

Business & Consumer Affairs Subcommittee

**Tuesday, January 11, 2011
9:00 AM – 12:00 PM
116 Knott Building**



The Florida House of Representatives

Business & Consumer Affairs Subcommittee

Dean Cannon
Speaker

Esteban L. Bovo, Jr.
Chair

Meeting Agenda
Tuesday, January 11, 2011
116 Knott Building
9:00 a.m. – 12:00 p.m.

- I. Call to Order**
- II. Roll Call**
- III. Welcome and Opening Remarks**
- IV. Introduction of Members**
- V. Presentations**
 - a. Department of Agriculture and Consumer Services/Division of Consumer Services**
 - b. Department of Business and Professional Regulation**
- VI. Discussion of Business Regulations in Florida**
- VII. Adjournment**

Division of Consumer Services Overview

House Business and Consumer Affairs Subcommittee

January 11, 2011



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

COMMISSIONER ADAM H. PUTNAM

General Information

- History
 - In 1967 the Florida Legislature created the Office of Consumer Services and placed it in the Commissioner's Office
 - In 1969 the Office of Consumer Services became the Division of Consumer Services and the Department was renamed the Department of Agriculture and Consumer Services
- Authority
 - s. 570.544, Florida Statutes
 - Clearinghouse for matters relating to consumer protection
- Budget
 - 134 FTE, \$8,146,379
 - 100% trust funded
- 4 Bureaus
 - Consumer Assistance
 - Compliance
 - Mediation and Enforcement
 - Investigations
- Board of Professional Surveyors and Mappers



Bureau of Consumer Assistance

- Consumer Assistance Center
 - 22 employees
 - 189,924 calls received 1/1/10 - 11/30/10
- Vehicle Lemon Law Program
 - Chapter 681, Florida Statutes
 - The Lemon Law Section screens all consumer requests for state arbitration for eligibility, referring qualified applicants to the Florida Attorney General's Office
 - The Attorney General's Office oversees the Florida New Motor Vehicle Arbitration Boards
 - 364 requests received 1/1/10 - 11/30/10
 - \$7,153,042 recovered 1/1/10 - 11/30/10



Bureau of Compliance

Industry	Statutory Authority	Registrations
Business Opportunities	ss. 559.80-559.815, F.S.	2,493
Solicitation of Contributions	Chapter 496, F.S.	16,716
Dance Studios	s. 501.143, F.S.	223
Game Promotions	s. 849.094, F.S.	5,471
Health Studios	ss. 501.012-501.019, F.S.	2,188
Household Moving Services	Chapter 507, F.S.	981
Motor Vehicle Repair	ss. 559.901-559.9221, F.S.	24,635
Pawnbroking	Chapter 539, F.S.	1,442
Sellers of Travel	ss. 559.926-559.939, F.S.	2,188
Telemarketing	ss. 501.601-501.626, F.S.	19,532 (464)
Telephone Solicitation (Do Not Call)	s. 501.059, F.S.	91,940



Bureau of Mediation and Enforcement

	Regulated	Non-Regulated	Total
Complaints	21,774	18,840	40,614
Refunds Requested	\$11,520,689	\$5,709,796	\$17,230,486
Refunds Received	\$2,633,743	\$1,895,126	\$4,528,870
Fines Collected	\$1,337,760	*****	\$1,337,760

Top 10 Consumer Complaints		Top 5 Counties
1. Telemarketer*	6. Motor Vehicle Repair*	1. Broward
2. No Sales*	7. Real Estate	2. Palm Beach
3. Credit Banking	8. MV Sales/Accessories	3. Orange
4. Communications	9. Landlord/Tenant	4. Miami-Dade
5. Travel/Vacation Plans*	10. Medical	5. Pinellas
* regulated entity		



Bureau of Investigations

- Conducts investigations of alleged violations of Florida law that fall within the jurisdiction of the Division's regulated programs
- 14 investigators
- 2,886 open investigations in 2010
- Functions as the United States Consumer Product Safety Commission's liaison in Florida regarding product recalls, inspections and investigations
- Investigates complaints of price gouging during a declared state of emergency



Professional Surveyors and Mappers

- Transferred from DBPR to DACS in 2009
- Governed by Chapter 472, F.S.
- 9 member board appointed by the Commissioner of Agriculture
- 1,206 businesses
- 3,059 mappers



Contact Information:

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FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER ADAM H. PUTNAM

1-800-HELPFLA



www.FreshFromFlorida.com



Florida Department of
**Business
Professional
Regulation**

**Department Overview
January 2011**

**Charlie Liem
Secretary**



Purpose

- License Efficiently, Regulate Fairly
- Minimize regulatory burdens.
- Continuously improve customer service.
- Make Florida a great place to do business.



Overview

JURISDICTION

- Most non-health care professions and many businesses

STRUCTURE

- Business Regulation
- Professional Regulation
- Administration, Financial, and Support Services
- Drugs, Devices, & Cosmetics Program (October 2011)

PURPOSE

- License efficiently. Regulate fairly.



Jurisdiction: Businesses

- Alcoholic Beverages and Tobacco
- Condominiums and Cooperatives
- Hotels and Restaurants
- Mobile Homes
- Pari-Mutuel Wagering
- Timeshares
- Yacht and Ships



Jurisdiction: Professions

- **Architecture & Interior Design**
- **Asbestos Contractors & Consultants**
- **Athlete Agents**
- **Auctioneers**
- **Barbers**
- **Boxing, Kick Boxing & Mixed Martial Arts**
- **Building Code Administrators & Inspectors**
- **Certified Public Accounting**
- **Child Labor**
- **Community Association Managers & Firms**
- **Construction Industry**
- **Cosmetology**
- **Electrical Contractors**
- **Employee Leasing Companies**
- **Farm Labor**
- **Geologists**
- **Harbor Pilots**
- **Home Inspectors**
- **Labor Organizations**
- **Landscape Architecture**
- **Mold-Related Services**
- **Real Estate**
- **Real Estate Appraisers**
- **Talent Agents**
- **Veterinary Medicine**



Structure

Deputy Secretary of Business Regulation

- Division of Alcoholic Beverages & Tobacco
- Division of Florida Condominiums, Timeshares, and Mobile Homes
- Division of Hotels and Restaurants
- Division of Pari-Mutuel Wagering

Deputy Secretary of Professional Regulation

- Division of Professions
- Division of Regulation
- Division of Real Estate
- Division of Certified Public Accounting
- Florida State Boxing Commission



Department Facts

- **CUSTOMERS:** More than one million licensed businesses and professionals
- **FY10-11 BUDGET:** \$131 million
- **STAFFING:** 1,783
- **REVENUE SOURCES:**
 - 100% State Trust Funded.
 - Collect approximately \$2.2 billion in tax revenue that is contributed to General Revenue and other agencies.



Division of Alcoholic Beverages and Tobacco

- Nearly 70,000 license holders.
- In FY 09-10, had 413 Tobacco citations; 70 Possession of fraudulent identification arrests; 3,065 Possession of Alcohol by underage persons arrests; 987 Sale of alcohol to underage persons arrests.
- Funded by Alcoholic Beverages and Tobacco Trust Fund.



Division of Florida Condominiums, Timeshares, and Mobile Homes Program

- License, educate, arbitrate disputes, mediate complaints and enforce laws subject to division jurisdiction.
- 32,837 total Licensees (26,939 Condominium Associations and Cooperative Associations; 582 Timeshare Associations; 2,479 Mobile Home Parks; and 2,659 Yacht & Ship Brokers and Salespersons).
- Funded by Condominiums, Timeshare and Mobile Homes Trust Fund; no General Revenue.



Division of Hotels and Restaurants

- License, inspect and regulate food service and lodging establishments, license and regulate elevators, escalators and other vertical conveyances.
- Over 45,000 public food service establishments, over 37,000 lodging establishments and over 48,000 vertical conveyances (escalator, elevator, etc).
- Funded via license fees, no General Revenue.



Division of Pari-Mutuel Wagering

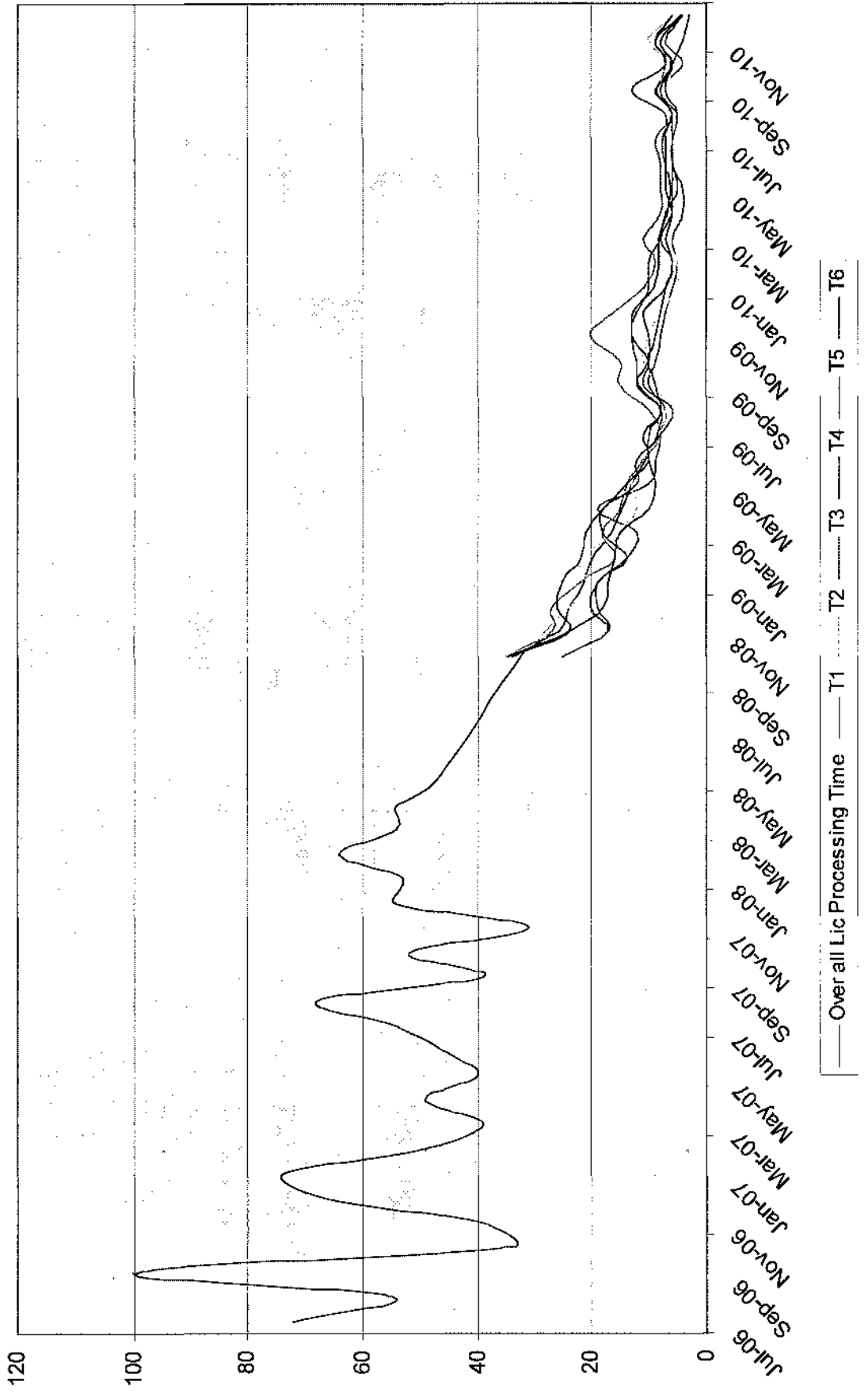
- Regulation of Florida's Gaming Industry
- Oversight of compact with Seminole Tribe of Florida
- 30,631 total license holders including horse racing, dog racing, jai alai and card rooms.
- Funded by license fees.
- Contributed over \$22 million to General Revenue in FY 09-10.

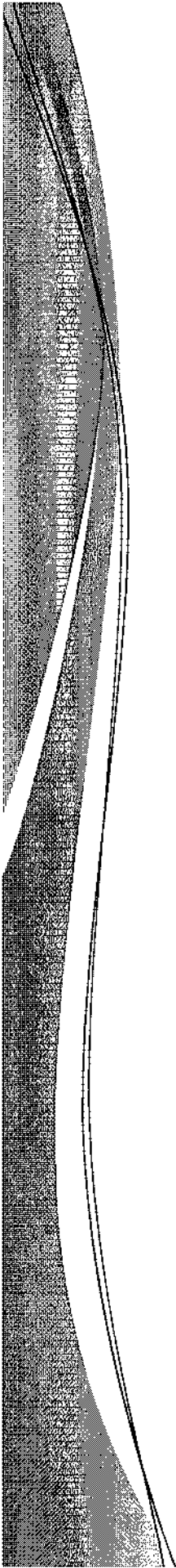


What Have We Achieved?

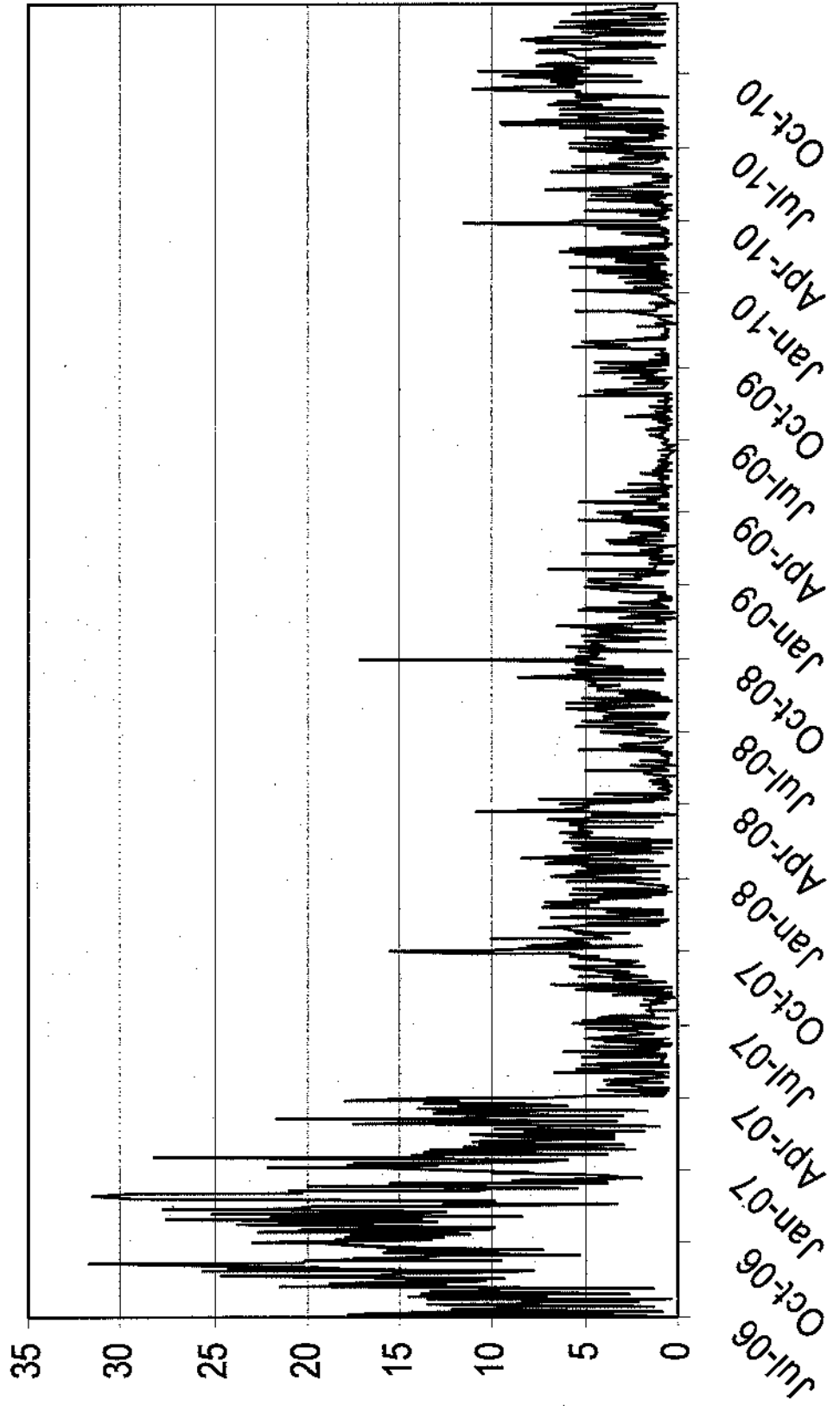
- **Productivity has increased**
 - Over the past four years, we have reduced application processing time from 70 days to about 8 days, removing 90 % of the delay
- **Increased responsiveness to customers**
 - Cut peak wait and hold times in our call center from 30 minutes to about 3 minutes – a reduction of 80%
- **Reduced the time to process and issue a license** to sell a brand of alcoholic beverage from 8 weeks to a matter of minutes
- **Reduced length of time to completely answer a customer email** from 39 days to 48 hours
- **Increased the accuracy and quality of our interactions with businesses**
 - 98% percent of the businesses who contact us with a question get their questions answered correctly on the first call
 - 99% of the businesses who contact us are satisfied with the quality of our interaction
- **Reduced our budget** from \$154 million to \$131 million current year
- **Reduced the number of employees** from 2,028 to 1,783

License Processing Time in Days

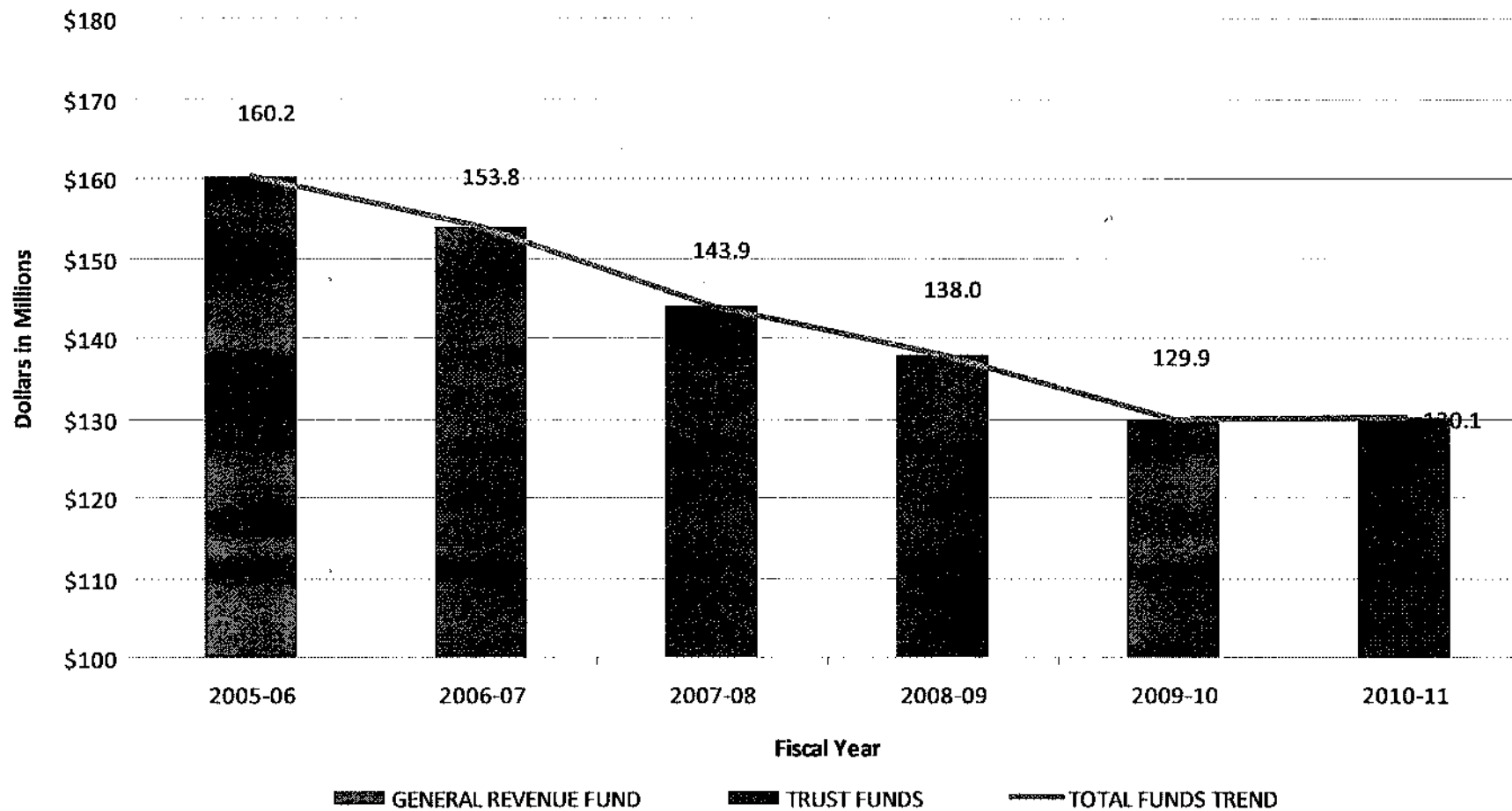




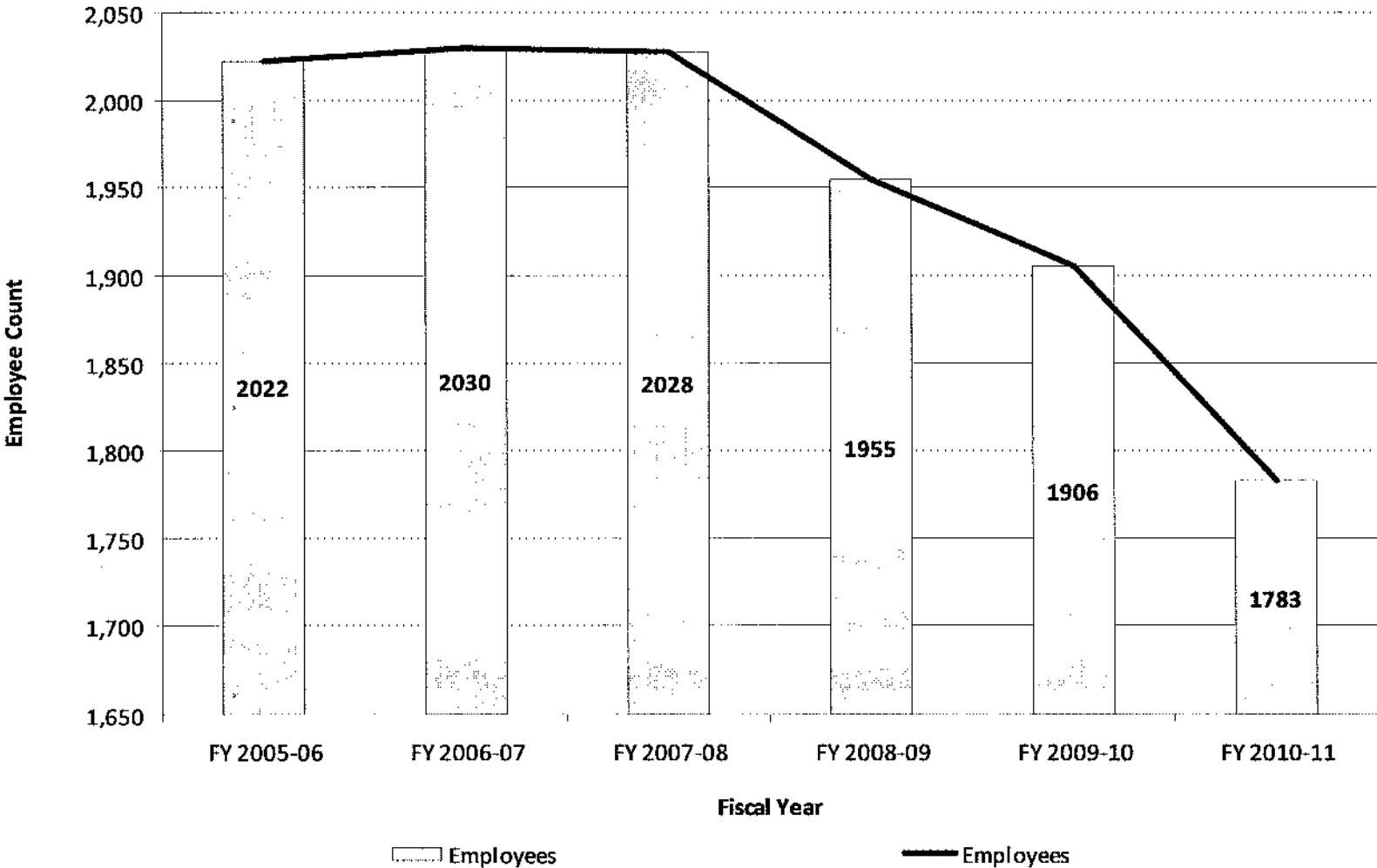
Peak Hold Time in Minutes

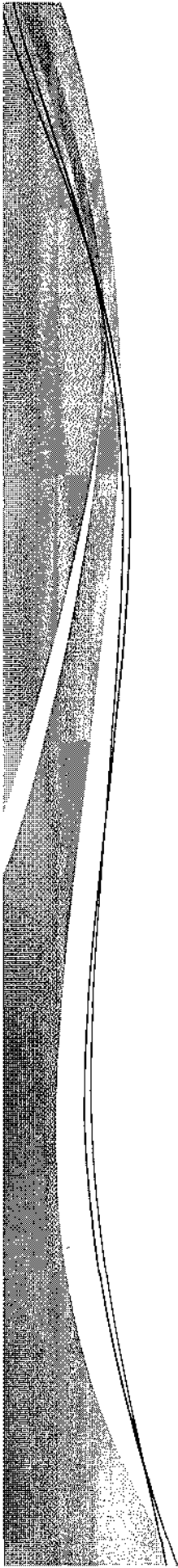


Department of Business and Professional Regulation 6 Year Budget History Trend (dollars in millions)



Department of Business and Professional Regulation 6 Year Employee Trend

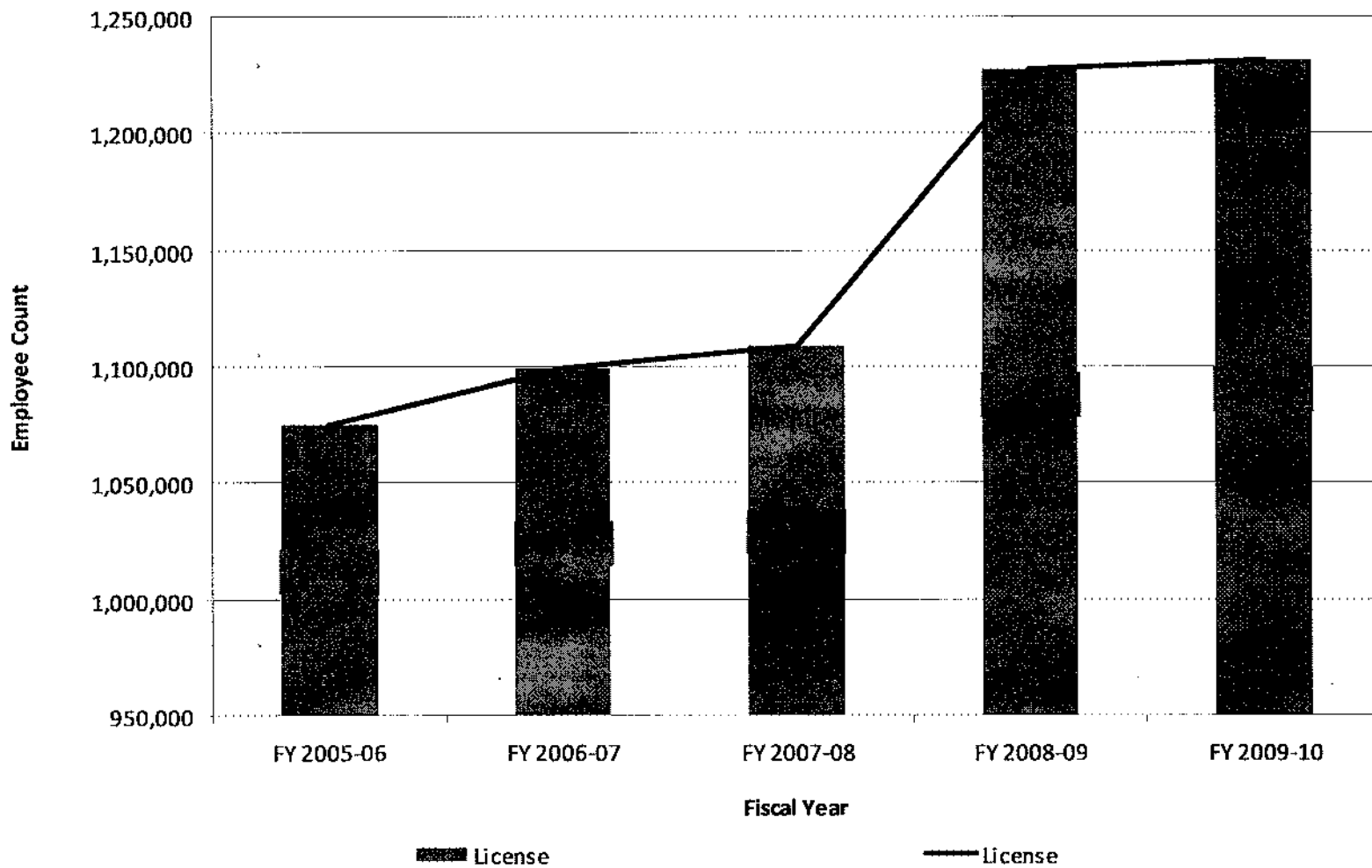




Florida Department of
Business
Professional
Regulation

Questions?

Department of Business and Professional Regulation 5 Year License Trend



Florida Department of Business and Professional Regulation



OUR MISSION

License efficiently. Regulate fairly.

OUR VISION

We will make DBPR and Florida great places to do business. To that end we will invest in our employees, treat our licensees as valued customers and partners, and uphold laws that protect the public and Florida's competitive marketplace.

OUR VALUES

Accountability - We hold ourselves to the highest standards on behalf of our customers and the public.

Innovation - We foster an environment that encourages everyone to seek ways to make DBPR and Florida great places to do business without the constraints of fear of change or long held practices.

Integrity - We are fair and honest in all that we do so that our employees and customers trust our decisions.

Ownership - We embrace our responsibility to serve and see things through to resolution.

Responsiveness - We are approachable and empathetic, we provide timely, accurate, and consistent information, and we offer alternative solutions when available.

Respect - We treat our employees and customers with fairness and courtesy and appreciate each person's viewpoint.

Teamwork - We understand, rely upon and cultivate the talents of our colleagues and customers to help us reach our goals.

*I have read the **Mission, Vision and Values**, and by signing below, I commit myself to doing my part to accomplish our mission, uphold our values and achieve our vision.*

Signed _____

Date: December 29, 2010**CIU INTAKE PRODUCTIVITY**

Queue Name	User Name	Count
CIU-Profiler	SHELIA.DIXON	291
CIU-Profiler	LILLIAN.WALKER	261
CIU-Profiler	SUNIL.PATEL	254
CIU-Profiler	CAROL.DAVIS	217
CIU-Profiler	NATASHA.BARRINGTON	191
CIU-Profiler	ROSETTA.STRICKLAND	4
CIU-Profiler	GARY.HANSEN	3
CIU-Profiler	STANLEY.GOLDEN	3
CIU-Profiler	JUANITA.WILLIAMS	2
Profiler Total		1226
CIU-Validator	CHRISTINA.KIRKLAND	411
CIU-Validator	TONYA.RILEY	285
CIU-Validator	ERIKA.TRAWICK	255
CIU-Validator	STANLEY.GOLDEN	114
Validator Total		1065
CIU-Cashier	ANGELA.FUTRELL	623
CIU-Cashier	MARY.BRUCE	509
CIU-Cashier	CHRISTINA.KIRKLAND	391
CIU-Cashier	TONYA.RILEY	275
CIU-Cashier	ERIKA.TRAWICK	186
CIU-Cashier	STANLEY.GOLDEN	108
Cashier Total		2092
CIU - Research Hold	DAVID.DONALDSON	19
CIU - Research Hold	ELAINE.EICHELBERGER	7
CIU - Research Hold	EMILY.HICKS	5
Research Hold Total		31
CIU-Research 1	ELAINE.EICHELBERGER	8
CIU-Research 1	EMILY.HICKS	5
Research 1 Total		13
CIU-Research 2	EMILY.HICKS	32
CIU-Research 2	DAVID.DONALDSON	30
CIU-Research 2	CARLA.RUSSELL	17
CIU-Research 2	ELAINE.EICHELBERGER	14
CIU-Research 2	CHRISTY.SMITH	5
CIU-Research 2	SHERRY.THOMAS	1
Research 2 Total		99

Regulation Review Background

Business and Consumer Affairs Subcommittee

**Department of Business and Professional Regulation and portions of
the Department of Agriculture and Consumer Services**

Regulation Review

**Background Information for Specific Regulated Businesses and
Professions**

January 11, 2011

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Accountants

Authority:

- Chapter 473, Part IX, Florida Statutes
- Chapter 61H1, Florida Administrative Code

Description:

"Certified public accountant" means an individual who holds a license to practice public accounting in this state or an individual who does not have an office in this state but has the privileges, as approved by the board, of a Florida certified public accountant and may provide public accounting services in this state without obtaining a license under this chapter.

Scope of Practice:

The practice of public accountancy or accounting includes:

- Offering to perform or performing for the public one or more types of services involving the expression of an opinion on financial statements, the attestation as an expert in accountancy to the reliability or fairness of presentation of financial information, the utilization of any form of opinion or financial statements that provide a level of assurance, the utilization of any form of disclaimer of opinion which conveys an assurance of reliability as to matters not specifically disclaimed, or the expression of an opinion on the reliability of an assertion by one party for the use by a third party.
- Offering to perform or performing for the public one or more types of services involving the use of accounting skills, or one or more types of tax, management advisory, or consulting services, by any person who is a certified public accountant who holds an active license, issued pursuant to this chapter, or who is authorized to practice public accounting, including the performance of such services by a certified public accountant in the employ of a person or firm.
- Offering to perform or performing for the public one or more types of service involving the preparation of financial statements not included above, by a certified public accountant who holds an active license by a firm of certified public accountants; or by a firm in which a certified public accountant has an ownership interest, including the performance of such services in the employ of another person.

License Categories:

- Certified Public Accountant (CPA) - means a person, who holds an active, inactive, delinquent, or temporary license, or who is practicing public accounting in this state pursuant to the practice privilege granted for out of state certified public accountant.
A suspended CPA is prohibited from practicing public accounting as a sole proprietor, partner or shareholder and using the "CPA" designation. A suspended certified public accountant may be an employee under the supervision of a certified public accountant who holds an active license.
- Business Entity - means any legal entity, except a sole proprietorship, that holds an active, delinquent, or temporary license issued by this state or its state of domicile.

- Sole Proprietorship - means is a type of business entity that is owned and run by one licensed CPA and in which there is no legal distinction between the owner and the business.

The board provides for the issuance of temporary licenses to certified public accountants or firms of other states who do not meet licensure requirements. This temporary license is for the purpose of enabling them or their employees to perform specific engagements involving the practice of public accountancy in this state. No temporary license shall be valid for more than 90 days after its issuance, and no license shall cover more than one engagement. After the expiration of 90 days, a new license shall be required.

Methods of Licensure:

- Examination - An applicant is entitled to take the licensure examination to practice in this state as a certified public accountant if the applicant has completed 120 semester hours or 160 quarter hours from an accredited college or university with a concentration in accounting and business courses.

The board shall certify for licensure any applicant who successfully passes the licensure examination and satisfies statutory requirements and shall certify for licensure any firm that satisfies specified requirements.

An applicant for licensure must have at least 150 semester hours of college education, including a baccalaureate or higher degree conferred by an accredited college or university, with a concentration in accounting and business in the total educational program to the extent specified by the board.

An applicant for licensure after December 31, 2008, must show that he or she has had 1 year of work experience. This experience shall include providing any type of service or advice involving the use of accounting, attest, compilation, management advisory, financial advisory, tax, or consulting skills, all of which must be verified by a certified public accountant who is licensed by a state or territory of the United States and who has supervised the applicant. This experience is acceptable if it was gained through employment in government, industry, academia, or public practice; constituted a substantial part of the applicant's duties; and was under the supervision of a certified public accountant. An applicant for licensure shall show that the applicant has good moral character.

- Endorsement - The board shall certify as qualified for a license by endorsement an applicant who:
 - Is not licensed and has not been licensed in another state or territory and who has met the requirements of this section for education, work experience, and good moral character and has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the Florida examination and
 - Has completed such continuing education courses as the board deems appropriate, within the limits for each applicable 2-year period but at least such courses as are equivalent to the continuing education requirements for a Florida certified public accountant licensed in this state during the 2 years immediately preceding her or his application for licensure by endorsement; or
 - Holds a valid license to practice public accounting issued by another state or territory of the United States, if the criteria for issuance of such license were substantially

equivalent to the licensure criteria that existed in this state at the time the license was issued; or

- Holds a valid license to practice public accounting issued by another state or territory of the United States that did not meet Florida requirements but has met the Florida requirements for education, work experience, and good moral character and has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the Florida examination and
- Has completed continuing education courses that are equivalent to the continuing education requirements for a Florida certified public accountant licensed in this state during the 2 years immediately preceding her or his application for licensure by endorsement.
- **Business Entity** - Every firm required to be licensed shall be certified for licensure by the board on a biennial basis, and shall furnish its firm name, addresses and telephone numbers of main office and any branch offices in Florida, as well as, the names of all licensed professional staff and all non-licensed owners. Firms must also disclose whether any non-certified public accountant owners have convictions or findings of guilt, regardless of adjudication, of a crime in any jurisdiction and judgment or settlements of civil lawsuits, or having been acted against including denial of licensure by any regulatory agency by a court or regulatory agency and any other matters which show a lack of good moral character.

Initial Fees

- **CPAs**
 - Application Fee: \$50
 - Initial Licensure: \$50 (by Endorsement-\$250)
 - Examination Fee: Varies—determined by test vendor
 - Unlicensed Activity Fee: \$5
 - Re-Exam administrative Fee, in addition to exam fee
 - Four sections of the examination: \$105.00
 - Three sections of the examination: \$90.00
 - Two sections of the examination: \$75.00
 - One section of the examination: \$60.00
- **Business Entity**
 - Application Fee: \$50
 - Initial Licensure: \$50
 - Unlicensed Activity Fee: \$5
- **Sole Proprietorship**
 - Application Fee: \$50
 - Initial Licensure: \$50
 - Unlicensed Activity Fee: \$5

Biennial License Renewal Fees:

- CPAs: \$105
- Business Entity: \$150

- Sole Proprietorship: \$50
- Unlicensed Activity Fee: \$5

Late Fees and Penalties:

- Reactivate Inactive or Delinquent License: \$250

Continuing Education Requirement:

As part of the license renewal procedure, Florida certified public accountants must submit proof that during the 2 years prior to application for renewal, they have successfully completed not less than 80 hours of continuing professional education programs in public accounting subjects approved by the board. The board may prescribe by rule additional continuing professional education hours, not to exceed 25 percent of the total hours required, for failure to complete the hour.

- Not less than 25 percent of the total hours required by the board shall be in accounting-related and auditing-related subjects, as distinguished from federal and local taxation matters and management services.
- Not less than 5 percent of the total hours required by the board shall be in ethics applicable to the practice of public accounting. This requirement shall be administered by providers approved by the board and shall include a review of the provisions of chapter 455 and this chapter and the related administrative rules.

Regulatory Oversight: Department of Business and Professional Regulation/Division of Certified Public Accounting

Regulatory Board: Board of Accountancy

Number of In-State Practitioners: 34,141

Annual Revenues: \$ 2,908,843

Cost to the State to Regulate: \$ 2,198,888

Other Regulations: None

Number of Disciplinary Actions Taken: 138

- Consumer Initiated-133
- Administrative-5

Types of Complaints:

- Lack of good, moral character
- Practicing without a license

Alcoholic Beverages and Tobacco

Authority:

Florida Statutes

- Tax on Tobacco Products Chapter 210
 - Part 1 - Tax on Cigarettes Chapter 210.01-210.22
 - Part 2 - Tax On Products Other Than Cigarettes or Cigars Chapter 210.25-210.75
- Beverage Law: Administration Chapter 561
- Beverage Law: Enforcement Chapter 562
- Beer Chapter 563
- Wine Chapter 564
- Liquor Chapter 565
- Local Option Elections Chapter 567
- Intoxicating Liquors in Counties Where Prohibited Chapter 568
- Tobacco Products Permit Chapter 569
- Indoor Air: Tobacco Smoke Chapter 386 Part II

Chapter of Florida Administrative Code

- Definitions Chapter 61A-1
- General Chapter 61A-2
- Violations table referenced in 61A-2.022(11)
- Vendors and Licensees Chapter 61A-3
- Manufacturers and Distributors Chapter 61A-4
- Applications, Forms, and Requirements Chapter 61A-5
- Florida Clean Indoor Air Act
- Stand-alone Bar Smoking Designations Chapter 61A-7
- Cigarette and Tobacco Products Division Rules Chapter 61A-10

Description:

Frequently referred to as the "Beverage Law", Title XXXIV, Alcoholic Beverages and Tobacco, contains Chapters 561 – 569, F. S.

Chapter 561 establishes the administration of the Beverage Law, including the:

- Creation and duties of the Division of Alcoholic Beverages and Tobacco;
- Payment of taxes and deposit of revenues;
- Licensing classifications, requirements, limitations, approvals, investigations, terms, renewals, and transfers;
- Division's authority to issue subpoenas and suspend and revoke licenses; and
- Florida's Responsible Vendor Act.

Chapter 562, F.S., establishes prohibitions and exceptions relating to the Beverage Law, clarifying activities and practices that are and are not permitted. The chapter specifies penalties for violations of the law and authorizes seizure and forfeiture of property for certain violations.

Chapters 563, 564, and 565, relating to beer, wine and liquor, respectively, establish applicable fees, taxes, and surcharge for alcoholic beverages; include brand labeling and registration requirements; and for wine and liquor, establish "tastings" requirements.

Chapter 567, F.S., provides local/county government options relating to the sale and consumption of alcoholic beverages.

Chapter 568, F.S., establishes penalties for selling liquor in "dry counties" and authorizes the division to enforce the county prohibitions.

Chapter 210 part I and II

Chapter 569, F.S., establishes qualifications, permit fees, renewal requirements, prohibitions, and penalties for retail tobacco dealers. The chapter authorizes the division to inspect and "search without warrant" licensed retail tobacco establishments.

Scope of Practice

The Division of Alcoholic Beverages and Tobacco is charged with the investigative, enforcement, licensure, and collection of fees and taxes in accordance with the alcoholic beverage and tobacco laws.

Subsection 20.165(9)(a), F.S., establishes that all employees authorized by the Division of Alcoholic Beverages and Tobacco shall have access to, and the right to:

- Inspect premises licensed by the division;
- Collect taxes and remit them to the officers entitled to them; and
- Examine the books and records of all licensees.

The subsection stipulates that:

- Authorized employees must require of each licensee strict compliance with the laws of this state relating to the transaction of such business;
- Each employee serving as a law enforcement officer for the division
 - Must be certified as a law enforcement officer; and
 - Has statewide jurisdiction; and
 - Possesses the full law enforcement powers granted to other peace officers of this state, including the authority to make arrests, carry firearms, serve court process, and seize contraband and the proceeds of illegal activities.
- The primary responsibility of each officer appointed under this section is to investigate, enforce, and prosecute, throughout the state, violations of:
 - Part I and II of chapter 210, relating to tax on tobacco products;
 - Part VII of chapter 559, relating to licensing by the Department of Business and Professional Regulation;
 - Chapters 561-569, the Alcoholic Beverage and Tobacco Laws for the State of Florida; and

- The rules adopted there under, as well as other state laws that the division, all state law enforcement officers, or beverage enforcement agents are specifically authorized to enforce.

Section 210.75, F.S., authorizes the division to administer the provisions of Chapter 210, relating to taxes on cigarettes and other tobacco products. Chapter 210 includes:

- Surcharge and tax on tobacco products, the payment of tax by electronic funds transfer; and the penalties for tax evasion;
- License, permit and renewal requirements, as well as the guidelines for revocation or suspension of license;
- Monthly returns required by distributors and the books, records, and invoices that must be kept by distributors for inspection by agents of division upon request; and
- Refunds and disposition of surcharge and tax revenues collected by the division.

Chapter 386, F.S., popularly known as the “Florida Clean Indoor Air Act” requires the Division of Alcoholic Beverages and Tobacco to enforce the provisions of the Act as it relates to all alcoholic beverage and tobacco licensees’ premises.

Frequently referred to as the “Beverage Law”, Title XXXIV, Alcoholic Beverages and Tobacco, contains Chapters 561 – 569, F. S. Chapter 561 establishes the administration of the Beverage Law, including the:

- Creation and duties of the Division of Alcoholic Beverages and Tobacco;
- Payment of taxes and deposit of revenues;
- Licensing classifications, requirements, limitations, approvals, investigations, terms, renewals, and transfers;
- Division’s authority to issue subpoenas and suspend and revoke licenses; and
- Florida’s Responsible Vendor Act.

Chapter 562, F.S., establishes prohibitions and exceptions relating to the Beverage Law, clarifying activities and practices that are and are not permitted. The chapter specifies penalties for violations of the law and authorizes seizure and forfeiture of property for certain violations.

