeals part IX of chapter 468, F.S., relating to the licensure and regulation of athlete agents.		HOUSE	SENATE	HOUSE
7	Sections 9.-13. Amend s. 477.0132, F.S., repealing the registration of specialists of hair braiding, hair wrapping, and body wrapping; and conforming provisions in ss. 477.019, 477.026, 477.0265, and 477.029, F.S.		HOUSE	ACCEPT HOUSE POSITION	CLOSED
8	Sections 14.-16. Repeal ss. 481.2131 and 481.2251, F.S., repealing the registration of interior designers; and conforming provisions in ss. 481.201, and 481.203, F.S.		HOUSE	SENATE	HOUSE

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	HOUSE	SENATE	HOUSE OFFER #1	SENATE OFFER #1	HOUSE OFFER #2
9	Section 17. Amends s. 481.205, F.S., changing the name of the Board of Architecture and Interior Design, to conform; revising membership of the board; conforming provisions.		HOUSE	SENATE	HOUSE
10	Sections 18.–31. Amend ss. 481.207, 481.209, 481.211, 481.213, 481.215, 481.217, and 481.219, 481.221, 481.222, 481.223, 481.229, 481.231, 553.79, and 558.002, F.S., conforming provisions to the repeal of the regulation of interior designers.		HOUSE	SENATE	HOUSE
11	Sections 32.–44. Repeal chapter 496, F.S., relating to the registration of professional fundraising consultants and professional solicitors and the regulation of solicitation of charitable contributions and charitable sales promotions; and conforming provisions in ss. 110.181, 316.2045, 320.023, 322.081, 413.033, 550.0351, 550.1647, 741.0305, 775.0861, 790.166, 843.16, and 849.0935, F.S.		HOUSE	SENATE	HOUSE
12	Section 45. Repeals s. 500.459, F.S., relating to the regulation of water vending machines and the permitting of water vending machine operators.		HOUSE	SENATE	HOUSE
13	Section 46. Amends s. 500.511, F.S., deleting provisions for the deposit of operator permitting fees, the enforcement of the state's water vending machine regulations, penalties, and the preemption of county and municipal water vending machine regulations, to conform.		HOUSE	SENATE	HOUSE

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	HOUSE	SENATE	HOUSE OFFER #1	SENATE OFFER #1	HOUSE OFFER #2
14	Sections 47. & 48. Repeal ss. 501.012-501.019, F.S., relating to the registration of health studios and the regulation of health studio services; and conforming provisions in s. 501.165, F.S.		HOUSE	SENATE	HOUSE
15	Sections 49. & 50. Repeal s. 501.143, F.S., relating to the Dance Studio Act, the registration of ballroom dance studios, and the regulation of dance studio lessons and services; and conforming provisions in s. 205.1969, F.S.		HOUSE	SENATE	HOUSE
16	Sections 51.-56. Repeal part IV of chapter 501, F.S., relating to the Florida Telemarketing Act, the licensure of commercial telephone sellers and salespersons and the regulation of commercial telephone solicitation; and conforming provisions in ss. 205.1973, 501.165, 648.44, 772.102, and 895.02, F.S.		HOUSE	SENATE	HOUSE
17	Sections 57. & 58. Repeal chapter 507, F.S., relating to the registration of movers and moving brokers and the regulation of household moving services; and conforming provisions in ss. 205.1975, F.S.		HOUSE	SENATE	HOUSE
18	Sections 59. & 60. Amend s. 509.242, F.S., removing the license classifications of "rooming house" from public lodging establishments for purposes of provisions regulating such establishments; and conforming provisions in s. 509.221, F.S.		HOUSE	ACCEPT HOUSE POSITION	CLOSED

