



Business & Consumer Affairs Subcommittee

Action Packet

**Tuesday, January 25, 2011
9:00 AM - 12:00 PM
12 HOB**

COMMITTEE MEETING REPORT
Business & Consumer Affairs Subcommittee
1/25/2011 9:00:00AM

Location: 12 HOB

Summary: No Bills Considered

Committee meeting was reported out: Tuesday, January 25, 2011 4:03:58PM

COMMITTEE MEETING REPORT
Business & Consumer Affairs Subcommittee

1/25/2011 9:00:00AM

Location: 12 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Esteban Bovo, Jr. (Chair)	X		
Joseph Abruzzo	X		
Larry Ahern	X		
Frank Artiles		X	
Steve Crisafulli			X
Eric Eisnaugle	X		
Tom Goodson			X
Mia Jones	X		
Jeanette Nuñez	X		
Jimmy Patronis	X		
Kenneth Roberson	X		
Darryl Rouson	X		
Irving Slosberg	X		
Cynthia Stafford	X		
Dana Young	X		
Totals:	12	1	2

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Other Business Appearance:

Gonzalez, Jose, VP Govt. Affairs (Lobbyist) (At Request Of Chair) - Information Only
Associated Industries of Florida
516 North Adams Street
Tallahassee FL 32301
Phone: (850) 224-7173

John A. Medina, President, Greenways of America (At Request Of Chair) - Information Only
Florida Chamber of Commerce-Small Business Council
3136 OBrien Drive
Tallahassee FL 32309
Phone: 850-694-0040

Allen Douglas, Fl. Legislative Affairs Director (Lobbyist) - Information Only
National Federation of Independent Business
110 E. Jefferson Street
Tallahassee FL 32301
Phone: 850-681-0416

Eric Criss, President (Lobbyist) - Information Only
Beer Industry of Florida

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Business and Consumer Affairs Subcommittee

Regulation Review

Department of Business and Professional Regulation and portions of the Department of Agriculture and Consumer Services
Subcommittee Worksheet

Line No.	Ref. Book Page No.	Business/Profession	Additional Information Needed "X"	Brief Description of Information Requested
1	1	Accountants		
2	5	Alcoholic Beverages And Tobacco (Including Manufacturers, Distributors And Retailers)		
3	16	Animal Carcass or Animal Refuse Haulers	X	Do licensees contract with local governments for services? If so, can regulatory requirements be handled in contract? Response: Animal carcass and refuse haulers primarily contract with producers for their services. The division's role is limited to permit issuance and vehicle inspection to ensure compliance. Regulatory requirements could not be handled in contracts.
4	18	Architects		
5	22	Asbestos Consultants		
6	25	Asbestos Contractors		
7	29	Athlete Agents	X	What is NCAA role? Response: The NCAA is the regulaory body designed to protect student athletes from exploitative practice. The association developed the Uniform Athlete Agent Act (UAAA) which formed the basis for the Florida Athlete Agent laws. According to the NCAA, the UAAA is the model state law that provides a means of regulating the conduct of Athlete Agents. In most cases, the UAAA requires an athlete agent to register with a state authority in order to act as an Athlete Agent. DBPR investigates all complaints major and minor as a deterrent to infractions of NCAA rules. The NCAA fully investigates major infractions and resolves minor infractions quickly and these do not become official allegations when parties agree to facts and penalties. The NCAA cannot subpoena witnesses or conduct discovery. However, enforcement staff can charge individuals employed by an institution with unethical conduct.
8	31	Auctioneer Apprentices	X	How do federal regulations interface with federal law? Can't this be regulated in private contracts? Is EBAY licensed? Response: The department is not aware of any federal regulations/laws regarding the regulation of auctioneering. However, House staff has identified that this profession is subject to the Federal Trade Act.

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Line No.	Ref. Book Page No.	Business/Profession	Additional Information Needed "X"	Brief Description of Information Requested
9	34	Auctioneers	X	The courts could govern any contractual disputes that arise between an auctioneer/apprentice and a consumer regarding the terms of an auction or compensation owed for the sale of auctioned goods. EBay is not licensed in Florida as an auctioneer. EBay sellers operate from all over the world.
10	37	Barbers		
11	41	Boxing, Kick Boxing, and Mixed Martial Arts	X	How many other states regulate, and to what extent? Does this discourage boxing events from coming to Florida? Response: <ul style="list-style-type: none"> • A majority of states (47) regulate boxing, kickboxing, and/or martial arts. • Federal law requires states to oversee professional boxing matches, so the three states without a boxing commission cannot host fights, unless another state oversees it. • Although Alaska has an Athletic Commission with jurisdiction over boxing, it has been inactive since 2002, and there are currently no licensure requirements. • Maine was deregulated in 2007.
12	44	Building Code Administrators And Inspectors		
13	48	Business Opportunities	X	How does federal law interface with state requirements? Response: There is no direct interface with Federal Law. The Federal Trade Commission does regulate Business Franchises under 16CFR436 which includes references to Business Opportunities.
14	50	Cattle Owners with Officially Registered Brands	X	Why are we regulating this? Response: The registration of a mark or brand entitles the registered owner to exclusive ownership and use of the mark or brand. Originally, the branding of cattle was to protect against theft and to retrieve one's own cattle from other herds when raising cattle was on open range. Due to the fact cattle raising is now performed on fenced land, this may not be necessary to continue.
15	51	Charitable Organizations		