Chapters 563, 564, and 565, relating to beer, wine and liquor, respectively, establish applicable fees, taxes, and surcharge for alcoholic beverages; include brand labeling and registration requirements; and for wine and liquor, establish “tastings” requirements.

Chapter 567, F.S., provides local/county government options relating to the sale and consumption of alcoholic beverages.

Chapter 568, F.S., establishes penalties for selling liquor in “dry counties” and authorizes the division to enforce the county prohibitions.

Chapter 569, F.S., establishes qualifications, permit fees, renewal requirements, prohibitions, and penalties for retail tobacco dealers. The chapter authorizes the division to inspect and “search without warrant” licensed retail tobacco establishments.

License Categories:

- (1) Manufacturers licensed to manufacture alcoholic beverages and distribute the same at wholesale to licensed distributors and to no one else within the state, unless authorized by statute.

(2) Distributors licensed to sell and distribute alcoholic beverages at wholesale to persons who are licensed to sell alcoholic beverages.

(3) Vendors licensed to sell alcoholic beverages at retail only. Purchases of alcoholic beverages by vendors from vendors shall be strictly limited to purchases between members of a pool buying group for which the initial purchase of the alcoholic beverages was ordered by a pool buying agent as a single transaction.

(4) Brokers or sales agents, whether resident or nonresident, licensed to sell, or to cause to be sold, shipped, and invoiced, alcoholic beverages to licensed manufacturers or licensed distributors, and to no one else, in this state. This license classification does not include manufacturers' representatives who are registered with the division.

(5) Importers, whether resident or nonresident, licensed to sell, or to cause to be sold, shipped, and invoiced, alcoholic beverages to licensed manufacturers or licensed distributors, and to no one else, in this state. This license classification does not include manufacturers' representatives who are registered with the.

(6) Bottle clubs are susceptible to a distinct and separate classification under the Beverage Law for purposes of regulating establishments permitting the consumption of alcoholic beverages. Any person operating a bottle club must be licensed pursuant to this chapter and may not hold any other alcoholic beverage license for such premises while licensed as a bottle club.

(7) Exporters registered to sell alcoholic beverages.

(8) When a person has filed a properly completed application which does not on its face disclose any reason for denying an alcoholic beverage license, the division shall issue to such person a temporary initial license of the same type and series for which the application has been submitted, to be valid for all purposes under the Beverage Law.

Any person, before engaging in the business of manufacturing, bottling, distributing, selling, or in any way dealing in alcoholic beverages, shall file an application with the division. The applicant must be a legal or business entity, person, or persons and must include all persons, officers, shareholders, and directors of such legal or business entity that have a direct or indirect interest in the business seeking to be licensed.

Every person, firm, or corporation desiring to engage in business as a manufacturer, importer, exporter, distributing agent, or wholesale dealer of cigarettes within this state shall file with the division an application for a cigarette permit for each place of business located within this state or, in the absence of such place of business in this state, for wherever its principal place of business is located.

No person shall engage in the business of selling or dealing in tobacco products as a distributor in any place of business in this state without first having received a license from the division.

Each person, firm, association, or corporation that seeks to deal, at retail, in tobacco products within this state, or to allow a tobacco products vending machine to be located on its premises in this state, must obtain a retail tobacco products dealer permit for each place of business or the premises where tobacco products are sold. Each retail dealer owning, leasing, furnishing, or operating vending machines through which tobacco products are sold must obtain a permit for each machine.

Methods of Licensure:

Individual

Section 561.15, F.S. – Alcoholic beverage licenses shall be issued only to persons of good moral character who are not less than 21 years of age. Prior to any application being approved, the division may require the applicant to file a set of fingerprints on regular United States Department of Justice forms for herself or himself and for any person or persons interested directly or indirectly with the applicant in the business for which the license is being sought.

No license under the Beverage Law shall be issued to any person who has been convicted within the last past 5 years of any offense against the beverage laws of this state, the United States, or any other state; who has been convicted within the last past 5 years in this state or any other state or the United States of soliciting for prostitution, pandering, letting premises for prostitution, or keeping a disorderly place or of any criminal violation of controlled substances under chapter 893, F.S. or the controlled substance act of any other state or the Federal Government; or who has been convicted in the last past 15 years of any felony in this state or any other state or the United States.

Cigarette permits shall be issued only to persons of good moral character, who are not less than 18 years of age. c) No permit shall be issued if the applicant:

- Has been finally adjudicated as owing \$500 or more in delinquent cigarette taxes;
- Had a permit revoked by the division within the previous 2 years;
- Has been convicted of selling stolen or counterfeit cigarettes, receiving stolen cigarettes, or being involved in the counterfeiting of cigarettes;
- Has been convicted within the past 5 years of any offense against the cigarette laws of this state or convicted in this state, any other state, or the United States during the past 5 years of any offense designated as a felony by such state or the United States.
- Has imported, or caused to be imported, into the United States, or manufactured for sale or distribution in the United States, any cigarette that does not fully comply with the Federal Cigarette Labeling and Advertising Act (15 U.S.C. ss. 1331 et seq.).
- The division may refuse to issue a permit to any person whose permit under the cigarette law has been revoked.
- Prior to an application for a distributing agent, wholesale dealer, or exporter permit being approved, the applicant shall file a set of fingerprints on forms provided by the division.

Ch 210 part II - No person shall engage in the business of selling or dealing in (other) tobacco products as a distributor in any place of business in this state without first having received a license from the division to engage in such business.

Ch 569 - Retail tobacco products dealer permits may be issued only to persons who are 18 years of age or older or to corporations the officers of which are 18 years of age or older. The division may refuse to issue a permit to any person, firm, association, or corporation the permit of which has been revoked.

Business Entity

Alcoholic beverage licenses issued to corporations shall be issued only to corporations whose officers are of good moral character and not less than 21 years of age. Prior to any application being approved, the division may require the applicant to file a set of fingerprints on regular United States Department of Justice forms for herself or himself and for any person or persons

interested directly or indirectly with the applicant in the business for which the license is being sought.

No license under the Beverage Law shall be issued to a corporation any officers of which have been convicted within the last past 5 years of any offense against the beverage laws of this state, the United States, or any other state; who has been convicted within the last past 5 years in this state or any other state or the United States of soliciting for prostitution, pandering, letting premises for prostitution, or keeping a disorderly place or of any criminal violation of controlled substances under chapter 893, F.S. or the controlled substance act of any other state or the Federal Government; or who has been convicted in the last past 15 years of any felony in this state or any other state or the United States.

Cigarette permits issued to corporations shall be issued only to corporations whose officers are of good moral character and not less than 18 years of age. No permit shall be issued, if the corporate officers, or any person or persons owning directly or indirectly, in the aggregate, more than 10 percent of the ownership interests in the applicant:

- Has been finally adjudicated as owing \$500 or more in delinquent cigarette taxes;
- Had a permit revoked by the division within the previous 2 years;
- Has been convicted of selling stolen or counterfeit cigarettes, receiving stolen cigarettes, or being involved in the counterfeiting of cigarettes;
- Corporation officer who has been convicted within the past 5 years of any offense against the cigarette laws of this state or convicted in this state, any other state, or the United States during the past 5 years of any offense designated as a felony by such state or the United States.
- Has imported, or caused to be imported, into the United States, or manufactured for sale or distribution in the United States, any cigarette that does not fully comply with the Federal Cigarette Labeling and Advertising Act (15 U.S.C. ss. 1331 et seq.).
- The division may refuse to issue a permit to a firm, or corporation whose permit under the cigarette law has been revoked, to any corporation an officer of which has had his or her permit under the cigarette law revoked, or to any person who is or has been an officer of a corporation whose permit has been revoked under the cigarette law.
- Prior to an application for a distributing agent, wholesale dealer, or exporter permit being approved, the applicant shall file a set of fingerprints on forms provided by the division. If the applicant is a partnership, all members of the partnership are required to file said fingerprints, or if a corporation, all principal officers of the corporation are required to file said fingerprints.

Ch 569 - Retail tobacco products dealer permits may be issued to corporations the officers of which are 18 years of age or older. The division may refuse to issue a permit to a firm, association, or corporation the permit of which has been revoked.

Exemptions

- Licensure does not include any person that derives revenue from the license solely through a contractual relationship with the licensee, the substance of which contractual relationship is not related to the control of the sale of alcoholic beverages.
- Any company regularly traded on a national securities exchange and not over the counter; any insurer, as defined in the Florida Insurance Code; or any bank or savings and loan association chartered by this state, another state, or the United States which

has an interest, directly or indirectly, in an alcoholic beverage license shall not be required to obtain division approval of its officers, directors, or stockholders.

- A shopping center with five or more stores, one or more of which has an alcoholic beverage license and is required under a lease common to all shopping center tenants to pay no more than 10 percent of the gross proceeds of the business holding the license to the shopping center, shall not be considered as having an interest, directly or indirectly, in the license.
- "Alcoholic beverages" means distilled spirits and all beverages containing one-half of 1 percent or more alcohol by volume. "Any person, before engaging in the business of manufacturing, bottling, distributing, selling, or in any way dealing in alcoholic beverages, shall" be licensed. (561.17(1), F.S.)
- 561.02, F.S. - "However, none of the provisions of the Beverage Law shall apply to ethyl alcohol intended for use or used for the following purposes:
 - Scientific, chemical, mechanical, industrial, or medicinal purposes;
 - patented, patent, proprietary, medicinal, pharmaceutical, antiseptic, toilet, scientific, chemical, mechanical or industrial preparations, or products unfit for beverage purposes;
 - Flavoring extracts and syrups, unfit for beverage purposes.

Licensure and Permit Fees:

Alcohol

- Alcohol Brand/Label Registration: \$0 - \$30, depending on type of beverage
- Common Carriers: \$1,100
- Limited Permits: \$25 - \$100, depending on type of permit
- Manufacturers: \$1,000 - \$4,000, depending on type of beverage
- Importers, Bottle Clubs, Brokers, Sales Agents: \$125
- Distributor: \$1,000 - \$4,000, depending on type of beverage
 - Distributor of Sacramental Wine: \$50
 - Salespersons (wine & spirits): \$50
- "Costs varies by license and location, but alcoholic beverage retail license fee will range between \$28 and \$1,820 annually
- On-site Consumption Licenses:
 - Lodges, Golf Clubs, Performing Arts, etc.: \$400 - \$500
 - Special Clubs: \$1,750
 - Caterers: \$1,820
 - Pari-Mutuel Facilities: \$675
 - Fees for all other locations vary based upon county populace.
- Retail Sales Licenses: vary based upon county populace.

Temporary manufacturer and distributor licenses are available for a quarter of the permanent license fee or \$100 whichever is greater.

Temporary license=\$100 or 1/4 of annual fee, whichever is greater

Hughes Act fee for Quota license=\$10,750"

Tobacco

- Retail Dealer: \$50
- Cigar Wholesale Dealer: \$25
- Cigarette Wholesale Dealer: \$100
- Tobacco Wholesale Dealer: \$25
- Cigarette Distributing Agent: \$100
- Cigarette Exporter: \$100
- Cigarette Importer: \$100
- Cigarette Manufacturer: \$100

Other Fees:

- Update License (Officer information): \$10
- Change Location or Type of License: \$35
- Transfer of License (Ownership): \$100
- Escrow Alcohol Quota License: \$35
- Quota Drawing Entry Form: \$100 per county

Annual License Renewal Fees:

Costs varies by license and location, but same as initial license fee.

Late Fees and Penalties:

All licenses- \$5 per month of delinquency or 5% of license fee, whichever is greater.

Continuing Education Requirement: None.

Regulatory Oversight: Department of Business and Professional Regulation/Division of Alcoholic Beverages and Tobacco.

Regulatory Board: None.

Number of In-State Practitioners: 72,391

Annual Revenues:

The division generated \$1,985,853,539.00 in revenue for FY 2009-10. The revenue collections are dispersed pursuant to state statute utilizing primarily non-operating budget authority. Non-operating budget authority is \$1,626,565,524, representing over 98% of the division's total budget. The five largest appropriation categories are non-operating and utilize transfer authority to supply revenue as follows:

- Transfer to Health Care Trust Fund (HCTF)/Tobacco Surcharge;

- Distribution to General Revenue;
- Service Charge To General Revenue;
- Transfer to DOH for indigent health care (PMATF); and
- Investments (maximizes return on collections prior to transfers).

Cost to the State to Regulate: \$26,779,639

Other Regulations: Local Governments, U.S. Treasury's Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Federal Alcohol and Tobacco Tax and Trade Bureau (TTB),

The Division of Hotels and Restaurants of the Department of Business and Professional Regulation or the Department of Agriculture and Consumer Services or the Department of Health or the county health department must certify that the place of business meets the sanitary requirements of the state. (561.17(2), F.S.)

Number of Disciplinary Actions Taken: 841

- Consumer Initiated-283
- Administrative-558

Types of Complaints:

- Unlawful purchase of beverages from someone other than a licensed distributor for purpose of resale;
- Failure to meet or to maintain qualifications to hold a license;
- Failure to notify division of any person with a financial interest in business;
- Transfer of 10% of any financial interest or change of officers without prior approval;
- Failure to have at least 51% of sales from food and non-alcoholic beverages;
- Failed to have seating and equipment to serve at least 150 people;
- Failure to stop sale of alcoholic beverages when food service has stopped;
- Failure to keep separate records of food and alcoholic beverage purchases as required;
- Failure to have required license issued by division of hotels & restaurants;
- Issued payment to the division without sufficient funds;
- Violation of alcoholic beverage law/rules specific to licenses limited in quantity based on county populace;
- Failed to notify division of change in business name;
- Unlawful financial gift by a distributor to a retail alcohol vender;
- Failure by distributor to give notice to division that retail vendor has not made payment;
- Sale of alcoholic beverages by distributor to retail vendor on no sale list;
- Advertising violation;
- Possession of alcoholic beverages not allowed by license;
- Sale without required license;

- Selling alcoholic beverages not permitted by license;
- Sale of alcoholic beverages in any manner except as permitted by license;
- Misrepresenting the brand of alcoholic beverage being sold/offered;
- Refilling distilled spirits containers;
- Misrepresenting the brand of liquor being sold/offered;
- Unlawful sale of alcoholic beverage to underage person by licensee;
- Unlawful sale of alcoholic beverage to underage person by store clerk;
- Licensee allowed persons under 21 to drink on premises;
- Employment of persons restricted by beverage laws;
- Licensee soliciting or begging persons to purchase any beverage;
- Allowing persons to solicit or beg customers to purchase any beverage;
- Allowing alcoholic beverages to be sold after the hours of sale have elapsed as provided by the county or city ordinance;
- Possession, storage or sale of unauthorized alcoholic beverages;
- Moving or concealing beverages with intent to defraud state of tax;
- Conspiring to violate beverage laws;
- Sale of alcoholic beverage to non-member of licensed club;
- Gambling (games of chance);
- Gambling (machines);
- Prostitution;
- Allowing sale, possession, or consumption of illegal controlled substances;
- Falsely swearing or affirming to a material statement on application;
- Permitting dealing in stolen property on licensed premises;
- Refusing to allow officer to conduct inspection as authorized by law;
- Allowing, permitting, or maintaining a nuisance on licensed premises;
- Violation of health and safety codes;
- Violation of alcoholic beverage law/rules specific to licenses limited in quantity based on county populace;
- Failure to comply with a stipulation, final order, or consent order;
- Failure to manage and control all business conducted on licensed premises;
- Failure to timely collect and remit excise tax;
- Failed to pay sales taxes collected by department of revenue;
- Failure to register any coin-operated machine on the licensed premises with department of revenue;

- Failure to submit surcharge reports in a timely manner;
- Failure of a cigarette dealer to collect and remit excise tax required by law;
- Unlawful sale of single or loose unpacked cigarettes;
- Possession or sale of unstamped cigarettes;
- Failure to maintain and keep required records at the place of business for 3 years;
- Unlawful sale of tobacco product to person under 18 by licensee;
- Unlawful sale of tobacco product to person under 18 by store clerk;
- Unlawful purchase of cigarettes from someone other than a licensed wholesale dealer for purpose of resale;
- Failure to maintain and keep required records at the place of business for 3 years;
- Operating without required retail tobacco permit;
- Failure to post required sign in a clear and conspicuous place;
- Failure to post required sign in a clear and conspicuous place;
- Selling or distributing cigarettes which were not intended for sale or use in the united states;
- Violation of Florida clean indoor air act by failing to maintain control over food and/or charge a reasonable price;
- Violation of Florida clean indoor air act by failing to file report attesting to percentage requirement;
- Violation of Florida clean indoor air act by failing to meet qualifications for stand-alone smoking with food or stand-alone smoking designation;
- Violation of Florida clean indoor air act by allowing smoking in an enclosed indoor workplace.

Animal Carcass or Animal Refuse Haulers

Authority:

- Sections 585.002(4), 585.002(5), 585.08(2), 585.145(1), 585.147 , Florida Statutes
- Chapter 5C-23, Florida Administrative Code

Description:

The transporting or hauling any dead, dying, disabled, or diseased animal; any product of an animal that died other than by slaughter; or any inedible animal product not meant for human consumption.

Scope of Practice:

Carcass and refuse haulers are responsible for the collection, transportation and distribution of animal carcasses or refuse. All vehicles and/or containers used to transport or haul animal carcasses or refuse must be thoroughly cleaned and disinfected weekly or more often if deemed necessary by a representative of the Division. Each operator shall be responsible for the proper cleaning of his vehicles and/or containers.

Registration Requirements:

No person shall engage in the business of transporting or hauling any dead, dying, disabled, or diseased animal; any product of an animal that died other than by slaughter; or any inedible animal product not meant for human consumption without having first applied for, and obtained from the department, a permit, which shall expire on June 30 of each year.

- All vehicles used in the transportation of carcasses or refuse on public highways shall be of such construction as to prevent seepage or residue from escaping.
- All barrels or other containers used for transportation and storage of carcasses or refuse shall be clearly marked "INEDIBLE" with letters not less than 2 inches in height.

Exemptions: None

Continuing Education Requirements: None

Annual Fees: \$200

Other Fees: None

Regulatory Oversight: Department of Agriculture and Consumer Services/Division of Consumer Services

Regulatory Board: None

Other Regulation: None

Number of Registrants: 476

Annual Revenues: \$10,250

Cost to Regulate: \$32,748

Number of Disciplinary Actions Taken: 0

- Consumer Initiated-0
- Administrative-0

Architects

Authority:

- Chapter 481, Part I, Florida Statutes
- Chapter 61G1, Florida Administrative Code

Description:

"Architecture" means the rendering or offering to render services in connection with the design and construction of a structure or group of structures which have as their principal purpose human habitation or use, and the utilization of space within and surrounding such structures. Services include planning, providing preliminary study designs, drawings and specifications, job-site inspection, and administration of construction contracts.

Scope of Practice:

Architects plan and design structures, such as private residences, office buildings, theaters, factories, and other structural property.

License Categories:

- Architect - means a natural person who is licensed under this part to engage in the practice of architecture. An applicant for licensure as a registered architect shall complete, prior to licensure, an internship of diversified architectural experience approved by the board in the design and construction of structures which have as their principal purpose human habitation or use. The internship shall be for a period of:
 - Three years for an applicant holding the degree of Bachelor of Architecture; or
 - Two years for an applicant holding the professional degree of Master of Architecture.

Each applicant for licensure shall complete 1 year of the internship experience subsequent to graduation from a school or college of architecture

- Business Entity - means a corporation or partnership licensed to practice architecture or interior design.

Methods of Licensure:

Examination - The board shall certify for licensure by examination any applicant who passes the prescribed licensure examination and satisfies the statutory requirements for architects.

Business Entity – A certificate of authorization shall be required for a corporation, limited liability company, partnership, or person practicing under a fictitious name, offering architectural services to the public jointly or separately. However, when an individual is practicing architecture in her or his own name, she or he shall not be required to be certified.

Endorsement - The board shall certify as qualified for a license by endorsement as an architect an applicant who qualifies to take the prescribed licensure examination, and has passed the prescribed licensure examination or a substantially equivalent examination in another jurisdiction for architects and has satisfied internship requirements for architects.

Exemptions:

Architects

No person shall be required to qualify as an architect in order to make plans and specifications for, or supervise the erection, enlargement, or alteration of:

- Any building upon any farm for the use of any farmer, regardless of the cost of the building;
- Any one-family or two-family residence building, townhouse, or domestic outbuilding appurtenant to any one-family or two-family residence, regardless of cost; or
- Any other type of building costing less than \$25,000, except a school, auditorium, or other building intended for public use, provided that the services of a registered architect shall not be required for minor school projects.

Nothing contained in this part shall be construed to prevent any employee of an architect from acting in any capacity under the instruction, control, or supervision of the architect or to prevent any person from acting as a contractor in the execution of work designed by an architect.

Notwithstanding the provisions of this part, a general contractor who is certified or registered pursuant to the provisions of chapter 489 is not required to be licensed as an architect when negotiating or performing services under a design-build contract as long as the architectural services offered or rendered in connection with the contract are offered and rendered by an architect licensed in accordance with this chapter.

No registered engineer whose principal practice is civil or structural engineering, or employee or subordinate under the responsible supervision or control of the engineer, is precluded from performing architectural services which are purely incidental to his or her engineering practice, nor is any registered architect, or employee or subordinate under the responsible supervision or control of such architect, precluded from performing engineering services which are purely incidental to his or her architectural practice.

Nothing shall prevent a registered architect or a partnership, limited liability company, or corporation holding a valid certificate of authorization to provide architectural services from performing any interior design service or from using the title "interior designer" or "registered interior designer."

All persons licensed as architects under this part shall be qualified for interior design licensure upon submission of a completed application for such license and a fee not to exceed \$30.

Any corporation, partnership, or person operating under a fictitious name which holds a certificate of authorization to provide architectural services shall be qualified, without fee, for a certificate of authorization to provide interior design services upon submission of a completed application.

Initial Fees:

- Architects
 - Initial Licensure, Application, and Examination Fee - \$1,040
 - Licensure by Endorsement - \$200 (\$90 if applicant holds certification from the National Council for Architecture Registration Boards)
 - Unlicensed Activity Fee - \$5
- Business Entity
 - Certificate of Authorization - \$100 (Architect Corporations and Partnerships)

Biennial License Renewal Fees:

- Architects
 - Registered Architects and Architects - \$120
 - Unlicensed Activity Fee - \$5
- Business Entity
 - Certificate of Authorization - \$120
 - Unlicensed Activity Fee - \$5

Late Fees and Penalties:

All Licensure

- Late Fee - \$125
- Reactivation Fee - \$75
- Fees for Reinstatement of a Void License - \$500

Continuing Education Requirement: Architects are required to complete 20 hours of educational instruction or training, in subjects or courses approved by the Board, each biennium prior to the license expiration date. A minimum of 16 hours must be in technical and professional subjects related to safeguarding life, health, property and promoting the public welfare.

- The application fee for continuing education providership is \$50.
- The application fee for each continuing education course is \$50.
- Providerships and courses may be renewed at the end of the biennium for a fee of \$25 each.

Regulatory Oversight: Department of Business and Professional Regulation/Division of Regulation

Regulatory Board: Board of Architecture and Interior Design

Number of In-State Practitioners: 12,822

Annual Revenues: \$374,855 (Total for Architects and Interior Designers, individual breakdown not available)

Cost to the State to Regulate: - \$940,424 (Total for Architects and Interior Designers, individual breakdown not available)

Other Regulations: None.

Number of Disciplinary Actions Taken: 101 (Total for Architects and Interior Designers, individual breakdown not available)

- Consumer Initiated-40
- Administrative-61

Types of Complaints:

- Practicing without a license

Asbestos Consultants

Authority:

- Chapter 469, Florida Statutes
- Chapter 61E1, Florida Administrative Code

Description:

"Asbestos Consultant" means a person who offers to, undertakes to, submits a bid to, or does, individually or by employing others, conduct surveys for asbestos-containing materials, develop operation and maintenance plans, monitor and evaluate asbestos abatement, prepare asbestos abatement specifications, or perform related tasks.

License Categories:

- Asbestos Consultant - All asbestos consultants must be licensed by the department. An asbestos consultant's license may be issued only to an applicant who holds a current, valid, active license as an architect.
- Business Organization - means to engage in consulting as a partnership, corporation, business trust, or other legal entity, or in any name other than the applicant's legal name, the legal entity must apply for licensure through a qualifying agent or the individual applicant must apply for licensure under the fictitious name.

Methods of Licensure:

- Examination -
 - When applying for licensure as an asbestos consultant, successfully complete the following department-approved courses:
 - A building asbestos surveys and mechanical systems course. Such course shall consist of not less than 3 days of instruction.
 - An asbestos management planning course. Such course shall consist of not less than 2 days of instruction.
 - A respiratory protection course. Such course shall consist of not less than 3 days of instruction.
 - A project designer course. Such course shall consist of not less than 3 days of instruction.
- Business Entity – An asbestos consulting or contracting business must be licensed by the state unless it is exempt licensure. Each application for licensure must include the name of the partnership and of each of its partners, the name of the corporation and of each of its officers and directors and the name of each of its stockholders who is also an officer or director, the name of the business trust and of each of its trustees, or the name of such other legal entity and of each of its members. Business organization applications must also include certain documents. The major documents required are:
 - Affidavit for financial responsibility.
 - Affidavit for proof of worker's compensation insurance.

- Affidavit attesting that the applicant has authority to supervise all construction work performed by the entity.

Exemptions:

- An authorized employee of the United States, this state, or any municipality, county, or other political subdivision, public or private school, or private entity who has completed all training required by National Emissions Standards for Hazardous Air Pollutants (NESHAP) and Occupational Safety and Health Administration (OSHA) or by Asbestos School Hazard Abatement Reauthorization Act (ASHARA) for the activities described in this paragraph and who is conducting abatement work solely for maintenance purposes within the scope of the person's employment involving less than 160 square feet of asbestos-containing materials or less than 260 linear feet of asbestos-containing material on pipe, so long as the employee is not available for hire or does not otherwise engage in asbestos abatement, contracting, or consulting.
- Asbestos-related activities which disturb asbestos-containing materials within manufacturing, utility, or military facilities and which are undertaken by regular full-time employees of the owner or operator who have completed all training required by this chapter or NESHAP and OSHA for conducting such activities in areas where access is restricted to authorized personnel who are carrying out specific assignments.
- Reinspections at public or private schools, whether K-12 or any other configuration, when conducted by an employee who has completed the AHERA-required training for such reinspections pursuant to this chapter and who is conducting work within the scope of the person's employment.
- Moving, removal, or disposal of asbestos-containing materials on a residential building where the owner occupies the building, the building is not for sale or lease, and the work is performed according to the owner-builder limitations provided in this paragraph. To qualify for exemption under this paragraph, an owner must personally appear and sign the building permit application.
- Licensure as an asbestos contractor is not required for the moving, removal, or disposal of asbestos-containing roofing material by a roofing contractor certified or registered, if all such activities are performed under the direction of an onsite roofing supervisor.
- Licensure as an asbestos contractor or asbestos consultant is not required for the moving, removal, repair, maintenance, or disposal, or related inspections, of asbestos-containing resilient floor covering or its adhesive, if:
 - a. The resilient floor covering is a Category I nonfriable material as defined in NESHAP and remains a Category I nonfriable material during removal activity.
 - b. All such activities are performed in accordance with all applicable asbestos standards of the United States Occupational Safety and Health Administration.
 - c. The removal is not subject to asbestos licensing or accreditation requirements under federal asbestos NESHAP regulations of the United States Environmental Protection Agency.

Initial Fees:

- Application Fee - \$300
- Examination Fee - \$400

- Re-Examination - \$400
- Initial License - \$500
- Unlicensed Activity Fee - \$5
- Training Course - \$100

Biennial License Renewal Fees:

- Asbestos Consultants - \$300
- Business Organizations - \$500
- Unlicensed Activity Fee - \$5

Late Fees and Penalties:

- Late Fee - \$250
- Reactivation Fee - \$100

Continuing Education Requirement:

- Consultant – Completion of two days of refresher courses for each calendar year prior to the license renewal date.

The fees for these continuing education courses vary depending on provider rates.

Regulatory Oversight: Department of Business and Professional Regulation/Division of Regulation

Regulatory Board: None

Number of In-State Practitioners: 224 (Total for Contractors and Consultants, individual breakdown not available)

Annual Revenues: \$158,118 (Total for Contractors and Consultants, individual breakdown not available)

Cost to the State to Regulate: \$110,071 (Total for Contractors and Consultants, individual breakdown not available)

Other Regulations: Federal Code, National Emissions Standards for Hazardous Air Pollutants (NESHAP), Occupational Safety and Health Administration (OSHA), and Asbestos School Hazard Abatement Reauthorization Act (ASHARA)

Number of Disciplinary Actions Taken: 1 (Total for Contractors and Consultants, individual breakdown not available)

- Consumer Initiated-1
- Administrative-0

Types of Complaints:

- Practicing without a license

Asbestos Contractors

Authority:

- Chapter 469, Florida Statutes
- Chapter 61E1, Florida Administrative Code

Description:

"Asbestos Contractor" means a person who removes, encapsulates, or encloses asbestos-containing materials or disposes of asbestos-containing waste in the course of activities including, but not limited to, construction, renovation, maintenance, or demolition. An asbestos consultant is a person who conducts surveys for asbestos-containing materials, develops operation and maintenance plans, monitors and evaluates asbestos abatement, prepares asbestos abatement specifications, or performs related tasks.

Scope of Practice:

Identify, remove, pack, transport, or dispose of hazardous materials, including asbestos. Specialized training and certification in hazardous materials handling or a confined entry permit are generally required. May operate earth-moving equipment or trucks.

License Categories:

- Asbestos Contractor - means the person who is qualified and responsible for the contracted project and who offers to, undertakes to, submits a bid to, or does, individually or by employing others, remove, encapsulate, or enclose asbestos-containing materials or dispose of asbestos-containing waste in the course of activities including, but not limited to, construction, renovation, maintenance, or demolition.
- Business Organization - means to engage in consulting or contracting as a partnership, corporation, business trust, or other legal entity, or in any name other than the applicant's legal name, the legal entity must apply for licensure through a qualifying agent or the individual applicant must apply for licensure under the fictitious name.

Methods of Licensure:

- Examination -
 - When applying for licensure as an asbestos contractor, successfully complete the following department-approved courses:
 - An asbestos contractor/supervisor course. Such course shall consist of not less than 5 days of instruction.
 - A respiratory protection course. Such course shall consist of not less than 3 days of instruction.
 - Provide evidence of satisfactory work on 10 asbestos projects within the last 5 years.
 - Provide evidence of financial stability.
 - Pass a department-approved examination of qualifications and knowledge relating to asbestos.

- **Business Entity** – An asbestos contracting business must be licensed by the state unless it is exempt licensure. Each application for licensure must include the name of the partnership and of each of its partners, the name of the corporation and of each of its officers and directors and the name of each of its stockholders who is also an officer or director, the name of the business trust and of each of its trustees, or the name of such other legal entity and of each of its members. Business organization applications must also include certain documents. The major documents required are:
 - Affidavit for financial responsibility.
 - Affidavit for proof of worker's compensation insurance.
 - Affidavit attesting that the applicant has authority to supervise all construction work performed by the entity.

Exemptions:

- An authorized employee of the United States, this state, or any municipality, county, or other political subdivision, public or private school, or private entity who has completed all training required by National Emissions Standards for Hazardous Air Pollutants (NESHAP) and Occupational Safety and Health Administration (OSHA) or by Asbestos School Hazard Abatement Reauthorization Act (ASHARA) for the activities described in this paragraph and who is conducting abatement work solely for maintenance purposes within the scope of the person's employment involving less than 160 square feet of asbestos-containing materials or less than 260 linear feet of asbestos-containing material on pipe, so long as the employee is not available for hire or does not otherwise engage in asbestos abatement, contracting, or consulting.
- Asbestos-related activities which disturb asbestos-containing materials within manufacturing, utility, or military facilities and which are undertaken by regular full-time employees of the owner or operator who have completed all training required by this chapter or NESHAP and OSHA for conducting such activities in areas where access is restricted to authorized personnel who are carrying out specific assignments.
- Reinspections at public or private schools, whether K-12 or any other configuration, when conducted by an employee who has completed the AHERA-required training for such reinspections pursuant to this chapter and who is conducting work within the scope of the person's employment.
- Moving, removal, or disposal of asbestos-containing materials on a residential building where the owner occupies the building, the building is not for sale or lease, and the work is performed according to the owner-builder limitations provided in this paragraph. To qualify for exemption under this paragraph, an owner must personally appear and sign the building permit application.
- Licensure as an asbestos contractor is not required for the moving, removal, or disposal of asbestos-containing roofing material by a roofing contractor certified or registered, if all such activities are performed under the direction of an onsite roofing supervisor.
- Licensure as an asbestos contractor or asbestos consultant is not required for the moving, removal, repair, maintenance, or disposal, or related inspections, of asbestos-containing resilient floor covering or its adhesive, if:
 - a. The resilient floor covering is a Category I nonfriable material as defined in NESHAP and remains a Category I nonfriable material during removal activity.

- b. All such activities are performed in accordance with all applicable asbestos standards of the United States Occupational Safety and Health Administration.
- c. The removal is not subject to asbestos licensing or accreditation requirements under federal asbestos NESHAP regulations of the United States Environmental Protection Agency.

Initial Fees:

- Application Fee - \$300
- Examination Fee - \$400
- Re-Examination - \$400
- Initial License - \$500
- Unlicensed Activity Fee - \$5
- Training Course - \$100

Biennial License Renewal Fees:

- Asbestos Contractors - \$300
- Business Organizations - \$500
- Unlicensed Activity Fee - \$5

Late Fees and Penalties:

- Late Fee - \$250
- Reactivation Fee - \$100

Continuing Education Requirement:

- Completion of a one day course for each calendar year prior to the license renewal date.

The fees for these continuing education courses vary depending on provider rates.

Regulatory Oversight: Department of Business and Professional Regulation/Division of Regulation

Regulatory Board: None

Number of In-State Practitioners: 224 (Total for Contractors and Consultants, individual breakdown not available)

Annual Revenues: \$158,118 (Total for Contractors and Consultants, individual breakdown not available)

Cost to the State to Regulate: \$110,071 (Total for Contractors and Consultants, individual breakdown not available)

Other Regulations: Federal Code, National Emissions Standards for Hazardous Air Pollutants (NESHAP), Occupational Safety and Health Administration (OSHA), and Asbestos School Hazard Abatement Reauthorization Act (ASHARA)

Number of Disciplinary Actions Taken: 1 (Total for Contractors and Consultants, individual breakdown not available)

- Consumer Initiated-1
- Administrative-0

Types of Complaints:

- Practicing without a license

Athlete Agents

Authority:

- Chapter 468, Part IX, Florida Statutes
- Chapter 61-24, Florida Administrative Code

Description:

"Athlete Agent" means a person who, directly or indirectly, recruits or solicits a student athlete to enter into an agent contract, or who, for any type of financial gain, procures, offers, promises, or attempts to obtain employment or promotional fees or benefits for a student athlete with a professional sports team or as a professional athlete, or with any promoter who markets or attempts to market the student athlete's athletic ability or athletic reputation.

License Categories:

- Athlete Agent - Represents and promotes athletes to prospective employers. May handle contract negotiation and other business matters for clients.

Methods of Licensure:

- Licensure - The department shall issue a license to any person who practices as an athlete agent in this state if the agent:
 - Is at least 18 years of age.
 - Is of good moral character.
 - Has completed the application form and remitted an application fee and all other applicable fees.
 - Has submitted to the department a fingerprint card for a criminal history records check and has not in any jurisdiction, within the preceding 5 years, been convicted or found guilty of or entered a plea of nolo contendere for, regardless of adjudication, a crime which relates to the applicant's practice or ability to practice as an athlete agent.

An unlicensed individual may act as an athlete agent if a student athlete or person acting on the athlete's behalf initiates communication with the individual; and within 7 days after an initial act as an athlete agent, the individual submits an application for licensure.

An individual who has submitted an application and holds a certificate, registration, or license as an athlete agent in another state may submit a copy of the application and certificate, registration, or license from the other state in lieu of submitting an application in the form required by the department. The department must accept the application and the certificate from the other state as an application for registration in this state if the application in the other state:

- Was submitted in the other state within 6 months prior to the submission of the application in this state;
- Contains information substantially similar to or more comprehensive than that required in an application submitted in this state; and
- Was signed by the applicant under penalty of perjury.

Initial Fees:

- Application Fee - \$500
- Active Licensure Fee - \$750
- Background Check Fee - \$39
- Unlicensed Activity Fee - \$5

Biennial License Renewal Fees:

- Athlete Agent - \$445
- Unlicensed Activity Fee - \$5

Late Fees and Penalties:

- Late Fee - \$100
- Reactivation Fee - \$50

Continuing Education Requirement: None

Regulatory Oversight: Department of Business and Professional Regulation/Division of Regulation

Regulatory Board: None

Number of In-State Practitioners: 163

Annual Revenues: \$123,729

Cost to the State to Regulate: \$65,921

Other Regulations: National Collegiate Athletic Association

Number of Disciplinary Actions Taken: 2

- Consumer Initiated-2
- Administrative-0

Types of Complaints:

- Practicing without a license

Auctioneer Apprentices

Authority:

- Chapter 468, Part VI, Florida Statutes
- Chapter 61G2, Florida Administrative Code

Description:

"Auctioneer Apprentice" means a person who is paid to auction someone's property for compensation. Examples of compensation are cash, goods, services, etc. During an auction, bidders attempt to win items by placing the highest bid. Usually, the auctioneer is paid a percentage of the auction selling price by the property owner and may receive a buyer's premium or surcharge from the winning bidder. Prior to the auction, the auctioneer and owner must sign a written agreement stating the terms or conditions upon which the auctioneer or auction business will receive the property for sale and remit the sales proceeds to the owner. The auctioneer must also state the terms of bidding and the amount of the buyer's premium or surcharge prior to the start of the auction.

Scope of Practice:

Sell articles or farm products at auction to highest bidder. Appraise merchandise before sale and assemble merchandise in lots according to estimated value of individual items. Select articles to be auctioned at suggestion of bidders or by own choice. Appraise items, provide background information, ask for starting price, continue to ask for bids, and close sale to highest bidder.

License Categories:

- Auctioneer Apprentice - means any person who is being trained as an auctioneer by a licensed auctioneer.

Methods of Licensure:

- Licensure - Each apprentice application and license shall name a licensed auctioneer who has agreed to serve as the supervisor of the apprentice. No apprentice may conduct, or contract to conduct, an auction without the express approval of his or her supervisor. The supervisor shall regularly review the apprentice's records, which are required by the board to be maintained, to determine if such records are accurate and current.

No apprentice will be licensed as an auctioneer unless he or she:

- Has held an apprentice license and has served as an apprentice for 1 year or more, or has completed a course of study, consisting of not less than 80 classroom hours of instruction, that meets standards adopted by the Board of Auctioneers;
- Has passed the required examination; and
- Is approved by the Board of Auctioneers.

Exemptions:

- Auctions conducted by the owner, or the owner's attorney, of any part of the property being offered, unless the owner acquired the goods to resell.

- Auctions conducted under a judicial or an administrative order, or sales required by law to be at auction.
- Auctions conducted by a charitable, civic, or religious organization, or for such organization by a person who receives no compensation.
- Auctions of livestock if conducted by a person who specializes in the sale of livestock and the auction is conducted under the supervision of a livestock trade association, a governmental agency, or an owner of the livestock.
- Auctions conducted by a trustee pursuant to a power of sale contained in a deed of trust on real property.
- Auctions of collateral, sales conducted to enforce carriers' or warehousemen's liens, sales of the contents of self-contained storage units, bulk sales, sales of goods by a presenting bank following dishonor of a documentary draft, resales of rightfully rejected goods, or resales conducted pursuant to law, if the auction is conducted by the owner or agent of the lien on or interest in such 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.
- Auctions conducted by a person enrolled in a class at an approved school of auctioneering, for the purpose of training and receiving instruction, under the direct supervision of an auctioneer who is also an instructor in the school and who further assumes full and complete responsibility for the activities of the student.

Initial Fees:

- Application Fee - \$50
- Initial License - \$150
- Unlicensed Activity Fee - \$5
- Auctioneer Recovery Fund - \$100

Annual License Renewal:

- The apprenticeship program lasts at least one year, and upon completion of the program, the apprentice can apply to the Board to become an auctioneer.

Late Fees and Penalties:

- Late Fee - \$100

Continuing Education Requirement: None

Regulatory Oversight: Department of Business and Professional Regulation/Division of Regulation

Regulatory Board: Board of Auctioneers

Number of In-State Practitioners: 1,760 (Total for Auctioneers and Apprentices, individual breakdown not available)

Annual Revenues: \$502,290 (Total for Auctioneers and Apprentices, individual breakdown not available)

Cost to the State to Regulate: \$458,607 (Total for Auctioneers and Apprentices, individual breakdown not available)

Other Regulations: Federal Code

Number of Disciplinary Actions Taken: 29 (Total for Contractors and Consultants, individual breakdown not available)

- Consumer Initiated-14
- Administrative-15

Types of Complaints:

- Misrepresentation of property
- Contract disputes
- Billing disputes
- Advertising violations

Auctioneers

Authority:

- Chapter 468, Part VI, Florida Statutes
- Chapter 61G2, Florida Administrative Code

Description:

"Auctioneer" means a person who is paid to auction someone's property for compensation. Examples of compensation are cash, goods, services, etc. During an auction, bidders attempt to win items by placing the highest bid. Usually, the auctioneer is paid a percentage of the auction selling price by the property owner and may receive a buyer's premium or surcharge from the winning bidder. Prior to the auction, the auctioneer and owner must sign a written agreement stating the terms or conditions upon which the auctioneer or auction business will receive the property for sale and remit the sales proceeds to the owner. The auctioneer must also state the terms of bidding and the amount of the buyer's premium or surcharge prior to the start of the auction.

Scope of Practice:

Sell articles or farm products at auction to highest bidder. Appraise merchandise before sale and assemble merchandise in lots according to estimated value of individual items. Select articles to be auctioned at suggestion of bidders or by own choice. Appraise items, provide background information, ask for starting price, continue to ask for bids, and close sale to highest bidder.

License Categories:

- Auctioneer - means any person licensed who holds a valid Florida auctioneer license.
- Auction Business - means 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.

Methods of Licensure:

- Examination - written examination approved by the Board of Auctioneers which tests his or her general knowledge of the laws of this state relating to provisions of the Uniform Commercial Code that are relevant to auctions.
 - One cannot be licensed as an auctioneer unless one:
 - Has held an apprentice license and has served as an apprentice for 1 year or more, or has completed a course of study, consisting of not less than 80 classroom hours of instruction, that meets standards adopted by the Board of Auctioneers;
 - Has passed the required examination; and
 - Is approved by the Board of Auctioneers.
- Is approved by the Board of Auctioneers

- Endorsement/Reciprocity - The department shall issue a license by endorsement to practice auctioneering to an applicant who, upon applying to the department and remitting the required fee, set by the Board of Auctioneers, demonstrates to the board that he or she satisfies the requirements of this state and holds a valid license to practice auctioneering in another state, provided that the requirements for licensure in that state are substantially equivalent to or more stringent than those existing in this state.
- Business Entity – An auction business must be licensed by the Board of Auctioneers unless it is exempt licensure under this act. Each application for licensure shall include the names of the owner and the business, the business mailing address and location, and any other information which the board may require.

Exemptions:

- Auctions conducted by the owner, or the owner's attorney, of any part of the property being offered, unless the owner acquired the goods to resell.
- Auctions conducted under a judicial or an administrative order, or sales required by law to be at auction.
- Auctions conducted by a charitable, civic, or religious organization, or for such organization by a person who receives no compensation.
- Auctions of livestock if conducted by a person who specializes in the sale of livestock and the auction is conducted under the supervision of a livestock trade association, a governmental agency, or an owner of the livestock.
- Auctions conducted by a trustee pursuant to a power of sale contained in a deed of trust on real property.
- Auctions of collateral, sales conducted to enforce carriers' or warehousemen's liens, sales of the contents of self-contained storage units, bulk sales, sales of goods by a presenting bank following dishonor of a documentary draft, resales of rightfully rejected goods, or resales conducted pursuant to law, if the auction is conducted by the owner or agent of the lien on or interest in such 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.
- Auctions conducted by a person enrolled in a class at an approved school of auctioneering, for the purpose of training and receiving instruction, under the direct supervision of an auctioneer who is also an instructor in the school and who further assumes full and complete responsibility for the activities of the student.

Initial Fees:

- Application fee:
 - Examination= \$50
 - Endorsement=\$75
 - Reciprocity= \$75
 - Auction business license= \$50
- Examination fee: \$250
- Re-examination fee: \$250

- Initial licensure fee:
 - Auctioneer=\$150
 - Auction business= \$150
- Unlicensed activity fee=\$5
- Auctioneer Recovery fund=\$100

Biennial License Renewal Fees:

- All Licensures - \$150
- Unlicensed Activity Fee - \$5

Late Fees and Penalties:

- Late Fee - \$100

Continuing Education Requirement: None

Regulatory Oversight: Department of Business and Professional Regulation/Division of Regulation

Regulatory Board: Board of Auctioneers

Number of In-State Practitioners: 1,760 (Total for Auctioneers and Apprentices, individual breakdown not available)

Annual Revenues: \$502,290 (Total for Auctioneers and Apprentices, individual breakdown not available)

Cost to the State to Regulate: \$458,607 (Total for Auctioneers and Apprentices, individual breakdown not available)

Other Regulations: Federal Code

Number of Disciplinary Actions Taken: 29 (Total for Contractors and Consultants, individual breakdown not available)

- Consumer Initiated-14
- Administrative-15

Types of Complaints:

- Misrepresentation of property
- Contract disputes
- Billing disputes
- Advertising violations

Barbers

Authority:

- Chapter 476, Florida Statutes
- Chapter 61G3, Florida Administrative Code

Description:

“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.