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	HOUSE	SENATE	HOUSE OFFER #1	SENATE OFFER #1	HOUSE OFFER #2
19	Section 61. Repeals chapter 555, F.S., relating to the regulation of outdoor theaters in which audiences view performances from parked vehicles.		HOUSE	ACCEPT HOUSE POSITION	CLOSED
20	Section 62. Repeals part VIII of chapter 559, F.S., relating to the Sale of Business Opportunities Act and the regulation of certain business opportunities.		HOUSE	SENATE	HOUSE
21	Sections 63–66. Repeal part IX of chapter 559, F.S., relating to the registration of motor vehicle repair shops, the Motor Vehicle Repair Advisory Council, and the regulation of motor vehicle repair; and conforming provisions in ss. 320.27, 445.025, and 713.585, F.S.		HOUSE	SENATE	ACCEPT SENATE POSITION
22	Sections 67.–72. Repeal part XI of chapter 559, F.S., relating to the Florida Sellers of Travel Act, the registration of sellers of travel, certification of certain business activities, and the regulation of prearranged travel, tourist-related services, tour-guide services, and vacation certificates; and conforming provisions in ss. 205.1971, 501.604, 501.608, 636.044, and 721.11, F.S.		HOUSE	SENATE	HOUSE
23	Section 73. Repeals s. 686.201, F.S., relating to contracts with sales representatives involving commissions.		HOUSE	ACCEPT HOUSE POSITION	CLOSED
24	Section 74. Repeals s. 817.559, F.S., relating to the labeling of television picture tubes.		HOUSE	ACCEPT HOUSE POSITION	CLOSED
25	Section 75. Provides an effective date.		HOUSE	ACCEPT HOUSE POSITION	CLOSED
26	HB 5007 - Reducing and Streamlining Regulations				

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HOUSE	SENATE	HOUSE OFFER #1	SENATE OFFER #1	HOUSE OFFER #2
27	Section 1. Transfers responsibility for distribution of a motor vehicle consumer's rights pamphlet to a motor vehicle owner from the Department of Agriculture and Consumer Services to the Department of Legal Affairs.	HOUSE	ACCEPT HOUSE POSITION	CLOSED
28	Section 2. Providing for the release of certain driver license information by the Department of Highway Safety and Motor Vehicles to the Department of Business and Professional Regulation under certain circumstances.	HOUSE	ACCEPT HOUSE POSITION	CLOSED
29	Section 3. Providing alternative criteria for obtaining a home inspector's license.	HOUSE	SENATE	HOUSE
30	Section 4. Exempts home inspectors from mold assessment licensure requirements.	HOUSE	ACCEPT HOUSE POSITION	CLOSED
31	Section 5. Eliminates the requirements for a 2 year college degree and specific years of experience.	HOUSE	SENATE	HOUSE
32	Section 6. Revising the training requirements for mold assessors and remediators to remove water, mold, and respiratory protection.	HOUSE	SENATE	HOUSE
33	Section 7. Revising the training requirements for mold assessors and remediators to remove water, mold, and respiratory protection.	HOUSE	SENATE	HOUSE
34	Section 8. Reduces years of experience and invoices requires for licensure.	HOUSE	SENATE	HOUSE
35	Section 9. Deletes the requirements for a licensed Asbestos Consultant or Contractor's sole proprietorship to obtain an additional license.	HOUSE	ACCEPT HOUSE POSITION	CLOSED