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Line No.	Ref. Book Page No.	Business/Profession	Additional Information Needed "X"	Brief Description of Information Requested
16	54	Child Labor		
17	57	Community Association Managers		
18	60	Condominiums and Cooperatives		
19	62	Construction Industry Contractors		
20	71	Cosmetologists		
21	75	Dance Studios	X	<p>How does federal law interface with state requirements? Isn't consumer protection already covered by civil remedies?</p> <p>Response: There is no interface with Federal Law.</p> <p>Yes, Consumer protection is covered in civil as well as criminal remedies.</p>
22	77	Electrical Contractors		
23	82	Elevator Safety	X	<p>How do local S. Florida service contracts function? Can this be privatized?</p> <p>Response: Service contracts in Florida are currently privatized.</p>
24	85	Employee Leasing Companies	X	<p>Please explain why these issues cannot be left to the private sector.</p> <p>Response:</p> <ul style="list-style-type: none"> • Thirty one states license employee leasing companies. • States that do not have specific licensing requirements for employee leasing companies often have applicable regulations concerning treatment of the companies or employees for health and unemployment insurance and taxes. • According to the industry, the need to regulate is due to the requirements for Worker's Compensation benefits and Employee Salary rates.

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Line No.	Ref. Book Page No.	Business/Profession	Additional Information Needed "X"	Brief Description of Information Requested
25	89	Engineers		
26	92	Fair Rides and Games		
27	94	Farm Labor Contractor		
28	97	Feral Swine Trappers or Facility Managers		
29	99	Food Establishments (Pre-packaged Foods, i.e., Grocery Stores)		
30	102	Game Promotions		
31	104	Harbor Pilots		
32	108	Health Studios (Gyms)	X	Describe the consumer initiated complaint process? Response: Individuals who have complaints can phone the 800-HELPFLA, file a complaint online at www.800helpfla.com , or request a complaint and return it to us via U.S. Postal Service.
33	110	Home Inspection Services		
34	112	Homeowners Associations		

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Line No.	Ref. Book Page No.	Business/Profession	Additional Information Needed "X"	Brief Description of Information Requested
35	114	Interior Designers	X	<p>Need to breakout interior designers from architects. Need #'s. Would Locke v Shore apply if not regulated by state?</p> <p>Response: Current/Active Architects = 9,878, Current/Active Interior Designers = 3,047. Architects and interior designers are customarily included in the same profession in other states, and architects are allowed to perform interior design services. The department is not aware of any reason precluding the separation of the two professions.</p> <p>The ruling in Locke vs. Shore provides that any person may use the title "interior designer" regardless of whether or not they hold a Florida license. A person may provide residential interior design services and may advertise herself/himself as an "interior designer" without a license. However, the ruling also provides that a person must be a registered interior designer to provide commercial interior design services in the State of Florida. If the interior design profession were deregulated, Locke vs. Shore would basically become moot.</p>
36	118	Intrastate Movers		
37	120	Landscape Architecture	X	<p>Please explain why we regulate?</p> <p>Response: According to the industry, the regulation is necessary to keep landscape Designers from practicing beyond their scope.</p> <p>On a legal basis, landscape architecture is a registered, state regulated profession, requiring a specific professional education and successful completion of a registration exam. Landscape design is not a state regulated profession and requires no specific professional academic credential.</p> <p>Because Landscape Architects are licensed, they take responsibility for the health, safety, and welfare of the public in the work they do. Therefore they can work on large scale projects like parks, recreation facilities, institutional buildings, commercial buildings, parking lots, and habitat restoration projects. By contrast Landscape Designers have no legal responsibility to the health, safety and welfare of the public, and they are generally only allowed to design simple, single-family residential gardens.</p>
38	124	Lodging		
39	127	Mobile Home Parks		
40	129	Mold-Related Services		

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Line No.	Ref. Book Page No.	Business/Profession	Additional Information Needed "X"	Brief Description of Information Requested
41	132	Motor Vehicle Repair Shops	X	Explain interface of Federal laws with state regulations. Response: There is no interface with Federal Law.
42	134-140	Pari-Mutuel Wagering		
43	135	Pari-Mutuel Wagering		
44	137	Intertrack Wagering		
45	138	Cardrooms		
46	139	Slots		
47	141	Pawn Shops		
48	143	Professional Geology		
49	147	Professional Surveyors And Mappers		
50	150	Real Estate Appraisers And Appraisal Management Companies		
51	156	Real Estate Brokers, Sales Associates, and Schools		

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Line No.	Ref. Book Page No.	Business/Profession	Additional Information Needed "X"	Brief Description of Information Requested
52	161	Restaurants (Prepared Foods-Sit Down or Carry Out)		
53	164-172	Security Industry:		
54	165	Firearms (Concealed Weapons Permits and Firearm Instructors)		
55	166	Security Services		
56	168	Private Investigative Services		
57	170	Recovery Services		
58	173	Sellers Of Travel		
59	175	Swine Garbage Feeders	X	<p>Can Florida opt out of Federal requirements?</p> <p>Response: Yes. The Division of Animal Industry receives approximately \$50,000 annually in federal funding and that funding would be eliminated if the responsibility were turned over to the United States Department of Agriculture (USDA). Responsibility for the inspection of these facilities would revert to the USDA. The division currently spends approximately 3600 man hours annually on permitting and inspecting these facilities.</p>
60	177	Talent Agencies	X	<p>Why are we regulating? If to protect children, isn't his the role of law enforcement?</p> <p>Response: This regulation is of an industry, not a profession. There is no required testing for licensure, no continuing education requirement, and no professional regulatory board.</p> <p>If deregulated, criminal violations will still be handled by the State Attorney's Office. Additionally, individuals will maintain the ability to seek civil action through the court system.</p>

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61	179	Telemarketing		
62	182	Timeshares		
63	184	Veterinary Medicine		
64	187	Yacht and Ship Brokers		