Scope of Practice

Provide barbering services, such as cutting, trimming, shampooing, and styling hair, trimming beards, or giving shaves.

License Categories:

- Barber - a person who is licensed to engage in the practice of barbering in the state.
- Restricted barber - a person whose practice is restricted to the terms, conditions and restrictions imposed on their license such as: hair cutting, shave, shampoo, blow dry hair, and apply hair tonics and hair sprays.
- Barbershop - means any place of business wherein the practice of barbering occurs.

In order to practice barbering services for compensation, an individual must have a barber license or restricted barber license issued by the Department of Business and Professional Regulation (DBPR) and the Barbers’ Board. A person holding a restricted barber’s licenses is not permitted to provide services involving chemicals.

Methods of Licensure:

Examination - The department shall issue a license to any person who practices as a barber in this state if the individual is at least 16 years of age -

- Has completed the application form and remitted an application fee.
- The following subjects will be tested on the examination
 - Florida Laws and Rules
 - Safety, Sanitation and Sterilization
 - Hair Structure and Chemistry
 - Hair Cutting and Hair Styling
 - Shampooing
 - Chemical Procedures
 - Permanent Waving, Coloring and Bleaching, Hair Relaxing and Curling
 - Shaving, Beard and Mustache Trimming

Barber- Individuals who seek to be eligible to take the licensure examination for a license must have completed a barber course consisting of a minimum of 1,200 hours of training.

A school of barbering shall certify on a student examination application that said student has 650 hours of training in restricted barbering skills, services and correlating trade techniques along with 550 hours of classroom instruction and lab studies.

Endorsement- Barber license may be issued to a person who:

- Makes application and pays the fee;
- Demonstrates that he or she possesses a current active license in another state or country;
- Demonstrates that he or she has satisfactorily completed a written examination comparable to or more stringent than the examination given by the Department;
- Demonstrates that he or she has completed:
 - 1,200 hours of schooling in a program similar to, comparable to or more stringent than that required of Florida students and, at a minimum, covering the subjects of Safety, Sanitation and Sterilization, Hair Structure and Chemistry, Hair Cutting, Shampooing, Chemical Services, and Shaving as specified by the Barbers' Board; or
 - An apprenticeship program of 1,200 hours; or
 - A combination thereof.
- Certifies that he or she has read and understood and will abide by Chapters 455 and 476, F.S. and Chapter 61G3, F.A.C.
- Provide the Board with an education evaluation conducted by a credential evaluation service that is a member of the National Association of Credential Evaluation Services.

Restricted license to a person in another state or country and meets qualifications substantially similar to qualifications required in Florida.

- Individuals who seek to be eligible to take the licensure examination for a restricted license to practice barbering by holding or having held within the five years immediately preceding the date of application an active valid license, certificate, or registration to practice barbering which has been issued by another state or country, shall provide with their application a copy of all licenses, certificates, or registrations issued to the applicant
- A statement from each agency, organization, or authority that issued the licenses, which is dated within three months of the date of the application, and which states that the applicant has not been disciplined by the agency, organization, or authority for acts related to the practice of barbering within the previous five years.

Business Entity- Barbershop: A person, firm or corporation may apply for a barbershop license. Each location must:

- Meet board established safety and sanitary requirements.
- Comply with local code requirements and maintain portable fire extinguishers.
- Have a minimum of one sink for every two barber chairs.
- Have a minimum of two receptacles, one each for used towels and used shaving paper.
- Have adequate toilet and sink facilities, be well ventilated, and equipped with a wet sanitizer.

- Contain a minimum of 100 square feet of floor space, excluding the toilet and lavatory facilities for one barber. A minimum of 40 square feet is required for each additional barber.
- Undergo an initial license inspection by the DBPR to verify compliance.

Initial Fees:

- Initial Barbers' Examination Application=\$150
- Barber Reexamination=\$150
- Barber Endorsement Application=\$150
- Barber & Restricted Barber Original license fee=\$100
- Initial Restricted Barbers' Examination Application=\$150
- Barbers Reexamination Application=\$150
- Restricted Barbers Reexamination Application=\$150
- Barbershop Application=\$75
- Original Barbershop License=\$50, in addition to application fee
- Unlicensed activity fee=\$5
- Barber Delinquent=\$100
- Barbershop Delinquent=\$75

Biennial License Renewal Fees:

- Barber=\$100
- Restricted Barber=\$100
- Barbershop= \$150
- Barber Assistant=\$20

Unlicensed activity fee=\$5

Continuing Education Requirement: HIV/AIDS Continuing Education – Completion of one two-hour board approved course is required prior to issuance of initial license and biennial license. There is no specified number of hours required for the duration of a course.

Regulatory Oversight: Department of Business and Professional Regulation/Division of Regulation

Regulatory Board: Barbers' Board

Number of In-State Practitioners: 15,043

Annual Revenues: \$1,068,089

Cost to the State to Regulate: \$1,240,498

Other Regulations: N/A

Number of Disciplinary Actions Taken: 535

- Consumer Initiated-32
- Administrative-503

Types of Complaints:

- Practicing without a license
- Sanitation violations

Boxing, Kick Boxing and Mixed Martial Arts

Authority:

- Chapter 548, Florida Statutes
- Chapter 61K1-1, Florida Administrative Code

Description:

“Boxing” means to compete with the fists.

“Kickboxing” means to compete with the fists, feet, legs, or any combination thereof, and includes “punchkick” and other similar competitions.

“Mixed martial arts” means unarmed combat involving the use, subject to any applicable limitations set forth in this chapter, of a combination of techniques from different disciplines of the martial arts, including, but not limited to, grappling, kicking, and striking.

“Professional” means a person who has received or competed for any purse or other article of a value greater than \$50, either for the expenses of training or for participating in any match.

“Amateur” means a person who has never received nor competed for any purse or other article of value, either for the expenses of training or for participating in a match, other than a prize of \$50 in value or less.

License Categories:

- Amateur Sanctioning Organization- means any business entity organized for sanctioning and supervising matches involving amateurs.
- Participant- means a professional competing in a boxing, kickboxing, or mixed martial arts match.
- Second or Cornerman- means a person who assists the match participant between rounds and maintains the corner of the participant during the match.
- Manager- means any person who, directly or indirectly, controls or administers the boxing, kickboxing, or mixed martial arts affairs of any participant.
- Promoter- means any person, and includes any officer, director, employee, or stockholder of a corporate promoter, who produces, arranges, or stages any match involving a professional.
- Matchmaker- means a person who brings together professionals or arranges matches for professionals.
- Physician- means an individual licensed to practice medicine and surgery in this state.
- Concessionaire- means any person or business entity not licensed as a promoter which receives revenues or other compensation from the sale of tickets or from the sale of souvenirs, programs, broadcast rights, or any other concessions in conjunction with the promotion of a match

Methods of Licensure:

- Amateur Sanctioning Organization: Applicant must disclose contact and background information and meet minimum health and safety standards.

- Participant: Applicant must be at least 18 years old, pass a medical examination and disclose contact and background information.
- Second: Applicant must be at least 18 years old, and disclose contact and background information.
- Trainer: Applicant must be at least 18 years old, and disclose contact and background information.
- Manager: Applicant must be at least 18 years old, and disclose contact and background information.
- Promoter: Applicant must be at least 18 years old, disclose contact and background information, and post a \$15,000 security bond.
- Matchmaker: Applicant must be at least 18 years old, and disclose contact and background information.
- Judge: Applicant must be at least 18 years old, have at least 2 years experience and disclose contact and background information.
- Referee: Applicant must be at least 18 years old, have at least 2 years experience, submit to a physical exam, and disclose contact and background information.
- Announcer: Applicant must be at least 18 years old, and disclose contact and background information.
- Physician: Applicant must be at least 18 years old, be a state-licensed physician, and disclose contact and background information.
- Concessionaire: Applicant must be at least 18 years old, disclose contact and background information, and post a \$15,000 security.
- Booking Agent: Applicant must be at least 18 years old, and disclose contact and background information.
- Representative of a Booking Agent: Applicant must be at least 18 years old, and disclose contact and background information.
- Timekeeper: Applicant must be at least 18 years old, and disclose contact and background information.
- Management Company: Applicant must be at least 18 years old, and disclose contact and background information.
- Live Event Permit: The promoter must submit an application with event details and is required to obtain medical insurance and accidental death insurance for all participants. The policy must cover each fighter for a minimum of \$20,000 in benefits for each category.

Continuing Education Requirements: None

Annual Licensure Fees:

- Participant: \$25
- Second: \$20
- Trainer: \$20

- Manager: \$100
- Promoter: \$250
- Matchmaker: \$100
- Judge: \$100
- Referee: \$100
- Announcer: \$50
- Concessionaire: \$100
- Booking Agent: \$75
- Representative of a Booking Agent: \$25
- Timekeeper: \$50

Other Fees:

- Event Permit Fee: \$1,800

Regulatory Oversight: Department of Business and Professional Regulation

Regulatory Board: Florida State Boxing Commission

Number of In-State Practitioners: 3,550

Annual Revenues: \$926,626

Cost to Regulate: \$662,338

Other Regulation:

Federal

The Professional Boxing Safety Act, 15 U.S.C. 6301, et. seq., imposes health and safety requirements on boxers. The Muhammad Ali Boxing Reform Act, an amendment to the PBSA, focuses on fairness in contracting between boxers and promoters by banning coercive contracts and creating firewalls between regulatory personnel, promoters and managers. Both acts are enforced by the state and the Attorney General of the United States.

Number of Disciplinary Actions Taken: 270

- Consumer Initiated-0
- Administrative-270

Types of Complaints:

- Medical suspensions as a result of injury

Building Code Administrators and Inspectors

Authority:

- Chapter 468, Part XII, Florida Statutes
- Chapter 61G19, Florida Administrative Code

Description/Scope of Practice:

“Building code administrator” or “building official” means any of those employees of municipal or county governments with building construction regulation responsibilities who are charged with the responsibility for direct regulatory administration or supervision of plan review, enforcement, or inspection of building construction, erection, repair, addition, remodeling, demolition, or alteration projects that require permitting indicating compliance with building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes as required by state law or municipal or county ordinance.

“Building code inspector” means any of those employees of local governments or state agencies with building construction regulation responsibilities who themselves conduct inspections of building construction, erection, repair, addition, or alteration projects that require permitting indicating compliance with building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes as required by state law or municipal or county ordinance.

“Plans examiner” means a person who is qualified to determine that plans submitted for purposes of obtaining building and other permits comply with the applicable building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other applicable construction codes.

License Categories:

Three types of licenses, standard, limited, and provisional, can be obtained by Building Code Administrators, Inspectors and Plans Examiners.

- **Standard:** (1) If an individual has certificates from Southern Building Code Congress International, Building Official Association of Florida, Council of American Building Officials, South Florida Code (Dade and Broward Counties) or the voluntary program through the Department of Community Affairs, dated prior to October 1, 1995, standard license may be obtained in the corresponding category. (2) Passing the SBCCI technical examination and a state-developed Principles and Practices examination.
- **Limited:** Individuals who were employed on July 1, 1993, as building code administrators, plans examiners, or inspectors, but are not eligible for standard certification, may be issued a limited license. The limited license is valid only as an authorization for the building code administrator, plans examiner, or inspector to continue in the position held.
- **Provisional:** A provisional license may be issued to a newly employed or newly promoted building code administrator, plans examiner, or inspector who lacks the qualifications for a standard license. To obtain a provisional license, an individual must be employed by an agency of government. Provisional licenses are issued only to applicants who can demonstrate the ability to meet licensure requirements by the expiration date of the provisional license. Provisional licenses are valid for three years and are not renewable.

“Categories of building code inspectors” include the following:

- “Building inspector” means a person who is qualified to inspect and determine that buildings and structures are constructed in accordance with the provisions of the governing building codes and state accessibility laws.
- “Coastal construction inspector” means a person who is qualified to inspect and determine that buildings and structures are constructed to resist near-hurricane and hurricane velocity winds in accordance with the provisions of the governing building code.
- “Commercial electrical inspector” means a person who is qualified to inspect and determine the electrical safety of commercial buildings and structures by inspecting for compliance with the provisions of the National Electrical Code.
- “Residential electrical inspector” means a person who is qualified to inspect and determine the electrical safety of one and two family dwellings and accessory structures by inspecting for compliance with the applicable provisions of the governing electrical code.
- “Mechanical inspector” means a person who is qualified to inspect and determine that the mechanical installations and systems for buildings and structures are in compliance with the provisions of the governing mechanical code.
- “Plumbing inspector” means a person who is qualified to inspect and determine that the plumbing installations and systems for buildings and structures are in compliance with the provisions of the governing plumbing code.
- “One and two family dwelling inspector” means a person who is qualified to inspect and determine that one and two family dwellings and accessory structures are constructed in accordance with the provisions of the governing building, plumbing, mechanical, accessibility, and electrical codes.
- “Electrical inspector” means a person who is qualified to inspect and determine the electrical safety of commercial and residential buildings and accessory structures by inspecting for compliance with the provisions of the National Electrical Code.

Categories of plans examiners include:

- Building plans examiner.
- Plumbing plans examiner.
- Mechanical plans examiner.
- Electrical plans examiner.

Methods of Licensure:

Examination

Plans Examiner and Inspector:

- Must be at least 18 years old;
- Is of good moral character;
- Show 5 years experience in construction or inspection corresponding to category sought; or

- Show a combination of postsecondary education and experience that totals 4 years, with at least 1 year of the experience in construction or building inspection; and
- Pass the SBCCI (Southern Building Code Congress International) technical examination and the state-developed principles and practices examination.

Building Code Administrator:

- Must be at least 18 years old;
- Is of good moral character;
- Show 10 years experience as an architect, engineer, building inspector, contractor, or construction superintendent, with at least 5 years of experience in supervisory positions; and
- Pass the SBCCI technical examination and the state-developed principles and practices examination.

Endorsement

- The board shall examine other certification or training programs, as applicable, upon submission to the board for its consideration of an application for certification by endorsement. The board shall waive its examination, qualification, education, or training requirements, to the extent that such examination, qualification, education, or training requirements of the applicant are determined by the board to be comparable with those established by the board.

Initial Fees:

- Application:
 - None if employed by an agency of government
 - \$25 per application if non-governmental employees
- Examination:
 - None if employed by an agency of government
 - \$50 if non-governmental employees
- License:
 - \$ 5 for governmental employees
 - \$25 for non-governmental employees
- Certification:
 - \$25 for non-governmental employees

Biennial License Renewal

- \$5 for governmental employees
- \$25 for non-governmental employees.

Late fees and Penalties

- Late Fee-\$5

Continuing Education Requirement:

Complete, prior to the end of each biennial, a minimum of fourteen (14) classroom or interactive distance learning hours of continuing education courses, which shall include:

- A minimum of two (2) classroom or interactive distance learning hours in the area of Florida laws and rules. Laws and rules means the study and examination of the related subject matter as is exemplified and contained within Chapters 320, 468, 553, 471, 481, 489 (as it relates to licensure and scope of practice), and 713 (as it relates to permitting), F.S., and their associated rules in the Florida Administrative Code (F.A.C).
- One (1) classroom or interactive distance learning hour in the area of ethics. Ethics means the study and examination of the subject matter contained within Chapter 112.

Regulatory Oversight: Department of Business and Professional Regulation/Division of Regulation

Regulatory Board: Building Code Administrators and Inspectors Board

Number of In-State Practitioners: 9,485

Annual Revenues: \$1,385,424

Cost to the State to Regulate: \$777,504

Other Regulations: NA

Number of Disciplinary Actions Taken: 4

- Consumer Initiated-4
- Administrative-0

Types of Complaints:

- Practicing without a license
- Violations of building codes

Business Opportunities

Authority:

- Sections 559.80-559.815, Florida Statutes. – Sale of Business Opportunities Act
- Chapter 5J-10, Florida Administrative Code

Description:

“Business opportunities” is defined to include the sale or lease of any products, equipment, supplies, or services to enable the purchaser to start a business for which the purchaser is required to pay an initial fee or sum of money which exceeds \$500 to the seller, and in which the seller represents:

- That the seller will provide locations or assist the purchaser in finding locations for the use or operation of vending machines, displays, equipment, or other devices on premises neither owned nor leased by the purchaser or seller;
- That the seller will purchase any or all products produced by the purchaser using in whole or in part the supplies, services, or chattels sold to the purchaser;
- That the seller guarantees that the purchaser will derive income from the business opportunity exceeding the price paid for the business opportunity or that the seller will refund all or part of the price paid, or will repurchase any of the products, equipment, supplies, or chattels supplied by the seller, if the purchaser is unsatisfied with the business opportunity; or
- That the seller will provide a sales program or marketing program that will enable the purchaser to derive income from the business opportunity.

Registration Requirements:

Sellers of business opportunities must file disclosures with the DACS annually. Additionally, sellers must file, and keep current, contact information for the seller's officers, directors, principal executives and any other responsible affiliated persons.

Sellers must post a bond of no less than \$50,000, if the seller guarantees either: that the purchaser will derive income from the business opportunity exceeding the price paid or rent charged or the seller will refund all or a part of the price paid, or that the seller will repurchase any of the products supplied if the purchaser is unsatisfied.

Exemptions:

Franchise sales are exempt if the franchise is governed by the Federal Trade Commission (16 C.F.R. ss. 436.1).

Although exempt, such franchisors must pay an annual fee of \$100 and disclose the following to the DACS: The names of the applicant, franchise and that under which the applicant transacts business, the applicant's principal business address, and the applicant's federal employer identification number.

Continuing Education Requirements: None

Annual Fees:

- Sellers of Business - \$300

- Exempt Franchisor - \$100

Other Fees:

- Updates to disclosure information - \$50

Regulatory Oversight: Department of Agriculture and Consumer Services/Division of Consumer Services

Regulatory Board: None

Other Regulation:

State

Civil enforcement may be sought by the Department of Legal Affairs or the state attorney.

Federal

Disclosure Requirements and Prohibitions Concerning Business Opportunities (16 CFR 437.1 - 437.3)

Federal Trade Commission Act (15 U.S.C. §§ 41-58), the FTC is empowered to

- Prevent unfair methods of competition, and unfair or deceptive acts or practices;
- Seek monetary redress and other relief for conduct injurious to consumers; and
- Conduct investigations relating to the organization, business, practices, and management of entities engaged in commerce.

Number of Registrants: 2,550

Annual Revenues: \$224,650

Cost to Regulate: \$156,659

Number of Disciplinary Actions Taken: 0

- Consumer Initiated-0
- Administrative-0

Cattle Owners with Officially Registered Brands

Authority:

- Chapter 534, Florida Statutes

Description:

Livestock brand registration was centralized at the state level in 1945. The change from county-by-county registration was instituted to prevent duplication of brands by different owners, especially as commerce and trade increased among different parts of the state.

Registration Requirements:

Branding of livestock in Florida is not required, but, if done, owners must register their brands with the state.

Exemptions: N/A

Continuing Education Requirements: N/A

Annual Fees: \$10 per brand initially and \$5 every 5 years thereafter

Other Fees: None

Regulatory Oversight: Department of Agriculture and Consumer Services

Regulatory Board: None

Other Regulation: None

Number of Registrants: 5,423

Annual Revenues: \$7,205

Cost to Regulate: \$18,799

Number of Disciplinary Actions Taken: 0

- Consumer Initiated-0
- Administrative-0

Charitable Organizations

Authority:

- Chapter 496, Florida Statutes
- Chapter 5J-7, Florida Administrative Code

Description:

“Charitable Organization or sponsor” means a person who is or holds herself or himself out to be established for any benevolent, educational, philanthropic, humane, scientific, artistic, patriotic, social welfare or advocacy, public health, environmental conservation, civic, or other eleemosynary purpose, or any person who in any manner employs a charitable appeal as the basis for any solicitation or an appeal that suggests that there is a charitable purpose to any solicitation.

“Professional Fundraising Consultant” means a person retained by a charitable organization or sponsor for a fixed fee under a written agreement to work on a fundraiser who does not solicit contributions or have control of contributions.

“Professional Solicitor” means a person who, for compensation, solicits contributions for a charitable organization or sponsor or a person employed to work on a fundraiser who does not qualify as a professional fundraising consultant.

Registration Requirements:

Each of the categories of registrants is required to file initial registration statements and annual renewal statements.

- Charitable Organizations and sponsors - must include the name and purpose of the organization, the names and contact information of responsible persons, financial report, tax-exempt status, and information about the organization's fundraising history, including any enforcement actions.
- Professional Fundraising Consultant - must include the consultant's name and contact information, the names and contact information of principals of the consultant, any familial relations between principals or employees, and criminal background information.
- Professional Solicitors - must include the solicitor's name and contact information, the names and contact information of principals of the solicitor, any familial relations between principals or employees, and criminal background information. Solicitors must also file a bond of \$50,000. Solicitors must file a solicitation notice with the DACS before beginning any solicitation campaign or event. Such notice includes a variety of required information about the campaign or event. After the event, the solicitor must file a financial report of the campaign.

Exemptions:

- Religious institutions, educational institutions, state agencies or other government entities, and political fundraising are exempt.
- Persons soliciting contributions for named individual, if all contributions turned over to beneficiary.
- Solicitations limited to members of the fundraising organization.
- Veterans' service organizations.

Continuing Education Requirement: None

Annual Fees:

- Charitable Organizations and sponsors - Fees are assessed based on the total contributions collected in the previous year as follows:
 - \$10, if less than \$5,000
 - \$10, if less than \$25,000 and fundraisers are not compensated
 - \$75, if between \$5,000 and \$100,000
 - \$125, if between \$100,000 and \$200,000
 - \$200, if between \$200,000 and \$500,000
 - \$300, if between \$500,000 and \$1 million
 - \$350, if between \$1 million and \$10 million
 - \$400, if \$10 million or more
- Professional Fundraising Consultant - \$300
- Professional Solicitor - \$300

Late Fees and Penalties:

- Late Fee - \$25 per month

Regulatory Oversight: Department of Agriculture and Consumer Services/Division of Consumer Services

Regulatory Board: None

Number of Registrants: 16,588

Annual Revenues: \$2,568,541

Cost to Regulate: \$1,131,135

Other Regulation:

State

Nonprofit Organizations are regulated by the Department of State under ch. 617, F.S. The Department of State includes notification of the DACS registration and disclosure requirements in materials it sends to those seeking to register as nonprofit corporations and with its annual report notice.

Federal

Telemarketing Sales Rule, 16 CFR Part 310, requires telemarketers to make certain disclosures and prohibits lies. It gives state law enforcement officers the authority to prosecute fraudulent telemarketers who operate across state lines. It is also the basis for the DO-NOT-CALL list, which is managed in Florida by the DACS.

Federal Trade Commission Act, 15 U.S.C. §§ 41-58. The FTC is empowered to

- Prevent unfair methods of competition, and unfair or deceptive acts or practices;
- Seek monetary redress and other relief for conduct injurious to consumers; and

- Conduct investigations relating to the organization, business, practices, and management of entities engaged in commerce.

Number of Disciplinary Actions Taken: 506

- Consumer Initiated-4
- Administrative-502

Types of Complaints:

- Practicing without a license

Child Labor

Authority:

- Chapter 450, Part I, Florida Statutes

Description:

The Child Labor Program enforces the Child Labor Law, Chapter 450, Part I, Florida Statutes, which is designed to protect the health, education and welfare of Florida's working minors in the workplace and to safeguard their education. The program's mission has two primary objectives:

- To establish limits on the amount of hours that minors may work, so that minors will be able and available for school; and
- To restrict the types of jobs minors may perform for safety reasons.

"Child" or "minor" means any person 17 years of age or younger, unless:

- The person is or has been married;
- The person's Minor status restrictions has been removed by a court of competent jurisdiction;
- The person is serving or has served in the Armed Forces of the United States;
- It has been found by a court having jurisdiction over the person that it is in the best interest of such minor to work and the court specifically approves any employment of such person, including the terms and conditions of such employment; or
- The person has graduated from an accredited high school or holds a high school equivalency diploma.

Child Labor Guidelines:

There are both state and federal laws governing the hours that minors can work and the types of jobs they can perform. Employers are required to observe the stricter provisions. The following hour limitations represent the application of both state and federal laws.

Work hours and time limitations for minors are as follows:

- **Work Day:** The work day for a minor shall begin no earlier than 7:00 a.m. and shall end no later than 11:30 p.m.
- **Work Week:** A minor shall not be required or permitted to work more than six (6) consecutive days.
- **Work Hours, and Maximum Hours at Place of Employment per Age Group:** Working hours, and hours spent at the place of employment may not exceed the following time limitations in a twenty-four (24) hour period unless a Partial Waiver is granted by the division.
 - Employers of minors under two (2) years of age shall not require such minors to remain at the place of employment for more than four (4) hours per day, subject to the following limitations:
 - Minors under six (6) months of age shall not be exposed to light of an intensity greater than one hundred (100) foot candlelight for more than

- one (1) minute in every fifteen (15) minute period, and shall not be required to work more than twenty (20) minutes per day.
- Minors six (6) months of age to under one (1) year of age shall not be exposed to camera lights for more than two (2) minutes every fifteen (15) minute period, and shall not be required to work more than two (2) hours per day.
 - Minors one (1) year of age to under two (2) years of age shall not be required to work more than three (3) hours per day.
 - Minors two (2) years of age to under six (6) years of age shall not be required to remain at the place of employment more than six (6) hours per day, and shall not be required to work more than four (4) hours per day.
 - Minors six (6) years of age to under nine (9) years of age shall not be required to remain at the place of employment more than nine (9) hours per day, and shall not be required to work more than six (6) hours per day.
 - Minors nine (9) years of age to under sixteen (16) years of age shall not be required to remain at the place of employment more than ten (10) hours per day, and shall not be required to work more than seven (7) hours per day.
 - Minors who have reached their sixteenth (16th) birthday shall not be required to remain at the place of employment more than ten (10) hours per day.
- **Work Hours, and Meal Periods:** All work hours are exclusive of the meal period. The work hours shall be extended by a meal period not longer than one-half (1/2) hour.
 - **Rest Period After Dismissal:** The employer shall set the minor's dismissal on the last day of the minor's employment so that the minor will have a twelve (12) hour rest period between the end of the employment period and the minor's return to his or her regular school. For example, a minor returning to his regular school at 8:30 a.m. shall be dismissed from employment by 8:30 p.m. the previous evening.
 - **After-the-Fact Partial Waiver for Emergency Extension of Work Hours:** If unexpected, or emergency situations arise which will result in violation of applicable work hours restrictions for a minor, and prior application for Partial Waiver is not possible, the division shall grant an after-the-fact Partial Waiver for Emergency Extension of Work Hours, provided the employer notifies the division of the situation which required the extended work hours on the next working day, and demonstrates that the situation was resolved with the best interest of the minor in mind.

License Categories:

Permit to Hire Minors in the Entertainment Industry (Permit to Hire): A permit to hire must be obtained by employers in the entertainment industry prior to employing a minor. The permit shall be limited in duration to the employer's schedule of production, or tour within the state of Florida, but may not exceed one year.

No License Required for Children. Employers shall provide the Division with any and all records and documentation required to be kept by the Child Labor Law, or any other federal or state

statute regulating employment of minors, immediately upon request for inspection of such records.

Methods of Licensure: None

Initial Fees: None

Renewal Fees: None

Late Fees and Penalties: None

Continuing Education Requirement: None

Regulatory Oversight: Department of Business and Professional Regulation/Child Labor Program

Regulatory Board: None

Number of In-State Practitioners: 198

Annual Revenues: N/A

Cost to the State to Regulate: N/A

Other Regulations: Federal Migrant and Seasonal Agricultural Worker Protection Act (MSPA)

Number of Disciplinary Actions Taken: 4

- Consumer Initiated-0
- Administrative-4

Types of Complaints:

- Employing individuals under the age of 16/17 during school hours

Community Association Managers

Authority:

- Chapter 468, Part VIII, Florida Statutes
- Chapters 61-20 and 61-E14, Florida Administrative Code

Description:

"Community Association Management" means any of the following practices requiring substantial specialized knowledge, judgment, and managerial skill when done for payment and when the association served contains more than 10 units or has an annual budget in excess of \$100,000:

- Controlling or disbursing funds of a community association;
- Preparing budgets or other financial documents for a community association;
- Assisting in the noticing or conduct of community association meetings; and
- Coordinating maintenance for the residential development and other day-to-day services involved with the operation of a community association.

Scope of Practice:

Managers of homeowner and condominium associations, rented or leased housing units, buildings, or land (including rights-of-way).

License Categories:

- Community Association Manager - means a natural person who is licensed pursuant to this part to perform community association management services.
- Community Association Management Firm - means a corporation, limited liability company, partnership, trust, association, sole proprietorship, or other similar organization engaging in the business of community association management for the purpose of providing any of the services described above.

Methods of Licensure:

- Examination -
 - Community Association Manager-A person desiring to be licensed as a community association manager shall apply to the department to take the licensure examination approved by the Regulatory Council of Community Association Managers. Each applicant must file a complete set of fingerprints that have been taken by an authorized law enforcement officer, which set of fingerprints shall be submitted to the Department of Law Enforcement for state processing and to the Federal Bureau of Investigation for federal processing.

The department shall examine each applicant who is at least 18 years of age, who has successfully completed all preclicensure education requirements, and who the department certifies is of good moral character. Good moral character means a personal history of honesty, fairness, and respect for the rights of others and for the laws of this state and nation.

- **Business Entity** – A community association management firm or other similar organization desiring to be licensed as a community association management firm shall apply to the department, together with the application and licensure fees. Each community association management firm applying for licensure must be actively registered and authorized to do business in this state.

Each applicant shall designate on its application a licensed community association manager who shall be required to respond to all inquiries from and investigations by the department or division. If the license of at least one individual active community association manager member is not in force, the license of the community association management firm or other similar organization is canceled automatically during that time.

Initial Fees:

- Application Fee - \$50
- Examination Fee - \$100
- Re-Examination - \$100
- Examination Review Fee - \$50
- Initial License - \$100
- Unlicensed Activity Fee - \$5
- Background Check - \$47

Biennial License Renewal Fees:

- Community Association Managers - \$100
- Business Entity - \$100
- Unlicensed Activity Fee - \$5

Late Fees and Penalties:

- Late Fee - \$50
- Reactivation Fee - \$25

Continuing Education Requirement:

- All community association manager licensees must satisfactorily complete a minimum of 20 hours of continuing education approved by Regulatory Council of Community Association Managers. Each hour shall consist of 50 minutes of student involvement in approved classroom, correspondence, interactive, distance education or internet courses which courses shall include the required hours at an approved update seminar.

The fees for these continuing education courses vary depending on provider rates.

Regulatory Oversight: Department of Business and Professional Regulation/Division of Regulation

Regulatory Board: Regulatory Council of Community Association Managers

Number of In-State Practitioners: 16,622

Annual Revenues: \$878,294

Cost to the State to Regulate: \$1,817,356

Other Regulations: None

Number of Disciplinary Actions Taken: 93

- Consumer Initiated-73
- Administrative-20

Types of Complaints:

- Mishandling of leasing applications
- Failure to follow association direction
- Practicing without a license

Condominiums and Cooperatives

Authority:

- Chapter 718, Florida Statutes, known as the Condominium Act; and Chapter 719, Florida Statutes, known as the Cooperative Act
- Chapters 61B-15 through 61B-24, Florida Administrative Code. For cooperatives, the rules can be found in Chapters 61B-75 through 61B-79, Florida Administrative Code.

Description:

“Condominium” means that form of ownership of real property created pursuant to this chapter, which is comprised entirely of units that may be owned by one or more persons, and in which there is, appurtenant to each unit, an undivided share in common elements.”

“Cooperative” means that form of ownership of real property wherein legal title is vested in a corporation or other entity and the beneficial use is evidenced by an ownership interest in the association and a lease or other title or possession granted by the association as the owner of all the cooperative property.

Scope of Practice:

Before a condominium community can be built, the developer must submit a filing to the division for its approval. The filing must meet the consumer protection requirements before units can be offered to sale to the public.

Before a cooperative community can be built, the developer must submit a filing to the division for its approval. The filing must meet the consumer protection requirements of this chapter before units can be offered for sale to the public. However, unlike condominium communities, the division maintains enforcement authority for the entire chapter from development through turnover and operation by the unit owners in the community.

License Categories:

No license required.

Methods of Licensure:

No license required.

Initial Fees

Each condominium and cooperative association is required to pay annual fees to the division based on the number of residential condominium or cooperative units in the association. This fee is currently \$4 per unit and is due by January 1 of each year.

Developers of cooperatives must pay a filing fee of \$20 for each residential unit to be sold by the developer which is described in the documents filed with the Division.

Regulatory Oversight: Department of Business and Professional Regulation/Division of Division of Florida Condominiums, Timeshares, and Mobile Homes.

Regulatory Board: None.

Number of In-State Practitioners: 23,202 associations

Annual Revenues: \$7,051,686 (Total for Condominiums, Cooperatives, Timeshares, Mobile Homes, and Yacht and Ship Brokers-No individual breakdown available)

Cost to the State to Regulate: \$6,192,897 (Total for Condominiums, Cooperatives, Timeshares, Mobile Homes, and Yacht and Ship Brokers-No individual breakdown available)

Other Regulations: None

Number of Disciplinary Actions Taken: 691

- Consumer Initiated-677
- Administrative-14

Types of Complaints:

- Failure to provide an annual budget to unit owners
- Failure to grant access to records
- Failure to file with DBPR prior to sale of units

Construction Industry Contractors

Authority:

- Chapter 489, Part I, Florida Statutes
- Chapter 61G4, Florida Administrative Code

Description:

“Contractor” means the person who is qualified for, and shall only be responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in the statutes.

License Categories/Scope of Practice:

- **General Contractor** - means a contractor whose services are unlimited as to the type of work which he or she may do, who may contract for any activity requiring licensure, and who may perform any work requiring licensure.
- **Building Contractor** - means a contractor whose services are limited to construction of commercial buildings and single-dwelling or multiple-dwelling residential buildings, which commercial or residential buildings do not exceed three stories in height, and accessory use structures in connection therewith or a contractor whose services are limited to remodeling, repair, or improvement of any size building if the services do not affect the structural members of the building.
- **Residential Contractor** - means a contractor whose services are limited to construction, remodeling, repair, or improvement of one-family, two-family, or three-family residences not exceeding two habitable stories above no more than one uninhabitable story and accessory use structures in connection therewith.
- **Sheet Metal Contractor** - means a contractor whose services are unlimited in the sheet metal trade and who has the experience, knowledge, and skill necessary for the manufacture, fabrication, assembling, handling, erection, installation, dismantling, conditioning, adjustment, insulation, alteration, repair, servicing, or design, when not prohibited by law, of ferrous or nonferrous metal work of U.S. No. 10 gauge or its equivalent or lighter gauge and of other materials, including, but not limited to, fiberglass, used in lieu thereof and of air-handling systems, including the setting of air-handling equipment and reinforcement of same, the balancing of air-handling systems, and any duct cleaning and equipment sanitizing which requires at least a partial disassembling of the system.
- **Roofing Contractor** - means a contractor whose services are unlimited in the roofing trade and who has the experience, knowledge, and skill to install, maintain, repair, alter, extend, or design, when not prohibited by law, and use materials and items used in the installation, maintenance, extension, and alteration of all kinds of roofing, waterproofing, and coating, except when coating is not represented to protect, repair, waterproof, stop leaks, or extend the life of the roof. The scope of work of a roofing contractor also includes required roof-deck attachments and any repair or replacement of wood roof sheathing or fascia as needed during roof repair or replacement.

- Class A Air-Conditioning Contractor - means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system, boiler and unfired pressure vessel systems, and all appurtenances, apparatus, or equipment used in connection therewith, and any duct cleaning and equipment sanitizing which requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, and pneumatic control piping; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto, but shall not include any work such as liquefied petroleum or natural gas fuel lines within buildings, except for disconnecting or reconnecting changeouts of liquefied petroleum or natural gas appliances within buildings; potable water lines or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring.
- Class B Air-Conditioning Contractor - means a contractor whose services are limited to 25 tons of cooling and 500,000 Btu of heating in any one system in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system being installed under this classification, and any duct cleaning and equipment sanitizing which requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, piping and insulation of pipes, vessels, and ducts; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto, but shall not include any work such as liquefied petroleum or natural gas fuel lines within buildings, except for disconnecting or reconnecting changeouts of liquefied petroleum or natural gas appliances within buildings; potable water lines or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring.
- Class C Air-Conditioning Contractor - means a contractor whose business is limited to the servicing of air-conditioning, heating, or refrigeration systems, including any duct cleaning and equipment sanitizing which requires at least a partial disassembling of the system, and whose certification or registration, issued pursuant to this part, was valid on October 1, 1988. No person not previously registered or certified as a Class C air-conditioning contractor as of October 1, 1988, shall be so registered or certified after October 1, 1988. However, the board shall continue to license and regulate those Class C air-conditioning contractors who held Class C licenses prior to October 1, 1988.

- Mechanical Contractor** - means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system, boiler and unfired pressure vessel systems, lift station equipment and piping, and all appurtenances, apparatus, or equipment used in connection therewith, and any duct cleaning and equipment sanitizing which requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, when not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, pneumatic control piping, gasoline tanks and pump installations and piping for same, standpipes, air piping, vacuum line piping, oxygen lines, nitrous oxide piping, ink and chemical lines, fuel transmission lines, liquefied petroleum gas lines within buildings, and natural gas fuel lines within buildings; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto, but shall not include any work such as potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring.
- Commercial Pool/Spa Contractor** - means a contractor whose scope of work involves, but is not limited to, the construction, repair, and servicing of any swimming pool, or hot tub or spa, whether public, private, or otherwise, regardless of use. The scope of work includes the installation, repair, or replacement of existing equipment, any cleaning or equipment sanitizing which requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior finishes, the installation of package pool heaters, the installation of all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment, and also includes the scope of work of a swimming pool/spa servicing contractor. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning shall not require licensure unless the usage involves construction, modification, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license shall not be required for the cleaning of the pool or spa in any way that does not affect the structural integrity of the pool or spa or its associated equipment.
- Residential Pool/Spa Contractor** - means a contractor whose scope of work involves, but is not limited to, the construction, repair, and servicing of any residential swimming pool, or hot tub or spa, regardless of use. The scope of work includes the installation, repair, or replacement of existing equipment, any cleaning or equipment sanitizing which requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior finishes, the installation of package pool heaters, the installation of all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment, and also includes the scope of work of a swimming pool/spa servicing contractor. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation,

construction, modification, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning shall not require licensure unless the usage involves construction, modification, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license shall not be required for the cleaning of the pool or spa in any way that does not affect the structural integrity of the pool or spa or its associated equipment.

- **Swimming Pool/Spa Servicing Contractor** - means a contractor whose scope of work involves, but is not limited to, the repair and servicing of any swimming pool, or hot tub or spa, whether public or private, or otherwise, regardless of use. The scope of work includes the repair or replacement of existing equipment, any cleaning or equipment sanitizing which requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior refinishing, the reinstallation or addition of pool heaters, the repair or replacement of all perimeter piping and filter piping, the repair of equipment rooms or housing for pool/spa equipment, and the substantial or complete draining of a swimming pool, or hot tub or spa, for the purpose of any repair or renovation. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, substantial or complete disassembly, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning shall not require licensure unless the usage involves construction, modification, substantial or complete disassembly, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license shall not be required for the cleaning of the pool or spa in any way that does not affect the structural integrity of the pool or spa or its associated equipment.
- **Plumbing Contractor** - means a contractor whose contracting business consists of the execution of contracts requiring the experience, financial means, knowledge, and skill to install, maintain, repair, alter, extend, or, when not prohibited by law, design plumbing. A plumbing contractor may install, maintain, repair, alter, extend, or, when not prohibited by law, design the following without obtaining any additional local regulatory license, certificate, or registration: sanitary drainage or storm drainage facilities; venting systems; public or private water supply systems; septic tanks; drainage and supply wells; swimming pool piping; irrigation systems; or solar heating water systems and all appurtenances, apparatus, or equipment used in connection therewith, including boilers and pressure process piping and including the installation of water, natural gas, liquefied petroleum gas and related venting, and storm and sanitary sewer lines; and water and sewer plants and substations. The scope of work of the plumbing contractor also includes the design, when not prohibited by law, and installation, maintenance, repair, alteration, or extension of air-piping, vacuum line piping, oxygen line piping, nitrous oxide piping, and all related medical gas systems; fire line standpipes and fire sprinklers to the extent authorized by law; ink and chemical lines; fuel oil and gasoline piping and tank and pump installation, except bulk storage plants; and pneumatic control piping systems, all in such a manner as to comply with all plans, specifications, codes, laws, and regulations applicable. The scope of work of the plumbing contractor shall apply to private property and public property, shall include any excavation work incidental thereto, and shall include the work of the specialty plumbing contractor. Such contractor shall subcontract, with a qualified contractor in the field concerned, all other work

incidental to the work but which is specified herein as being the work of a trade other than that of a plumbing contractor.

- Underground Utility and Excavation Contractor - means a contractor whose services are limited to the construction, installation, and repair, on public or private property, whether accomplished through open excavations or through other means, including, but not limited to, directional drilling, auger boring, jacking and boring, trenchless technologies, wet and dry taps, grouting, and slip lining, of main sanitary sewer collection systems, main water distribution systems, storm sewer collection systems, and the continuation of utility lines from the main systems to a point of termination up to and including the meter location for the individual occupancy, sewer collection systems at property line on residential or single-occupancy commercial properties, or on multioccupancy properties at manhole or wye lateral extended to an invert elevation as engineered to accommodate future building sewers, water distribution systems, or storm sewer collection systems at storm sewer structures. However, an underground utility and excavation contractor may install empty underground conduits in rights-of-way, easements, platted rights-of-way in new site development, and sleeves for parking lot crossings no smaller than 2 inches in diameter, provided that each conduit system installed is designed by a licensed professional engineer or an authorized employee of a municipality, county, or public utility and that the installation of any such conduit does not include installation of any conductor wiring or connection to an energized electrical system. An underground utility and excavation contractor shall not install any piping that is an integral part of a fire protection system as defined in s. 633.021 beginning at the point where the piping is used exclusively for such system.
- Solar Contractor - means a contractor whose services consist of the installation, alteration, repair, maintenance, relocation, or replacement of solar panels for potable solar water heating systems, swimming pool solar heating systems, and photovoltaic systems and any appurtenances, apparatus, or equipment used in connection therewith, whether public, private, or otherwise, regardless of use. A contractor, certified or registered pursuant to the provisions of this chapter, is not required to become a certified or registered solar contractor or to contract with a solar contractor in order to provide any services enumerated in this paragraph that are within the scope of the services such contractors may render under this part.
- Pollutant Storage Systems Contractor - means a contractor whose services are limited to, and who has the experience, knowledge, and skill to install, maintain, repair, alter, extend, or design, when not prohibited by law, and use materials and items used in the installation, maintenance, extension, and alteration of, pollutant storage tanks. Any person installing a pollutant storage tank shall perform such installation in accordance with the standards adopted pursuant to s. 376.303.
- Specialty Contractor - means a contractor whose scope of work and responsibility is limited to a particular phase of construction established in a category adopted by board rule and whose scope is limited to a subset of the activities described in one of the paragraphs of this subsection.

Methods of Licensure:

There are two types of licensure - registration and certification:

If you obtain a local, county or city contracting license, you must apply for initial state registration. You may only practice contracting in that county or city, along with any adjoining

locales that will accept your registration. If you complete the Florida contractor's examination and apply for initial certification, your licensure will allow you to work throughout the state.

The following categories require registration or certification: general, building, residential, sheet metal, roofing, air-conditioning, mechanical, swimming pool/spa, plumbing, underground utility and excavation, solar, and pollutant storage.

Examination

A person shall be eligible for licensure by examination if the person:

- Is 18 years of age;
- Is of good moral character; and
- Meets eligibility requirements according to one of the following criteria:
 - Has received a baccalaureate degree from an accredited 4-year college in the appropriate field of engineering, architecture, or building construction and has 1 year of proven experience in the category in which the person seeks to qualify. For the purpose of this part, a minimum of 2,000 person-hours shall be used in determining full-time equivalency.
 - Has a total of at least 4 years of active experience as a worker who has learned the trade by serving an apprenticeship as a skilled worker who is able to command the rate of a mechanic in the particular trade or as a foreman who is in charge of a group of workers and usually is responsible to a superintendent or a contractor or his or her equivalent, provided, however, that at least 1 year of active experience shall be as a foreman.
 - Has a combination of not less than 1 year of experience as a foreman and not less than 3 years of credits for any accredited college-level courses; has a combination of not less than 1 year of experience as a skilled worker, 1 year of experience as a foreman, and not less than 2 years of credits for any accredited college-level courses; or has a combination of not less than 2 years of experience as a skilled worker, 1 year of experience as a foreman, and not less than 1 year of credits for any accredited college-level courses. All junior college or community college-level courses shall be considered accredited college-level courses.
 - Provide evidence of workers' compensation, public liability insurance, and property damage insurance coverage.
 - An initial applicant shall submit a complete set of fingerprints to the department. The fingerprints shall be submitted to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward them to the Federal Bureau of Investigation for national processing for the purpose of determining if the applicant has a criminal history record.