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	HOUSE	SENATE	HOUSE OFFER #1	SENATE OFFER #1	HOUSE OFFER #2
36	Sections 10 through 20. Updates references to current Federal Law.		Revised language makes technical and clarifying corrections to the bill as it relates to the Uniform Standards of Professional Appraisal Practice provisions.	ACCEPT HOUSE POSITION, except on line 205 of the revised House language, replace term "adopted by the Appraiser" to "developed by the Appraisal"	ACCEPT SENATE POSITION
37	Section 21. Deletes criminal penalties for persons who violate orders or rules of the Florida Real Estate Commission, persons who violate orders or rules of the Florida Real Estate Appraisal Board or related grounds for disciplinary action.		HOUSE	ACCEPT HOUSE POSITION	CLOSED
38	Sections 22 & 23. Delete criminal penalties for persons who violate orders or rules of the Florida Real Estate Commission, persons who violate orders or rules of the Florida Real Estate Appraisal Board or related grounds for disciplinary action.		HOUSE	ACCEPT HOUSE POSITION	CLOSED
39	Section 24. Deletes criminal penalties for persons who commit certain violations of the Florida Cosmetology Act or rules of the Board of Cosmetology.		HOUSE	ACCEPT HOUSE POSITION	CLOSED
40	Section 25. Reducing continuing education requirements for reactivating professional licenses.		HOUSE	ACCEPT HOUSE POSITION	CLOSED
41	Section 26. Reducing continuing education requirements for reactivating Home Inspector licenses.		HOUSE	ACCEPT HOUSE POSITION	CLOSED
42	Section 27. Reducing continuing education requirements for reactivating Mold Assessor and Remediator licenses.		HOUSE	ACCEPT HOUSE POSITION	CLOSED

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	HOUSE	SENATE	HOUSE OFFER #1	SENATE OFFER #1	HOUSE OFFER #2
43	Section 28. Reducing continuing education requirements for reactivating Cosmetology licenses.		HOUSE	ACCEPT HOUSE POSITION	CLOSED
44	Section 29. Reducing continuing education requirements for reactivating Architect licenses.		HOUSE	ACCEPT HOUSE POSITION	CLOSED
45	Section 30. Reducing continuing education requirements for reactivating Landscape Architect licenses.		HOUSE	ACCEPT HOUSE POSITION	CLOSED
46	Section 31. Reducing continuing education requirements for reactivating Construction Contractor licenses.		HOUSE	ACCEPT HOUSE POSITION	CLOSED
47	Section 32. Reducing continuing education requirements for reactivating Electrical Contractor licenses.		HOUSE	ACCEPT HOUSE POSITION	CLOSED
48	Section 33. Allows accountants with a Masters degree from an accredited state college or university to be licensed without course reviews. Allows a CPA licensed in another state with 5 years of experience in the field of public accountancy to become licensed in Florida if all applicable fees are paid to the department regardless of the scope of the applicant's out of state course work.		Revised language to clarify that a master's degree in accounting, or its equivalent, is a satisfactory education level to apply for a Certified Public Accountant license.	ACCEPT HOUSE POSITION	CLOSED
49	Section 34. Revising the post licensure education requirements for real estate brokers and sales associates.		Revised language to clarify that initial licensure and postlicensure requirements do not apply to applicants for Real Estate Broker who holds specific education degrees.	ACCEPT HOUSE POSITION	CLOSED
50	Section 35. Deletes the requirements for a licensed Architects' sole proprietorship to obtain an additional license.		HOUSE	ACCEPT HOUSE POSITION	CLOSED

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	HOUSE	SENATE	HOUSE OFFER #1	SENATE OFFER #1	HOUSE OFFER #2
51	Section 36. Authorizes Landscape Designers to submit plan to government agencies for approval.		HOUSE	ACCEPT HOUSE POSITION	CLOSED
52	Section 37. Revising requirements for the method of payment of certain fees to not require check payments be certified.		HOUSE	ACCEPT HOUSE POSITION	CLOSED
53	Section 38. Revising requirements for the method of payment of certain fees to not require check payments be certified.		HOUSE	ACCEPT HOUSE POSITION	CLOSED
54	Section 39. Revising terminology for reprocessor schools and training facilities.		HOUSE	ACCEPT HOUSE POSITION	CLOSED
55	Section 40. Revising requirements for the method of payment of certain fees to not require check payments be certified.		HOUSE	ACCEPT HOUSE POSITION	CLOSED
56	Section 41. Revising terminology to conform.		HOUSE	Revised language to conform to CS/CS/SB 1916, section 23.	ACCEPT SENATE POSITION
57	Section 42. Providing and revising definitions for purposes of the Florida Food Safety Act.		HOUSE	SENATE	HOUSE
58	Section 43. Providing penalties for food safety violations committed by cottage food operations.		HOUSE	SENATE	HOUSE

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HOUSE	SENATE	HOUSE OFFER #1	SENATE OFFER #1	HOUSE OFFER #2
59 Section 44. Exempting cottage food operations from food permitting requirements; limiting the annual gross sales of cottage food operations and the persons who whom cottage food products may be sold; requiring certain packaging and labeling of cottage food products; limiting the sale of cottage food products to certain locations; prohibiting the resale of cottage food products; providing for application; authorizing the Department of Agriculture and Consumer Services to investigate complaints and enter into the premises of a cottage food operation.		HOUSE	SENATE	HOUSE
60 Section 45. Deleting authority for the department to enforce certain prohibitions against unconscionable practices during a declared state of emergency.		HOUSE	Revised language to conform to CS/CS/SB 1916, section 31.	ACCEPT SENATE POSITION
61 Section 46. Revising which matters relating to the regulation of public lodging establishments and food service establishments are preempted to the state.		HOUSE	ACCEPT HOUSE POSITION	CLOSED
62 Section 47. Authorizing the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to require certain public lodging establishments and public food service establishments to complete certain food safety training.		HOUSE	ACCEPT HOUSE POSITION	CLOSED
63 Section 48. Revises requirements for Home Inspectors conducting hurricane mitigation inspections.		HOUSE	SENATE	HOUSE

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	HOUSE	SENATE	HOUSE OFFER #1	SENATE OFFER #1	HOUSE OFFER #2
64	Section 49. Increases inactive license period from 2 years to 8 years for Fire Sprinkler Installers.		HOUSE	ACCEPT HOUSE POSITION	CLOSED
65	Sections 50 through 56. Transferring certain responsibilities of the Division of Consumer Services of the Department of Agriculture and Consumer Services for the Motor Vehicle Warranty Enforcement Act to the Department of Legal Affairs; authorizing the Department of Legal Affairs to adopt rules; conforming provisions.		Revises sections 51-54 to make technical changes to conform to SB 1916.	ACCEPT HOUSE POSITION	CLOSED
66	Section 57. Related to the transfer of Lemon Law from DACS to DLA		HOUSE	ACCEPT HOUSE POSITION	CLOSED
67	Section 58. Provides that Chapter 2010-84, Laws of Florida, regarding real estate appraisal management companies will not take effect until July 1, 2014. This change will allow time for the federal regulators to promulgate their rules.		HOUSE	ACCEPT HOUSE POSITION	CLOSED
68	Section 59. Provides an effective date of July 1, 2011, except as otherwise provided in the act.		HOUSE	ACCEPT HOUSE POSITION	CLOSED
69	Additional Items				
70	Title Insurance Agents		Study of Title Insurance Agents by DFS	SENATE	Study of Title Insurance Agents by DFS
71	Fee Waiver by DBPR			Attached language from section 2 of CS/CS/SB 1824 provides for the waiver of fees for DBPR on a case-by-case basis for financial hardship or error caused by the department.	ACCEPT SENATE POSITION

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HOUSE		SENATE	HOUSE OFFER #1	SENATE OFFER #1	HOUSE OFFER #2
72	CPA Peer Review			Attached language from sections 18-21 of CS/CS/SB 1824 which creates a CPA peer-review oversight process.	HOUSE

Amendment No.

CHAMBER ACTION

Senate

House

Removes complete repeal of regulation of auctioneers and apprentices. Requires licensure of auctioneers and auctioneer businesses. Removes license requirements for apprentices (retains training requirements to sit for the auction examination for licensure) Maintains the five member board and the recovery fund. Exempts auctioneers involved in auctions conducted as part of sanctioned contests from licensure requirements.