Endorsement

The board shall certify as qualified for certification by endorsement:

- Any applicant who meets the requirements for certification, has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination required by this part; and has satisfied the requirements for licensure by examination and

- Holds a valid license to practice contracting issued by another state or territory of the United States, if the criteria for issuance of such license were substantially equivalent to Florida's current certification criteria.

Reciprocity

The board shall certify as qualified for certification by reciprocity any applicant who holds a valid, current license to practice contracting issued by another state or territory of the United States, if the state or territory has entered into a reciprocal agreement with the board for the recognition of contractor licenses issued in that state, based on criteria for the issuance of such licenses that are substantially equivalent to the criteria for certification in this state.

Exemptions:

- Contractors working on bridges, roads, streets, highways, or railroads, and services incidental thereto.
- Any employee of a certificateholder or registrant who is acting within the scope of the license held by that certificateholder or registrant and with the knowledge and permission of the licenseholder.
- An authorized employee of the United States, this state, or any municipality, county, irrigation district, reclamation district, or any other municipal or political subdivision, except school boards, state university boards of trustees, and community college boards of trustees, unless for the purpose of performing routine maintenance or repair or construction not exceeding \$200,000 to existing installations, if the employee does not hold himself or herself out for hire or otherwise engage in contracting.
- An officer appointed by a court when he or she is acting within the scope of his or her office as defined by law or court order.
- Public utilities, telecommunications companies, and natural gas transmission companies on construction, maintenance, and development work performed by their employees.
- The sale or installation of any finished products, materials, or articles of merchandise that are not fabricated into and do not become a permanent fixed part of the structure, such as awnings.
- Owners of property when acting as their own contractor and providing direct, onsite supervision themselves of all work not performed by licensed contractors.
- Any construction, alteration, improvement, or repair carried on within the limits of any site the title to which is in the United States or with respect to which federal law supersedes this part.
- Any work or operation of a casual, minor, or inconsequential nature in which the aggregate contract price for labor, materials, and all other items is less than \$1,000.
- Any construction or operation incidental to the construction or repair of irrigation and drainage ditches.
- A registered architect or engineer acting within the scope of his or her practice provided that an architect or engineer shall not act as a contractor unless properly licensed.
- Any person who only furnishes materials or supplies without fabricating them into, or consuming them in the performance of the work of the contractor.

- Any person who is licensed pursuant to chapter 527 relating to LP gas when such person is performing the work authorized by such license.
- Any person who sells, services, or installs heating or air-conditioning units which have a capacity no greater than 3 tons or 36,000 Btu, which have no ducts, and which have a factory-installed electrical cord and plug.
- The installation and maintenance of water conditioning units for domestic, commercial, or industrial purposes by operators of water conditioning services.
- Contracting for repair, maintenance, remodeling, or improvement by any person licensed under part I of chapter 475 while acting as the owner's agent pursuant to that license, where all work requiring a contractor is performed by a contractor who has a current, valid certificate or registration issued under this part to perform such work, and where the aggregate contract for labor, materials, and all other items is less than \$5,000.
- Any one-family, two-family, or three-family residence constructed by Habitat for Humanity International, Inc.
- A disaster recovery mitigation organization or a not-for-profit organization repairing or replacing a one-family, two-family, or three-family residence that has been impacted by a disaster when such organization.
- The sale, delivery, assembly, or tie-down of prefabricated portable sheds that are not more than 250 square feet in interior size and are not intended for use as a residence or as living quarters.
- The sale, delivery, assembly, or tie-down of lawn storage buildings and storage buildings not exceeding 400 square feet and bearing the insignia of approval from the Department of Community Affairs showing compliance with the Florida Building Code.

Initial Fees:

- Examination - \$135
- Financially Responsible Officer - \$200
- Limited Non-renewable Registration - \$309
- Initial Licensure for Certified - \$409, if all parts of examination are passed prior to January 1, 2009 (prorated to \$309 in an even year)
- Initial Licensure for Certified Contractor - \$249.00 if any part of examination is passed after January 1, 2009 (prorated to \$149.00 in an even year)
- Initial Licensure for Registered Contractor - \$309.00 if applying for initial licensure between in an even year (prorated to \$209.00 in an odd year)
- Business Entity - \$50, in addition to the contractor licensure fee
- Certified contractor to qualify an additional business - \$209
- Registered contractor to qualify an additional business entity - \$309\
- Unlicensed activity fee - \$5

Biennial License Renewal Fees:

- Registered and Certified contractor - \$209.00

- Business Entity - \$50
- Unlicensed activity fee - \$5

Late Fees and Penalties:

- Late Fee - \$100
- Business Entity - \$50
- Reactivation Fee for current, inactive - \$59
- Reactivation Fee for delinquent, inactive - \$159

Continuing Education Requirement:

Each certificateholder or registrant shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 14 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate or registration.

The board shall establish by rule that a portion of the required 14 hours must deal with the subject of workers' compensation, business practices, workplace safety, and, for applicable licensure categories, wind mitigation methodologies, and 1 hour of which must deal with laws and rules.

Regulatory Oversight: Department of Business and Professional Regulation/Division of Regulation

Regulatory Board: Construction Industry Licensing Board

Number of In-State Practitioners: 71,835

Annual Revenues: \$8,905,109

Cost to the State to Regulate: \$10,335,921

Other Regulations: Local governments

Number of Disciplinary Actions Taken: 2,300

- Consumer Initiated-1,761
- Administrative-539

Types of Complaints:

- Not constructing according to plan
- Structural deficiencies
- Practicing without a license

Cosmetologists

Authority:

- Chapter 477, Florida Statutes
- Chapter 61G5, Florida Administrative Code

Description:

“Cosmetologist” means a person who is licensed to engage in the practice of cosmetology in this state under the authority of this chapter.

“Specialist” means any person holding a specialty registration in one or more of the specialties registered under this chapter.

Scope of practice

“Cosmetology” means 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.

Cosmetology services shall be performed only by licensed cosmetologists in licensed salons.

License Categories:

- Cosmetology
- Cosmetology Salon
- Specialty Registration

Methods of Licensure:

Examination

The Cosmetology examination shall consist of two parts, a written theory examination and a written clinical examination.

- **Written theory subjects:** General safety and sanitation procedures, client services, facial, make-up, and hair removal, manicuring and pedicuring, professional/legal and ethical laws and rules.
- **Written clinical subjects:** Hair coloring and lightening, permanent Waving and Chemical Relaxing, scalp and hair care, hair cutting/shaping, hair styling

At least 16 years of age or has received a high school diploma and met professional educational requirements by completing a minimum of 1,200 hours (1,000 if approved by school) of training at an approved school and passed a written licensure examination.

Specialty Registration: Must hold a certificate of completion from an approved school.

	<u>Instruction Hours</u>	<u>Hands-on</u>
Manicuring/Pedicuring/Nail Extension Specialist:	240	95
Facial Specialist:	260	40
Full Specialist:	500	135

Required Instruction

Hair Braiding Registration:	Two-day 16 hour course
Hair Wrapping Registration:	One-day, six hour course
Body Wrapping Registration:	Two-day, 12 hour course

Each course must be approved by the board and have specific modules on HIV/AIDS and other communicable diseases, sanitation and sterilization, disorders and diseases of the scalp, and pertinent laws.

Endorsement Cosmetology:

The Department of Business and Professional Regulation shall issue a license to an applicant without examination who:

- Makes application and pays to the fee.
- Demonstrates that the applicant is currently licensed to practice cosmetology under the law of another state.
- Demonstrates that the applicant has completed at least 1200 cosmetology school or program hours substantially similar to, equivalent to, or greater than the qualifications required of this state.
- Demonstrates that the applicant has passed a written licensure examination to obtain a license substantially similar to, equivalent to, or greater than the qualifications required of applicants from this state. and
- Demonstrates that the applicant has completed a board approved HIV/AIDS course.
- Holds an active license in another state and meets qualifications substantially similar to qualifications required in Florida

Endorsement Specialty: Practicing in a state having substantially similar standards as this state.

Cosmetology/Specialty Salons: Salon owner must submit an application, pay the required fee and meet the safety and sanitary requirements established by the board.

Exemptions

Practitioners

This chapter does not apply to the following:

- Persons authorized under the laws of this state to practice medicine, surgery, osteopathic medicine, chiropractic medicine, massage, naturopathy, or podiatric medicine.
- Persons employed in federal, state, or local institutions, hospitals, or military bases.
- Persons whose practice is limited to the application of cosmetic products for sale at retail.
- Persons whose occupation or practice is confined solely to shampooing.
- Persons whose occupation or practice is confined solely to cutting, trimming, polishing, or cleansing the fingernails in a barbershop.

- Person operating a photography studio salon is exempt from the licensure, however, the hair-arranging services of such salon must be performed under the supervision of a licensed cosmetologist.
- Persons providing makeup, special effects, or cosmetology services to an actor or other talent during a production or at an entertainment complex.

Salons

Cosmetology services may be performed:

- By a licensed cosmetologist in a location other than a licensed salon, including, but not limited to, a nursing home, hospital, or residence, when a client for reasons of ill health is unable to go to a licensed salon. Arrangements for the performance of such cosmetology services in a location other than a licensed salon shall be made only through a licensed salon.
- In a location other than a licensed salon when such services are performed in connection with the motion picture, fashion photography, theatrical, or television industry; a photography studio salon; a manufacturer trade show demonstration; or an educational seminar.

Initial Fees:

Cosmetologist-

- Application Fee=\$50
- Initial license=\$50 (paid together)
- Endorsement Application=\$50 (paid together with license fee)

Specialist-

- Specialist Application=\$50
- Specialty Registration=\$30 (paid together)
- Specialty Registration Endorsement fee=\$30 (paid together with application fee)

Salon

- Cosmetology Salon Application - \$50
- Cosmetology Salon License=\$50

Hair Braider, Hair Wrapper, Body Wrapper Registration Application=\$25

Unlicensed activity fee=\$5

Biennial License Renewal Fees

- Cosmetologists-\$50
- Specialists-\$50
- Business entity-\$50
- Hair braiding, hair wrapping and body wrapping-\$25

- Unlicensed Activity Fee-\$5

Additional fees are established for hair braiders, hair wrappers, body wrappers, cosmetologists, and specialists for delinquent renewals, inactive changes of status, inactive renewals, and reactivations. Additional fees caps are established for salon applications, initial license, biennial license renewal, and delinquent licenses.

Continuing Education Requirement:

Every two years cosmetologists must complete 16 hours of continuing education, approved by the Board of Cosmetology, four hours of which can be through board approved elective subjects. Twelve hours must be in the following subjects:

	<u>Required Hours</u>
HIV/AIDS and other communicable diseases:	Minimum of 2
Sanitation and Sterilization:	Minimum of 3
Occupational Safety and Health Administration regulations:	Minimum of 1
Issues of workers' compensation as they pertain to Florida law:	Minimum of 1
State and federal laws and rules pertaining to cosmetology, cosmetologists, specialists, salons and booth renters:	Minimum of 2
Chemical makeup as it pertains to hair, skin, and nails:	Minimum of 2
Environmental issues:	Minimum of 1

Regulatory Oversight: Department of Business and Professional Regulation/Division of Regulation

Regulatory Board: Board of Cosmetology

Number of In-State Practitioners: 195,812

Annual Revenues: \$5,964,763

Cost to the State to Regulate: \$5,936,906

Other Regulations: NA

Number of Disciplinary Actions Taken: 1,676

- Consumer Initiated-180
- Administrative-1,496

Types of Complaints:

- Practicing without a license
- Sanitary Violations

Dance Studios

Authority:

- Section 501.143, Florida Statutes
- Chapter 5J-8, Florida Administrative Code

Description:

"Ballroom dance studios" means any person that:

- Engages in the sale of ballroom dance studio lessons or services which are provided at a location specifically used for dance studio lessons or services; or
- Secures floor space at a registered ballroom dance studio facility or other facility which is not used primarily for rendering dance studio lessons or services and enters into contracts for future dance studio lessons or services.

Registration Requirements:

Dance studios must register with the DACS annually. Such registration requires disclosure of contact information and copies of contracts offered to the public. The DACS issues a certificate of registration for registrants to display.

The DACS may refuse registration if the dance studio, or any of its directors, has been found guilty of a crime involving fraud, has not satisfied an administrative fine or civil judgment, or has a judgment against it for unfair trade practices.

Certain new dance studios must also post a bond of \$5,000 to \$15,000 depending on the length of time it has been under the same ownership.

Annual Registration Fees:

- \$300

Late Fees and Penalties: None

Continuing Education Requirements: None

Regulatory Oversight: Department of Agriculture and Consumer Services/Division of Consumer Services

Regulatory Board: None

Number of Registrants: 223

Annual Revenues: \$61,700

Cost to Regulate: \$26,691

Other Regulation:

State

Civil enforcement may be sought by the Department of Legal Affairs.

Federal

Federal Trade Commission Act, 15 U.S.C. §§ 41-58. The FTC is empowered to

- Prevent unfair methods of competition, and unfair or deceptive acts or practices;
- Seek monetary redress and other relief for conduct injurious to consumers; and
- Conduct investigations relating to the organization, business, practices, and management of entities engaged in commerce.

Number of Disciplinary Actions Taken: 9

- Consumer Initiated-0
- Administrative-9

Types of Complaints:

- Practicing without a license
- Practicing with an expired license

Electrical Contractors

Authority:

- Chapter 489, Part II, Florida Statutes
- Chapter 61G6, Florida Administrative Code

Description:

“Electrical Contractor” means a person who conducts business in the electrical trade field and who has the experience, knowledge, and skill to install, repair, alter, add to, or design, in compliance with law, electrical wiring, fixtures, appliances, apparatus, raceways, conduit, or any part thereof, which generates, transmits, transforms, or utilizes electrical energy in any form, including the electrical installations and systems within plants and substations, all in compliance with applicable plans, specifications, codes, laws, and regulations.

“Alarm System Contractor” means a person whose business includes the execution of contracts requiring the ability, experience, science, knowledge, and skill to lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace, or service alarm systems for compensation, including, but not limited to, all types of alarm systems for all purposes.

Scope of Practice:

The scope of electrical contracting shall apply to private and public property and shall include any excavation, paving, and other related work incidental thereto and shall include the work of all specialty electrical contractors. However, such electrical contractor shall subcontract the work of any other craft for which an examination for a certificate of competency or registration or a license is required, unless such contractor is certified or registered or holds a license for the respective trade category as required by the appropriate local authority.

A registered electrical contractor may bid on electrical contracts which include alarm systems contracting as a part of the contract, provided that the individual shall subcontract such alarm systems contracting, except raceway systems, to a properly certified or registered alarm system contractor. Registered electrical contractors may install raceways for alarm systems. However, if the registered electrical contractor is properly certified or registered as an alarm system contractor, the individual is not required to subcontract out the alarm system contracting.

The scope of work of a certified unlimited electrical contractor includes the work of a certified alarm system contractor.

In order to do business as a corporation, partnership, limited liability company or any business entity other than a sole proprietorship, the contractor must be approved to qualify that business entity. The name of the approved business entity will appear on the contractor’s individual license. If the contractor is operating as an individual without a business name, the word “INDIVIDUAL” will appear on the contractor’s license.

License Categories:

Registration – The applicant has taken and passed a local competency examination and can practice only within that locale.

Certification -- The applicant has taken and passed the state licensing examination and can practice throughout the state.

- Electrical Contractor - means a person who conducts business in the electrical trade field and who has the experience and knowledge install, repair, alter, add to, or design

electrical wiring, fixtures, appliances, apparatus, raceways, and conduit, including the electrical installations and systems within plants and substations and all alarm systems and specialty categories.

- Alarm System Contractor I - means an alarm system contractor whose business includes all types of alarm systems for all purposes.
- Alarm System Contractor II - means an alarm system contractor whose business includes all types of alarm systems other than fire, for all purposes.
- Registered Alarm System Contractor I - means an alarm system contractor whose business includes all types of alarm systems for all purposes. A registered "alarm system contractor I" may contract only in the cities and/or counties for which his or her registration is issued.
- Registered Alarm System Contractor II - means an alarm system contractor whose business includes all types of alarm systems, other than fire, for all purposes. A "registered alarm system contractor II" may contract only in the cities and/or counties for which his or her registration is issued.
- Registered Residential Alarm System Contractor - means an alarm system contractor whose business is limited to burglar alarm systems in single-family residential, quadruplex housing, and mobile homes of a residential occupancy class. A "registered residential alarm system contractor" may contract only in the cities and/or counties for which his or her registration is issued.
- Registered Electrical Contractor - means an electrical contractor who has registered with the department pursuant to fulfilling the competency requirements in the jurisdiction for which the registration is issued. A "registered electrical contractor" may contract for electrical systems, including all specialty categories, only in the cities and/or counties for which his or her registration is issued. A "registered electrical contractor" MAY NOT contract for any alarm system.
- Specialty Contractor - means a contractor whose scope of practice is limited to a specific segment of electrical or alarm system contracting, including, but not limited to: elevator specialist (class code 066), utility line electrical specialist (class code 068), low voltage system specialist (class code 069), residential electrical contracting (class code 043), maintenance of electrical fixtures (class code 065), and fabrication, erection, installation, and maintenance of electrical advertising signs (class code 067).
- Registered Electrical Specialty Contractor – means an elevator specialist, utility line electrical specialist, low voltage system specialist, residential electrical contracting, maintenance of electrical fixtures, and fabrication, erection, installation, and maintenance of electrical advertising signs.

Methods of Licensure:

Examination- Any person desiring to be certified by examination as a contractor shall apply to the department in writing and must meet the following criteria:

- Be at least 18 years of age.
- Be of good moral character.
- Pass the certification examination, achieving a passing grade and

Meet eligibility requirements according to one of the following criteria:

- Has, within the 6 years immediately preceding the filing of the application, at least 3 years' proven management experience in the trade or education equivalent thereto, or a combination thereof, but not more than one-half of such experience may be educational equivalent.
- Has, within the 8 years immediately preceding the filing of the application, at least 4 years' experience as a supervisor or contractor in the trade for which he or she is making application.
- Has, within the 12 years immediately preceding the filing of the application, at least 6 years of comprehensive training, technical education, or supervisory experience associated with an electrical or alarm system contracting business, or at least 6 years of technical experience in electrical or alarm system work with the Armed Forces or a governmental entity.
- Has, within the 12 years immediately preceding the filing of the application, been licensed for 3 years as a professional engineer who is qualified by education, training, or experience to practice electrical engineering.
- Has any combination of the above qualifications under totaling 6 years of experience.

At least 40 percent of the work experience for an alarm system contractor I must be in the types of fire alarm systems typically used in a commercial setting.

Submits satisfactory evidence that he or she has obtained workers' compensation insurance, public liability insurance coverage, property damage insurance coverage, and furnishes evidence of financial responsibility, credit, and business reputation of either himself or herself or the business organization.

Endorsement- The board shall certify as qualified for certification by endorsement any individual applying for certification who:

- Meets the requirements for certification as set forth in this section; has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination required by this part; and has satisfied the requirements for qualifying a business organization or
- Holds a valid license to practice electrical or alarm system contracting issued by another state or territory of the United States, if the criteria for issuance of such license was substantially equivalent to the certification criteria that existed in this state at the time the certificate was issued.

Registration- Any person engaged in the business of contracting in the state shall be registered in the proper classification unless he or she is certified.

Any person desiring to be a registered contractor shall apply to the department for registration and must:

- Be at least 18 years old.
- Be of good moral character and
- Submit an affidavit testing to the fact that the applicant has obtained workers' compensation insurance, public liability insurance coverage, and property damage insurance coverage.

Any contractor may be registered to contract in the area specified in such registration if the contractor is qualified.

- To be registered as an electrical contractor, an alarm system contractor I, an alarm system contractor II, or a residential alarm system contractor, the applicant shall file evidence of holding a current certificate of competency issued by any municipality or county of the state for the type of work for which registration is desired together with evidence of having passed an appropriate local examination, written or oral, designed to test skills and knowledge relevant to the technical performance of the profession, accompanied by the registration fee fixed pursuant to this part.
- For any person working or wishing to work in any local jurisdiction that does not require an examination for its license, the applicant may apply and shall be considered qualified to be issued a registration in the appropriate electrical or alarm system category, provided that he or she shows that he or she has scored at least 75 percent on an examination which is substantially equivalent to the examination approved by the board for certification in the category and that he or she has had at least 3 years' technical experience in the trade.
- When a registrant desires to register in an additional area of the state, he or she shall comply with any local requirements of that area and then file a request with the department, together with evidence of holding a current license issued by the county or municipality for the area or areas in which he or she desires to be registered.

The local jurisdictions are responsible for providing the following information to the board within 30 days after licensure of, or any disciplinary action against, a locally licensed contractor who is registered under this part:

- Licensure information.
- Code violation information.
- Disciplinary information.

Initial Fees:

- Application Fee-\$200
- Examination and Re-Exam Fee-\$127.50
- Initial Registration Fee-\$150
- Initial Certification-\$295
- Unlicensed Activity Fee - \$5
- Application for Endorsement as Certified Unlimited Electrical Contractor=\$200.00

Biennial License Renewal Fees:

- Certification - \$295
- Registration-\$120
- Unlicensed Activity Fee - \$5

During the August 2010 license renewal, the Electrical Contractors' Licensing Board charged a one-time special assessment fee of \$75.00 per licensee, due along with the renewal fee.

Late Fees and Penalties:

- Late Fee- \$50
- Fees for Reinstatement of a Void License- \$500

Continuing Education Requirement:

Fourteen hours of board approved continuing education is required each biennium prior to the renewal period for both certified and registered contractors, at least 7 hours of which are on technical subjects, 1 hour on workers' compensation, 1 hour on workplace safety, 1 hour on business practices and 1 hour of advanced course. Contractors who are engaged in alarm system contracting must take a 2 hour false alarm prevention course as a part of their continuing education.

Regulatory Oversight: Department of Business and Professional Regulation/Division of Regulation

Regulatory Board: Electrical Contractors Licensing Board

Number of In-State Practitioners: 12,591

Annual Revenues: \$1,556,916

Cost to the State to Regulate: \$ 1,882,560

Other Regulations: NA

Number of Disciplinary Actions Taken: 537

- Consumer Initiated-293
- Administrative-244

Types of Complaints:

- Failed inspections
- Poor workmanship
- Failure to obtain permits
- Practicing without a license

Elevator Safety

Authority:

- Chapter 399, Florida Statutes
- Chapter 61C-5, Florida Administrative Code

Description:

“Elevator” means one of the following mechanical devices:

- A hoisting and lowering mechanism, equipped with a car and platform that moves in guide rails and serves two or more landings to transport material or passengers or both.
- An escalator, which is a power-driven, inclined continuous stairway used for raising or lowering passengers.
- A dumbwaiter, which is a hoisting and lowering mechanism equipped with a car of limited size which moves in guide rails and serves two or more landings.
- A moving walk, which is a type of passenger-carrying device on which passengers stand or walk and in which the passenger-carrying surface remains parallel to its direction of motion and is uninterrupted.
- An inclined stairway chairlift, which is a device used to transport physically handicapped persons over architectural barriers.
- An inclined or vertical wheelchair lift, which is a device used to transport wheelchair handicapped persons over architectural barriers.

Types of Certification:

Certificate of Operation – Annual certificate for conveyances meeting the required safety inspection and tests.

- Registered Elevator Company – An entity employing persons to construct, install, inspect, maintain, or repair any vertical conveyance.
- Certified Elevator Inspector – A natural person certified to construct, install, inspect, maintain, or repair any vertical conveyance.
- Certified Elevator Technician – A natural person certified to who construct, install, maintain, or repair any vertical conveyance.

Certification Requirements:

- Certificate of Operation – Applicant must provide affidavit of elevator code compliance (issued by a certificate of competency holder). For renewal, proof of current satisfactory inspection or current service maintenance contract is required.
- Registered Elevator Company – Applicant must register the division annually and maintain general liability insurance coverage.
- Certified Elevator Inspector – Applicant must register with the division, after having properly acquired the qualified elevator inspector credential as prescribed by the American Society of Mechanical Engineers.

- Certified Elevator Technician – Applicant must hold an elevator certificate of competency; annually register with the division; and be covered by general liability insurance coverage.
- Elevator Certificate of Competency – Applicants must have four years' work experience in the construction, maintenance, service, and repair of elevators or a degree in mechanical or electrical engineering, and either: proof of successful completion of a written examination; proof of completion of an apprenticeship program for elevator mechanics; or proof of licensure or comparable certification by a state or local jurisdiction in the United States. Licensed mechanical engineers may also be granted an elevator certificate of competency.

Continuing Education Requirements:

Eight hours of continuing education from a provider approved by the department is required to renew a Certificate of Competency, a Certified Elevator Technician or a Certified Elevator Inspector credential.

Annual Fees:

- Elevator Certificate of Competency: \$50
- Elevator Certificate of Operation: \$75

Other Fees:

- Permit to Install/Relocate: \$250
- Permit to Alter: \$200
- Delinquency Fee: \$50

Regulatory Oversight: Department of Agriculture and Consumer Services/ Division of Hotels and Restaurants/ Bureau of Elevator Safety

Advisory Board: Elevator Safety Technical Advisory Committee

Number of In-State Practitioners: 50,684

Annual Revenues: \$4,591,197

Cost to Regulate: \$2,793,710

Other Regulation:

Local

The Bureau of Elevator Safety has five no-cost service contracts with local jurisdictions to provide services for annual safety inspections and the issuance of certificates of operation based on fees, plans review, code enforcement, complaint resolution, accident reporting, and other regulatory functions performed by their respective building departments. These include: Miami; Miami Beach; Miami-Dade; Broward; and Reedy Creek (Disney).

Industry professional licensing and registration is not contracted to local jurisdictions. All elevator professionals must apply with the State.

Federal

The Americans with Disabilities Act, 42 U.S.C. 12101, et. seq., contains guidelines for elevator accessibility. The Department of Justice (DOJ) may file lawsuits in federal court to enforce the ADA. The DOJ may also obtain civil penalties of up to \$55,000 for the first violation and \$110,000 for any subsequent violation.

Number of Disciplinary Actions Taken: 1

- Consumer Initiated-0
- Administrative-1

Types of Complaints:

- Accident involving death (awaiting formal hearing)

Employee Leasing Companies

Authority:

- Chapter 468, Part XI, Florida Statutes
- Chapter 61G7, Florida Administrative Code

Description:

Employee Leasing Companies means a sole proprietorship, partnership, corporation, or other form of business entity engaged in employee leasing.

Employee Leasing means an arrangement whereby a leasing company assigns its employees to a client and allocates the direction of and control over the leased employees between the leasing company and the client.

Scope of Practice:

Recruit and place individuals in positions with client companies to perform services such as; payroll processing, worker's compensation coverage, and human resource and benefit management.

License Categories:

- Employee Leasing Company - means a sole proprietorship, partnership, corporation, or other form of business entity engaged in an arrangement whereby the entity assigns its employees to a client and allocates the direction of and control over the leased employees between the leasing company and the client.
- Controlling Person - means any natural person who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of any employee leasing company, including, but not limited to:
 - Direct or indirect control of 50 percent or more of the voting securities of the employee leasing company.
 - The general power to endorse any negotiable instrument payable to or on behalf of the employee leasing company or to cause the direction of the management or policies of any employee leasing company.
 - Any natural person employed, appointed, or authorized by an employee leasing company to enter into a contractual relationship with a client company on behalf of the employee leasing company.
- De Minimus Employee Leasing Company - is an employee leasing company that is domiciled outside the state and is licensed or registered as an employee leasing company in its state of domicile or residence. This company does not provide leased employees to a client whose business is located or domiciled within Florida nor does the company maintain an office in this state or solicit in any clients located or domiciled within Florida. This company also does not have more than 50 leased employees working in this state. This company is registered with the state but not licensed to do business within Florida.

Methods of Licensure:

- **Business Entity** - Each employee leasing company licensed by the department shall have a registered agent for service of process in this state and at least one licensed controlling person. Each controlling person licensed by the department shall:
 - Be at least 18 years of age.
 - Be of good moral character.
 - Have the education, managerial, or business experience to successfully operate or be a controlling person of an employee leasing company.
 - Submit fingerprints, for processing through appropriate law enforcement agencies, by the applicant and the examination of police records by the board.

The board may deny an application for licensure or renewal citing lack of good moral character.

Conviction of a crime within the last 7 years does not automatically bar any applicant or licensee from obtaining a license or continuing as a licensee. The board shall consider the type of crime committed, the crime's relevancy to the employee leasing industry, the length of time since the conviction and any other factors deemed relevant by the Board of Employee Leasing Companies.

- **De Minimis Operations (Registration only)** An employee leasing company is exempt from the licensing requirements specified in s. 468.525 and from the fees specified in s. 468.526 if such company:
 - Submits a properly executed request for registration and exemption on a form provided by the department;
 - Is domiciled outside the state and is licensed or registered as an employee leasing company in its state of domicile or residence;
 - Does not provide leased employees to a client whose business is located or domiciled in this state;
 - Does not maintain an office in this state or solicit in any manner clients located or domiciled within this state; and
 - Does not have more than 50 leased employees working in this state.

Exemptions:

- Temporary help arrangements to support or supplement the client's workforce in special work situations such as employee absences, temporary skill shortages, and seasonal workloads.
- An arrangement in which an organization employs only one category of employees and assigns them to a client to perform a function inherent to that category and which function is separate and divisible from the primary business of the client.
- A facilities staffing arrangement, whereby an organization assigns its employees to staff a specific client function, on an ongoing basis, provided that the number of individuals assigned comprises no more than 50 percent of the workforce at a client's worksite and provided that no more than 20 percent of the individuals assigned to a particular client function were employed by the client immediately preceding the commencement of the arrangement.

- An arrangement in which an organization assigns its employees only to a commonly controlled company or group of companies and in which the organization does not hold itself out to the public as an employee leasing company.
- A home health agency or a health care services pool unless otherwise engaged in business as an employee leasing company.

Initial Fees:

- Employee Leasing Company
 - Application Fee - \$250 (\$500 for Employee Leasing Company Group)
 - Initial License - \$1,500 (\$2,500 for Employee Leasing Company Group)
 - Unlicensed Activity Fee - \$5
- Controlling Person
 - Application Fee - \$150
 - Initial License - \$1,000
 - Unlicensed Activity Fee - \$5
- De Minimus Employee Leasing Company
 - Application Fee - \$250 (\$500 for Employee Leasing Company Group)
 - Initial License - \$1,500 (\$2,500 for Employee Leasing Company Group)
 - Unlicensed Activity Fee - \$5

Biennial License Renewal Fees:

- Controlling Person - \$1,000
- Employee Leasing Company - \$1,500
- Employee Leasing Company Group - \$2,500
- Unlicensed Activity Fee - \$5 (all except De Minimus Operations)

Annual License Renewal Fees:

- De Minimus Operation company - \$250
- De Minimus Company Group - \$500

In addition to the biennial fees, the Department of Business and Professional Regulation will assess each Employee Leasing Company and each Employee Leasing Company Group an annual assessment fee based upon the preceding calendar year's gross Florida payroll of the company or group. The annual assessment is calculated in accordance with the following:

Amount of Gross Florida Payroll	Assessment Fee Due
Less than \$250,000	\$72.00
\$250,000 – \$500,000	\$127.00
\$500,001 – \$1,000,000	\$190.00

\$1,000,001 – \$2,500,000	\$267.50
\$2,500,001 – \$5,000,000	\$344.50
\$5,000,001 – \$7,500,000	\$422.00
\$7,500,001 – \$10,000,000	\$499.00
\$10,000,001 – \$15,000,000	\$577.00
\$15,000,001 – \$20,000,000	\$654.00
\$20,000,001 – \$30,000,000	\$731.00
\$30,000,001 – \$40,000,000	\$808.50
\$40,000,001 – \$50,000,000	\$914.50
Greater than \$50,000,000	\$1019.50

Late Fees and Penalties:

- Late Fee - \$300

Continuing Education Requirement: None

Regulatory Oversight: Department of Business and Professional Regulation/Division of Regulation

Regulatory Board: Board of Employee Leasing Companies

Number of In-State Practitioners: 700

Annual Revenues: \$339,234

Cost to the State to Regulate: \$404,400

Other Regulations: None

Number of Disciplinary Actions Taken: 23

- Consumer Initiated-6
- Administrative-17

Types of Complaints:

- Overcharging for services
- Contract disputes
- Late reporting of financial statements

Engineers

Authority:

- Chapter 471, Part II, Florida Statutes
- Chapter 61G15, Florida Administrative Code

Description:

“Engineer” includes the terms “professional engineer” and “licensed engineer” and means a person who is licensed to engage in the practice of engineering under this chapter.

Scope of Practice

“Engineering” includes the term “professional engineering” and means any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning, and design of engineering works and systems, planning the use of land and water, teaching of the principles and methods of engineering design, engineering surveys, and the inspection of construction for the purpose of determining in general if the work is proceeding in compliance with drawings and specifications, any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, insofar as they involve safeguarding life, health, or property; and includes such other professional services as may be necessary to the planning, progress, and completion of any engineering services.

License Categories:

“License” means the licensing of engineers or certification of businesses to practice engineering in this state.

“Certificate of authorization” means a license to practice engineering issued to a corporation or partnership.

“Engineer intern” means a person who has graduated from an engineering curriculum approved by the board and has passed the fundamentals of engineering examination as provided by rules adopted by the board.

Methods of Licensure:

Engineer/Engineer Intern Examination

An applicant for licensure must pass an examination provided by the National Council of Examiners for Engineers and Surveyors (NCEES). The examination consists of two parts, each of eight hours. The engineer intern examination is defined to be Part One of the written examination provided by the NCEES. Candidates are permitted to bring certain reference materials and calculators.

An engineer applicant must:

- Be of good moral character.
- Be a graduate from an approved engineering curriculum of 4 years or more in a school, college, or university which has been approved by the board and has a record of 4 years

of active engineering experience of a character indicating competence to be in responsible charge of engineering.

- Be a graduate of an approved engineering technology curriculum of 4 years or more in a school, college, or university within the State University System, having been enrolled or having graduated prior to July 1, 1979, and has a record of 4 years of active engineering experience of a character indicating competence to be in responsible charge of engineering.
- Or, in lieu of education and experience requirements, 10 years or more of active engineering work of a character indicating that the applicant is competent to be placed in responsible charge of engineering.

An engineer intern applicant must:

- Be of good moral character.
- Take the fundamentals examination for the purpose of determining whether she or he is qualified to practice in this state as an engineer intern if she or he is in the final year of, or is a graduate of, an approved engineering curriculum in a school, college, or university.
- Be deemed to have passed the fundamentals examination when such applicant has received a doctorate degree in engineering from an institution that has an undergraduate engineering program that is accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc., and has taught engineering full time for at least 3 years, at the baccalaureate level or higher, after receiving that degree.

Endorsement

The board shall certify as qualified for a license by endorsement an applicant who:

- Qualifies to take the fundamentals examination and the principles and practice examination has passed a United States national, regional, state, or territorial licensing examination that is substantially equivalent to the fundamentals examination and principles and practice examination.
- Has satisfied experience requirements equal to 10 years or more of active engineering work of a character indicating that the applicant is competent to be placed in responsible charge of engineering.
- Or Holds a valid license to practice engineering issued by another state or territory of the United States, if the criteria for issuance of the license were substantially the same as the licensure criteria that existed in this state at the time the license was issued.

Business Entity/Certificate of Authorization

A certificate of authorization shall be required for any business organization or other person practicing under a fictitious name, offering engineering services to the public.

Initial Fees:

- Application fee for licensure by examination or endorsement – \$125.00 non-refundable.
- Initial license fee – \$100.00.
- Temporary license (individual) – \$25.00.

- Temporary Certificate of Authorization (firm) – \$50.00.
- Application fee for a Certificate of Authorization (firm) – \$125.00 non-refundable.
- Initial fee for Certificate of Authorization – \$125.00.
- Inactive Status fee – \$125.00.
- Reactivation fee – \$150.00.
- Engineer Intern application fee – \$30.00.
- Engineer Intern Endorsement fee – \$100.00.

Biennial License Renewal Fee

- Biennial Renewal fee for Certificate of Authorization (firm) – \$125.00.
- Biennial renewal fee – \$125.00.

Late fees and Penalties

Delinquency fee – \$100.00.

Continuing Education Requirement:

Eight (8) professional development hours of board-approved continuing education is required of each licensee prior to the end of the renewal period. Four (4) hours must be laws & rules of chapter 471 and 61G15 F.A.C. and four (4) hours of areas of practice.

Regulatory Oversight: Department of Business and Professional Regulation/Division of Regulation

Regulatory Board: Board of Professional Engineers

Number of In-State Practitioners: 19,956

Annual Revenues: \$2,090,875

Cost to the State to Regulate: \$2,252,286

Other Regulations: National Council of Examiners for Engineering and Surveying

Number of Disciplinary Actions Taken: 85

- Consumer Initiated-73
- Administrative-12

Types of Complaints:

- Signing and sealing deficient plans
- Practicing without a license

Fair Rides and Games

Authority:

- s. 616.242, Florida Statutes
- Chapter 5F-8, Florida Administrative Code

Description:

"Amusement ride" means any building, structure, or mechanical device or combination thereof through which a patron moves, walks, or is carried or conveyed on, along, around, over, or through a fixed or restricted course or within a defined area for the purpose of giving its patrons amusement, pleasure, thrills, or excitement.

"Bungy operation" means an amusement ride which utilizes as a component a bungy cord which is an elastic rope made of rubber, latex, or other elastic type materials whether natural or synthetic.

"Go-kart" means an amusement ride vehicle controlled or driven by patrons specifically designed for and run on a fixed course.

"Kiddie ride" means an amusement ride designed primarily for use by patrons up to 12 years of age.

"Super Amusement Ride" means an amusement ride which, because of its design, size, passenger capacity, restraint system or operating characteristics, requires an extensive or extraordinary amount of inspection time to assure compliance with requirements of law and rule, when compared with kiddie or non-kiddie amusement rides.

Permit Requirements:

Amusement Ride Permit – Applicant must submit disclosures of contact information, affidavit from professional engineer or qualified inspector that the ride is in compliance with rules, proof of insurance or bonding, and the ride must be inspected by the DACS. Additionally, certain rides are subject to nondestructive testing. The DACS issues a United States Amusement Identification (USAID) plate for each permitted ride.

Certificate of Inspection – Rides must be inspected by the DACS every six month.

Continuing Education Requirements: None

Annual Fees:

- Annual Permit for any amusement ride: \$430
- Annual permit for any bungee operation: \$500

Other Fees:

- Inspection fee per kiddie amusement ride: \$35
- Inspection fee per non-kiddie amusement ride: \$70
- Inspection fee per super amusement ride: \$140
- Inspection fee per go-kart (in addition to ride inspection fee): \$7
- Re-inspection fee: \$500
- Replacement of lost USAID plate \$100

- Failure to cancel inspection request per amusement ride \$100
- Additional fee per amusement ride for inspections on weekends or state holidays \$75
- Late inspection request per amusement ride \$100

Regulatory Oversight: Department of Agriculture and Consumer Services/Bureau of Fair Rides Inspection

Regulatory Board: None

Number of Permitted Rides: 1,669

Annual Revenues: \$1,472,178

Cost to Regulate: \$1,396,758

Other Regulation: None Known

Number of Disciplinary Actions Taken: 5

- Consumer Initiated-0
- Administrative-5

Types of Complaints:

- Operating rides without inspections and permits
- Operating rides in an unsafe manner
- Failure to maintain inspection documents
- Lack of employee training

Farm Labor Contractor

Authority:

- Chapter 450, Part III, Florida Statutes

Description:

" Farm Labor Contractor" means any person who, for a fee or other valuable consideration, recruits, transports into or within the state, supplies, or hires at any time in any calendar year one or more farm workers to work for a third person or any person who controls all or any part of the work of such workers.

Scope of Practice:

Responsibilities of a farm labor contractor include, but are not limited to:

- Disclosing working conditions and posting requirements. Workers must be informed on issues regarding pay, crop, transportation and housing arrangements, contractor and grower information, and rights of farm workers.
- Paying wages to workers when due. Workers must be paid at least twice a month and no less than the minimum wage. A federal employer identification number is needed if the farm labor contractor is responsible for the payroll.
- Ensuring safe transportation of workers. Whenever a farm labor contractor is involved in the transportation of workers, each vehicle utilized must be authorized by this agency. Proof of automobile liability insurance coverage, Workers' Compensation coverage, and a vehicle safety inspection must be submitted. The driver(s) of the vehicle must also register as a farm labor contractor and be authorized by this agency to drive workers. For those individuals, a doctor's certificate showing they are physically able to drive and proof of a valid driver's license of the proper class must also be submitted. Drivers must be at least 21 years old.
- Ensuring safe housing of workers. Whenever the farm labor contractor is involved in the housing of workers, each facility utilized must be authorized by this agency. Proof that the facility meets safety and health standards must be submitted.
- Providing field sanitation. Workers must have access to toilets, as well as water fit for drinking and for washing hands.
- Workers' Compensation coverage. The contractor or employer must provide this coverage when liability requirements are met.
- Unemployment compensation taxes. The contractor or employer must pay these taxes when liability requirements are met.
- Hire properly documented workers. Workers must be legally authorized by the U.S. Citizenship & Immigration Service (USCIS) if not a citizen of the U.S.
- Obey Child Labor Laws. Employers who hire workers who are not yet 18 years old must abide by Child Labor Laws which are designed to aid in their protection.

As a farm labor contractor you CANNOT:

- Require workers to buy goods or services solely from you or your agent.
- Charge workers more than cost for goods or services.

- Retaliate against a farm worker for filing a complaint or assisting in an investigation.

License Categories:

- Farm Labor Contractor - The Farm Labor Program processes and issues certificates of registration to farm labor contractors (FLCs) who engage in farm labor contracting activities in the state. The federal Migrant and Seasonal Agricultural Worker Protection Act (MSPA) and the Florida Farm Labor Registration Law, Chapter 450, Part III, Florida Statutes, requires any person who recruits, transports, supervises, and/or pays workers to perform harvesting activities to obtain a certificate of registration before conducting such activities.

Methods of Licensure:

- Certificate of Registration - A person must take and pass an examination before he or she can obtain a Florida Farm Labor Contractor Certificate of Registration. The test may be taken either written or orally in English, Spanish or Haitian-Creole. The test consists of 60 true-false questions. In addition, any person applying for a Certificate of Registration to be a Farm Labor Contractor must meet the following requirements:
 - Must be 18 years of age.
 - Must be a United States (US) citizen or legally authorized for employment in the US.
 - Must have not been convicted of the following crimes within the last five years:
 - Any crime relating to gambling or to the sale, distribution or possession of alcoholic beverages; in connection with or incidental to any farm labor contracting activities; or
 - Any felony involving robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, prostitution, peonage, or smuggling or harboring individuals who have entered the U.S. illegally.
 - Must have no delinquent Unemployment Compensation (UC) or Internal Revenue Service (IRS) taxes.
 - Must have no unpaid federal or state civil money penalties.
 - Must possess a current Federal Farm Labor Contractor/Employee License.
 - Must have taken and passed the Florida Farm Labor Contractor Test.

Initial Fees:

- Application: \$125
- Examination Fee: \$35
- Unlicensed Activity Fee: \$5

Renewal Fees:

- Farm Labor Contractor: \$125
- Unlicensed Activity Fee: \$5

Unless revoked, each certificate of registration, regardless of the date of issuance, expires on the last day of the birth month following the date of issuance, and, must be renewed each year by the last day of the birth month of the registrant. The date of incorporation shall be used in lieu of birth date for registrants that are corporations.

Late Fees and Penalties: None

Continuing Education Requirement: None

Regulatory Oversight: Department of Business and Professional Regulation/Farm Labor Program

Regulatory Board: None

Number of In-State Practitioners: 3,050

Annual Revenues: \$458,802

Cost to the State to Regulate: \$1,792,543

Other Regulations: Federal Migrant and Seasonal Agricultural Worker Protection Act (MSPA)

Number of Disciplinary Actions Taken: 78

- Consumer Initiated-3
- Administrative-75

Types of Complaints:

- Wage violations
- Required posting not present

Feral Swine Trappers or Facility Managers

Authority:

- Chapter 585, Florida Statutes
- Chapter 5C-3, Florida Administrative Code

Description:

Swine are not a native American livestock species. They were introduced by settlers from Spain and Europe. In addition to commercial swine, there are an estimated 4 million feral swine in over 39 states. Wild hogs are capable of producing two litters per year and are difficult to control. Hunting and trapping feral swine is not only a popular sport in Florida but a useful tool in man's attempt to control feral populations on private and state lands. The department has established regulations as a means of controlling the spread of disease in the domestic swine population. Through these regulations, Florida has been able to maintain its status as Swine Brucellosis free and Pseudorabies free in its commercial production swine herds.

Registration Requirements:

Individuals trapping feral swine in Florida must register with the Department as a Feral Swine Dealer (FSD). The registered FSD will receive an identification card that must be carried when moving feral swine. This card is good for one year. The dealer must also keep accurate records of all swine movements and make them available to any law enforcement officer or authorized agent of the Department upon request. These records must include movement date, where the animals were trapped, number of animals, and destination. The registered FSD must limit relocation to areas or premises where there will be no direct contact with domestic swine herds. Final disposition of captured feral swine is restricted as follows: Movement to slaughter; Movement to a Game Reserve; or Movement to an Approved Feral Swine Holding Facility (FSHF). If feral swine are held on private property, the premises must be registered with the Department as a FSHF.