1 Representative(s) **Insert Sponsor** offered the following:

2
3 **Amendment (with title amendment)**

4 Remove line(s) **Start Line-End Line** and insert:

5 Section 1. Section 468.381, Florida Statutes, is amended
6 to read:

7 468.381 Purpose.—The Legislature finds that unqualified
8 auctioneers ~~and apprentices~~ and unreliable auction businesses
9 present a significant threat to the public. It is the intent of
10 the Legislature to protect the public by creating a board to

Amendment No.

11 regulate auctioneers, ~~apprentices~~, and auction businesses and by
12 requiring a license to operate.

13 Section 2. Subsection (10) is added to section 468.383,
14 Florida Statutes, to read:

15 468.383 Exemptions.—This act does not apply to the
16 following:

17 (10) Auctions conducted by auctioneers licensed in other
18 states when such auctions are held for the purpose of conducting
19 sanctioned contests among auctioneers, provided an auctioneer
20 licensed pursuant to this part is on site to monitor such
21 sanctioned contest.

22 Section 3. Subsection (3) of section 468.384, Florida
23 Statutes, is amended to read:

24 468.384 Florida Board of Auctioneers.—

25 (3) The board shall receive and act upon applications for
26 auctioneer, ~~apprentice~~, and auction business licenses and shall
27 have the power to issue, suspend, and revoke such licenses and
28 to take such other action as is necessary to carry out the
29 provisions of this act.

30 Section 4. Subsections (3) and (5), paragraph (a) of
31 subsections (6) and subsection (7) and subsection (8) of section
32 468.385, Florida Statutes, are amended to read:

33 468.385 Licenses required; qualifications; examination.—

34 (3) No person shall be licensed as an auctioneer or
35 ~~apprentice~~ if he or she:

36 (a) Is under 18 years of age; or

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37 (b) Has committed any act or offense in this state or any
38 other jurisdiction which would constitute a basis for
39 disciplinary action under s. 468.389.

40 (5) Each apprentice ~~application and license~~ shall name a
41 licensed auctioneer who has agreed to serve as the supervisor of
42 the apprentice. No apprentice may conduct, or contract to
43 conduct, an auction without the express approval of his or her
44 supervisor. The supervisor shall regularly review the
45 apprentice's records, which are required by the board to be
46 maintained, to determine if such records are accurate and
47 current.

48 (6) No person shall be licensed as an auctioneer unless he
49 or she:

50 (a) ~~Has held an apprentice license and has served as an~~
51 apprentice for 1 year or more, or has completed a course of
52 study, consisting of not less than 80 classroom hours of
53 instruction, that meets standards adopted by the board;

54 (7)(a) Any auction that is subject to the provisions of
55 this part must be conducted by an auctioneer who has an active
56 license or an apprentice ~~who has an active apprentice auctioneer~~
57 ~~license and~~ who has received prior written sponsor consent.

58 (b) No business shall auction or offer to auction any
59 property in this state unless it is licensed as an auction
60 business by the board or is exempt from licensure under this
61 act. Each application for licensure shall include the names of
62 the owner and the business, the business mailing address and
63 location, and any other information which the board may require.

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64 The owner of an auction business shall report to the board
65 within 30 days of any change in this required information.

66 (8) A license issued by the department to an auctioneer,
67 ~~apprentice~~, or auction business is not transferable.

68 Section 5. Subsection (8) is repealed, subsections (9) and
69 (10) are renumbered as subsections (10) and (11) , respectively
70 of section 468.3855, Florida Statutes, are amended to read:

71 468.3855 Apprenticeship training requirements.-

72 ~~(8) All apprentice applications shall be valid for a~~
73 ~~period of 6 months after board approval. Any applicant who fails~~
74 ~~to complete the licensure process within that time shall be~~
75 ~~required to make application as a new applicant.~~

76 (8) ~~(9)~~ Any licensed apprentice who wishes to change the
77 sponsor under whom he or she is supervised licensed ~~must submit~~
78 ~~a new application and application fee. However, a new license~~
79 ~~fee shall not be required and credit shall be awarded for~~
80 training received or any period of apprenticeship served under
81 the previous sponsor.