Methods of Licensure/Registration

- Individual
- Business Entity

Exemptions: None

Continuing Education Requirements: None

Annual Fees: None

Other Fees: None

Regulatory Oversight: Department of Agriculture and Consumer Services

Regulatory Board: None

Other Regulation: None

Number of Registrants: 1,380

Annual Revenues: None

Cost to Regulate: \$20,354

Number of Disciplinary Actions Taken: 0

- Consumer Initiated-0
- Administrative-0

Food Establishments

Authority:

- Chapters: 500, 502, 503, 583, 586, and 601, Florida Statutes
- Chapter 5K-4, Florida Administrative Code

Description:

“Food” includes:

- Articles used for food or drink for human consumption;
- Chewing gum;
- Articles used for components of any such article; and
- Articles for which health claims are made, which claims are approved by the Secretary of the United States Department of Health and Human Services and which claims are made in accordance with s. 343(r) of the federal act, and which are not considered drugs solely because their labels or labeling contain health claims.

The term includes any raw, cooked, or processed edible substance; ice; any beverage; or any ingredient used, intended for use or sold for human consumption.

“Food establishment” means any factory, food outlet or any other facility manufacturing, processing, packing, holding, or preparing food or selling food at wholesale or retail. The term does not include any business or activity that is regulated under chapter 509 or chapter 601. The term includes tomato packinghouses and repackers but does not include any other establishments that pack fruits and vegetables in their raw or natural states, including those fruits or vegetables that are washed, colored, or otherwise treated in their unpeeled, natural form before they are marketed.

“Food outlet” means any grocery store; convenience store; minor food outlet; meat, poultry, or fish and related aquatic food market; fruit or vegetable market; food warehouse; refrigerated storage facility; freezer locker; salvage food facility; or any other similar place storing or offering food for sale.

“Food service establishment” means any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term includes delicatessens that offer prepared food in individual service portions. The term does not include schools, institutions, fraternal organizations, private homes where food is prepared or served for individual family consumption, retail food stores, the location of food vending machines, and supply vehicles, nor does the term include a research and development test kitchen limited to the use of employees and which is not open to the general public.

“Retail food store” means any establishment or section of an establishment where food and food products are offered to the consumer and intended for off-premises consumption. The term includes delicatessens that offer prepared food in bulk quantities only. The term does not include establishments which handle only prepackaged, nonpotentially hazardous foods; roadside markets that offer only fresh fruits and fresh vegetables for sale; food service establishments; or food and beverage vending machines.

“Food manager” means a person responsible for all aspects of food establishment operation at a food establishment regulated by the Department of Agriculture and Consumer Services (DACS) under Chapter 500, F.S.

“Food establishment operation” means the manufacturing, processing, packing, holding, or preparing of food, or selling food at wholesale or retail at a food establishment regulated by the department under Chapter 500, F.S.

Methods of Licensure:

Food Permits: issued by the DACS. Requirements are particular to the type of establishment. Inspections and disclosures required for all permits.

Opening Inspection: required before operation as a Food Establishment to determine that the requirements of the Florida Food Act (Chapter 500 F.S.), the Retail Food Store Sanitation Code, and the Florida Administrative Rules (5K-4 F.A.C.) have been complied with.

Food Manager Certification – Applicants must pass a written examination to assess the food manager’s knowledge of basic food protection and food safety requirements. The exam must be approved by the DACS. Certification is good for 5 years.

Persons holding a food service manager certificate issued by the Department of Health and Rehabilitative Services or the Department of Business and Professional Regulation shall be considered certified as a food manager under this rule until such certificate expires.

Annual Fees:

Fees are specific to the type of food establishment and the sort of food sales it offers. Fees can be prorated, if permitting occurs mid-year. Below are fee ranges for particular categories of establishments:

- Grocery stores: \$300 - \$650
- Convenience stores: \$330 - \$475
- Bakeries: \$355 - \$530
- Bottling plants: \$385 - \$500
- Meat and seafood markets: \$410 - \$455
- Food warehouses: \$355
- Food processing and manufacturing plants: \$90 - \$520
- Mobile vendors: \$300
- Semi-permanent vendors: \$195
- Vending machines: \$35

Other Fees:

- Late fee: \$100
- Re-inspection fee: \$135
- Epidemiology fee (to Department of Health): \$10 per establishment

Continuing Education Requirements: None

Regulatory Oversight: Department of Agriculture and Consumer Services/Division of Food Safety

Advisory Board: Florida Food Safety and Food Defense Advisory Council

Number of Active Permits: 51,283

Annual Revenues: \$18,839,988*

Cost to the State to Regulate: \$12,950,322

Other Regulations:

State

The Department of Agriculture and Consumer Services regulates establishments selling primarily pre-packaged foods or beverages, including grocery stores, convenience stores, bakeries, delicatessens, meat and seafood markets, seafood processors, food warehouses, food processing and manufacturing plants, mobile vendors that sell only pre-packaged foods and food service facilities which are a part of a food establishment already regulated by the Department, etc.

The Department of Business and Professional Regulation regulates establishments selling primarily prepared foods, such as restaurants, other food service facilities, including temporary events, and mobile vendors that prepare and serve food.

The Department of Health regulates bars, lounges, and establishments serving food in facilities such as childcare, schools, institutions, etc.

The departments work together to avoid overlapping oversight of particular establishments.

Federal

Federal Food, Drug, and Cosmetic Act, 21 U.S.C. ss. 301 et seq.

U.S. Department of Agriculture – develops and executes federal policy on farming, agriculture and food. It has a food inspection program that inspects and monitors all meat, poultry and egg products sold in interstate and foreign commerce. States can run their own inspection program through cooperative agreement with the USDA. Florida gave its meat and poultry inspection program over to the USDA in 1997.

U.S. Food and Drug Administration – promotes and protects public health through regulation and supervision of food safety, along with other products. The FDA oversees food labeling, establishes food standards and bottled water.

Number of Disciplinary Actions Taken: 424

- Consumer Initiated-0
- Administrative-424

Types of Complaints:

- Sanitation violations
- Operating without a permit
- Misbranding

* Includes federal grants.

Game Promotions

Authority:

- Section 849.094, Florida Statutes
- Chapter 5J-14, Florida Administrative Code

Description:

'Game promotion' is defined as a contest, game of chance, or gift enterprise, conducted with-in or throughout the state and other states in connection with the sale of consumer products or services, and in which the elements of chance and prize are present.

The game promotion must be offered in connection with the sale of a good or service.

The statute prohibits game promotions from requiring entry fees or proof of purchase to play, having predetermined winners, arbitrarily disqualifying entries, failing to award prizes, and advertising falsely.

Registration Requirements:

For game promotions in which the total value of the prizes offered is greater than \$5,000, the operator must:

- File with the DACS a copy of the rules and regulations of the game promotion and a list of the prizes and prize categories offered at least 7 days prior to the start of the game promotion.
- Establish a trust account or other financial assurance equal to the total announced retail value of the prizes to be awarded. This provision may be waived by the DACS if the game operator has conducted game promotions in Florida without any adverse legal action for five or more years.
- File a complete list identifying all winners of prizes in excess of \$25, which must be filed no later than 60 days from the date all such winners are determined.

Exemptions:

- Any activities regulated by the Department of Business and Professional Regulation.
- Bingo games.
- Games sponsored by nonprofit organizations not engaged in the sale of consumer products or services or television or radio broadcasting companies.

Registration Fee:

- \$100

Late Fees and Penalties: None

Continuing Education Requirement: None

Regulatory Oversight: Department of Agriculture and Consumer Services/Division of Consumer Services

Regulatory Board: None

Number of Registered Games: 5,928

Annual Revenues: \$341,078

Cost to Regulate: \$377,064

Other Regulation:

State

Civil enforcement may be sought by the Department of Legal Affairs.

Federal

Deceptive Mail Prevention and Enforcement Act, 39 U.S.C. § 3017, requires certain disclosures for mailed game promotions, including a no-purchase necessary disclosure, rules, odds, etc. The U.S. Postal Service has the authority to stop mail and to impose civil penalties for violations.

Telemarketing Sales Rule, 16 CFR Part 310, requires telemarketers to make certain disclosures and prohibits lies. It gives state law enforcement officers the authority to prosecute fraudulent telemarketers who operate across state lines. It is also the basis for the DO-NOT-CALL list, which is managed in Florida by the DACS.

Federal Trade Commission Act, 15 U.S.C. §§ 41-58. The FTC is empowered to

- prevent unfair methods of competition, and unfair or deceptive acts or practices;
- seek monetary redress and other relief for conduct injurious to consumers; and
- conduct investigations relating to the organization, business, practices, and management of entities engaged in commerce.

Number of Disciplinary Actions Taken: 667

- Consumer Initiated-0
- Administrative-667

Types of Complaints:

- Practicing without a license
- Practicing with an expires license

Harbor Pilots

Authority:

- Chapter 310, Florida Statutes
- Chapter 61G14, Florida Administrative Code
- Rule 61E13, Florida Administrative Code

Description:

"Harbor Pilot" means a licensed state pilot or a certificated deputy pilot.

"Piloting" means the acts of pilots in conducting vessels through the pilotage waters of the state.

Scope of Practice:

Pilots of water vessels command or supervise operations of ships and water vessels, such as tugboats and ferryboats, that travel into and out of harbors, estuaries, straits, and sounds and on rivers, lakes, bays, and oceans. Pilots are required to hold license issued by U.S. Coast Guard.

License Categories:

- State Pilot - means any person licensed to navigate all classes of vessels within the channels, waters, harbors, and ports in this state. A "state pilot" has completed 2 years of deputy pilot service.
- Deputy Pilot - means any person authorized by this state to pilot vessels within the limits and specifications established by the licensed state pilots at the port where the deputy is appointed to serve.

Methods of Licensure:

- Examination-
 - State Pilot - The department shall examine persons who file application as state pilot in all matters pertaining to the management of vessels and in regard to their knowledge of the channels, waters, harbors, and port where they wish to serve, and, if upon examination to determine proficiency the department finds them qualified to pilot all classes of vessels liable to enter that port and thoroughly familiar with the waters, the channels, the harbor, and the port. The department shall appoint and license a certain number pilots as determined by the Board of Pilot Commissioners based on the supply and demand for piloting services and the public interest in maintaining efficient and safe piloting services. In addition to the examination each applicant Must meet the following requirements:
 - Must be at least 21 years old;
 - Must have high school diploma;
 - Must pass a complete physical examination, including a drug test, within the preceding six months;
 - Must have completed the Board of Pilot Commissioners approved deputy pilot training program in the port in which licensure is desired during the period immediately preceding the state pilot licensure examination; and

- At the time of application, must have a valid United States Coast Guard first-class unlimited pilot's license covering all the waters of the port in which licensure is desired.
- Deputy Pilot - The department shall similarly examine persons who file applications for certificate as deputy pilot, and, if upon examination to determine proficiency the department finds them qualified, the department shall certify applicants who pass the examination, provided that not more than five persons who passed the examination are certified for each declared opening. If more than five applicants per opening pass the examination, the persons having the highest scores shall be certified as qualified up to the number of openings times five. The department shall issue a license to each applicant if the applicant meets the following requirements:
 - Be at least 21 years of old;
 - Must have high school diploma;
 - Must pass a complete physical examination, including a drug test, within the preceding six months. Each certificated deputy pilot must annually provide documentary proof of having satisfactorily passed a complete physical examination administered by a licensed physician, the examination shall include a drug test; and
 - Have had maritime experience satisfactory to the board prior to taking the examination as evidenced by documentation while holding a United States Coast Guard license;
 - Have at least 2 years of service at sea during the 5-year period immediately preceding the examination, 1 year of which must have been in at least the capacity of an unlimited second mate;
 - Have at least 2 years of service during the 5-year period immediately preceding the examination in a deepwater United States port as an active first-class unlimited pilot serving on at least an unlimited second mate's license or a license as master of freight and towing vessel of at least 1,600 gross registered tons upon oceans, and acting under authority of a duly constituted governmental regulatory entity;
 - Have at least 2 years of service during the 5-year period immediately preceding the examination as an active first-class unlimited pilot serving on a Great Lakes unlimited master's license;
 - Have at least 2 years of towing experience during the 5-year period immediately preceding the examination, 1 year of which must have been in the capacity of master of a tugboat/barge combination of at least 5,000 gross registered tons, combined tonnage, while holding a license as master of freight and towing vessel of at least 1,600 gross registered tons upon oceans; or
 - Have at least 3 years of experience as a deck watch officer during the 10-year period immediately preceding the examination, 1 year of which in the 5-year period immediately preceding the exam must have been as the commanding officer, executive officer, or operations officer of a United States Navy vessel or a United States Coast Guard vessel of at least

1,600 gross tons, and must currently hold a United States Coast Guard license of at least an unlimited second mate.

The initial certificate issued to a deputy pilot shall be valid for a period of 12 months, and at the end of this period, the certificate shall automatically expire and shall not be renewed. During this period, the board shall thoroughly evaluate the deputy pilot's performance for suitability to continue training and shall make appropriate recommendations to the department. Upon receipt of a favorable recommendation by the board, the department shall issue a certificate to the deputy pilot, which shall be valid for a period of 2 years. The certificate may be renewed only two times.

An applicant shall be disqualified from applying for and shall be denied a deputy pilot certificate if the applicant, regardless of adjudication, has ever been found guilty of, or pled guilty or nolo contendere to, a charge which was a felony or first degree misdemeanor which directly related to the navigation or operation of a vessel; or a felony involving the sale of or trafficking in, or conspiracy to sell or traffic in, a controlled substance or an offense under the laws of any state or country which, if committed in this state, would constitute the felony of selling or trafficking in, or conspiracy to sell or traffic in, such controlled substance.

Initial Fees:

- State Pilot
 - Application Fee - \$200
 - Examination Fee - \$0
 - Examination Review Fee - \$150
 - Initial License - \$195
 - Unlicensed Activity Fee - \$5
- Deputy Pilot
 - Application Fee - \$200
 - Examination Fee - \$0
 - Examination Review Fee - \$150
 - Initial License - \$95
 - Unlicensed Activity Fee - \$5

Biennial License Renewal Fees:

- State Pilot - \$195
- Deputy Pilot - \$95
- Unlicensed Activity Fee - \$5

Late Fees and Penalties:

- Late Fee - \$0
- Reactivation Fee - \$0

Continuing Education Requirement: A State Pilot must successfully complete, within five years of the date of renewal, a board-approved course in professional skills, including certification in the proper and efficient use of radar.

Regulatory Oversight: Department of Business and Professional Regulation/Division of Regulation

Regulatory Board: Board of Pilot Commissioners

Number of In-State Practitioners: 110

Annual Revenues: \$430,429

Cost to the State to Regulate: \$417,299

Other Regulations: United States Coast Guard

Number of Disciplinary Actions Taken: 0

- Consumer Initiated-0
- Administrative-0

Health Studios

Authority:

- Sections 501.012-501.019, Florida Statutes
- Chapter 5J-4, Florida Administrative Code

Description:

"Health studios" means any person who sells services for instruction or assistance in a physical exercise program or the privilege to use equipment or facilities in a physical exercise program.

Registration Requirements:

Health studios must register with the DACS annually. Such registration requires disclosure of contact information and copies of contracts offered to the public. The DACS issues a certificate of registration for registrants to display. Certain health studios must also post a bond of \$50,000.

Exemptions:

- Tax-exempt non-profit organizations.
- Gymnastics schools.
- Golf, tennis or racquetball clubs.
- Dance, aerobic exercise, or martial arts facilities.
- Country clubs for which a physical exercise program is incidental to membership.

Annual Registration Fees:

- \$300

Late Fees and Penalties:

- None

Continuing Education Requirement: None

Regulatory Oversight: Department of Agriculture and Consumer Services/Division of Consumer Services

Regulatory Board: None

Number of In-State Practitioners: 2,134

Annual Revenues: \$615,600

Cost to Regulate: \$201,588

Other Regulation:

Under the Federal Trade Commission Act (15 U.S.C. §§ 41-58), the FTC is empowered to

- Prevent unfair methods of competition, and unfair or deceptive acts or practices;
- Seek monetary redress and other relief for conduct injurious to consumers; and

- Conduct investigations relating to the organization, business, practices, and management of entities engaged in commerce.

Number of Disciplinary Actions Taken: 105

- Consumer Initiated-17
- Administrative-88

Types of Complaints:

- Practicing without a license
- Practicing with an expires license

Home Inspectors

Authority:

- Chapter 468, Part XV, Florida Statutes
- Chapter 61-30, Florida Administrative Code

Description:

"Home inspection services" means a limited visual examination of the following readily accessible installed systems and components of a home: the structure, electrical system, HVAC system, roof covering, plumbing system, interior components, exterior components, and site conditions that affect the structure, for the purposes of providing a written professional opinion of the condition of the home.

Licensure Categories:

"Home inspector" means any person who provides or offers to provide home inspection services for a fee or other compensation.

Methods of Licensure:

All applicants must submit to a criminal background check; obtain commercial general liability insurance in the amount of \$300,000; and disclose contact and background information.

- Examination – Applicants must pass the National Home Inspector Examination and complete a course of study, including 120 hours covering the 8 components of a home.
- Grandfathering – Applicants must either submit proof of certification as a home inspector by a state or national association that requires successful completion of a relevant proctored exam and completion of at least 14 hours of relevant verifiable education; or submit proof of 3 years experience as a home inspector, demonstrable by at least 120 inspection reports, and complete at least 14 hours of relevant verifiable education. Applications must be made before March 1, 2011.
- Endorsement – Applicants must possess a valid license in good standing from another state whose requirements are substantially equivalent to Florida's requirements and must have passed a national, regional, or state examination that is substantially equivalent to that required in Florida.

Continuing Education Requirements:

Professional home inspectors are required to complete 14 hours of continuing education credits for renewal. The continuing education must include at least one hour of continuing education credit on each of the components of a home.

Biennial Licensure Fees:

- Home Inspector Licensure: \$200

Other Fees:

- Delinquency Fee: \$100
- Application Fee: \$125
- Duplicate License Fee: \$25

- **Unlicensed Activity Fee:** \$5

Regulatory Oversight: Department of Business and Professional Regulation

Regulatory Board: None

Number of In-State Practitioners: Program requirements enforceable July 1, 2011

Annual Revenues: Program requirements enforceable July 1, 2011

Cost to Regulate: Program requirements enforceable July 1, 2011

Other Regulation: None known.

Disciplinary Actions: Program requirements enforceable July 1, 2011

Homeowners Associations

Authority:

- Chapter 720, Florida Statutes
- Chapter 61B-80 through 81, Florida Administrative Code.

Description:

Homeowners Associations

"Homeowners' association" or "association" means a Florida corporation responsible for the operation of a community or a mobile home subdivision in which the voting membership is made up of parcel owners or their agents, or a combination thereof, and in which membership is a mandatory condition of parcel ownership, and which is authorized to impose assessments that, if unpaid, may become a lien on the parcel.

Scope of Practice:

Homeowners Associations

The division has limited authority with regard to homeowner associations organized under this chapter. This authority only extends to providing arbitration services to residents who petition for a hearing alleging violations of the board member election provisions of this chapter.

License Categories:

No license required.

Methods of Licensure:

No license required.

Exemptions:

This chapter does not apply to:

- A community that is composed of property primarily intended for commercial, industrial, or other nonresidential use.
- The commercial or industrial parcels in a community that contains both residential parcels and parcels intended for commercial or industrial use.

Initial Fees: None

Biennial License Renewal Fees: None

Late Fees and Penalties: None

Continuing Education Requirement: None

Regulatory Oversight: Department of Business and Professional Regulation/Division of Division of Florida Condominiums, Timeshares, and Mobile Homes.

Regulatory Board: None.

Number of In-State Practitioners: Unknown

Annual Revenues: None

Cost to the State to Regulate: None

Other Regulations: None

Number of Disciplinary Actions Taken: N/A

The Division only has jurisdiction to arbitrate HOA election and recall disputes; does not have a disciplinary role regarding homeowner associations.

Interior Designers

Authority:

- Chapter 481, Part I, Florida Statutes
- Chapter 61G1, Florida Administrative Code

Description:

"Interior design" includes designs, consultations, studies, drawings, specifications, and administration of design construction contracts relating to nonstructural interior elements of a building or structure. "Interior design" includes, but is not limited to, reflected ceiling plans, space planning, furnishings, and the fabrication of nonstructural elements within and surrounding interior spaces of buildings.

Scope of Practice:

Interior Designers Plan, design, and furnish interiors of residential, commercial, or industrial buildings. Formulate design which is practical, aesthetic, and conducive to intended purposes, such as raising productivity, selling merchandise, or improving life style. May specialize in a particular field, style, or phase of interior design.

License Categories:

- Interior Designer - means a natural person who is licensed to practice interior design.
- Business Entity - means a corporation or partnership licensed to practice architecture or interior design.

Methods of Licensure:

Examination - The board shall certify for licensure by examination any applicant who passes the prescribed licensure examination and satisfies the statutory requirements for interior designers.

- To sit for the examination, a candidate must have graduated from an accredited Council for Interior Design Accredited program or Board approved program in interior design.

Business Entity –A certificate of authorization shall be required for a corporation, limited liability company, partnership, or person operating under a fictitious name, offering interior design services to the public jointly or separately. However, when an individual is practicing interior design in her or his own name, she or he shall not be required to be certified.

Endorsement - The board shall certify as qualified for a license by endorsement as an interior designer an applicant who qualifies to take the prescribed licensure examination, and has passed the prescribed licensure examination or a substantially equivalent examination in another jurisdiction for interior designers.

Exemptions:

Interior Design

A person who performs interior design services or interior decorator services for any residential application, provided that such person does not advertise as, or represent himself or herself as, an interior designer is exempt from licensure.

An employee of a retail establishment providing "interior decorator services" on the premises of the retail establishment or in the furtherance of a retail sale or prospective retail sale, provided that such employee does not advertise as, or represent himself or herself as, an interior designer.

A manufacturer of commercial food service equipment or the manufacturer's representative, distributor, or dealer or an employee thereof, who prepares designs, specifications, or layouts for the sale or installation of such equipment is exempt from licensure as an architect or interior designer, if:

- The designs, specifications, or layouts are not used for construction or installation that may affect structural, mechanical, plumbing, heating, air conditioning, ventilating, electrical, or vertical transportation systems.
- The designs, specifications, or layouts do not materially affect lifesafety systems pertaining to firesafety protection, smoke evacuation and compartmentalization, and emergency ingress or egress systems.
- Each design, specification, or layout document prepared by a person or entity exempt under this subsection contains a statement on each page of the document that the designs, specifications, or layouts are not architectural, interior design, or engineering designs, specifications, or layouts and not used for construction unless reviewed and approved by a licensed architect or engineer.

Federal District Judge Robert L. Hinkle has entered an order, Opinion on the Merits, in the case of Locke v. Shore in the United States District Court for the Northern District of Florida. Under this ruling a person must be a registered interior designer to provide commercial interior design services in the State of Florida. However, 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. This ruling does not change the statutes in Chapter 481 but does impact how the Board enforces the statutes.

Initial Fees:

- Interior Designers
 - Initial Licensure and Application Fee - \$30
 - Licensure by Endorsement - \$30
 - Examination Fee - \$626
 - Unlicensed Activity Fee - \$5
- Business Entity
 - Certificate of Authorization - \$100 (Interior Design Corporations and Partnerships)

Biennial License Renewal Fees:

- Interior Designers
 - Registered Architects and Architects-\$120
 - Unlicensed Activity Fee-\$5
- Business Entity
 - Certificate of Authorization - \$120

- Unlicensed Activity Fee - \$5

Late Fees and Penalties:

- Late Fee - \$125
- Reactivation Fee - \$75
- Fees for Reinstatement of a Void License - \$500

Continuing Education Requirement: Interior designers are required to complete 20 hours of educational instruction or training, in subjects or courses approved by the Board, each biennium prior to the license expiration date. A minimum of 16 hours must be in technical and professional subjects related to safeguarding life, health, property and promoting the public welfare.

- The application fee for continuing education providership is \$50.
- The application fee for each continuing education course is \$50.
- Providerships and courses may be renewed at the end of the biennium for a fee of \$25 each.

Regulatory Oversight: Department of Business and Professional Regulation/Division of Regulation

Regulatory Board: Board of Architecture and Interior Design

Number of In-State Practitioners: 4,203.

Annual Revenues : \$374,855 (Total for Architects and Interior Designers-No individual breakdown available)

Cost to the State to Regulate: - \$940,424 (Total for Architects and Interior Designers-No individual breakdown available)

Other Regulations: None.

Number of Disciplinary Actions Taken: 101(Total for Architects and Interior Designers, individual breakdown not available)

- Consumer Initiated-40
- Administrative-61

Types of Complaints:

- Practicing without a license

Intrastate Moving

Authority:

- Chapter 507, Florida Statutes

Description:

"Mover" means a person who, for compensation, loads, transports or ships, or unloads household goods as part of a household move.

"Moving Broker" means a person who, for compensation, arranges for another person to load, transport or ship, or unload household goods as part of a household move or who, for compensation, refers a shipper to a mover.

Registration Requirements:

Movers and moving brokers must register with the DACS annually. Such registration requires disclosure of contact information and copies of contracts offered to the public. The DACS issues a certificate of registration for registrants to display.

The DACS may refuse registration if the mover or moving broker has been convicted of a crime involving fraud, has not satisfied an administrative fine or civil judgment, or has a judgment against it for unfair trade practices.

Movers must maintain liability insurance or post a \$25,000 security. They must also maintain motor vehicle insurance. Moving brokers must post \$25,000 security.

Annual Registration Fees:

- \$300

Late Fees and Penalties: None

Continuing Education Requirement: None

Regulatory Oversight: Department of Agriculture and Consumer Services/Division of Consumer Services

Regulatory Board: None

Number of In-State Practitioners: 998

Annual Revenues: \$316,895

Other Regulation:

State

The statute allows for local regulation and cooperative agreements between the DACS and local governments for enforcement. Miami-Dade, Broward, Palm Beach and Pinellas Counties have relevant local ordinances.

Federal

Federal Trade Commission Act, 15 U.S.C. §§ 41-58. The FTC is empowered to

- Prevent unfair methods of competition, and unfair or deceptive acts or practices;
- Seek monetary redress and other relief for conduct injurious to consumers; and
- Conduct investigations relating to the organization, business, practices, and management of entities engaged in commerce.

Cost to Regulate: \$341,893

Number of Disciplinary Actions Taken: 90

- Consumer Initiated-28
- Administrative-62

Types of Complaints:

- Practicing without a license
- Practicing with an expires license

Landscape Architecture

Authority:

- Chapter 481, Part II, Florida Statutes
- Chapter 61G10, Florida Administrative Code

Description:

"Landscape Architecture" means the planning and designing of land areas for such projects as parks and other recreational facilities, airports, highways, hospitals, schools, land subdivisions, and commercial, industrial, and residential sites.

Scope of Practice:

Professional services, including, but not limited to, the following:

- Consultation, investigation, research, planning, design, preparation of drawings, specifications, contract documents and reports, responsible construction supervision, or landscape management in connection with the planning and development of land and incidental water areas, where the dominant purpose of such services or creative works is the preservation, conservation, enhancement, or determination of proper land uses, natural land features, ground cover and plantings, or naturalistic and aesthetic values.
- The determination of settings, grounds, and approaches for and the siting of buildings and structures, outdoor areas, or other improvements.
- The setting of grades, shaping and contouring of land and water forms, determination of drainage, and provision for storm drainage and irrigation systems where such systems are necessary to the purposes outlined herein.

License Categories:

- Landscape Architect - means a person who holds a license to practice landscape architecture in this state.
- Business Entity - means the practice of landscape architecture by registered landscape architects through a corporation or partnership offering landscape architectural services to the public, or through a corporation or partnership offering landscape architectural services to the public through individual registered landscape architects as agents, employees, officers, or partners.

Methods of Licensure:

- Examination - Written licensure examination designed to test an applicant's qualifications to practice landscape architecture.

A person desiring to be licensed as a registered landscape architect must apply to the department to take the licensure examination. The department shall examine each applicant who the board certifies:

- Has completed the application form and remitted all fees required; and
- Has completed a professional degree program in landscape architecture as approved by the Landscape Architectural Accreditation Board; or

- Presents evidence of not less than 6 years of actual practical experience in landscape architectural work of a grade and character satisfactory to the board. Each year of education completed in a recognized school shall be considered to be equivalent to 1 year of experience, with a maximum credit of 4 years.
- **Endorsement** - The board shall certify as qualified for a license by endorsement an applicant who:
 - Qualifies to take the examination and has passed a national, regional, state, or territorial licensing examination which is substantially equivalent to the state's examination; or
 - Holds a valid license to practice landscape architecture issued by another state, if the criteria for issuance of such license were substantially identical to the licensure criteria which existed in this state at the time the license was issued.
- **Temporary Licensure** - Upon the approval by the Landscape Architectural Accreditation Board and payment of the fees, the department shall grant a temporary certificate of registration for work on a specified project in this state for a period not to exceed 1 year to an applicant who is licensed in another state to practice landscape architecture.

Upon approval by the Landscape Architectural Accreditation Board and payment of the fees the department shall grant a temporary certificate of authorization for work on one specified project in this state for a period not to exceed 1 year to an out-of-state corporation, partnership, or firm, provided one of the principal officers of the corporation, one of the partners of the partnership, or one of the principals in the fictitiously named firm has obtained a temporary certificate of registration.
- **Business Entity** - All the types of Licensure apply to Business Entities.

Exemptions:

- Employees of those lawfully practicing as landscape architects from acting under the instructions, control, or supervision of their employers.
- Supervision by builders or superintendents employed by builders in the installation of landscape projects by landscape contractors.
- General contractor certified or registered in this state when negotiating or performing services under a design-build contract, as long as the landscape architectural services offered or rendered in connection with the contract are offered and rendered by a licensed landscape architect or by a licensed architect or by an engineer licensed in accordance with state laws.
- Any person making any plans, drawings, or specifications for any real or personal property owned by her or him.
- Any person from engaging in the practice of landscape design, as defined by state law.
- Persons who perform landscape architectural services not for compensation, or in their capacity as employees of municipal or county governments.
- The preparation of comprehensive plans or the practice of comprehensive urban or rural planning at the local, regional, or state level by persons, corporations, partnerships, or associations who are not licensed or registered as landscape architects.
- Any person from engaging in the practice of golf course architecture.

Initial Fees:

- Application Fee - \$100
- Initial License and Application Fee for Certificate of Authorization (Business Entity) - \$450 (\$150 by Endorsement)
- Examination Fee - \$852 (all sections)
- Initial License for Individual Registration - \$300
- Temporary License application fee - \$450
- Temporary out-of-state landscape architect business license - \$450
- Unlicensed Activity Fee - \$5

Biennial License Renewal Fees:

- Landscape Architect - \$300
- Business Entity - \$450
- Unlicensed Activity Fee - \$5

Late Fees and Penalties:

- Late Fee - \$100
- Fees for Reinstatement of a Void License:
 - Non refundable Application fee of \$450

Continuing Education Requirement: Every person licensed must obtain at least 16 continuing education credits per biennium.

Advanced Course Requirement: Licensees are required to obtain a minimum of 2 hours of continuing education by completing an approved provider's specialized or advanced course, approved by the Florida Building Commission, on the Florida Building Code, relating to the licensee's respective area of practice for future renewals.

The fees for these continuing education and advanced education courses vary depending on provider rates.

Regulatory Oversight: Department of Business and Professional Regulation/Division of Regulation

Regulatory Board: Landscape Architectural Accreditation Board

Number of In-State Practitioners: 1,489

Annual Revenues: \$588,311

Cost to the State to Regulate: \$407,194

Other Regulations: None

Number of Disciplinary Actions Taken: 3

- Consumer Initiated-3

- Administrative-0

Types of Complaints:

- Practicing without a license

Lodging

Authority:

- Chapter 509, Florida Statutes
- Chapter 61C-3, Florida Administrative Code

Description:

"Public lodging establishment" includes a transient public lodging establishment as defined in subparagraph 1 and a nontransient public lodging establishment as defined in subparagraph 2.

- "Transient public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.
- "Nontransient public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for periods of at least 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days or 1 calendar month.

Types of Licensees:

"Transient occupancy" means occupancy when it is the intention of the parties that the occupancy will be temporary. There is a rebuttable presumption that, when the dwelling unit occupied is not the sole residence of the guest, the occupancy is transient.

"Nontransient establishment" means any public lodging establishment that is rented or leased to guests by an operator whose intention is that the dwelling unit occupied will be the sole residence of the guest.

"Nontransient occupancy" means occupancy when it is the intention of the parties that the occupancy will not be temporary. There is a rebuttable presumption that when the dwelling unit occupied is the sole residence of the guest, the occupancy is nontransient.

"Nontransient" means a guest in nontransient occupancy.

Licensure Requirements:

Application – Applicants must submit disclosures of contact information and information about the establishment they are seeking to open, including location, type, target date for opening, a schedule of room rates, and a certificate of balcony inspection.

Opening Inspection – Once an applicant is prepared to open the establishment, he or she must pass an inspection with the department before opening to the public. Establishments must meet sanitation and safety standards.

Annual Fees:

- Apartments
 - Nontransient: \$125 - \$295
 - Transient : \$145 - \$325

- Bed and Breakfast Inns: \$190 - \$370
- Hotels & Motels: \$190 - \$370
- Rooming Houses
 - Nontransient: \$170 - \$340
 - Transient: \$190 - \$370
- Resort Condominiums and Resort Dwellings
 - Collective License: \$150 basic fee + (Number of rental units x \$10)
 - Single & Group Licenses: \$170 - \$350

Other Fees:

- Application Fee: \$50
- Hospitality Education Program Fee: \$10 per license

Delinquency fee: \$50 if paid within 30 days past deadline, and \$100 if paid between 30-60 days

Continuing Education Requirements: None.

Regulatory Oversight: Department of Business and Professional Regulation/ Division of Hotels and Restaurants

Regulatory Board: None

Number of Licensees: 37,273

Annual Revenues: \$7,245,725

Cost to Regulate: \$7,198,865

Other Regulation:

Local

Local requirements as to licensing, zoning, building requirements, etc., are a pre-requisite to state licensure.

Number of Disciplinary Actions Taken: 407

- Consumer Initiated-9
- Administrative-398

Types of Complaints:

- Insects
- Mold
- Flooding
- Sanitation violations
- Expired license

- Smoke detectors
- Vermin
- Bedding
- Garbage

Mobile Home Parks

Authority:

- Chapter 723, Florida Statutes
- Chapter 61B-29 through 35, Florida Administrative Code.

Description:

“Mobile Home Park” or “park” means a use of land in which lots or spaces are offered for rent or lease for the placement of mobile homes and in which the primary use of the park is residential.

Scope of Practice:

Before a park owner can offer lots for rent to the public, the division must approve the park owners filing (prospectus). The prospectus details the rules and regulations of the park and provides disclosures to the tenants of their rights and obligations as a condition of their being able to rent a mobile home lot in the park. Thereafter, the division only regulates the landlord tenant relationship between the park owner/operator and the mobile home owner/tenant.

The law applies to any residential tenancy in which a mobile home is placed upon a rented or leased lot in a mobile home park in which 10 or more lots are offered for rent or lease.

License Categories:

No license required.

Methods of Licensure:

No license required.

Exemptions

- Does not apply to any other tenancy, including a tenancy in which both a mobile home and a mobile home lot are rented or leased by the mobile home resident or a tenancy in which a rental space is offered for occupancy by recreational-vehicle-type units which are primarily designed as temporary living quarters for recreational camping or travel use and which either have their own motor power or are mounted on or drawn by another vehicle.
- When both the mobile home and lot are rented or when fewer than 10 lots are available for rent or lease, the tenancy shall be governed by the provisions of part II of chapter 83, the “Florida Residential Landlord and Tenant Act.” However, this chapter shall continue to apply to any tenancy in a park even though the number of lots offered in that park has been reduced to below 10 if that tenancy was subject to the provisions of this chapter prior to the reduction in lots.

Initial Fees:

Each mobile home park owner shall pay to the division, on or before October 1 of each year, an annual fee of \$4 for each mobile home lot within a mobile home park which he or she owns. There is levied on each annual fee imposed under subsection (1) a surcharge in the amount of \$1. The surcharge shall be collected in the same manner as the annual fee and shall be deposited in the Florida Mobile Home Relocation Trust Fund.

Upon filing the prospectus required by Section 723.011, F.S., the park owner shall pay a prospectus filing fee for each prospectus filed. The fee shall be \$10 for each permitted lot offered for lease.

Biennial License Renewal Fees: None

Late Fees and Penalties: None

Continuing Education Requirement: None

Regulatory Oversight: Department of Business and Professional Regulation/Division of Division of Florida Condominiums, Timeshares, and Mobile Homes.

Regulatory Board: None.

Number of In-State Practitioners: 2,438 (MH Parks, not licenses)

Annual Revenues: \$7,051,686 (Total for Condominiums, Cooperatives, Timeshares, Mobile Homes, and Yacht and Ship Brokers-No individual breakdown available)

Cost to the State to Regulate: \$6,192,897 (Total for Condominiums, Cooperatives, Timeshares, Mobile Homes, and Yacht and Ship Brokers-No individual breakdown available)

Other Regulations: None

Number of Disciplinary Actions Taken: 2

- Consumer Initiated-2
- Administrative-0

Types of Complaints:

Increasing lot rent without proper notice

Mold-Related Services

Authority:

- Chapter 468, Part XVI, Florida Statutes
- Chapter 61-31, Florida Administrative Code

Description:

“Mold assessment” means a process performed by a mold assessor that includes the physical sampling and detailed evaluation of data obtained from a building history and inspection to formulate an initial hypothesis about the origin, identity, location, and extent of amplification of mold growth of greater than 10 square feet.

“Mold remediation” means the removal, cleaning, sanitizing, demolition, or other treatment, including preventive activities, of mold or mold-contaminated matter of greater than 10 square feet that was not purposely grown at that location; however, such removal, cleaning, sanitizing, demolition, or other treatment, including preventive activities, may not be work that requires a license under chapter 489 unless performed by a person who is licensed under that chapter or the work complies with that chapter.

Licensure Categories:

“Mold assessor” means any person who performs or directly supervises a mold assessment.

“Mold remediator” means any person who performs mold remediation. A mold remediator may not perform any work that requires a license under chapter 489 unless the mold remediator is also licensed under that chapter or complies with that chapter.

Methods of Licensure:

All applicants must submit to a criminal background check, required to attest that they have obtained general liability and errors and omissions insurance for both preliminary and post remediation mold assessment in the amount of no less than \$1 million dollars as determined by statute, and disclose contact and background information.

Mold Assessor

- **Examination** – Applicants must pass a department-approved proctored examination on mold assessment; and either hold at least an Associate of Arts degree, with 30 credit hours in microbiology, engineering, architecture, industrial hygiene or occupational safety or related field of science, or have a high school diploma and 4 years experience under the supervision of a licensed mold assessor or remediators.
- **Grandfathering** – Applicants must either submit proof of certification as a mold assessor by a state or national association that requires successful completion of a relevant proctored exam and completion of at least 60 hours of relevant verifiable education; or submit proof of 3 years experience as a mold assessor, demonstrable by at least 40 invoices. Applications must be made before March 1, 2011.
- **Endorsement** – Applicants must possess a valid license in good standing from another state whose requirements are substantially equivalent to Florida’s requirements.

Alternatively, applicants who have passed a certification examination offered by a nationally recognized organization that is substantially equivalent to that required in Florida can either submit proof of an Associate of Arts degree or higher in microbiology,

engineering, architecture, industrial hygiene or occupational safety or related field of science and a year of documented field experience in microbial sampling or investigations or submit proof of a high school diploma and 4 years experience under the supervision of a Florida licensed mold assessor or remediators.

Mold Remediator

- Examination – Applicants must pass a department-approved proctored examination on mold remediation; and either hold at least an Associate of Arts degree in microbiology, engineering, architecture, industrial hygiene or occupational safety or related field of science and demonstrate a minimum of 1 year of documented field experience in microbial sampling or investigations, or applicants may submit proof of a high school diploma and 4 years experience under the supervision of a licensed mold assessor or remediators.
- Grandfathering – Applicants must hold certification as a mold remediator by a state or national association that requires successful completion of a relevant proctored exam and completion of at least 30 hours of relevant verifiable education; or have at least 3 years of experience as a mold remediator, established by at least 40 invoices. Applications must be made before March 1, 2011.
- Endorsement – Applicants must possess a valid license in good standing from another state whose requirements are substantially equivalent to Florida's requirements.

Alternatively, applicants who have passed a certification examination offered by a nationally recognized organization that is substantially equivalent to that required in Florida can either submit proof of an Associate of Arts degree or higher in microbiology, engineering, architecture, industrial hygiene or occupational safety or related field of science and a year of documented field experience in microbial sampling or investigations, or submit proof of a high school diploma and 4 years experience under the supervision of a Florida licensed mold assessor or remediators.

Continuing Education Requirements:

Professional mold assessors and remediators are required to complete 14 hours of continuing education credits for renewal.

Biennial Licensure Fees:

- Licensure: \$200

Other Fees:

- Delinquency Fee: \$100
- Application Fee: \$125
- Duplicate License Fee: \$25
- Unlicensed Activity Fee: \$5

Regulatory Oversight: Department of Business and Professional Regulation

Regulatory Board: None

Number of In-State Practitioners: Program requirements enforceable July 1, 2011

Annual Revenues: Program requirements enforceable July 1, 2011

Cost to Regulate: Program requirements enforceable July 1, 2011

Other Regulation: None known.

Number of In-State Practitioners: Program requirements enforceable July 1, 2011

Annual Revenues: Program requirements enforceable July 1, 2011

Cost to Regulate: Program requirements enforceable July 1, 2011

Other Regulation: None known.

Disciplinary Actions: Program requirements enforceable July 1, 2011

Motor Vehicle Repair Shops

Authority:

- Sections 559.901 - 559.9221, Florida Statutes
- Chapter 5J-12, Florida Administrative Code

Description:

"Motor vehicle repair shops" means any person who, for compensation engages in the repair of motor vehicles owned by other persons. It includes mobile motor vehicle repair shops, motor vehicle and recreational vehicle dealers; garages; service stations; self-employed individuals; truck stops; paint and body shops; brake, muffler, or transmission shops; and shops doing glass work.

Registration Requirements:

Motor vehicle repair shops must register with the DACS biennially. Such registration requires disclosure of contact information and copies of estimates and contracts offered to the public. The DACS issues a certificate of registration for registrants to display.

The DACS may refuse registration if the repair shop, or any of its directors, has been convicted of a crime involving fraud, has not satisfied an administrative fine or civil judgment, or has a judgment against it for unfair trade practices.

Exemptions:

The following are not required to register with the DACS:

- Governmental entities
- Repair shops servicing only vehicles kept for rental, auction and agricultural use
- Repair shops located in schools
- Individual repairmen with no employees or established place of business

The following are not required to pay annual registration fees:

- A repair shop with a local license, which the DACS determines requires the same or stronger standards as the statute; and
- Any motor vehicle dealer licensed pursuant to ch. 320, F.S.

Biennial Registration Fees:

The registration fee is based on the shop's number of employees and is calculated on a per-year basis as follows:

- \$50 per year for 1-5 employees (i.e. biennial fee of \$100)
- \$150 per year for 6-10 employees
- \$300 per year for 11 or more employees

Late Fees and Penalties:

- \$25 late fee

Continuing Education Requirement: None

Regulatory Oversight: Department of Agriculture and Consumer Services/Division of Consumer Services

Regulatory Board: Motor Vehicle Repair Advisory Council advises and assists the DACS.

Number of In-State Practitioners: 24,484

Annual Revenues: \$1,429,037

Cost to Regulate: \$899,835

Other Regulation:

Local

Local licensure can substitute for registration. Miami-Dade and Broward Counties have relevant local ordinances.

Federal

Federal Trade Commission Act, 15 U.S.C. §§ 41-58. The FTC is empowered to

- Prevent unfair methods of competition, and unfair or deceptive acts or practices;
- Seek monetary redress and other relief for conduct injurious to consumers; and
- Conduct investigations relating to the organization, business, practices, and management of entities engaged in commerce.

Number of Disciplinary Actions Taken: 605

- Consumer Initiated-72
- Administrative-533

Types of Complaints:

- Practicing without a license
- Practicing with an expires license

Pari-Mutuel Wagering

Authority:

- Chapters 550, 551, and s. 849.086, Florida Statutes
- Chapter 61D, Florida Administrative Code

Overview:

In Florida, pari-mutuel wagering is authorized for horse racing, harness horse racing, greyhound racing, jai alai games, and cardroom poker games. Additionally, slot machine gaming at pari-mutuel facilities is authorized in Broward and Miami-Dade Counties. Florida is one of the primary pari-mutuel states in the nation, and is the leading state in greyhound racing, as well as a major horse racing state. Florida is also the only state in the United States where live jai alai games are conducted. Currently there are 27 pari-mutuel facilities located throughout the State.

Regulatory Oversight: Department of Business and Professional Regulation/Division of Pari-mutuel Wagering

Number of Registrants: 30,631

Annual Revenues: \$182,859,971

Cost to Regulate: \$11,708,079

Other Regulation:

Local

A municipality may collect a tax of up to \$150 per day for horseracing or \$50 per day for dogracing or jai alai, if a race or game is held in the municipality.

Local governments must approve initial cardroom licenses. Generally, a cardroom may not be moved unless local referendum approves the relocation.

State

The division has no authority to regulate the following:

- Lottery — Regulated by the Florida Lottery
- Bingo — Counties that allow bingo have their own individual ordinances which govern their operation.
- Game Promotions — These are registered by the Department of Agriculture and Consumer Services.
- Fair Games — These are overseen by the Department of Agriculture and Consumer Services.
- "Cruises to Nowhere" — These cruises traditionally dock in a Florida port, but conduct their operations at sea, outside the boundaries of Florida, and are therefore not regulated by the Division of Pari-Mutuel Wagering.

Federal

The Interstate Horseracing Act, 15 U.S.C. 3002(3), permits 'interstate off-track wagers' to be placed by 'electronic media,' allowing for the use of the Internet for simulcasting, in states the permit pari-mutuel wagering.

The Wire Act, 18 U.S.C. 1084, prohibits "knowingly [using] a wire communication facility for the transmission in interstate or foreign commerce of bets or wagers." It exempts wagers on a contest from a State where such betting is legal into a State in which such betting is legal.

The Unlawful Internet Gambling Enforcement Act, 31 U.S.C. 5363, obliges financial institutions to block payments for unlawful Internet gambling.

The Transportation of Gambling Devices Act of 1951, 15 U.S.C. 1171, et. seq., more commonly known as the Johnson Act, prohibits the shipment of gambling devices to locations where the activities conducted with the device are illegal.

The Interstate Transportation of Wagering Paraphernalia Act, 18 U.S.C. 1953, also prohibits the shipment of gambling devices and the sending of software or equipment across state lines to areas where Internet gambling is not legal.

Number of Disciplinary Actions Taken: 1,161

- Consumer Initiated-204
- Administrative-957

Types of Complaints:

- Questioned outcome of race or game
- Poker dealer not adhering to rules
- Abuse of racing animals
- Cardroom rule violations
- Practicing without a license

Pari-Mutuel Wagering:

Description

"Pari-mutuel" means a system of betting on races or games in which the winners divide the total amount bet, after deducting management expenses and taxes, in proportion to the sums they have wagered individually and with regard to the odds assigned to particular outcomes.

"Intertrack wager" means a particular form of pari-mutuel wagering in which wagers are accepted at a permitted, in-state track, fronton, or pari-mutuel facility on a race or game transmitted from and performed live at, or simulcast signal rebroadcast from, another in-state pari-mutuel facility.

"Simulcasting" means broadcasting events occurring live at an in-state location to an out-of-state location, or receiving at an in-state location events occurring live at an out-of-state location, by the transmittal, retransmittal, reception, and rebroadcast of television or radio signals by wire, cable, satellite, microwave, or other electrical or electronic means for receiving or rebroadcasting the events.

"Purse" means the cash portion of the prize for which a race or game is contested.

"Breeders' and stallions' awards" means financial incentives paid to encourage the agricultural industry of breeding racehorses in this state.

License Categories:

A pari-mutuel permit grants the holder the ability to conduct pari-mutuel wagering at the location specified in the permit.

A permitholder license is an annual license to conduct specified pari-mutuel operations of the type and at the place specified in the permit.

"Occupational license" means a license issued by the division for each person connected with a racetrack or jai alai fronton and includes:

- Business occupational license: any business such as a vendor, contractual concessionaire, contract kennel, business owning racing animals, trust or estate, totalisator company, stable name, or other fictitious name.
- Professional occupational licenses: professional persons with access to the backside of a racetrack or players' quarters in jai alai such as trainers, officials, veterinarians, doctors, nurses, EMT's, jockeys and apprentices, drivers, jai alai players, owners, trustees, or any management or officer or director or shareholder or any other professional-level person who might have access to the jockeys' room, the drivers' room, the backside, racing animals, kennel compound, or managers or supervisors requiring access to mutuels machines, the money room, or totalisator equipment.
- General occupational licenses: general employees with access to the jockeys' room, the drivers' room, racing animals, the backside of a racetrack or players' quarters in jai alai, such as grooms, kennel helpers, leadouts, pelota makers, cesta makers, or ball boys, or a practitioner of any other occupation who would have access to the animals, the backside, or the kennel compound, or who would provide the security or maintenance of these areas, or mutuel employees, totalisator employees, money-room employees, or any employee with access to mutuels machines, the money room, or totalisator equipment or who would provide the security or maintenance of these areas.

Methods of Licensure

Pari-mutuel Permit – To receive a permit to conduct pari-mutuel wagering, an entity is evaluated based on the following criteria:

- The potential profitability and financial soundness of the prospective permitholder;
- The ability to preserve and protect the pari-mutuel revenues of the state and to ensure the integrity of the wagering pool;
- The holdings, transactions, and investments of the applicant connected to previous business ventures;
- The existence of any judgment or current litigation, whether civil, criminal, or administrative, involving the applicant.

The cost of this investigation is borne by the applicant.

The permit, if granted, must be approved by local referendum. The permitholder must post a security of up to \$50,000.

Pari-mutuel license – The Division gives a license to all entities with a valid pari-mutuel permit. Such entities must submit an application, disclosing the number and dates of performances.

Occupational licenses require application and a federal background check.

Annual Licensure Fees:

- Occupational License:
 - Businesses: \$50
 - Professionals: \$40
 - General employees: \$10

Other Fees:

- Permit Investigation Deposit: \$15,000
- Admission tax: 15% tax (or 10 cents) on admission charges
- Daily license fee on each live or simulcast event (up to \$500 per day):
 - Horseracing: \$100
 - Dogracing: \$80
 - Jai Alai: \$40
- Tax on live handle: 1% to 7.6%, varies by type of pari-mutuel

Purse Requirements:

Permitholders must set aside a percentage of their takeout and handle to supplement purses. They must also pay a portion of the purse pool toward breeders' awards. The requirements vary depending on the type of pari-mutuel.

Intertrack Wagering:

Description

"Intertrack wager" means a particular form of pari-mutuel wagering in which wagers are accepted at a permitted, in-state track, fronton, or pari-mutuel facility on a race or game transmitted from and performed live at, or simulcast signal rebroadcast from, another in-state pari-mutuel facility.

"Simulcasting" means broadcasting events occurring live at an in-state location to an out-of-state location, or receiving at an in-state location events occurring live at an out-of-state location, by the transmittal, retransmittal, reception, and rebroadcast of television or radio signals by wire, cable, satellite, microwave, or other electrical or electronic means for receiving or rebroadcasting the events.

"Totalisator" means the computer system used to accumulate wagers, record sales, calculate payoffs, and display wagering data on a display device that is located at a pari-mutuel facility.

Methods of Licensure

The division will approve a totalisator owner license upon proof that the system is programmed to comply with accounting requirements. Licenses require application and a federal background check.

Annual Licensure Fees

- Totalisator owner or operator: \$50
- Totalisator manager: \$40

- Totalisator employee: \$10

Other Fees

Tax on handle: varies from .5% to 7.1%, depending on the type of event being broadcast and the type and location of permitholders sending and receiving the broadcast.

Cardrooms:

Description

"Cardroom" means a facility where authorized games are played for money or anything of value and to which the public is invited to participate in such games and charged a fee for participation by the operator of such facility. Authorized games and cardrooms do not constitute casino gaming operations.

License Categories:

"Cardroom operator" means a licensed pari-mutuel permitholder which holds a valid permit and license issued by the division pursuant to chapter 550 and which also holds a valid cardroom license issued by the division pursuant to this section which authorizes such person to operate a cardroom and to conduct authorized games in such cardroom.

"Cardroom occupational license" means a license issued by the division for each person connected with a cardroom:

- A person employed or otherwise working in a cardroom as a cardroom manager, floor supervisor, pit boss, dealer, or any other activity related to cardroom operations while the facility is conducting card playing or games of dominoes must hold a valid cardroom employee occupational license issued by the division.
- Any cardroom management company or cardroom distributor associated with cardroom operations must hold a valid cardroom business occupational license issued by the division.

Methods of Licensure:

Cardroom operator licenses require application, copies of written internal control system, proof of local government authorization. The cardroom may only be operated if licensed live racing or gaming has been conducted at the facility or intertrack wagering is authorized at the facility.

Annual Licensure Fees:

- Cardroom Operator License: \$1,000 per card table
- Cardroom Occupational License:
 - Businesses: \$250
 - Employees: \$10 - \$50

Other Fees:

- 10% tax on monthly gross receipts
- 15% tax (or 10 cents) on admission charges

Purse Requirements:

Permitholders must set aside a percentage of their takeout and handle to supplement purses. They must also pay a portion of the purse pool toward breeders' awards. The requirements vary depending on the type of pari-mutuel.

Slots

Description

"Slot machine" means any mechanical or electrical contrivance, terminal that may or may not be capable of downloading slot games from a central server system, machine, or other device that, upon insertion of a coin, bill, ticket, token, or similar object or upon payment of any consideration whatsoever, including the use of any electronic payment system except a credit card or debit card, is available to play or operate, the play or operation of which, whether by reason of skill or application of the element of chance or both, may deliver or entitle the person or persons playing or operating the contrivance, terminal, machine, or other device to receive cash, billets, tickets, tokens, or electronic credits to be exchanged for cash or to receive merchandise or anything of value whatsoever, whether the payoff is made automatically from the machine or manually. The term includes associated equipment necessary to conduct the operation of the contrivance, terminal, machine, or other device. Slot machines may use spinning reels, video displays, or both.

License Categories:

Slot Machine License: License authorizing a pari-mutuel permitholder to place and operate slot machines.

Slot Machine Business Entity Occupational License: Includes slot machine management companies, service companies, vendors, distributors, manufacturers, testing laboratories.

Slot Machine Professional Employee Occupational License: Includes slot operations managers; slot shift managers; floor supervisors; slot tech managers; slot tech supervisors; slot technicians; slot attendants; facility (slot machine licensee) management; slot machine officers, directors and shareholders; chiefs of security; security officers; surveillance directors, investigators, supervisors, operators, and technicians; maintenance supervisors; controllers; count team employees; cage cashiers; count room managers and supervisors; cage managers and supervisors; information systems managers; systems analyst supervisors; operations analyst supervisors; revenue audit managers and supervisors.

Slot Machine General Employee Occupational License: Includes maintenance employees; information systems technicians; systems and operations analysts; revenue auditors; income audit analysts and auditors; and food service employees.

Slot Machine Business Employee Occupational License: For general- and professional-level employees who work for a business entity and need access to a slot machine facility in Florida.

Slot Machine Educational Facility License: For educational facilities that conduct specific training courses on slot machines.

Methods of Licensure:

Slot Machine License: Must submit an application, including contact and background information. Only certain pari-mutuel permitholders in Miami-Dade or Broward counties are eligible for a slot machine license.

Occupational Licenses: Must submit an application, including contact and background information, and submit to a federal background check.

Licensure Fees:

- Business Occupational License:
 - \$1,000 for one-year license
 - \$2,000 for three-year license
- Individual Occupational License: \$50
- Educational Facility License: \$100

Other Fees:

- Slot Machine License: \$2,500,000
- Regulatory Fee: \$250,000
- Fingerprint Processing Fee: \$43.25
- Tax rate:
 - FY 2010/11: 42%
 - FY 2011/12: 35%

Pawnshops

Authority:

- Chapter 539, Florida Statutes
- Chapter 5J-13, Florida Administrative Code

Description:

"Pawnbrokers" means any person who is engaged in the business of making pawns or advertises as a pawnbroker.

'Pawn' means any advancement of funds on the security of pledged goods on condition that the pledged goods are left in the possession of the pawnbroker for the duration of the pawn.

Licensure Requirements:

To be eligible for a pawnbroker's license, an applicant must:

- Be of good moral character;
- Have a net worth of \$50,000 or file a \$10,000 security per license;
- Not have been convicted of, or pled no contest to, a felony within the last 10 years;
- Not have been convicted of, or pled no contest to, a crime involving dishonesty or theft within the last 10 years; and
- Submit fingerprints for a national background check.

Annual Registration Fees:

- \$300

Late Fees and Penalties: None

Continuing Education Requirement: None

Regulatory Oversight: Department of Agriculture and Consumer Services/Division of Consumer Services

Regulatory Board: None

Number of In-State Practitioners: 1,368

Annual Revenues: \$447,790

Cost to Regulate: \$259,759

Other Regulation:

Federal

Pawnbrokers are covered by many federal laws governing financial institutions, including the Truth in Lending Act and the Equal Credit Opportunity Act.

Pawn shops that deal in firearms are regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives and may hold federal firearm licenses.

Federal Trade Commission Act, 15 U.S.C. §§ 41-58. The FTC is empowered to

- Prevent unfair methods of competition, and unfair or deceptive acts or practices;
- Seek monetary redress and other relief for conduct injurious to consumers; and
- Conduct investigations relating to the organization, business, practices, and management of entities engaged in commerce.

Number of Disciplinary Actions Taken: 8

- Consumer Initiated-34
- Administrative-8

Types of Complaints:

- Practicing without a license
- Practicing with an expires license

Professional Geology

Authority:

- Chapter 492, Florida Statutes
- Chapter 61G16, Florida Administrative Code
- Chapter 61G16-2.001 Seals Acceptable to the Board of Professional Geologists

Description:

"Geology" means the science which includes the treatment of the earth and its origin and history, in general, the investigation of the earth's crust and interior and the solids and fluids, including all surface and underground waters, and gases which compose the earth; the study of the natural agents, forces, and processes which cause changes in the earth; and the utilization of this knowledge of the earth and its solids, fluids, and gases, and their collective properties and processes.

Scope of Practice:

- **Background Research**
 - Locating, evaluating and analyzing geological and hydro geological data.
- **Field Geology/Site Assessment**
 - Examining and interpreting geological sites, maps, aerial photos, satellite images, and erosions patterns; and
 - Conducting drilling operations and examining the rock and sediment borings, logs and tests to assess the geology of a site or area.
- **Geophysics**
 - Using wireline geophysical instruments and interpreting these logs to evaluate aquifers and confining units, formations;
 - Establishing the presence of subsurface cavities using geophysical techniques such as gravity, electrical resistivity, terrain conductivity, groundpenetrating radar, wireline logs (sonic or caliper logs);
 - Conducting and interpreting surface resistivity testing;
 - Interpreting reflection and refraction seismic data and ground-penetrating radar; and
 - Interpreting video logs down wells to assess porosity, well construction/condition.
- **Petrology and Mineralogy**
 - Identifying minerals and rocks and determination of the composition, crystallography, texture, and fabric of minerals and rocks; and
 - Determining the uses and characteristics of minerals and rocks.
- **Lithostratigraphy and Hydrostratigraphy**
 - Identifying rock formations, hydrostratigraphic horizons, fossils and stratigraphic boundaries and the correlation of these units utilizing wireline logs, wells, cores, and/or outcrops.

- **Sedimentology**
 - Assessing, evaluating and describing rock and sediment, including porosity, permeability, sedimentary structures, matrix or cement, depositional environment, texture, diagenetic changes and mineralogy of sediment or rock.
- **Geochemistry**
 - Assessing the quality and chemical content of water;
 - Defining ground- and surface-water flow systems;
 - Assessing the dispersion and sorptive properties of an aquifer system;
 - Developing site remediation programs;
 - Conducting risk assessment and risk audits; and
 - Assessing saltwater encroachment.
- **Economic Geology**
 - Assessing the quantity, quality, and development potential of a mineral or water resource (resource and reserve assessments for both energy and non-energy minerals). Includes assessment of overburden and economic viability of development which may include assessment of land-use regulations, market, transportation, beneficiation costs, etc.; and
 - Evaluating the environmental impact or resource exploitation.
- **Groundwater modeling**
 - Determining aquifer parameters and conduct aquifer performance tests;
 - Developing conceptual model of ground-water flow, water balance, and water use; and
 - Developing water balance for hydrologic system.
- **Data Synthesis and Map Preparation**
 - Preparing and interpreting cross-sections, geologic / hydrogeologic maps, subsurface contour maps (isopach, facies, and structure), final reports and mineral and water resource maps.

License Categories:

- Professional Geologist - A "professional geologist" means an individual who by reason of their knowledge of geology, soils, mathematics, and the physical and life sciences, acquired by education and practical experience, is capable of practicing or performing, or offers to perform geological services, including, but not limited to, consultation, investigation, evaluation, planning, and geologic mapping.
- Business Entity - A "geologist business" means a sole proprietorship, partnership, corporation, or other form of business entity engaged in the practice or performance of geology.

Methods of Licensure:

- Examination - Written licensure examination designed to test an applicant's qualifications to practice professional geology.

- The department shall examine each applicant who the board certifies:
 - Has completed the application form and remitted a nonrefundable application fee and an examination fee which is refundable if the applicant is found to be ineligible to take the examination.
 - Is at least 18 years of age.
 - Has not committed any act or offense in any jurisdiction which would constitute the basis for disciplining a professional geologist licensed pursuant to this chapter.
 - Fulfills the following educational requirements at a college or university the geological curricula of which meet the criteria established by an accrediting agency recognized by the United States Department of Education:
 - 1. Graduation from such college or university with a major in geology or other related science acceptable to the board; and
 - 2. Satisfactory completion of at least 30 semester hours of geological courses, 24 of which must be at the third or fourth year or graduate level.
- Endorsement - The department shall issue a license by endorsement to any applicant who has been certified by the Board of Professional Geologists that he or she:
 - Meets the qualifications for licensure in this state;
 - Is the holder of an active license in good standing in another state;
 - Was licensed through written examination in at least one state when the examination requirements of which have been approved by the Board of Professional Geologists as substantially equivalent to or more stringent than those of this state, and has received a score on such examination which is equal to or greater than the score required by this state for licensure by examination; and
 - Has taken and successfully passed the laws and rules portion of the examination required for licensure as a professional geologist in this state.
- Provisional Licensure - The department may provide a provisional license to any person who is not a resident of and has not established a place of business in this state, and who is duly licensed in another state and who has qualifications which the Board of Professional Geologists deems comparable to those required of professional geologists in this state under the following restrictions:
 - Satisfactory proof of licensure and certification of the license of the applicant from the issuing state;
 - The practice of professional geology under a provisional license shall not exceed 1 year;
 - The practice of professional geology under a provisional license shall be confined to one specified project; and
 - The license may not be renewed or reissued for 5 years from the date of original issuance.

Initial Fees:

- Professional Geologist
 - Application Fee - \$150, non-refundable is application is denied
 - Examination - \$250, non-refundable is exam is not passed
 - Initial Licensure - \$100
 - Application for license by Endorsement - \$150
 - Initial license fee by endorsement - \$100
- Business Entity
 - Application Fee - \$150, non-refundable is application is denied
 - Examination - \$250, non-refundable is exam is not passed
 - Initial Licensure - \$100
 - Certificate of Authorization - \$350
- Unlicensed activity fee - \$5

Biennial License Renewal Fees:

- Professional Geologist - \$125
- Business Entity - \$350
- Certificate of Authorization - \$350
- Unlicensed activity fee - \$5

Late Fees and Penalties:

- Late Fee - \$100
- Fees for Reinstatement of a Void License:
 - Non refundable Application fee of \$275.
 - Non refundable Renewal fee of \$250.
 - Fee for a change in licensure status of \$100, fee shall be refunded if the application is denied.

Continuing Education Requirement: None

Regulatory Oversight: Department of Business and Professional Regulation/Division of Regulation

Regulatory Board: Board of Professional Geologists

Number of In-State Practitioners: 2,267

Annual Revenues: \$258,507

Cost to the State to Regulate: \$243,355

Other Regulations: U.S. Department of Education

Number of Disciplinary Actions Taken: 0

Professional Surveyors and Mappers

Authority:

- Chapter 177, Florida Statutes
- Chapter 472, Florida Statutes
- Chapter 5J-17, Florida Administrative Code

Description:

“Surveying and mapping” means any professional service, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence of the act of measuring, locating, establishing, or reestablishing lines, angles, elevations, natural and manmade features in the air, on the surface and immediate subsurface of the earth, within underground workings, and on the beds or surface of bodies of water, for the purpose of determining, establishing, describing, displaying, or interpreting the facts of size, shape, topography, tidal datum planes, legal or geodetic location or relocation, and orientation of improved or unimproved real property and appurtenances thereto.

The practice of surveying and mapping also includes, but is not limited to, photogrammetric control; the monumentation and remonumentation of property boundaries and subdivisions; the measurement of and preparation of plans showing existing improvements after construction; the layout of proposed improvements; the preparation of descriptions for use in legal instruments of conveyance of real property and property rights; the preparation of subdivision planning maps and record plats; the determination of, but not the design of, grades and elevations of roads and land in connection with subdivisions or divisions of land; and the creation and perpetuation of alignments related to maps, record plats, field note records, reports, property descriptions, and plans and drawings that represent them.

Scope of Practice:

Licensed surveyors and mappers make exact measurements and determine property boundaries. They provide data relevant to the shape, contour, gravitation, location, elevation, or dimension of land or land features on or near the earth's surface for engineering, mapmaking, mining, land evaluation, construction, and other purposes.

License Categories:

- Surveyor and Mapper – means a person registered in the state to practice surveying and mapping.
- Business – means a corporation, partnership, association, or person practicing under a fictitious name, offering surveying and mapping services to the public.

Methods of Licensure:

All applicants must be approved by the Board of Professional Surveyors and Mappers (board) before taking any examination for state licensure. All applicants take the Florida Jurisdictional Multiple Choice examination.

- Examination – For licensure by examination, an applicant must be of good moral character and either:

- Have a four-year degree in surveying and mapping from a college or university recognized by the board, with at least 32 semester hours of study in the science of surveying and mapping, and have at least four years experience as a subordinate to a professional surveyor and mapper, or
- Have a four-year degree in another field, with at least 25 semester hours of study in surveying and mapping subjects, and have at least six years experience as a subordinate to a registered surveyor and mapper.
- Endorsement – For licensure by endorsement, an applicant must either:
 - Hold a valid license to practice surveying and mapping issued before July 1, 1999, by another U.S. state or territory, have passed a national, regional, state, or territorial licensing examination that is substantially equivalent to state examination requirements, and have a record of at least 8 years as a subordinate to a registered surveyor and mapper, 6 years of which included responsibility of the accuracy and correctness of the work performed; or
 - Hold a valid license to practice surveying and mapping issued by another U.S. state or territory if the criteria for its issuance were substantially the same as the licensure criteria that existed in Florida at the time the license was issued.
- Business Entity/Certificate of Authorization – For a business to hold a Certificate of Authorization, one or more of the principal officers of the corporation or partnership and all its personnel who act on its behalf as surveyors and mappers in the state must be registered.

Exemptions:

- Governmental surveyors and mappers.
- Registered professional engineers who contracts for professional surveying and mapping services incidental to their engineering practice, if they delegate such services to a registered surveyor and mapper.
- County property appraisers and Department of Revenue employees preparing maps for property appraisal purposes only.
- Employees who are subordinate to, and supervised by, registered surveyors and mappers.

Initial Licensure Fees:

- Application Fee-\$125
 - Applicable to applications for Certificate of Authorization, Temporary or Permanent Licensure as a Surveyor and Mapper, whether by examination or endorsement, and Application for Reactivation of Inactive Licensure.
- Examination Fee-\$120 per part of the exam (possible 3 parts)
- Licensure-\$125
- Certificate of Authorization (business license)-\$125
- Temporary certificate
 - Surveyor or Mapper-\$25
 - Business-\$50

- Unlicensed activity fee - \$5

Biennial License Renewal Fees:

- Licensure Renewal-\$250
- Certificate of Authorization Renewal-\$350
- Unlicensed activity fee - \$5

Other Fees:

- Place license on inactive status - \$100
- Inactive renewal - \$50
- Reactivate inactive license - \$50
- Duplicate license or certificate - \$20
- Late renewal penalty - \$150
- Reinstate lapsed license-\$255 per biennium that license was not renewed

Continuing Education Requirement:

24 hours for renewal with at least 6 on either Florida's minimum technical standards or laws affecting the practice of surveying and mapping (rotated each biennium).

Regulatory Oversight: Department of Agriculture and Consumer Services/Division of Consumer Services

Regulatory Board: Board of Professional Surveyors and Mappers

Number of In-State Practitioners: 3,770

Annual Revenues: \$134,814

Cost to Regulate: \$628,099*

Number of Disciplinary Actions Taken: 13

- Consumer Initiated-13
- Administrative-0

Types of Complaints:

- Violation of technical standards

* Does not reflect \$490,000 balance transferred from DBPR when the board was transferred. The program is in the negative due to initial set-up costs associated with the transfer. Licensed surveyors and mappers have agreed to a one-time assessment of \$100 to make the program whole. After this, the board anticipates the program will be self-sustaining.

Real Estate Appraisers

Authority:

- Chapter 475, Part II, Florida Statutes
- Chapter 61J1, Florida Administrative Code

Description:

"Real property" or "real estate" means any interest or estate in land and any interest in business enterprises or business opportunities, including any assignment, leasehold, subleasehold, or mineral right; however, the term does not include any cemetery lot or right of burial in any cemetery; nor does the term include the renting of a mobile home lot or recreational vehicle lot in a mobile home park or travel park.

"Appraiser" means any person who is a registered trainee real estate appraiser, licensed real estate appraiser, or a certified real estate appraiser.

"Certified general appraiser" means a person who is certified by the department as qualified to issue appraisal reports for any type of real property.

"Certified residential appraiser" means a person who is certified by the department as qualified to issue appraisal reports for residential real property of one to four residential units, without regard to transaction value or complexity, or real property as may be authorized by federal regulation.

"Registered trainee appraiser" means a person who is registered with the department as qualified to perform appraisal services only under the direct supervision of a licensed or certified appraiser. A registered trainee appraiser may accept appraisal assignments only from her or his primary or secondary supervisory appraiser.

"Licensed appraiser" means a person who is licensed by the department as qualified to issue appraisal reports for residential real property of one to four residential units or on such real estate or real property as may be authorized by federal regulation. After July 1, 2003, the department shall not issue new licenses for the category of licensed appraiser.

Scope of Practice

"Appraisal" or "appraisal services" means the services provided by certified or licensed appraisers or registered trainee appraisers, and includes:

- "Appraisal assignment" denotes an engagement for which a person is employed or retained to act, or could be perceived by third parties or the public as acting, as an agent or a disinterested third party in rendering an unbiased analysis, opinion, review, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real property.
- "Analysis assignment" denotes appraisal services that relate to the employer's or client's individual needs or investment objectives and includes specialized marketing, financing, and feasibility studies as well as analyses, opinions, and conclusions given in connection with activities such as real estate brokerage, mortgage banking, real estate counseling, or real estate consulting.
- "Appraisal review assignment" denotes an engagement for which an appraiser is employed or retained to develop and communicate an opinion about the quality of

another appraiser's appraisal, appraisal report, or work. An appraisal review may or may not contain the reviewing appraiser's opinion of value.

- "Appraisal report" means any communication, written or oral, of an appraisal, appraisal review, appraisal consulting service, analysis, opinion, or conclusion relating to the nature, quality, value, or utility of a specified interest in, or aspect of, identified real property, and includes any report communicating an appraisal analysis, opinion, or conclusion of value, regardless of title. However, in order to be recognized in a federally related transaction, an appraisal report must be written.

License Categories:

A person may not use the title "certified real estate appraiser," "licensed real estate appraiser," or "registered trainee real estate appraiser," or any abbreviation or words to that effect, or issue an appraisal report, unless such person is:

- certified,
- licensed, or
- registered by the department under this part.

House Bill 303 was passed by the 2010 Legislature, chapter 2010-84, Laws of Florida, which requires the Department of Business and Professional Regulation to create a new license type for the regulation of Appraisal Management Companies (AMC). This law will become effective July 1, 2011. The DBPR has developed an implementation plan to meet the requirements of this legislation by the July 1, 2011 deadline.

Methods of Licensure:

Examination- Any person desiring to act as a registered trainee appraiser or as a certified appraiser must make application in writing to the department in such form and detail as the board shall prescribe. Each applicant must be at least 18 years of age and hold a high school diploma or its equivalent.

At the time of filing an application for registration or certification, the applicant must sign a pledge to comply with the Uniform Standards of Professional Appraisal Practice upon registration or certification and must indicate in writing that she or he understands the types of misconduct for which disciplinary proceedings may be initiated.

To be certified as an appraiser, the applicant must demonstrate, by passing a written examination, that she or he possesses:

- A knowledge of technical terms commonly used in real estate appraisal.
- An understanding of the principles of land economics, real estate appraisal processes, reliable sources of appraising data, and problems likely to be encountered in the gathering, interpreting, and processing of data in carrying out appraisal disciplines.
- An understanding of the standards for the development and communication of real estate appraisals as provided in this part.
- An understanding of the types of misconduct for which disciplinary proceedings may be initiated against a licensed or certified appraiser, as set forth in this part.
- Knowledge of the theories of depreciation, cost estimating, methods of capitalization, and the mathematics of real estate appraisal.

To be registered as a trainee appraiser, an applicant must:

- present evidence satisfactory to the board that she or he has successfully completed at least 100 hours of approved academic courses in subjects related to real estate appraisal, which include coverage of the Uniform Standards of Professional Appraisal Practice from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school.
- The board may increase the required number of hours to not more than 125 hours.

To be certified as a residential appraiser, an applicant must:

- present satisfactory evidence of education and experience requirements that meet or exceed the following real property appraiser qualification criteria adopted by the Appraisal Qualifications Board of the Appraisal Foundation:
- Has at least 2,500 hours of experience obtained over a 24-month period in real property appraisal as defined by rule.
- Has successfully completed at least 200 classroom hours, inclusive of examination, of approved academic courses in subjects related to real estate appraisal, which shall include a 15-hour National Uniform Standards of Professional Appraisal Practice course from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to s. 475.451. A classroom hour is defined as 50 minutes out of each 60-minute segment. Past courses may be approved by the board and substituted on an hour-for-hour basis.

To be certified as a general appraiser, an applicant must present evidence that she or he has met the minimum education and experience requirements that meet or exceed the following real property appraiser qualification criteria adopted by the Appraisal Qualifications Board of the Appraisal Foundation:

- Has at least 3,000 hours of experience obtained over a 30-month period in real property appraisal as defined by rule.
- Has successfully completed at least 300 classroom hours, inclusive of examination, of approved academic courses in subjects related to real estate appraisal, which shall include a 15-hour National Uniform Standards of Professional Appraisal Practice course from a nationally recognized or state-recognized appraisal organization, career center, accredited community college, college, or university, state or federal agency or commission, or proprietary real estate school.
- All applicants for appraisal certification must successfully complete two exams: The Florida Supplemental examination, and the Residential National Exam or the General National Exam.

The examination consists of questions to demonstrate that he or she possess a knowledge of technical terms commonly used in real estate appraisal;

- an understanding of the principles of land economics, real estate appraisal processes, reliable sources of appraising date, and problems likely to be encountered in the gathering, interpreting, and processing of date in carrying out appraisal disciplines;
- an understanding of the standards for the development and communication of real estate appraisals;

- an understanding of the types of misconduct for which disciplinary proceedings may be initiated against a licensed or certified appraiser, as set forth in law;
- and knowledge of the theories of depreciation, cost estimating, methods of capitalization, and the mathematics of real estate appraisal that are appropriate for the level of licensure or certification sought.

Upgrade

An individual who is registered, licensed, or certified as a residential appraiser under Florida Statutes may upgrade to a higher level.

- Under the Appraiser Qualifications Board criteria anyone upgrading their credential to a certified residential appraiser must show at least 2,500 hours of residential experience.
- To upgrade to certified general appraiser must show at least 3,000 hours of experience, of which 1,500 hours must be non-residential experience.

Appraisal course instructors.

To instruct noncredit college courses in a college, university, or community college, or courses in a career center or proprietary real estate school, a person must certify her or his competency by meeting one of the following requirements:

- Hold a valid certification as a residential real estate appraiser in this or any other state.
- Pass an appraiser instructor's examination which shall test knowledge of residential appraisal topics.

Business Entity- A license or certification may not be issued under this part to a corporation, partnership, firm, or group. However, an appraiser licensed or certified under this part may provide an appraisal report for or on behalf of a corporation, partnership, firm, or group, if the report is prepared by, or under the personal direction of, such appraiser and is reviewed and signed by her or him.

Each appraiser registered, licensed, or certified under this part shall furnish in writing to the department each firm or business name and address from which she or he operates in the performance of appraisal services. Each appraiser must notify the department of any change of firm or business name and any change of address within 10 days on a form provided by the department.

Exemptions

This part does not specify a list of entities that are exempt from licensure, registration or certification.

Initial Application Fees

- Registered Trainee Appraiser-\$50
- Certified Residential Appraiser-\$100
 - Examination fee=\$67.50
- Certified General Appraiser-\$100
 - Examination fee=\$85.50
- Temporary permit=\$50 per assignment
- Appraisal Course Instructors -\$50

- Unlicensed Activity Fee-\$5

Biennial License Renewal Fees

- Registered Trainee Appraiser-\$175
- Licensed Appraiser-\$175
- National registry fee=\$50
- Certified Residential Appraiser-\$175
- Certified General Appraiser-\$175
- Appraisal Course Instructors -\$50
- Unlicensed Activity Fee-\$5

Late fees and Penalties

- Late Fee-\$25

Continuing Education Requirement:

Registered trainee appraisers must satisfactorily complete one or more Board approved courses which must total at least 45 classroom hours in subjects including:

- influences on real estate value, legal considerations in appraisal, types of value, economic principles, real estate markets and analysis, valuation process, property description, highest and best use analysis, appraisal statistical concepts, sales comparison approach, site value, cost approach, income approach, valuation of partial interests, and appraisal standards and ethics.
- All post-licensing courses shall consist of a minimum of 15 classroom hours. The examination may not be open book, and must be administered by a permitted instructor.
- 15 classroom hours of the 45-hour post-licensing requirement must be the 15-hour National USPAP course or its equivalent inclusive of examination, and must be taught by an AQB certified USPAP instructor.
- In addition to the 45-hour requirement all registered trainee appraisers must satisfactorily complete a minimum of 3 hours strictly dedicated to an update of the Florida Real Estate Appraisal License Law and Board Rules.

Registered, licensed and certified appraisers must satisfactorily complete a minimum of 30 hours of appraiser continuing education in subjects including:

- The 7-hour National USPAP update course or its equivalent and shall be taught by an AQB certified USPAP instructor.
- A minimum of 3 hours dedicated to a review and update of the Florida Real Estate Appraisal Law and Board Rules, and provide an introduction to other state and federal laws affecting real estate appraisals.
- Three (3) hours of instruction and cover the following topics regarding the roles and rules of supervisor and trainee appraisers:
 - Definitions of direct supervision, registered trainee appraiser, supervisory appraiser, training and work file pursuant to Section 475.611, F.S.;

- Review of Chapter 475, Part II, F.S., sections regarding the post-licensure education requirement for a registered trainee appraiser, displaying and disclosure of licensure, certification or registration, employment of and by registered trainee real estate appraiser, supervision and training of registered trainee appraisers, and retention of records;
- Review of Chapter 61J1, F.A.C., section regarding post-licensing education for registered trainee appraisers, supervision of registered trainee appraisers, displaying and disclosure of registration, licensure or certification designation and advertising; and
- Review of the Uniform Standards of Professional Appraisal Practice as referenced and incorporated by Rule 61J-9.001, F.A.C., including at least the following topics: USPAP Advisory Opinion 5, USPAP Standards Rules 2-3 and 3-3, signature authority and security, competency, and preparation of appraisals.

Regulatory Oversight: Department of Business and Professional Regulation

Regulatory Board: Florida Real Estate Appraisal Board

Number of In-State Practitioners: 10,073

Annual Revenues: \$ 261,802

Cost to the State to Regulate: \$ 2,464,763

Other Regulations: Uniform Standards of Professional Appraisal Practice (USPAP)

Number of Disciplinary Actions Taken: 395

- Consumer Initiated-349
- Administrative-46

Types of Complaints:

- Failure to certify appraisal
- Failure to use appropriate comparables
- Violating USPAP- Uniform Standards of Professional Appraisal Practice

Real Estate Brokers, Sales Associates, and Schools

Authority:

- Chapter 475, Part I, Florida Statutes
- Chapter 61J2, Florida Administrative Code

Description:

"Real property" or "real estate" means any interest or estate in land and any interest in business enterprises or business opportunities, including any assignment, leasehold, subleasehold, or mineral right; however, the term does not include any cemetery lot or right of burial in any cemetery; nor does the term include the renting of a mobile home lot or recreational vehicle lot in a mobile home park or travel park.

"Broker" means a person who, for another, and for a compensation or with an intent to collect or receive a compensation appraises, auctions, sells, exchanges, buys, rents, or offers, attempts or agrees to appraise, auction, or negotiate the sale, exchange, purchase, or rental of business enterprises or business opportunities or any real property or any interest in or concerning the same, including mineral rights or leases, or who advertises or holds out to the public by any oral or printed solicitation or representation that she or he is engaged in the business.

"Sales Associate" means a person who performs any act specified in the definition of "broker," but who performs such act under the direction, control, or management of another person.

"Schools Teaching Real Estate Practice" means a person, school, or institution, except approved and accredited colleges, universities, community colleges, and career centers in this state, which offers or conducts any course of study in real estate practice, teaches any course prescribed by the commission as a condition precedent to licensure or renewal of licensure as a broker or sales associate, or teaches any course designed or represented to enable or assist applicants for licensure as brokers or sales associates to pass examinations for such licensure.

Scope of Practice:

The practice of renting, buying, or selling property for clients. Performing duties, such as studying property listings, interviewing prospective clients, accompanying clients to property site, discussing conditions of sale, and drawing up real estate contracts. Including agents who represent buyer.

License Categories:

"Broker" or "Sales Associate"- The Real Estate Commission shall license a broker associate or sales associate as an individual or, upon the licensee providing the commission with authorization from the Department of State, as a professional corporation, limited liability company, or professional limited liability company.

"Schools Teaching Real Estate Practice"- A permit must be obtained from the department before commencing or continuing further to offer or conduct real estate courses by any person, school, or institution to conduct classes in real estate courses, regardless of the number of pupils, whether by correspondence or otherwise or to guarantee that its pupils will pass any examinations required for licensure, or to represent that the issuance of a permit is any recommendation or endorsement of the person, school, or institution to which it is issued or of any course of instruction given.

Methods of Licensure:

Examination

The department shall license any applicant whom the commission certifies to be qualified to practice as a broker or sales associate. The commission shall certify for licensure any applicant who satisfies the following requirements:

- An applicant for licensure who is a natural person must be at least 18 years of age; hold a high school diploma or its equivalent; be honest, truthful, trustworthy, and of good character; and have a good reputation for fair dealing. An applicant for an active broker's license or a sales associate's license must be competent and qualified to make real estate transactions and conduct negotiations therefor with safety to investors and to those with whom the applicant may undertake a relationship of trust and confidence.
- Any persons desiring to become licensed as a real estate sales associate must satisfactorily complete the Commission-prescribed course designated as Course I. This course will consist of 63 hours of 50 minutes each, inclusive of examination, in the basic fundamentals of real estate principles and practices, basic real estate, and license law. This rule sets forth the course approval criteria and procedure.
- Any licensed sales associate desiring to become licensed as a broker must satisfactorily complete the Commission-prescribed course designated as Course II. This course will consist of 72 hours of 50 minutes each, inclusive of examination, in the fundamentals of real estate appraising, investment, financing, and brokerage and management operations.

Accredited universities, colleges, community colleges and area technical centers in this state that offer transferable college credit courses, or real estate schools registered in this state may offer these Commission-prescribed courses. Satisfactory completion of these courses will not entitle any person to receive a license as a real estate broker or sales associate until such person has met all other requirements of law and has passed the applicable Commission-approved state examination which DBPR administers.

A person shall be entitled to take the license examination to practice in this state if the person:

- Submits to the department the appropriate signed or electronically authenticated application, digital fingerprint data, and fee. The information obtained by the processing of the fingerprints by the Department of Law Enforcement and the Federal Bureau of Investigation shall be sent to the department for the purpose of determining if the applicant is statutorily qualified for examination.
- Submits at the time of examination a certificate from an accredited college, university, community college, or registered real estate school notifying the commission of the names of all persons who have satisfactorily completed the educational requirements, the examination admissions authorization letter, and proof of identification.

Business Entity

Each partnership, limited liability partnership, limited liability company, or corporation which acts as a broker shall register with the commission and shall renew the licenses or registrations of its members, officers, and directors for each license period. However, if the partnership is a limited partnership, only the general partners must be licensed brokers or brokerage corporations registered pursuant to this part. If the license or registration of at least one active broker member is not in force, the registration of a corporation, limited liability company, limited liability partnership, or partnership is canceled automatically during that period of time.

Exemptions

- Any person acting as an attorney in fact for the purpose of the execution of contracts or conveyances only; as an attorney at law within the scope of her or his duties as such; as a certified public accountant, as defined in chapter 473, within the scope of her or his duties as such; as the personal representative, receiver, trustee, or general or special magistrate under, or by virtue of, an appointment by will or by order of a court of competent jurisdiction; or as trustee under a deed of trust, or under a trust agreement, the ultimate purpose and intent whereof is charitable, is philanthropic, or provides for those having a natural right to the bounty of the donor or trustor.
- Any individual, corporation, partnership, trust, joint venture, or other entity which sells, exchanges, or leases its own real property; however, this exemption shall not be available if and to the extent that an agent, employee, or independent contractor paid a commission or other compensation strictly on a transactional basis is employed to make sales, exchanges, or leases to or with customers in the ordinary course of an owner's business of selling, exchanging, or leasing real property to the public.
- Any employee of a public utility, a rural electric cooperative, a railroad, or a state or local governmental agency who acts within the scope of her or his employment, for which no compensation in addition to the employee's salary is paid, to buy, sell, appraise, exchange, rent, auction, or lease any real property or any interest in real property for the use of her or his employer.
- Any salaried employee of an owner, or of a registered broker for an owner, of an apartment community who works in an onsite rental office of the apartment community in a leasing capacity.
- Any person employed for a salary as a manager of a condominium or cooperative apartment complex as a result of any activities or duties which the person may have in relation to the renting of individual units within such condominium or cooperative apartment complex if rentals arranged by the person are for periods no greater than 1 year.
- Any person, partnership, corporation, or other legal entity which, for another and for compensation or other valuable consideration, sells, offers to sell, advertises for sale, buys, offers to buy, or negotiates the sale or purchase of radio, television, or cable enterprises licensed and regulated by the Federal Communications Commission pursuant to the Communications Act of 1934. However, if the sale or purchase of the radio, television, or cable enterprise involves the sale or lease of land, buildings, fixtures, and all other improvements to the land, a broker or sales associate licensed under this chapter shall be retained for the portion of the transaction which includes the land, buildings, fixtures, and all other improvements to the land.
- Any full-time graduate student who is enrolled in a commission-approved degree program in appraising at a college or university in this state, if the student is acting under the direct supervision of a licensed broker or a licensed or certified appraiser and is engaged only in appraisal activities related to the approved degree program. Any appraisal report by the student must be issued in the name of the supervising individual.
- An owner of one or part of one or more timeshare periods for the owner's own use and occupancy who later offers one or more of such periods for resale.
- Any person who appraises under the unit-rule method of valuation a railroad or railroad terminal company assessed for ad valorem tax purposes.

- Any person, partnership, corporation, or other legal entity which, for another and for compensation or other valuable consideration, rents or advertises for rent, for transient occupancy, any public lodging establishment licensed in this state.
- Any dealer registered under the Securities and Exchange Act of 1934, as amended, or any federally insured depository institution and any parent, subsidiary, or affiliate thereof, in connection with the sale, exchange, purchase, or rental of a business enterprise to or by a person who is an accredited investor as defined by 15 U.S.C. s. 77b, the Securities Act of 1933, or any regulation adopted thereunder. This exemption applies whether stock or assets of the business enterprise are purchased or sold. The exemption does not apply to a sale, exchange, purchase, or rental of land, buildings, fixtures or other improvements to the land which is not made in connection with the sale, exchange, purchase, or rental of a business enterprise. Any reference to rental in this subsection includes a lease transaction.
- Any property management firm or any owner of an apartment complex for the act of paying a finder's fee or referral fee to an unlicensed person who is a tenant in such apartment complex provided the value of the fee does not exceed \$50 per transaction.

Initial Fees:

- Sales Associate-
 - Application fee=\$20
 - License fee=\$80
- Broker-
 - Application fee=\$20
 - License fee=\$90
 - Branch office application fee=\$80
 - Branch office license fee=\$80
- Business Entity-
 - Application fee=\$90
 - Unlicensed activity fee=\$5
 - Fingerprinting=\$57.25

Biennial License Renewal Fees:

- Broker-\$90
- Sales Associate-\$80
- Branch office for broker=\$80
- School Permit Holder-\$130
- School Instructor-\$80
- Chief School Administrator-\$80
- Business Entity-\$90 (Each additional branch office-\$80)
- Unlicensed Activity Fee-\$5

Late Fees and Penalties:

- Late Fee-\$45

A fee of \$3.50 per year shall be added to the license fee for both new licenses and renewals of licenses for brokers, and a fee of \$1.50 per year shall be added for new licenses and renewals of licenses for sales associates. This fee shall be in addition to the regular license fee and shall be deposited in or transferred to the Real Estate Recovery Fund.

Continuing Education Requirement:

Broker and Sales Associates-14 classroom hours of 50 minutes each of a continuing education course during each biennium of a license period. The commission may accept as a substitute for such continuing education course, on a classroom-hour-for-classroom-hour basis, any satisfactorily completed education course that the commission finds is adequate to educate licensees within the intent of this section, including an approved distance learning course.

- Sales Associates must complete 45 hours of post-licensing courses during their first license renewal.
- Brokers must complete 60 hours of post-licensing courses before their first license renewal.