82 (9) ~~(10)~~ Credit for training received or any period of
83 apprenticeship served shall not be allowed unless it occurred
84 under the supervision of the sponsor ~~under whose supervision the~~
85 ~~apprentice is licensed.~~

86 Section 6. Subsection (4) and paragraph (b) of subsection
87 (11) of section 468.388, Florida Statutes, are amended to read:

88 468.388 Conduct of an auction.-

89 (4) Each auction must be conducted by an auctioneer who
90 has an active license or by an apprentice ~~who has an active~~
91 ~~apprentice auctioneer license and~~ who has received prior written

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92 sponsor consent. Each auction must be conducted under the
93 auspices of a licensed auction business. Any auctioneer or
94 apprentice auctioneer conducting an auction, and any auction
95 business under whose auspices such auction is held, shall be
96 responsible for determining that any auctioneer, apprentice, or
97 auction business with whom they are associated in conducting
98 such auction has an active Florida auctioneer, ~~apprentice,~~ or
99 auction business license.

100 (11) (b) No licensed auctioneer, ~~apprentice,~~ or auction
101 business may disseminate or cause to be disseminated any
102 advertisement or advertising which is false, deceptive,
103 misleading, or untruthful. Any advertisement or advertising
104 shall be deemed to be false, deceptive, misleading, or
105 untruthful if it:

106 1. Contains misrepresentations of facts.

107 2. Is misleading or deceptive because, in its content or
108 in the context in which it is presented, it makes only a partial
109 disclosure of relevant facts.

110 3. Creates false or unjustified expectations of the
111 services to be performed.

112 4. Contains any representation or claim which the
113 advertising licensee fails to perform.

114 5. Fails to include the name and license number of the
115 principal auctioneer and the auction business.

116 6. Fails to include the name and license number of the
117 sponsor if an apprentice is acting as the principal auctioneer.

118 7. Advertises an auction as absolute without specifying
119 any and all items to be sold with reserve or with minimum bids.

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120 8. Fails to include the percentage amount of any buyer's
121 premium or surcharge which is a condition to sale.

122 (d) The auction business shall be responsible for the
123 content of all advertising disseminated in preparation for an
124 auction.

125 Section 7. Section 468.391, Florida Statutes, is amended
126 to read:

127 468.391 Penalty.—Any auctioneer, apprentice, or auction
128 business or any owner or manager thereof, or, in the case of
129 corporate ownership, any substantial stockholder of the
130 corporation owning the auction business, who operates without an
131 active license or sponsorship or violates any provision of the
132 prohibited acts listed under s. 468.389 commits a felony of the
133 third degree, punishable as provided in s. 775.082 or s.
134 775.083.

135 Section 8. This act shall take effect July 1, 2011.

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T I T L E A M E N D M E N T

139 Remove lines 9-13 and insert:
140 F.S., to conform; amending s. 468.381, F.S.; removing reference
141 to auctioneer apprentice; amending s. 468.383, F.S.; removing
142 reference to auctioneer apprentice; amending s. 468.384, F.S.;
143 removing reference to auctioneer apprentice; amending s.
144 468.385, F.S.; amending s. 468.3855, F.S.; removing reference to
145 auctioneer apprentice; removing reference to auctioneer
146 apprentice; amending s. 468.388, F.S.; removing reference to
147

HOUSE AMENDMENT

Bill No. CS/HB 5005 (2011)

Amendment No.

148 | auctioneer apprentice; amending s. 468.391, F.S.; adding
149 | reference to apprentice sponsorship; amending s. 538.03, F.S.,
150 | to conform; repealing part VII