Regulatory Oversight: Department of Business and Professional Regulation/Division of Real Estate

Regulatory Board: Florida Real Estate Commission

Number of In-State Practitioners: 296,382

Annual Revenues: \$16,064,541

Cost to the State to Regulate: \$ 11,449,492

Other Regulations: None

Number of Disciplinary Actions Taken: 322

- Consumer Initiated-185
- Administrative-137

Types of Complaints:

- Misconduct-Fraud/Misrepresentation
- Practicing without a license

Restaurants

Authority:

- Chapter 509, Florida Statutes
- Chapter 61C-4, Florida Administrative Code

Description:

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

"Temporary food service event" means any event of 30 days or less in duration where food is prepared, served, or sold to the general public.

Licensure Requirements:

- Plan Review – Applicants must submit their plans for review by the department when the establishment is newly built, converted from another use, remodeled or re-opened after being closed for a year. The plan review includes a review of scaled drawings, proposed menu and onsite sewage (septic) and water supply.
- Application – Applicants must submit disclosures of contact information and information about the establishment they are seeking to open, including location, type, target date for opening.
- Opening Inspection – Once an applicant is prepared to open the establishment, he or she must pass an inspection with the department before opening to the public. Establishments must meet sanitation and safety standards.

Annual Fees:

Licensure fees are based on the license classification and size (number of seats or units), the county where the business is located and when the application is made (prorating is available for partial year)

- Permanent Food Service: \$242 - \$357
- Mobile Food Dispensing Vehicles: \$347
- Caterers: \$263
- Vending Machines: \$21
- Theme Park Food Carts: \$262 - \$357
- Temporary Food Vendors:
 - Annual: \$1,000
 - 1-3 day event: \$91
 - 4-30 day event: \$105

Other Fees:

- Application Fee: \$50
- Plan Review Fee: \$150

- Variance Fee (Routine): \$150
- Variance Fee (Emergency): \$300
- Hospitality Education Program Fee: \$10 per license

Delinquency fee: \$50 if license is renewed within 30 days of deadline & \$100 if licensed is renewed between 30-60 days.

Continuing Education Requirements: None

Regulatory Oversight: Department of Business and Professional Regulation/ Division of Hotels and Restaurants

Regulatory Board: None

Number of In-State Active Licensees: 45,327

Annual Revenues: \$15,397,166

Cost to Regulate: \$15,297,587

Other Regulation:

Local

Local requirements as to licensing, zoning, building requirements, etc., are a pre-requisite to state licensure.

State

The Department of Agriculture and Consumer Services regulates establishments selling primarily pre-packaged foods or beverages, including grocery stores, convenience stores, bakeries, delicatessens, meat and seafood markets, seafood processors, food warehouses, food processing and manufacturing plants, mobile vendors that sell only pre-packaged foods and food service facilities which are a part of a food establishment already regulated by the Department, etc.

The Department of Business and Professional Regulation regulates establishments selling primarily prepared foods, such as restaurants, other food service facilities, including temporary events, and mobile vendors that prepare and serve food.

The Department of Health regulates bars, lounges, and establishments serving food in facilities such as childcare, schools, institutions, etc.

The departments work together to avoid overlapping oversight of particular establishments.

Federal

Federal Food, Drug, and Cosmetic Act, 21 U.S.C. ss. 301 et seq.

U.S. Department of Agriculture – develops and executes federal policy on farming, agriculture and food. It has a food inspection program that inspects and monitors all meat, poultry and egg products sold in interstate and foreign commerce. States can run their own inspection program through cooperative agreement with the USDA. Florida gave its meat and poultry inspection program over to the USDA in 1997.

U.S. Food and Drug Administration – promotes and protects public health through regulation and supervision of food safety, along with other products. The FDA oversees food labeling, establishes food standards and bottled water.

Number of Disciplinary Actions Taken: 4,853

- Consumer Initiated-128
- Administrative-4,725

Types of Complaints:

- Foodborne illnesses
- Insects
- Bare hand contact with food
- Undercooked food
- Food temperature
- Employee training

Security Industry

Overview:

This factsheet will outline the security industry regulated by the Division of Licensing within the Department of Agriculture and Consumer Services. This industry includes private security, private investigative and recovery services to the public. Additionally, the Division manages Concealed Weapon or Firearm Licenses.

Authority:

- Chapter 493, Florida Statutes
- Chapter 5N-1, Florida Administrative Code

Regulatory Oversight: Department of Agriculture and Consumer Services/Division of Licensing

Advisory Board: Private Investigation, Recovery, and Security Advisory Council

Number of Licensees: 940,401

C	Private Investigators	8,066	G	Statewide Firearm Licenses	25,577
CC	Private Investigator Interns	1,575	K	Firearms Instructors	637
A	Private Investigative Agencies	2,993	E	Recovery Agents	999
AA	Private Investigative Agency Branch Offices	26	EE	Recovery Agent Interns	571
MA	Private Investigative Agency Managers	88	R	Recovery Agencies	446
M	Private Investigative/Security Agency Managers	555	RR	Recovery Agency Branch Offices	39
D	Security Officers	126,232	M	Recovery Agency Managers	4
B	Security Agencies	1,324	RS	Recovery Agent School	9
BB	Security Agency Branch Offices	284	RI	Recovery Agent School Instructors	20
MB	Security Agency Managers	1,524	W	Concealed Weapons/Firearms	760,672
AB	Security Agencies/Private Investigative Agency Branch Offices	23	WJ	Concealed Weapons/Circuit and County Judges	505
DS	Security Officer Schools	316	WR	Concealed Weapons/Retired Law Enforcement and Corrections	6,559
DI	Security Officer Schools Instructors	1,354	WS	Concealed Weapons/Consular Security Officer	3

Annual Revenues: \$8,854,131*

Cost to Regulate: \$7,892,098

Number of Disciplinary Actions Taken: 40,170

- Consumer Initiated-850
- Administrative-39,320

Types of Complaints:

- Failure to file appropriate documents with DOACS (Private Investigation)
- Practicing without a license (Recovery Services)
- License revoked due to an adjudication withheld on a felony battery (Security Services)
- Failure to complete required continuing education courses (Private Investigation and Recovery Services)
- License revoked due to an adjudication withheld on a felony grand theft (Firearms/Concealed Weapon permit)

Firearms:

Description

“Firearm instructor” means any Class K Firearms Instructor licensee who provides classroom or range instruction to applicants for a Class G license.

Any person who carries a firearm while on duty must have a Class G Statewide Firearm License in addition to his private investigator, security officer or manager’s license.

Methods of Licensure

Statewide Firearm License (G) – Applicant must have 28 hours of range and classroom training taught and administered by a Class K Firearms Instructor.

Firearms Instructor (K) – Applicant must have one of the following certificates:

- The Florida Criminal Justice Standards and Training Commission Firearms Instructor's Certificate;
- The National Rifle Association Police Firearms Instructor Certificate;
- The National Rifle Association Security Firearms Instructor Certificate;
- The National Rifle Association Law Enforcement Instructor Certificate; or
- A Firearms Instructor's Certificate from a federal, state, county, or municipal police academy in this state recognized as such by the Criminal Justice Standards and Training Commission or by the Department of Education.

Continuing Education Requirements

Class G licensees must obtain 4 hours of firearms range recertification training each year. Otherwise, the full initial training program is required for renewal.

* The Department does not distinguish between the different professions in their accounting practices.

Biennial Licensure Fees

- G Statewide Firearm License - \$112
- K Firearms Instructor License - \$100

Other Fees

- Application for K License - \$50
- Background check - \$42

Security Services:

Description

"Security agency" means any person who, for consideration, advertises as providing or is engaged in the business of furnishing security services, armored car services, or transporting prisoners. This includes any person who utilizes dogs and individuals to provide security services.

"Security officer" means any individual who, for consideration, advertises as providing or performs bodyguard services or otherwise guards persons or property; attempts to prevent theft or unlawful taking of goods, wares, and merchandise; or attempts to prevent the misappropriation or concealment of goods, wares or merchandise, money, bonds, stocks, choses in action, notes, or other documents, papers, and articles of value or procurement of the return thereof. The term also includes armored car personnel and those personnel engaged in the transportation of prisoners.

Types of Licensees:

Individuals (2-year licenses)

- Security Officer (D) - An individual who performs security. Must own or be employed by a licensed Class "B" Security Agency or branch office.
- Manager of a Security Agency (M or MB) - Any person who directs the activities of licensed security officers at any agency or branch office. Each licensed location must have a designated, properly licensed manager and a licensed manager may only be designated as manager for one location.

Agencies (3-year licenses)

- Security Agency (B) - Any business which advertises as, or is engaged in, the business of furnishing security services, armored car services, or transporting prisoners for compensation is a security agency. Class B agencies may enter into subcontractor agreements with other licensed agencies.
- Security Agency Branch Office (BB) - Additional location of an agency where security business is actively conducted.
- Combined Security and Private Investigative Agency Branch Office (AB)

Schools (2-year licenses)

- Security Officer School or Training Facility Instructor (DI) - Any individual who teaches or instructs at a Class DS Security Officer School or Training Facility. Full-time faculty members who teach exclusively for public educational facilities are exempt.
- Security Officer School or Training Facility (DS) - Any school or training facility that teaches or instructs applicants for Class D licensure.

Methods of Licensure

Individuals

Applicants must be at least 18 years of age, be of good moral character, not have a disqualifying criminal history or a disqualifying history of mental illness, drug or alcohol abuse and must be authorized to work in this country.

Each applicant must disclose contact and background information and submit to a federal background check.

Security Officer (D) – Applicant must have minimum of 40 hours professional training at a school or training facility licensed by the department.

Agencies

- Security Agency (B) - Applicant must have at least \$300,000 commercial general liability coverage for death, bodily injury, property damage and personal injury coverage.

Schools

- Security Officer School or Training Facility Instructor (DI) – Applicant must:
 - Be at least eighteen (18) years old;
 - Hold a high school diploma or a GED certificate; and
 - Either
 - Hold a Class D license for 3 years within the 5-year period immediately preceding application; or
 - Hold an associate degree with a major course of study related to law enforcement or security and a Class D for at least 1 year; or
 - Hold a bachelor's, master's, or doctorate degree with a major course of study in education, criminology, criminal justice, police science, law or other course of study related to law enforcement or security; or
 - Hold a certificate of completion from a federal, state, county or municipal law enforcement academy or training facility which is comparable in hours and curriculum to the training established by the Florida Criminal Justice Standards and Training Commission or the Department of Education as acceptable to meet law enforcement officer, correctional officer or correctional probation officer minimum standards; or
 - Have served at least 1 year on active duty as a military policeman, security police officer, or in other military law enforcement duty; or
 - Hold a Class M office manager or a Class MB security office manager license and be serving or have served in a licensed management position.

- An applicant for a Class DI Security Officer Instructor may qualify for licensure to teach only in specific subject areas relating to his/her professional training and experience, if he/she is licensed or professionally trained and certified in emergency medical procedures; or has been certified as an instructor by a nationally recognized health and human care organization; or is a certified firefighter.
- Security Officer School or Training Facility (DS) – Applicants must provide background and contact information, proof of insurance, and information about the facility's location, the proposed curriculum, final examinations.

Biennial Licensure Fees

- AB Private Investigative & Security Office - \$125
- B Security Office - \$450
- D Security Officer - \$45
- DI Security Officer School Instructor - \$60
- DS Security Officer School - \$60
- M Manager Investigative & Security Agency - \$75
- MB Manager Security Agency - \$75

Other Fees

- Application fee - \$50 per officer
- Fingerprint - \$42 per officer
- \$100 Examination Fee for M Manager Investigative & Security Agency
- Duplicate license without photo - \$10
- Duplicate license with photo - \$15

Private Investigative Services:

Description

“Private investigation” means the investigation by a person or persons for the purpose of obtaining information with reference to any of the following matters:

- Crime or wrongs done or threatened against the United States or any state or territory of the United States, when operating under express written authority of the governmental official responsible for authorizing such investigation.
- The identity, habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation, or character of any society, person, or group of persons.
- The credibility of witnesses or other persons.
- The whereabouts of missing persons, owners of unclaimed property or escheated property, or heirs to estates.
- The location or recovery of lost or stolen property.

- The causes and origin of, or responsibility for, fires, libels, slanders, losses, accidents, damage, or injuries to real or personal property.
- The business of securing evidence to be used before investigating committees or boards of award or arbitration or in the trial of civil or criminal cases and the preparation therefor.

“Private investigator” means any individual who, for consideration, advertises as providing or performs private investigation. This does not include an informant who, on a one-time or limited basis, as a result of a unique expertise, ability, vocation, or special access and who, under the direction and control of a Class “C” licensee or a Class “MA” licensee, provides information or services that would otherwise be included in the definition of private investigation.

“Private investigative agency” means any person who, for consideration, advertises as providing or is engaged in the business of furnishing private investigations.

Types of Licensees

Individuals (2-year licenses)

- Private Investigator (C) - An individual, except an in-house investigator, who performs investigative services. Must own or be employed by a licensed Class A Private Investigative Agency or Class AA or AB branch office.
- Private Investigator Intern (CC) - Any individual who performs investigative services as an intern under the direction and control of a designated sponsoring Class C licensee or designated sponsoring Class M or MA Agency Manager licensee.
- Manager of a Private Investigative Agency (M or MA) - Any individual who performs the services of a manager for a Class A Investigative Agency or a Class AA Branch Office. A Class C licensee may be designated as a manager.

Agencies (3-year licenses)

- Private Investigative Agency (A) - Any company that engages in business as an investigative agency for each location.
- Private Investigative Agency Branch Office (AA) - Each branch office of a Class A agency shall have a Class AA license.

Methods of Licensure

Individuals

Applicants must be at least 18 years of age, be of good moral character, not have a disqualifying criminal history or a disqualifying history of mental illness, drug or alcohol abuse and must be authorized to work in this country.

Each applicant must disclose contact and background information and submit to a federal background check.

- Private Investigator (C) - Applicant must have 2 years of verifiable, full-time experience or training in one, or a combination, of:
 - Private investigative work or related fields of work that provided equivalent experience or training.

- College course work related to criminal justice, criminology, or law enforcement administration, or successful completion of any law enforcement-related training received from any federal, state, county, or municipal agency, except that no more than one (1) year may be used from this category.
- Work as a licensed Class CC intern.
- Private Investigator Intern (CC) – Applicant must complete at least 24 hours of a 40-hour training course, focusing on general investigative techniques and Florida law, and pass an initial examination. Completion of the course and a second examination are due within 180 days of application.
- Manager of a Private Investigative Agency (M or MA) – Applicant must pass an examination that covers the provisions of Florida law.

Biennial Licensure Fees

- C Private Investigator - \$75
- CC Private Investigator Intern - \$60
- A Private Investigative Agency - \$450
- AB Private Investigative & Security Office - \$125
- MA Manager Private Investigative Agency - \$75
- M Manager Investigative & Security Agency - \$75

Other Fees

- Application fee - \$50 per officer (not charged to D Security Officer)
- Fingerprint - \$42 per officer
- \$100 Examination Fee for C Private Investigators, M Manager Investigative & Security Agencies and MA Manager Private Investigative Agencies
- Duplicate license without photo - \$10
- Duplicate license with photo - \$15

Recovery Services:

Description

“Repossession” means the recovery of a motor vehicle, a mobile home, a motorboat, an aircraft, a personal watercraft, an all-terrain vehicle, farm equipment, or industrial equipment, by an individual who is authorized by the legal owner, lienholder, or lessor to recover, or to collect money payment in lieu of recovery of, that which has been sold or leased under a security agreement that contains a repossession clause. A repossession is complete when a licensed recovery agent is in control, custody, and possession of such repossessed property.

“Recovery agency” means any person who, for consideration, advertises as providing or is engaged in the business of performing repossessions.

“Recovery agent” means any individual who, for consideration, advertises as providing or performs repossessions.

Types of Licensees

Individuals (2-year licenses)

- Recovery Agent (E) - Individual who performs repossession services. Must be employed by a licensed Class R Recovery Agency or Class RR Branch Office.
- Recovery Agent Intern (EE) - Individual who performs repossession services as an intern under the direction and control of a designated sponsoring Class E licensee or designated sponsoring Class MR licensee.
- Recovery Agency Manager (MR) - Any individual who performs the services of a manager for a Class R Recovery Agency or a Class RR Branch Office must have a Class MR Recovery Agency Manager license. A Class E licensee may be designated as a manager in lieu of the Class MR licensee.

Agencies (2-year licenses)

- Recovery Agency (R) - Any person, firm, company, partnership or corporation which engages in business as a recovery agency for each location.
- Recovery Agency Branch Office (RR) - Each branch office of a Class R agency shall have a Class RR license.

Schools (2-year licenses)

- Repossessor School Instructor (RI) - A person who teaches or instructs at a Class RS Recovery Agent School or Training Facility. Full-time faculty members who teach exclusively for public educational facilities are exempt.
- Repossessor School (RS) - Any school or training facility which teaches or instructs applicants for Class E or EE licensure. Class "RS" facilities can offer qualifying training to students in a number of ways: in a traditional classroom setting, through an online course made available via the Internet, or through a home study-correspondence training course.

Methods of Licensure

Any person applying for a license must be at least eighteen (18) years of age, be of good moral character, not have a disqualifying criminal history or a disqualifying history of mental illness, drug or alcohol abuse, and must be authorized to work in this country.

Applicants must submit disclosures of contact and background information and submit to a federal background check.

Individuals

- Recovery Agent (E) – Applicants must have at least 1 year of verifiable full-time experience in repossession or as a Class EE Recovery Agent Intern or a total of 1 year in a combination of both. Lawful in-house experience, even though unlicensed, is creditable. Applicants must have at least 40 hours of professional training at a school or training facility licensed by the department.
- Recovery Agent Intern (EE) - Applicants must have at least 40 hours of professional training at a school or training facility licensed by the department.

Schools

- Repossessor School Instructor (RI) – Applicant must:
 - Be at least eighteen (18) years old;
 - Hold a high school diploma or a GED certificate; and
 - Either
 - Hold a Class E license for 3 years within the 5-year period immediately preceding application; or
 - Hold a bachelor's, master's, or doctorate degree from a college or university with a major course of study in education, finance, criminology, criminal justice, police science, law or other course of study related to law enforcement or financial management; or
 - Hold a Class "MR" Recovery Agency Manager and have been so licensed for not less than one (1) year.
- Repossessor School (RS) - Applicants must provide background and contact information, proof of insurance, and information about the facility's location, the proposed curriculum, final examinations.

Biennial Licensure Fees

- E Recovery Agent - \$75
- EE Recovery Agent Intern - \$60
- MR Manager Recovery Agency - \$75
- R Recovery Agency - \$450
- RR Recovery Agency Branch Office - \$125
- RI Recovery School Instructor - \$60
- RS Recovery School/Training Facility - \$60

Other Fees

- Application fee - \$50 per officer
- Fingerprint - \$42 per officer
- Duplicate license without photo - \$10
- Duplicate license with photo - \$15

Sellers of Travel

Authority:

- Section 501.143, Florida Statutes
- Chapter 5J-8, Florida Administrative Code

Description:

“Seller of travel” means any person who offers for sale prearranged travel, tourist-related services, or tour-guide services, including, vacation or tour packages, or vacation certificates in exchange for a fee, commission, or other valuable consideration. The term includes any business entity offering membership in a travel club or travel services for an advance fee or payment.

Sellers of travel are further classified by their scope of business activities:

- 559.9285(1)(a) sellers do not offer for sale prearranged travel, tourist-related services, or tour-guide services directly to any terrorist state and which originate in Florida;
- 559.9285(1)(b) sellers offer for sale only prearranged travel, tourist-related services, or tour-guide services directly to any terrorist state and which originate in Florida, but engage in no other business dealings or commerce with any terrorist state; or
- 559.9285(1)(c) sellers offer for sale prearranged travel, tourist-related services, or tour-guide services directly to any terrorist state and which originate in Florida, and also engage in any other business dealings or commerce with any terrorist state.

“Independent agent” means a person who represents a seller of travel by soliciting persons on its behalf, who has a written contract with a seller of travel that is operating in compliance with this part and any rules promulgated thereunder, who does not receive a fee, commission, or other valuable consideration directly from the purchaser for the sale of travel, who does not at any time have any unissued ticket stock or travel documents in his or her possession, and who does not have the ability to issue tickets, vacation certificates, or any other travel documents.

Registration Requirements:

Sellers of travel must register with the DACS annually. Such registration requires disclosure of contact information, copies of vacation certificates offered for sale and corporate structure. The DACS issues a certificate of registration for registrants to display.

Independent agents also file an affidavit annually with the DACS, disclosing contact information. The DACS issues a proof of filing for agents to display.

The DACS may refuse registration if the seller of travel, or any of its directors, has been found guilty of a crime involving fraud, has not satisfied an administrative fine or civil judgment, or has a judgment against it for unfair trade practices.

Additionally, sellers of travel must certify their business activities by filing an annual disclosure statement with the DACS. Certain sellers of travel must also post a bond of \$25,000 to \$250,000, depending on their scope of business activities.

Exemptions:

- Employees of a registered seller of travel
- Governmental entities and employees

- Intrastate common carriers
- Public accommodations
- Sellers of diving services

Annual Registration Fees:

- Seller of Travel- \$300
- Independent agents - \$50
- Annual fee to sell vacation certificates - \$100

Late Fees and Penalties: None

Continuing Education Requirement: None

Regulatory Oversight: Department of Agriculture and Consumer Services/Division of Consumer Services

Regulatory Board: None

Number of In-State Practitioners: 6,855, including independent agents

Other Regulation:

Title 31 of the Code of Federal Regulations, Chapter V, governs the ability to travel and do business with terrorist countries.

Telemarketing Sales Rule, 16 CFR Part 310, requires telemarketers to make certain disclosures and prohibits lies. It gives state law enforcement officers the authority to prosecute fraudulent telemarketers who operate across state lines. It is also the basis for the DO-NOT-CALL list, which is managed in Florida by the DACS.

Federal Trade Commission Act, 15 U.S.C. §§ 41-58. The FTC is empowered to

- prevent unfair methods of competition, and unfair or deceptive acts or practices;
- seek monetary redress and other relief for conduct injurious to consumers; and
- conduct investigations relating to the organization, business, practices, and management of entities engaged in commerce.

Annual Revenues: \$785,447

Cost to Regulate: \$489,797

Number of Disciplinary Actions Taken: 78

- Consumer Initiated-17
- Administrative-61

Types of Complaints:

- Practicing without a license
- Practicing with an expired license

Swine Garbage Feeders

Authority:

- Chapter 585, Florida Statutes
- Chapter 5C-11, Florida Administrative Code

Description:

Food waste from grocery stores, restaurants, prisons, homes and schools are referred to as garbage. In the state of Florida, any hog producer that wishes to feed his/her swine garbage must be licensed by the state and follow its rules.

Registration Requirements:

The cooperative State-Federal Swine Health Protection Program established standards for feeding waste to swine. The standards were designed to prevent the introduction of foreign animal diseases such as Foot-and Mouth Disease (FMD) and Classical Swine Fever (CSF) into U.S. herds. As the primary entity charged with fulfilling the requirements under this act, state Division of Animal Industry inspectors have the responsibility of conducting monthly checks at facilities that collect edible waste food products that are cooked and fed to swine.

Exemptions: None

Continuing Education Requirements: None

Annual Fees:

- \$50 – 1-25 pigs
- \$100 – 26-50 pigs
- \$150 – 51-100 pigs
- \$200 >100 pigs

Other Fees: None

Regulatory Oversight: Department of Agriculture and Consumer Services

Regulatory Board: None

Other Regulation: State-Federal Swine Health Protection Program

Number of Registrants: 72

Annual Revenues: \$7,200

Cost to Regulate: \$54,766 (\$60,000 in additional Federal Funds)

Number of Disciplinary Actions Taken: 0

- Consumer Initiated-0
- Administrative-0

Talent Agencies

Authority:

- Chapter 468, Part VII, Florida Statutes
- Chapter 61-19, Florida Administrative Code

Description:

"Talent Agency" means any person who, for compensation, engages in the occupation or business of procuring or attempting to procure engagements or any employment or placement of an artist, where the artist performs in his or her artistic capacity.

Scope of Practice:

Represent and promote talent and performers to prospective employers. May handle contract negotiation and other business matters for clients.

License Categories:

- Talent Agency - means any person who, for compensation, engages in the occupation or business of procuring or attempting to procure engagements for an artist.

Methods of Licensure:

- Business Entity - Each application for a license must be accompanied by an application fee set by the department, plus the actual cost for fingerprint analysis for each owner application, to cover the costs of investigating the applicant.

Each application must include:

- The name and address of the owner of the talent agency.
- Proof of at least 1 year of direct experience or similar experience of the operator of such agency in the talent agency business or as a subagent, casting director, producer, director, advertising agency, talent coordinator, or musical booking agent.
- The street and number of the building or place where the talent agency is to be located. If the applicant is other than a corporation, the application shall also include the names and addresses of all persons, except bona fide employees on stated salaries, financially interested, either as partners, associates, or profit sharers, in the operation of the talent agency in question, together with the amount of their respective interest.
- The application must be accompanied by affidavits of at least five reputable persons, other than artists, who have known or have been associated with the applicant for at least 3 years, stating that the applicant is a person of good moral character or, in the case of a corporation, has a reputation for fair dealing.

Exemptions:

- A person does not need a talent agency license to procure opera, music, theater, or dance engagements for any organization defined in s. 501(c)(3) of the Internal Revenue Code or any nonprofit Florida arts organization that has received a grant from or has

participated in the state touring program of the Division of Cultural Affairs. Auctions conducted under a judicial or an administrative order, or sales required by law to be at auction.

Initial Fees:

- Application Fee - \$300
- Initial License - \$400
- Unlicensed Activity Fee - \$5

Biennial License Renewal Fees:

- Talent Agency - \$400
- Unlicensed Activity Fee - \$5

Late Fees and Penalties:

- Late Fee - \$50
- Reactivation Fee - \$150
- Fees for Reinstatement of a Void License for Disciplinary Action:
 - Non refundable Reactivation fee of \$400

Continuing Education Requirement: None

Regulatory Oversight: Department of Business and Professional Regulation/Division of Regulation

Regulatory Board: None

Number of In-State Practitioners: 201

Annual Revenues: \$138,438

Cost to the State to Regulate: \$136,851

Other Regulations: None

Number of Disciplinary Actions Taken: 30

- Consumer Initiated-27
- Administrative-3

Types of Complaints:

- Financial misconduct
- Practicing without a license

Telemarketing

Authority:

- ss. 501.601 – 501.626, Florida Statutes
- Chapter 5J-6, Florida Administrative Code

Description:

"Commercial telephone solicitation" means:

(a) An unsolicited telephone call to a person initiated by a commercial telephone seller or salesperson, or an automated dialing machine used in accordance with the provisions of s. 501.059(7) for the purpose of inducing the person to purchase or invest in consumer goods or services;

(b) Other communication with a person where:

1. A gift, award, or prize is offered; or
2. A telephone call response is invited; and
3. The salesperson intends to complete a sale or enter into an agreement to purchase during the course of the telephone call; or

(c) Other communication with a person which represents a price, quality, or availability of consumer goods or services and which invites a response by telephone or which is followed by a call to the person by a salesperson.

Types of Registrants:

"Commercial telephone seller" means any person engaged in commercial telephone solicitation on his or her own behalf or through salespersons, including owners and others engaged in the management activities of a business entity pursuant to this part.

"Salesperson" means any individual employed by a commercial telephone seller to solicit sales on behalf of the commercial telephone seller.

Registration Requirements:

Commercial telephone sellers must register with the DACS annually. Such registration requires disclosure of contact and background information and copies of scripts or other materials used in solicitations. The DACS issues a certificate of registration for registrants to display.

Salespersons must register with the DACS annually. Such registration requires disclosure of contact and background information.

Commercial telephone sellers must also post a security of at least \$50,000.

Exemptions:

- Isolated commercial telephone solicitation
- Solicitations for nonprofit 501(c)(3) or 501(c)(6) organizations
- Solicitations from licensed investment brokers or advisors
- Solicitations from licensed insurance brokers or agents
- Solicitations from federal- or state-supervised financial institutions

- Solicitations from licensed real estate professionals
- Solicitations from those licensed to sell vacation and timeshares plans
- Solicitations from those licensed to sell funeral services
- Solicitations from those licensed to sell pest control services
- Solicitations from those licensed to sell food or produce
- Solicitations for newspaper sales
- Solicitations for book, video or record clubs regulated by the Federal Trade Commission
- Solicitations for cable television services
- Solicitations for telephone services
- Business-to-business solicitations
- Solicitations for maintenance or repair of goods previously purchased
- Licensed commercial telephone seller

Continuing Education Requirements: None

Annual Fees:

- Commercial telephone seller - \$1,500
- Salesperson - \$50

Other Fees:

- Updates to disclosure information - \$10

Regulatory Oversight: Department of Agriculture and Consumer Services/Division of Consumer Services

Regulatory Board: None

Number of Registrants: 18,205

Annual Revenues: \$785,448

Cost to Regulate: \$489,797

Other Regulation:

Telemarketing Sales Rule, 16 CFR Part 310, requires telemarketers to make certain disclosures and prohibits lies. It gives state law enforcement officers the authority to prosecute fraudulent telemarketers who operate across state lines. It is also the basis for the DO-NOT-CALL list, which is managed in Florida by the DACS.

Federal Trade Commission Act, 15 U.S.C. §§ 41-58. The FTC is empowered to

- Prevent unfair methods of competition, and unfair or deceptive acts or practices;
- Seek monetary redress and other relief for conduct injurious to consumers; and
- Conduct investigations relating to the organization, business, practices, and management of entities engaged in commerce.

Number of Disciplinary Actions Taken: 273

- Consumer Initiated-106
- Administrative-167

Types of Complaints:

- Practicing without a license
- Practicing with an expired license

Timeshares

Authority:

- Chapter 721, Florida Statutes
- Chapter 61B-37 through 41, Florida Administrative Code.

Description:

"Timeshare plan" means any arrangement, plan, scheme, or similar device, other than an exchange program, whether by membership, agreement, tenancy in common, sale, lease, deed, rental agreement, license, or right-to-use agreement or by any other means, whereby a purchaser, for consideration, receives ownership rights in or a right to use accommodations, and facilities, if any, for a period of time less than a full year during any given year, but not necessarily for consecutive years.

- The term "timeshare plan" includes: a "personal property timeshare plan," means a timeshare plan in which the accommodations are comprised of personal property that is not permanently affixed to real property and a "real property timeshare plan," which means a timeshare plan in which the accommodations of the timeshare plan are comprised of or permanently affixed to real property.

This chapter applies to all timeshare plans consisting of more than seven timeshare periods over a period of at least 3 years in which the accommodations and facilities, if any, are located within this state or offered within this state.

Scope of Practice:

Before a community can be built, the developer must submit a filing to the division for its approval. The filing must meet the consumer protection requirements of this chapter before timeshare periods can be offered for sale to the public.

License Categories:

No license required.

Methods of Licensure:

No license required.

Initial Fees: Public offering filing fee—a filing fee of \$2 for each 7 days of annual use availability in each timeshare unit that may be offered as a part of the proposed public offering of the timeshare plan is due to the division.

Biennial License Renewal Fees: None

Late Fees and Penalties: None

Continuing Education Requirement: None

Regulatory Oversight: Department of Business and Professional Regulation/Division of Division of Florida Condominiums, Timeshares, and Mobile Homes.

Regulatory Board: None.

Number of In-State Practitioners: 549 projects

Annual Revenues: \$7,051,686 (Total for Condominiums, Cooperatives, Timeshares, Mobile Homes, and Yacht and Ship Brokers-No individual breakdown available)

Cost to the State to Regulate: \$6,192,897 (Total for Condominiums, Cooperatives, Timeshares, Mobile Homes, and Yacht and Ship Brokers-No individual breakdown available)

Other Regulations: None

Number of Disciplinary Actions Taken: 11

- Consumer Initiated-4
- Administrative-7

Types of Complaints:

- Misleading promotional offers
- Failure to provide disclosures regarding prizes for participation
- Failure to provide audited financial statements

Veterinary Medicine

Authority:

- Chapter 474, Florida Statutes
- Chapter 61G18, Florida Administrative Code

Description:

"Veterinary Medicine" includes, with respect to animals, surgery, acupuncture, obstetrics, dentistry, physical therapy, radiology, theriogenology, and other branches or specialties of veterinary medicine.

Scope of Practice:

A veterinarian is licensed to engage in the following activities:

- Diagnosing of medical conditions of animals;
- Prescribing, dispensing, or administering drugs, medicine, appliances, applications, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease thereof;
- Performing any manual procedure for the diagnosis of or treatment for pregnancy or fertility or infertility of animals; or
- Determining the health, fitness, or soundness of an animal; and
- Surgery, acupuncture, obstetrics, dentistry, physical therapy, radiology, theriogenology, and other branches or specialties of animal medicine.

License Categories:

- Veterinarian - means a health care practitioner who is licensed to engage in the practice of veterinary medicine in Florida.
- Limited Service Permit - means offering or providing veterinary services at any location that has a primary purpose other than that of providing veterinary medical service at a permanent or mobile establishment permitted by the board; provides veterinary medical services for privately owned animals that do not reside at that location; operates for a limited time; and provides limited types of veterinary medical services.
- Premises Permit - a premises permit is required for an establishment, permanent or mobile, where a licensed veterinarian practices.

Methods of Licensure:

- Examination - Any person desiring to be licensed as a veterinarian shall apply to the department to take a licensure examination. The Board of Veterinary Medicine may by rule adopt use of a national examination in lieu of part or all of the examination required by this section, with a reasonable passing score to be set by rule of the board.

The department shall license each applicant who the board certifies has:

- Completed the application form and remitted an examination fee set by the board.

- Graduated from a college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education; or graduated from a college of veterinary medicine listed in the American Veterinary Medical Association Roster of Veterinary Colleges of the World and obtained a certificate from the Education Commission for Foreign Veterinary Graduates.
- Successfully completed the examination provided by the department for this purpose, or an examination determined by the board to be equivalent.
- Demonstrated knowledge of the laws and rules governing the practice of veterinary medicine in Florida in a manner designated by rules of the board.
- Endorsement - The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting a fee set by the board, demonstrates to the board that she or he:
 - Has demonstrated, in a manner designated by rule of the board, knowledge of the laws and rules governing the practice of veterinary medicine in this state; and
 - Either holds, and has held for the 3 years immediately preceding the application for licensure, a valid, active license to practice veterinary medicine in another state, provided that the requirements for licensure in the issuing state, are equivalent to or more stringent than the requirements of Florida; or
 - Meets the qualifications of this state's laws and has successfully completed a state, regional, national, or other examination which is equivalent to or more stringent than the examination given by the department and has passed the board's clinical competency examination or another clinical competency examination specified by rule of the board.

Initial Fees:

- Veterinarian
 - Application Fee - \$100
 - Examination Fee - \$165
 - Examination Review Fee - \$55
 - Initial License - \$200 (by Endorsement - \$500)
 - Unlicensed Activity Fee - \$5
- Limited Service Permit
 - Application Fee - \$100
 - Initial License - \$250
 - Per Location - \$25
 - Unlicensed Activity Fee - \$5
- Premise Permit
 - Application Fee - \$100
 - Initial License - \$250
 - Unlicensed Activity Fee - \$5

Biennial License Renewal Fees:

- Veterinarian - \$260

- Premise Permits - \$250
- Unlicensed Activity Fee - \$5

Annual License Renewal Fees:

- Limited Service permit -\$250

Late Fees and Penalties:

- Late Fee - \$260
- Reactivation Fee - \$50
- Fees for Reinstatement of a Void License:
 - Non refundable Reactivation fee of \$260.

Continuing Education Requirement: Completion of 30 hours of continuing professional education in veterinary medicine every biennium, 2 of which shall be in the area of dispensing prescription drugs. Additionally, not more than 15 hours shall be non-interactive correspondence courses and a licensed veterinarian shall receive credit for no more than 5 hours of continuing education in business, practice management courses or stress and impairment seminars during any biennium period.

The fees for these continuing education courses vary depending on provider rates.

Regulatory Oversight: Department of Business and Professional Regulation/Division of Regulation

Regulatory Board: Board of Veterinary Medicine

Number of In-State Practitioners: 8,102

Annual Revenues: \$2,174,189

Cost to the State to Regulate: \$1,349,352

Other Regulations: The Department of Agriculture and Consumer Service regulates veterinary medicine as to livestock. The Department of Business and Professional Regulation regulates veterinary medicine as it relates to race horses and dogs.

Number of Disciplinary Actions Taken: 84

- Consumer Initiated-45
- Administrative-39

Types of Complaints:

- Negligence or incompetency leading to death of a pet

Yacht and Ship Brokers

Authority:

- Chapter 326, Florida Statutes
- Chapter 61B-60, Florida Administrative Code.

Description:

"Broker" means a person who, for or in expectation of compensation: sells, offers, or negotiates to sell; buys, offers, or negotiates to buy; solicits or obtains listings of; or negotiates the purchase, sale, or exchange of, yachts for other persons. "Yacht" means any vessel which is propelled by sail or machinery in the water which exceeds 32 feet in length, and which weighs less than 300 gross tons.

Scope of Practice:

Broker or sell a vessel, in the secondary market, over 32 feet in length and weighing less than 300 gross tons requires a license issued by the division.

in which 10 or more lots are offered for rent or lease.

License Categories:

Yacht and ship brokers and salespersons- "Broker" means a person who, for or in expectation of compensation: sells, offers, or negotiates to sell; buys, offers, or negotiates to buy; solicits or obtains listings of; or negotiates the purchase, sale, or exchange of, yachts for other persons.

"Salesperson" means a person who, for or in expectation of compensation, is employed by a broker to perform any acts of a broker.

Methods of Licensure:

Yacht and ship brokers and salespersons-"Person" means an individual, partnership, firm, corporation, association, or other entity.

When the application has been determined to be in acceptable form, the division shall evaluate the application and make appropriate inquiry to determine the applicant's moral character. The completion of a criminal history check by the Florida Department of Law Enforcement that reveals no convictions of a felony, no convictions of a misdemeanor involving moral turpitude, and no pleas of nolo contendere, pleas of guilty, or verdicts of guilty to a felony charge or of any non-felonious offense involving moral turpitude, fraud, theft, dishonesty, assault and battery, or false statement.

Exemptions

Yacht and Ship Brokers

- A license is not required for:
 - A person who sells his or her own yacht.
 - An attorney at law for services rendered in his or her professional capacity.
 - A receiver, trustee, or other person acting under a court order.
 - A transaction involving the sale of a new yacht.

Initial Fees

- Application Fee-\$500
- Background Check-\$51
- Initial License Fee-\$100 (each Broker's branch office; prorated related to time left on license)

Biennial License Renewal Fees:

- Broker or Salesperson-\$500
- Broker's Branch Office-\$100

Late Fees and Penalties:

- Reinstatement Fee-\$100

Continuing Education Requirement: None

Regulatory Oversight: Department of Business and Professional Regulation/Division of Division of Florida Condominiums, Timeshares, and Mobile Homes.

Regulatory Board: None.

Number of In-State Practitioners: 2,663

Annual Revenues: \$7,051,686 (Total for Condominiums, Cooperatives, Timeshares, Mobile Homes, and Yacht and Ship Brokers-No individual breakdown available)

Cost to the State to Regulate: \$6,192,897 (Total for Condominiums, Cooperatives, Timeshares, Mobile Homes, and Yacht and Ship Brokers-No individual breakdown available)

Other Regulations: None

Number of Disciplinary Actions Taken: 7

- Consumer Initiated-5
- Administrative-2

Types of Complaints:

- Practicing without a license

**Regulation Review
Worksheet**

Business and Consumer Affairs Subcommittee

**Department of Business and Professional Regulation and portions of
the Department of Agriculture and Consumer Services**

Regulation Review Worksheet

January 11, 2011

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		
4	18	Architects		
5	22	Asbestos Consultants		
6	25	Asbestos Contractors		
7	29	Athlete Agents		
8	31	Auctioneer Apprentices		
9	34	Auctioneers		
10	37	Barbers		
11	41	Boxing, Kick Boxing, and Mixed Martial Arts		
12	44	Building Code Administrators And Inspectors		
13	48	Business Opportunities		
14	50	Cattle Owners with Officially Registered Brands		
15	51	Charitable Organizations		
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		
22	77	Electrical Contractors		

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
23	82	Elevator Safety		
24	85	Employee Leasing Companies		
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)		
33	110	Home Inspection Services		
34	112	Homeowners Associations		
35	114	Interior Designers		
36	118	Intrastate Movers		
37	120	Landscape Architecture		
38	124	Lodging		
39	127	Mobile Home Parks		
40	129	Mold-Related Services		
41	132	Motor Vehicle Repair Shops		
42	134-140	Pari-Mutuel Wagering		
43	135	Pari-Mutuel Wagering		
44	137	Intertrack Wagering		

Business and Consumer Affairs Subcommittee

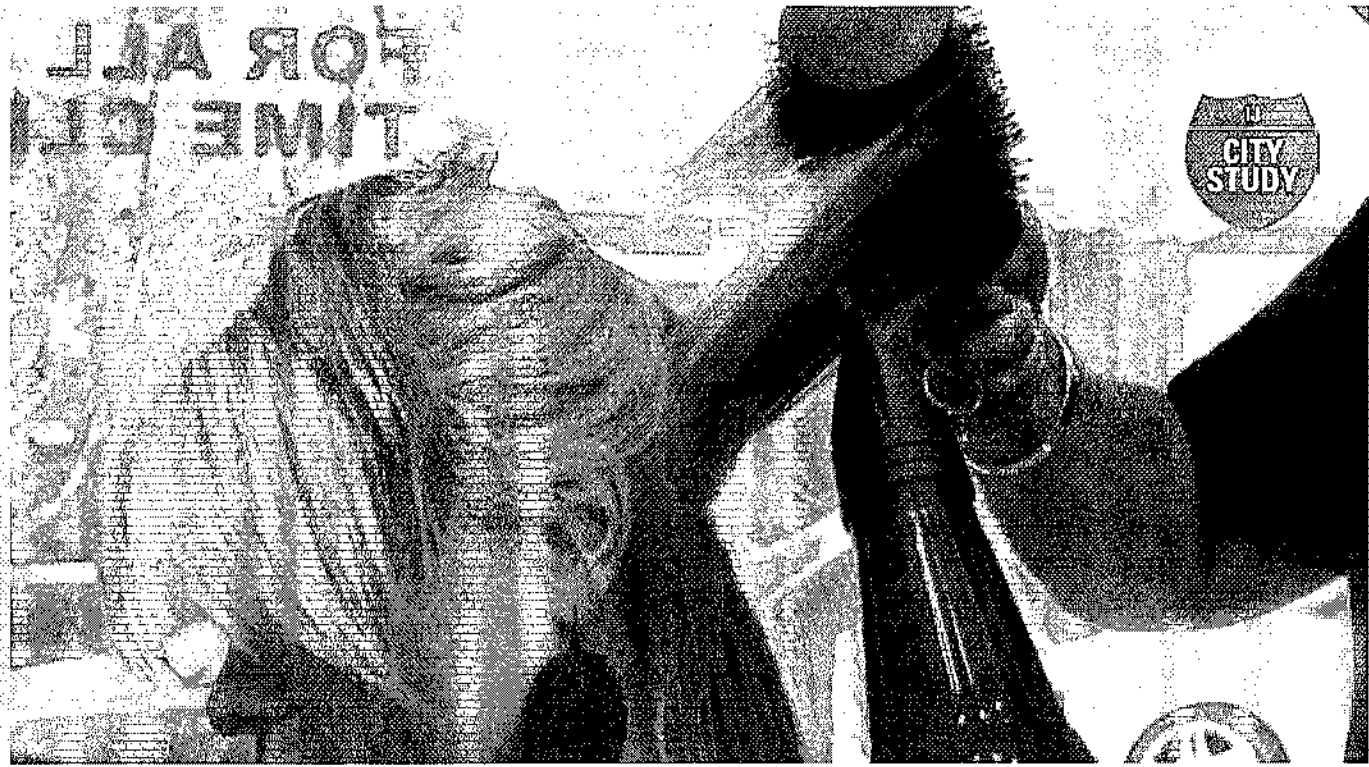
Regulation Review

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

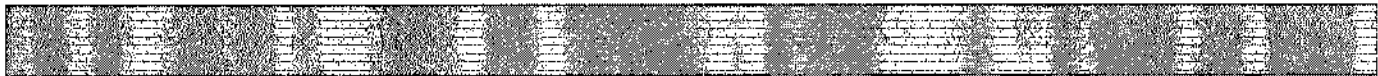
Subcommittee Worksheet

Line No.	Ref. Book Page No.	Business/Profession	Additional Information Needed "X"	Brief Description of Information Requested
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		
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		
60	177	Talent Agencies		
61	179	Telemarketing		
62	182	Timeshares		
63	184	Veterinary Medicine		
64	187	Yacht and Ship Brokers		

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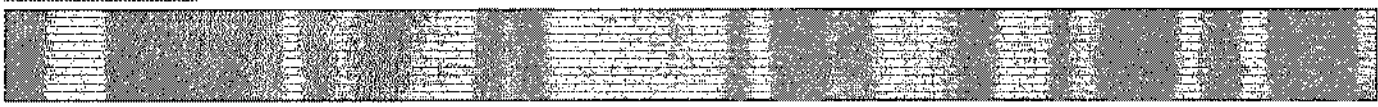


November 2010
Written by
PAUL SHERMAN



Miami's Vice

Overregulating Entrepreneurs



Hallandale
Golden Beach
Sunny Isles
Miami
Metairie
North Miami
Alhambra
Bay Harbor
Coral Gables



Cover Photos

Top—Requirements for Miamians who want to cut or perm hair are expensive—1,200 hours of school at a cost of \$10,000 or else risk jail time.

Bottom—It is a crime to make drawings showing the placement of furniture without first completing six years of combined education and apprenticeship and also passing a national licensing exam.

Miami's Vice

Overregulating Entrepreneurs

by Paul Sherman, Staff Attorney
Institute for Justice
November 2010

Acknowledgments

The Institute for Justice wishes to thank the Diehl Family Foundation for the generous support that made this project possible.

The author wishes to express his appreciation to the individuals who allowed themselves to be interviewed or photographed for this report. Additionally, the author thanks Miami residents Emiliano Antunez and Hector Roos for valuable assistance in the early research stages of this report. Finally, the author thanks Enzo Church, who in true entrepreneurial fashion, offered to serve as translator. Any errors or omissions that remain are the sole responsibility of the author.



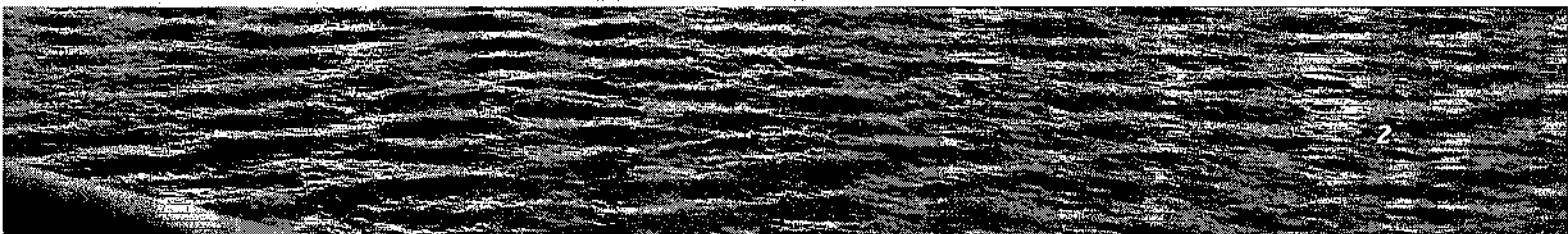
One survey of the 50 most populous cities in the United States recently placed Miami dead last in terms of job prospects, with nine people unemployed for every job posting.



Occupational licensing

Among the barriers to entry Miami entrepreneurs face are:

- Government-supported monopolies—Despite Miami's abysmal public transportation system and a growing demand for private alternatives, entry into the transportation industry is heavily restricted and practically impossible for small entrepreneurs.
- Prohibitively expensive taxes—The business taxes required just to peddle flowers in Miami cost more than \$500 every year.
- Overly restrictive zoning laws—All home-based entrepreneurs, even artists and freelance writers, are required to get permission from the zoning board before opening their business, even if they don't have employees or customers coming to the house.
- Expensive educational requirements for common occupations—Miamians who want to cut or perm hair must attend 1,200 hours of school at a cost of \$10,000 or more, or else risk jail time.
- Absurd licensing requirements—Florida is one of only three states in the country that licenses interior designers. It's a crime to make drawings showing the placement of furniture without first completing six years of combined education and apprenticeship and also passing a national licensing exam.



Red Tape

Among the permitting nightmares faced by Miami entrepreneurs:

- **Outrageous delays**—It can take up to one year to get the permits required to open a business, during which the aspiring entrepreneur is paying rent but forbidden to operate his or her business.
- **Endless permits**—Business owners in historic districts must wait months for approval of even minor cosmetic alterations to their property.
- **Adding insult to injury**—A failing business cannot even have a going-out-of-business sale without first getting government permission and then complying with daily reporting requirements.

Despite all these problems, there are a few bright spots. In a small number of areas the state has taken steps to streamline entry into common occupations and remove overregulation. The city, county and state can learn from these examples and build on them to expand opportunities for entrepreneurs in the future.

Unfortunately, entrepreneurs are largely unable to take advantage of these increased opportunities because entry into both the jitney and taxi markets is virtually impossible.

Burdensome Regulations

More and more often, entrepreneurs require a license from the government in order to earn an honest living in the occupation of their choosing. Fifty years ago, only five percent of the population worked in licensed occupations. Today, that number has skyrocketed to almost 30 percent.³ This explosive growth has been driven by industry insiders who view licensing as a way to gain prestige and, more importantly, shut out their competitors. But occupational-licensing schemes are far from the only regulations that burden entry into specific occupations—even when the government does not require entrepreneurs to meet specific qualifications, it may still restrict entry through high fees or burdensome paperwork. In either case, the result is that in industry after industry entrepreneurs are prevented from earning an honest living and consumers are forced to pay higher prices for fewer choices.⁴

Transportation

Public transportation in Miami has been called a “disaster.”⁵ Indeed, Miami’s “skimpy public transit system . . . services only 3% of commuters daily,” leading *Forbes* magazine to declare the city the third worst in the country for commuters.⁶ And with recent reductions in routes, fewer buses are going fewer places, which has increased the demand for private transportation in the form of taxis and jitneys. Unfortunately, entrepreneurs are largely unable to take advantage of these increased opportunities because entry into both the jitney and taxi markets is virtually impossible.

Jitneys

As reported recently in the *Miami Herald*, “Miami has long had a deep Caribbean influence, and the jitney service is a reflection of it.”⁷ A “jitney” is a shared van that runs along a fixed route, like a bus, but can pick up and drop off passengers anywhere along that route, like a taxi. The name derives from early-20th-century slang for a five-cent piece, which was at one time the standard fare.⁸ Although jitneys no longer cost a nickel to ride—Miami’s jitneys charge



Jitney vans have long been an ideal startup business for aspiring entrepreneurs.

\$1.50—they are still an affordable and convenient means of transportation.

Because they do not require a great deal of financial capital or education, jitneys are an ideal startup business for aspiring entrepreneurs, as was accidentally demonstrated in 1989 when it was discovered that the Florida legislature had “created a legal loophole that permitted competitive, unregulated services like jitneys.”⁹ The loophole was created by a 1981 bill that “barred local governments from regulating intercity transportation services.”¹⁰ Within months of this loophole being discovered by enterprising drivers, “over 20 jitney firms had emerged to serve the accidentally created market.”¹¹ These firms prospered, attracting 43,000 to 49,000 passengers per weekday, “about 20 percent as much as the public transit system.”¹²

The new jitney companies flourished because they were good at what they did. According to one report on the industry, “After a week of jitney and transit riding, two reporters from the Miami Herald found jitneys to be far superior in terms of service frequency, speed, and ‘friendliness.’”¹³ The jitneys were also profitable, averaging a 40-cent profit per passenger compared to the subsidized Metrobus’ loss of more than a dollar per passenger. Surprisingly, most of the jitney customers were not switching over from public transportation. According to a report from the Reason Foundation, “[O]nly about 23 percent of the jitneys’ ridership represent[ed] diversion from the bus system.”¹⁴

The explosion of jitney service in Miami was a textbook example of the dynamism of free markets. Left to their own devices, entrepreneurs rushed to satisfy Miami’s transportation needs. Before long, as the Reason report noted, “The jitneys were considered such a vital part of Miami’s transportation system that the Federal Emergency Management Agency contracted with up to 350 jitneys to provide emergency transportation services following Hurricane Andrew in 1992.”¹⁵

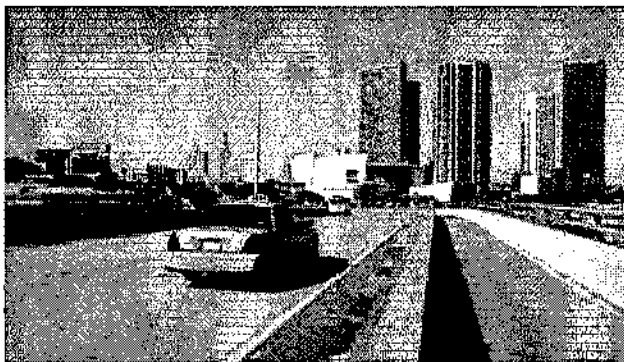
Unfortunately, the success of the deregulated jitney market was also its undoing. In response to lobbying by the jitneys’ competitors in the taxi industry and public transit, the state legislature returned control of the jitney market to the counties, and Miami-Dade County ended the unregulated jitney market in 1991.¹⁶ The nonprofit Independence Institute reported, “The reason for ending jitney service was political. The government simply did not feel comfortable allowing the private sector to compete against a public sector monopoly bus system.”¹⁷

Since then, the jitney market has stagnated. There are currently 13 carriers licensed to provide jitney service in Miami-Dade County, the same number as a decade ago.¹⁸ Others can apply, but it takes three to six months just to get the application considered.¹⁹ Even more problematic, applicants find themselves pitted against their future competitors, both public and private. In order to be granted permission to operate a jitney service, applicants must demonstrate that their services will not “adversely affect the existing transportation structure.”²⁰ Think about that for a moment: the applicant is required to demonstrate to the government that they will not compete against existing service providers. Applicants must also get approval for a proposed route, which may not overlap more than 30 percent with any existing public-transit route. Again, government power is used to prevent one business from competing against another more politically powerful enterprise. According to an official interviewed for this report, this requirement is a major hurdle; most existing jitney routes have been grandfathered in and would not be able to meet this requirement today. Additionally, if passengers in a given area are already being picked up on average every 29 minutes, it

is presumed that additional service is not in the “public interest.”²¹ Finally, any “interested party” in the ground-transportation industry has the right to object to any application to provide additional jitney service. But asking established transportation providers whether Miami needs more jitneys is like asking Burger King whether Miami needs another McDonald’s. The results are predictable: Established jitney companies, taxi drivers or the transit union invariably protest new entrants, and licenses are almost never granted.

Father Eduardo Alvarez, the pastor at Gesu Church, the oldest Catholic Church in Miami, has seen firsthand the harm caused by the lack of inexpensive, reliable transportation in Miami. Because the elderly disproportionately rely on buses, which run infrequently, he often sees his elderly parishioners anxiously checking their watches so they can be certain not to miss their ride home. He thinks that a more-robust jitney market would allow these parishioners to relax and enjoy their religious services, confident that they won’t be forced to wait an hour or more for a bus in the sweltering Miami heat. Miami’s stagnant jitney market also harms the poor. A survey conducted during the heyday of Florida’s experiment with unlicensed jitney markets found that 78 percent of Miami’s jitney riders earned below \$20,000 per year.²²

Florida’s unintentional experiment with jitney deregulation proves that there is a solution to Miami-Dade’s public-transportation nightmare: The government needs to get out of the way. Although the county certainly has an interest in ensuring that jitney vans are safe and that drivers are qualified and insured, the government has no interest in preventing the entry of safe vehicles and drivers into the transportation market. Doing so doesn’t just harm drivers trying to earn an honest living, it also harms those who rely on their services.



If the county wants to improve transportation services while simultaneously assisting some of its poorest and hardest-working residents, it should limit regulations on taxicabs to those designed to protect public health and safety, abandon the medallion system and let the market determine the optimal number of taxis.

Taxis

Entry into the Miami taxi market is severely restricted by the city's medallion system of taxicab licensing. Although Miami-Dade County has a population of more than 2.5 million residents, there are only 2,089 medallions, meaning that there is approximately one cab for every 1,200 people in the county. By comparison, New York City's heavily regulated taxi market has more than twice as many cabs per resident as Miami-Dade County does.

Because of the scarcity of medallions, most drivers are forced to lease their medallions from other people, paying them as much as \$350 per week.²³ That is more than \$18,000 per year just for the opportunity to drive a taxi on the streets of Miami, a shocking amount when one considers that, after these expenses, a taxi driver may take home only between \$300 and \$350 for 84 hours of work.²⁴

Additional medallions are issued by lottery. These lotteries are not held on any scheduled basis, but rather are held only when specially approved by the Miami-Dade Board of County Commissioners. This has resulted in the entrenched taxi industry lobbying heavily against holding lotteries. According to an official interviewed for this report, the county has not held a lottery to issue unrestricted medallions in nearly three years and does not plan on doing so anytime soon.²⁵

When the county does hold lotteries, all entrants are required to pay a nonrefundable entrance fee and an investigative/processing fee.²⁶ During the 2006 lottery, these fees were \$100 and \$170, respectively.²⁷ Additionally, only those who have held a chauffeur's license for five years preceding the lottery are eligible to win.²⁸ Drivers may be eligible for multiple lotteries based on the number of years driven, the areas they intend to drive in, and whether they are honorably discharged veterans. Drivers are permitted to enter multiple lotteries, but must pay the \$100 fee for

each lottery entered. So, for example, a military veteran with 20 years of experience driving in South Miami-Dade would be eligible for four different lotteries, and would have to pay \$570 total to enter all of them. Drivers lucky enough to be selected in the medallion lottery must front \$25,000 within 120 days of being selected.²⁹ But compared to the lease rates or the cost of the secondary market, that is a bargain.

For drivers who don't win the lottery, the cost of buying an existing medallion on the secondary market is prohibitive—medallions can sell for \$200,000 or more.³⁰ According to a 2007 report on Miami's taxi riders, to shoulder this cost, "Drivers have to borrow funds on an informal secondary financial market with 10% or more interest rate."³¹ On top of this, any sale of a medallion must be approved by the county, and sales will only be approved if the purchaser has held a chauffeur's license for five years preceding the sale.³² The end result of this system is that, despite an increasing demand for alternatives to public transportation, new drivers cannot easily enter the market and existing drivers are kept poor by the artificially high cost of leasing their right to work.

The government-created artificial scarcity caused by the medallion system does nothing but enrich a handful of medallion holders at the

expense of both drivers and the riding public. If the county wants to improve transportation services while simultaneously assisting some of its poorest and hardest-working residents, it should deregulate its taxi market by abandoning the medallion system and letting the market determine the optimal number of taxis.

Street Vending

For some, street vending is a first step up the economic ladder. For others, like Marcelo Segundo, it is a low-overhead means of supplementing their other income. Marcelo epitomizes entrepreneurship and believes, "There's nothing like owning your own business."³³ He appreciates the freedom of being his own boss. So, after years of working successfully as a welder, he wanted to branch out into a second business: selling flowers.

Drawing on his unique talents, Marcelo built his cart from scratch, welding it onto a jet-ski trailer that he bought used for \$200. Altogether, the material for his cart and the flowers he needed to start his business cost about \$1,100. But stationary vendors like Marcelo, who pays a local business owner a percentage of his flower sales in exchange for a parking space in which to set up his cart, are required to obtain a license called a "business-tax receipt" from the city. Marcelo had to pay \$439 for his city business-tax receipt—more than 25 percent of the total start-up cost of his business—before he could sell a single flower. This fee is the same whether a vendor operates on private

property, as Marcelo does, or whether the vendor operates on public property.

In addition to getting a business-tax receipt from the city of Miami, Marcelo was also required to get one from Miami-Dade County.³⁴ This cost another \$60.³⁵ Both business-tax receipts are good for only one year, and the city's fees have subsequently been raised to \$473, which means that Marcelo must pay more than \$500 in taxes annually just for the freedom to sell flowers on private property. Not all peddlers, however, are required to pay this much. In fact, Miami's local business tax for peddlers varies wildly depending on the product sold. If Marcelo sold fruit instead of flowers, the business tax would have been only \$99; if he sold rubber balloons, it would have been only \$16.³⁶ Indeed, only one category of peddlers is required to pay more for the right to do business in Miami—wholesale food peddlers pay \$630 per year.³⁷ But outrageous taxes are only a small part of the challenges street vendors face. Indeed, in some ways, Marcelo is one of the lucky vendors—for vendors who want to sell in downtown Miami, starting a business is even more difficult.

Vending in downtown Miami is strictly limited to food and flowers; other merchandise is not permitted. There is also a cap on the number of vendors. While the law permits as many as 75 vendors in the downtown area,³⁸ the actual numbers are much lower because the city is not required to issue all 75 licenses. Instead, each year, the Downtown Development Authority holds a lottery to distribute however many licenses it believes are appropriate. For the 2008-2009 lottery, that amounted to only 28 licenses. Making matters worse, a new lottery is held to reapportion the licenses every year, which means that even if you are lucky enough to operate as a street vendor in one year, there is no guarantee that you will be allowed to do so the following year. And even if a vendor does win the lottery two years in a row, they are not permitted to vend from the same location two years in a row.³⁹ That means a vendor can't really invest in or develop her business. She might not be in business at all next year, and even if she is, she will probably be far away from the loyal customers of the previous year.

Although there is no fee to enter the lottery, doing so is not easy. Just to submit an entry in the 2008-2009 lottery, an aspiring vendor was required to already have obtained:

If Miami wants to encourage entrepreneurship and self-sufficiency among its residents, the city should stop playing favorites with street vendor licensing and lower its prohibitively high business taxes. Marcelo Segundo pays more than \$500 in local taxes annually, just for the freedom to sell flowers on private property.



- An occupational license from the City of Miami;
- An occupational license from Miami-Dade County;
- A license from the Florida Department of Business and Professional Regulation if the vendor intends to sell prepared foods like hot dogs (\$347 + \$50 application fee); or a license from the Florida Department of Agriculture if the vendor intends to sell only pre-packaged food or fruit (\$300 + \$10 epidemiology fee); or a license from the City of Miami if the vendor intends to sell confections like gum, cookies or candy (\$61);
- State and local tax certificates;
- A certification from the Department of Revenue that all taxes have been paid;
- A current DMV registration and plate number of the cart;
- A "Cart Certification Form" signed by three different bureaucrats from three different departments;
- Insurance coverage of at least \$500,000 "for bodily injury, and property damage respectively per occurrence."⁴⁰

Because entry into the lottery is no guarantee of success, it is entirely possible for a vendor to acquire a cart

and all of the required licenses and then not be permitted to sell her goods in downtown Miami. Those vendors who do win the lottery must pay \$20, \$50 or \$100 per month in rent, depending on the location they vend from.⁴¹

If Miami wants to encourage entrepreneurship and self-sufficiency among its residents, the city should stop playing favorites with street vendor licensing and lower its prohibitively high business taxes. If balloon sellers need only pay \$16 for the "privilege" of doing business in Miami, there is no good reason why flower sellers like Marcelo should have to pay almost 30 times that amount. The city should also eliminate the artificial cap on vending in the downtown area, which makes it impossible for vendors to start and maintain a stable business. Regulations should be limited to those that genuinely protect the public's health and safety, rather than those that are purposefully designed to limit economic opportunity.

Home-Based Businesses

For many aspiring entrepreneurs, a home-based business is the perfect way to start climbing the economic ladder. But like everything in Miami, starting a home business requires paperwork. Before entrepreneurs may open a home business, they must first apply for a Class II Special Permit.⁴² Failure to obtain this permit before opening a home business is punishable by a \$500 fine and up to 60 days in jail.

The process of getting a home-based business approved can take up to two months and is by no means easy. One attorney who has been through the process described it as a "horrible, horrible experience. I would never do it again." Among other things, the process involved acquiring the original building plans for her condominium, taking photos of both the exterior of the building and her home office, and sending certified letters to neighbors and local homeowners associations to give them the opportunity to object to her home law practice, even though she never sees clients at her home. According to this entrepreneur, mailing the letters alone cost nearly \$150. Her complaints were echoed by Cristina Maria Lloyd, owner of OuttaSpace, Inc. As a professional organizer, Cristina can usually accomplish



The Coral Gate neighborhood has been declared a "Neighborhood Conservation District," where all home-based businesses are banned.

paperwork on "autopilot," but even she found the process bewildering. And if lawyers and professional organizers find the process of starting a home-based business daunting, just imagine how everyone else must feel.

In addition to the sheer burden of applying for a home-based business, the city also severely limits the types of permissible home businesses and the manner in which they can be run. First, home occupations are strictly limited to "[a]rchitect, artist, broker, consultant, dressmaker, draftsman, engineer, interior decorator, lawyer, manufacturer's agent, notary public, teacher (excluding band instrument, and group instruction), and other similar occupations."⁴³ A home business also may not be conducted by more than two people, even if all of them live on the premises.⁴⁴ Other restrictions include prohibitions on any visible changes to the home as a result of the business, any traffic greater than what would be normally expected in the neighborhood, or the use of any equipment that "creates noise, vibration, glare, fumes, or odors detectable to the normal senses off the lot."⁴⁵

Miami's regulations of home-based businesses are wildly out of proportion to any government interest. Why should an artist who paints in a home studio, or a freelance writer who types in a home office, have to obtain any permission from the government before practicing their chosen occupation? These occupations have absolutely no potential to interfere with anyone else's enjoyment of their own property. Indeed, they are unlikely to be noticed at all. Similarly, the limit on the number of people who may work in any given home-based business is needlessly restrictive. If more than two people are permitted to live in a house, there is absolutely no reason why more than two people should not be allowed to work there.

On top of these highly restrictive regulations, the city of Miami claims the power to create "Neighborhood

Conservation Districts" in which all home-based businesses are prohibited. The city used this power in 2003 to create the Coral Gate Neighborhood Conservation Overlay District.⁴⁶ The Coral Gate neighborhood, which is northeast of Coral Gables, covers 463 single-family homes, the residents of which are entirely prohibited from running home-based businesses.⁴⁷ The law creating the district states that it is designed to prevent "inappropriate commercial intrusion that may disrupt the quality of this well-maintained and stable neighborhood."⁴⁸ But there is no reason to believe that allowing artists, interior decorators, dressmakers or lawyers (among many other occupations) to work from home would disrupt the neighborhood at all. Indeed, because of the other restrictions in Miami's zoning code, it is not clear how a home business *could* disrupt the neighborhood. And if home-based businesses are not interfering with neighboring property owners' enjoyment of their property, the city has no business imposing burdensome regulations on them.

Home-based businesses can make tremendous contributions to the economy. Some of the most successful companies in America were started in

garages. Nobody can say for certain where the next Apple or Google or Hewlett-Packard will be founded, but we do know that—as long as Miami's zoning code remains in effect—it is unlikely to be in Miami.

Photography

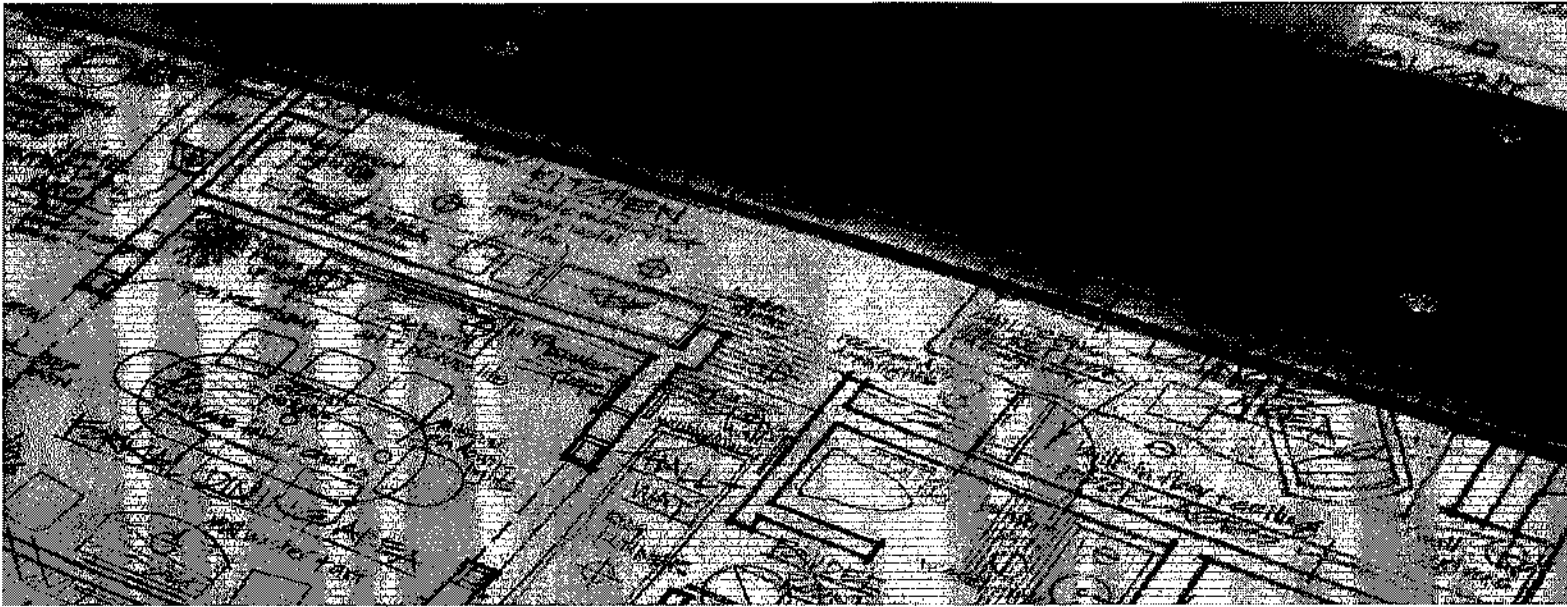
Miami's natural beauty makes it an ideal backdrop for commercial photography. But before anyone can take pictures for commercial purposes on any beach or public park, they must first receive a "commercial photographic permit" from the city manager.⁴⁹ "Commercial purposes" is defined broadly to include "purposes other than pleasure; that is, for profit or as a profession."⁵⁰

Although Miami certainly has an interest in ensuring that photo shoots do not interfere with traffic, or unreasonably interfere with the public's enjoyment of the city's parks and beaches, its blanket permit requirement for all commercial photo shoots goes too far. By comparison, the city of Miami Beach, which is no less picturesque than Miami, only requires photographers to secure a permit before taking pictures or filming "when city services are required or when productions may have an impact on traffic/residents/city services."⁵¹ This is a commonsense limitation on the law that Miami could easily adopt.

Interior Design

Florida is one of only three states in the nation that licenses the practice of interior design. First passed in 1994, Florida's interior design law makes it a crime for anyone but a licensed interior designer to practice interior design in a commercial setting.⁵² Becoming a licensed interior designer is no easy feat—applicants must have six years of combined education and experience, including a degree in interior design from an accredited institution and an apprenticeship under another licensed interior designer, and they must pass a national certifying exam.⁵³ Until recently, unlicensed designers—who are legally allowed to perform residential interior design—were even prohibited from advertising their services, accurately, as "interior design" or any "words to that effect."⁵⁴

Florida's interior design law is a classic example of industry cartelization by a special interest group. Starting in the late 1980s, the American Society of Interior Designers began lobbying aggressively for laws that would limit their competition. They succeeded first in securing passage of a "title act" in 1988, which regulated who could advertise themselves as "interior designers." On the heels of this success, they pushed for and succeeded in getting enacted a "practice act" in 1992, which severely restricts who may practice interior design in Florida. The practice act's requirements are so stringent that a significant number of interior designers practicing at the time the law was adopted could not meet them, so the law included a "grandfather" provision which exempted established designers from the requirements of the law—a demonstration in and of itself of the worthlessness and senselessness of the new law. As a result, numerous licensed interior designers lack any of the qualifications required to receive licensure today. In an industry that should rely on referrals from satisfied customers rather than a government-issued license, the law



creates an entirely unnecessary burden to entering this trade.

The grandfather provision was no help to Addie Smith, though. Addie had been a practicing interior designer since graduating from college in 1982. During that time she gained extensive experience working on both residential and commercial projects, including design work for the Wachovia Financial Center, Miami's second-tallest building. Unfortunately for Addie, she had moved out of Florida when the practice act was adopted. As a result, she missed her opportunity to be grandfathered in. Indeed, Addie didn't even know about the practice act until she moved back to Florida and tried to reestablish her business. Shortly thereafter she received a cease-and-desist letter from the private law firm that enforces Florida's interior design law ordering her to stop advertising herself as an interior designer and to refrain from offering commercial interior design services.

Addie had to spend more than \$1,000 having her website redesigned and her business cards reprinted to come into compliance with the law. But that is small change compared to the amount she has lost in design fees, which Addie estimates to be at least \$100,000. She lost one lucrative contract when a potential client who wanted to hire her for both a residential and a commercial project found out that she could legally perform only the residential work and that he would have to hire a second designer. She has also lost the opportunity to develop new residential clients through her commercial work, a common way she had found residential clients in the past.

Florida's interior design law doesn't just affect interior designers like Addie. Its sweepingly broad language makes it a crime for anyone but a licensed interior designer to make any drawing "relating to nonstructural interior elements of a building or structure."⁵⁵ As a result, people like business consultants and commercial office furniture dealers—indeed, anyone who has a reason to draw the placement of table or chairs in a nonresidential space—are

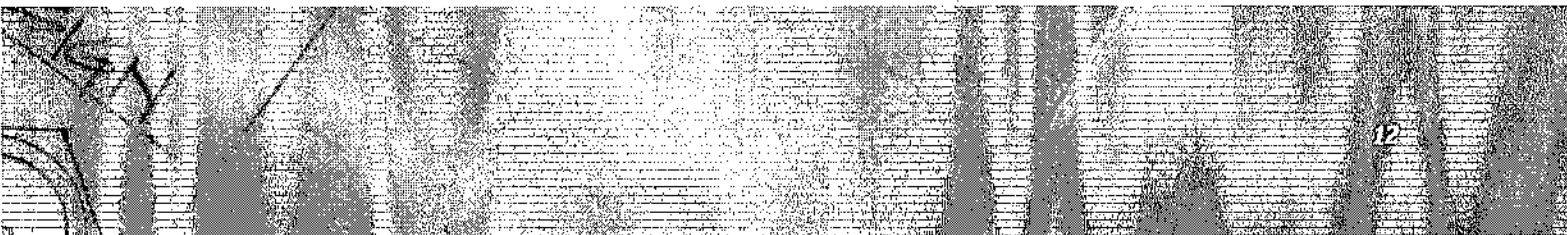
potentially subject to \$1,000 in fines and up to a year in jail.

There is a reason that 47 states do not regulate the practice of interior design: The trade poses no plausible risk to the public and so government regulation is completely unnecessary. Proponents of interior design licensing have never been able to produce evidence that the unlicensed practice of interior design has ever resulted in harm to anyone.⁵⁶ Instead, the law is a textbook example of a special-interest group using legislative power to shut out their competitors. If it is not first struck down as unconstitutional, Florida's legislature can and should repeal this absurd law.

Barbering

Jonathan Mena⁵⁷ is a 28-year-old barber who runs his own salon. Jonathan started cutting hair in Honduras when he was only 12, learning the trade from his father and older brother. With 16 years of experience under his belt, he is good at what he does and his customers like his work. But every time Jonathan picks up his scissors he is breaking the law, risking fines and even jail time, because he does not have the required state license to cut hair.

Under Florida law, all barbers who have not already been licensed



in another state for at least one year must complete 1,200 hours of education at an approved barber school and pass a state-licensing exam before they are legally permitted to work.⁵⁸ Even individuals who perform no chemical services—like perming and waving—must complete 1,200 hours of education to qualify as “restricted barbers.”⁵⁹ Cutting hair without a valid license is a second-degree misdemeanor punishable by a \$500 fine or even 60 days in jail.⁶⁰

Attending barber school is not cheap. Jonathan, who attended school but has not taken the licensing exam, paid \$10,000. This is a substantial barrier to entry, particularly when one considers the annual salary for barbers in Florida ranges from a high of \$42,770 to a low of \$14,810.⁶¹ And for Jonathan, it was a barrier that made him into a criminal—because his most marketable skill was barbering, Jonathan put himself through school by performing unlicensed haircuts.

These licensing requirements are particularly burdensome for

immigrants like Jonathan, who come from countries with less regulation. When he came to the United States at age 18, Jonathan had already been cutting hair for six years. But none of that experience mattered in Florida because Jonathan had never been licensed anywhere. Despite his practical experience, Jonathan was still required to attend an expensive barber school that taught him nothing he didn’t already know.

Oddly, although the state claims that these regulations are “necessary in the interest of public health, safety, and welfare,”⁶² Florida does not require barbers to demonstrate any actual proficiency at barbering. Effective October 1, 2009, Florida abolished its practical examination for barbers.⁶³ On the one hand, the elimination of this additional barrier to entry is a positive development. On the other hand, licensing barbers on the basis of a multiple-choice test with 100 questions—only 30 of which relate to safety, sanitation and sterilization—seriously undermines the supposed rationale for requiring 1,200 hours of education at a cost of thousands of dollars. Instead, it reveals these regulations for what they really are: protection from competition and guaranteed income for the cosmetology-school lobby.

Instead of saddling would-be barbers with thousands of dollars in educational debt, the public would be equally well-served by simply requiring that barbers pass a basic sanitation test and hold a modest amount of insurance. This would greatly lower the barrier to entry and allow barbers to sink or swim based on their talent and the satisfaction of their customers.



Licensed cosmetologist Kattie Cabrera thinks Florida's licensing regime does little to benefit consumers.

Cosmetology

Cosmetology—which includes hair styling, manicures, pedicures, facials and hair removal—is regulated much like barbering. Just like barbers, aspiring cosmetologists must attend 1,200 hours of school and pass a multiple choice exam.⁶⁴ Cosmetologists in Florida also earn salaries similar to those earned by barbers, between \$13,880 and \$39,070.⁶⁵ And, just like barbers, many cosmetologists find Florida's barriers to entry insurmountable.

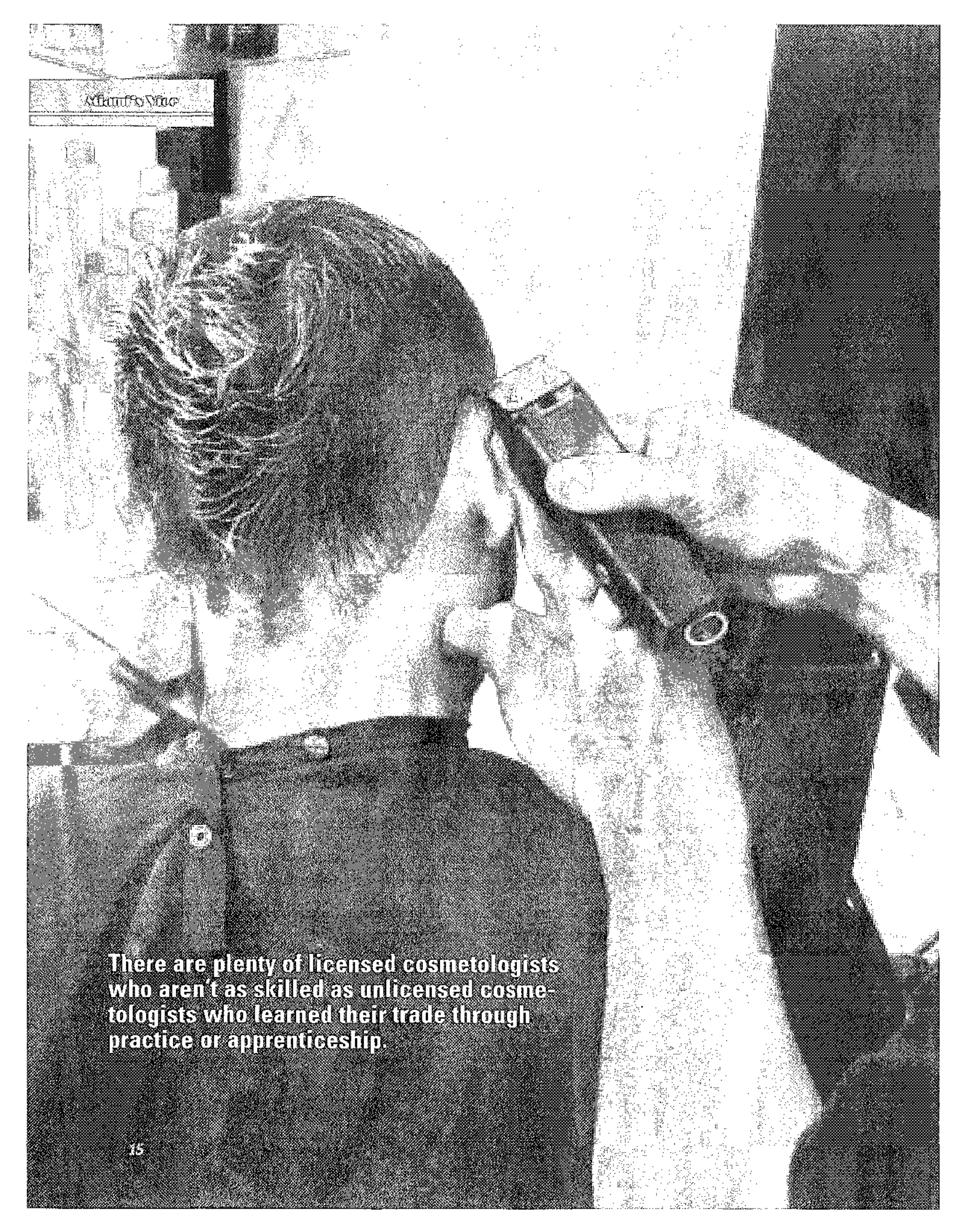
Cosmetologist Enzo Church,⁶⁶ like barber Jonathan Mena, learned his trade by doing. Enzo began styling hair when he was 15. Before long, he was offering \$5 haircuts to his neighbors for the opportunity to practice. Now 28, he has 13 years of experience and clients who are uniformly happy with his work. Enzo thinks that client satisfaction is the ultimate test of whether a cosmetologist is good or not, and that the free market is a sufficient check on bad cosmetologists.

Also like Jonathan, Enzo is not licensed by the state to practice his chosen occupation. Enzo has chosen not to get licensed not just because of the expense and hassle, but also because he resents the state regulating what he sees as a fundamentally creative occupation. "How can you license an art?" he asked. As a result, every time Enzo picks up a blowdryer or a brush, he risks fines and jail time.⁶⁷

Does it make sense to treat talented but unlicensed cosmetologists like Enzo as criminals? Kattie Cabrera does not think so. Kattie is a cosmetologist who spent a year and a half and \$12,000 to become licensed. But she doesn't think that education is what makes her a good cosmetologist, or that it

necessarily makes her any better than an unlicensed cosmetologist. Indeed, in her experience, cosmetology schools care a lot more about collecting tuition from as many students as possible—often in the form of government financial aid—than they do about providing a good education. As a result, she says, there are plenty of licensed cosmetologists who aren't as skilled as unlicensed cosmetologists who learned their trade through practice or apprenticeship.

Kattie is also bothered by the fact that cosmetologists must attend 1,200 hours of school when the state does not require any practical demonstration of skill to become licensed. Much like barbering, aspiring cosmetologists who have met the educational requirements need only take a multiple choice test consisting of 130 questions, only 22 of which concern "general safety and sanitation procedures."⁶⁸ Because Kattie learned all of the material on the test within her first 300 hours of cosmetology school, it does not make sense to her that she had to spend thousands of dollars and an additional 900 hours in class merely to qualify to take the licensure exam.



There are plenty of licensed cosmetologists who aren't as skilled as unlicensed cosmetologists who learned their trade through practice or apprenticeship.



As with barbers, Florida could regulate cosmetologists without requiring full-blown licensure. A test focusing on sanitation and the safe use of chemicals, along with a modest insurance requirement, would be sufficient to satisfy the state's interest in protecting public health and safety. Nor would this approach be unprecedented—indeed, Florida has some experience with deregulation of cosmetology services. In 1994, Florida exempted hairbraiders from the state's cosmetology laws.⁶⁹ Under the revised law, hairbraiders need only pay a \$25 registration fee and take a two-day, 16-hour sanitation course.⁷⁰ Florida's success with the deregulation of hairbraiding demonstrates that market forces can ensure the quality of cosmetology services. This is not surprising. As Enzo succinctly put it, "If someone gave you a bad haircut, would you go back to them?"

Teeth Whitening

Teeth-whitening services are an increasingly common sight at shopping malls and salons. Typically these businesses sell their customers a teeth-whitening product and then provide their customers with a place to use the product and instruction on how to apply the product to their own teeth. These services have become popular not only because of the convenience they offer, but also for their price—teeth-whitening kiosks typically charge less than half as much as dentists do for similar services.

Because these businesses can undersell dentists, it is no surprise that dental boards across the country have begun cracking down on them.⁷¹ And Florida's Dental Board is no exception. In the last several years, it has begun sending cease-and-desist letters to teeth-whitening businesses, accusing them of practicing dentistry without a license.

Whether or not teeth whitening technically falls within Florida's broad definition of dentistry,⁷² granting dentists a monopoly on these services makes no sense. The FDA regulates teeth-whitening products as cosmetics, which means that anyone, even a child, can purchase these products in any commercially available concentration and apply them to their own teeth without any supervision or instruction. It is simply not plausible to believe that teeth whitening poses a special risk when instructions are provided orally,

as opposed to written on the side of a box of Crest Whitestrips, or when the whitening is performed in a salon—the cleanliness of which is regulated by the state⁷³—as opposed to being performed in someone's home. In any event, whatever risks teeth whitening may present, these risks can be addressed without requiring entrepreneurs to have eight years of higher education before than can legally offer these services. Florida should follow the lead of the Ohio State Dental Board, which has taken a hands-off approach, allowing non-dentists to continue offering teeth-whitening services "so long as the consumer applies the whitening material to their own teeth, and no one else places their hands in the consumer's mouth."⁷⁴

Massage

In Florida, anyone can give a backrub for free. But if you want to soothe aching muscles for compensation—whether with a simple shoulder rub or with deep-tissue massage—you must be a licensed massage therapist. Practicing without a license is a first-degree misdemeanor, punishable by up to a \$1,000 fine or one year in jail.⁷⁵

Becoming a licensed massage therapist in Florida requires 500 hours of education, which must be completed at a rate no greater than 30 hours per week.⁷⁶ As a result, the required education takes more than four months to complete. And this education is expensive—one school in the Miami area contacted for this

report quoted \$8,700 for tuition, with a total cost of almost \$9,500 when books and fees were added in.

It is possible to avoid this tuition by apprenticing under a licensed massage therapist, but this is not an attractive option for most people. Florida law requires that any apprenticeship last at least 12 months and comprise 1,668 hours of instruction and experience—more than three times the amount required for individuals who attend massage school.⁷⁷ This disparity is not surprising—licensure requirements are often pushed by school owners who want a guaranteed income stream from student tuition, and liberal apprenticeship policies undermine that goal.

Licensing massage is not necessary to protect the public. Injuries from massage are extremely rare. One review of published articles over a 38-year period found only 11 reported cases of injuries.⁷⁸ In 2000, the International Massage Association, which provides insurance for massage practitioners, reported that with more than 30,000 members, it averaged about one claim per month.⁷⁹ And most of these claims were not even related to the practice of massage. Instead, they were general liability claims, like trips and falls.⁸⁰ Further evidence that injuries are rare can be found in the low insurance premiums for massage therapists, which range between \$65 and \$149 per year.⁸¹ To put those premiums in perspective, in 2005 the average malpractice insurance premium for physical therapists was more than twice as much at \$348, while a 2003 report by the U.S. General Accounting Office found that the average annual premium for general surgeons in Dade

County in 2002 was \$174,300, more than 1,000 times higher.⁸²

Because massage is generally safe, it is not surprising that a number of states, including Alaska, Idaho, Kansas, Minnesota, Oklahoma, Vermont and Wyoming, do not license the practice of massage. Florida should follow these states and replace its licensure regime with a modest insurance requirement. Alternatively, Florida should liberalize its apprenticeship requirements to make apprenticeship a more feasible means of entering the occupation without incurring thousands of dollars in educational expenses.

Fish Pedicures

Not pedicures for fish, but rather pedicures *by* fish. As unusual as it sounds, this procedure involves tiny carp that painlessly remove dead skin from the customer's feet. But, proving that no service is too trivial to escape the attention of state bureaucrats, Florida has preemptively prohibited spas and salons from offering this increasingly popular service.⁸³

Florida's prohibition of this service is a symptom of a larger problem with government regulation: Rather than looking at whether anyone had ever been harmed by the procedure, or working with salon owners to minimize whatever risk the state was concerned might exist, the government simply banned the practice. And while banning this one practice may have a relatively small effect on the economy, the cumulative effect of government's predilection toward banning new or unusual services is a drag on the economy that stifles entrepreneurship and harms consumers.

Red Tape

In addition to the regulations that apply to the specific occupations discussed above, Miami entrepreneurs must also deal with a tremendous amount of government red tape. Beyond simply adding to the cost of doing business, this red tape places tremendous power in the hands of bureaucrats to determine who will be allowed to open a business. In turn, this unchecked power has bred a culture of corruption.



It took Miami artist Marta Ismail more than six months to get government permission to add a simple awning to her gallery.

General Permitting Delays

The most widespread complaint among entrepreneurs interviewed for this report was dealing with all of the paperwork necessary to legally open their business. One owner of a local dry cleaner reported waiting nearly one year to receive a certificate of use and occupancy for her business. Throughout that entire time, she and her business partners had to pay rent on their commercial space, but were forbidden from actually running their business to earn money for the rent.

Diana Ruiz, who owns a Cuban café in downtown Miami, reported dealing with similar delays when she first purchased her property. It took her a year to get a certificate of use and occupancy for her restaurant, which had already been operating as a restaurant for years before she purchased it. And the city's permitting officials were no help. As Diana found out, "They pass you from desk to desk."

One entrepreneur, who had started several businesses, reported that he dealt with the long delays for permits by ignoring them. Rather than endure the interminable wait to receive official approval from the city, he would simply open his business and begin operating. On those occasions when he got caught, he would pay a fine, but he saw it as simply the cost of getting a business up and running in Miami.

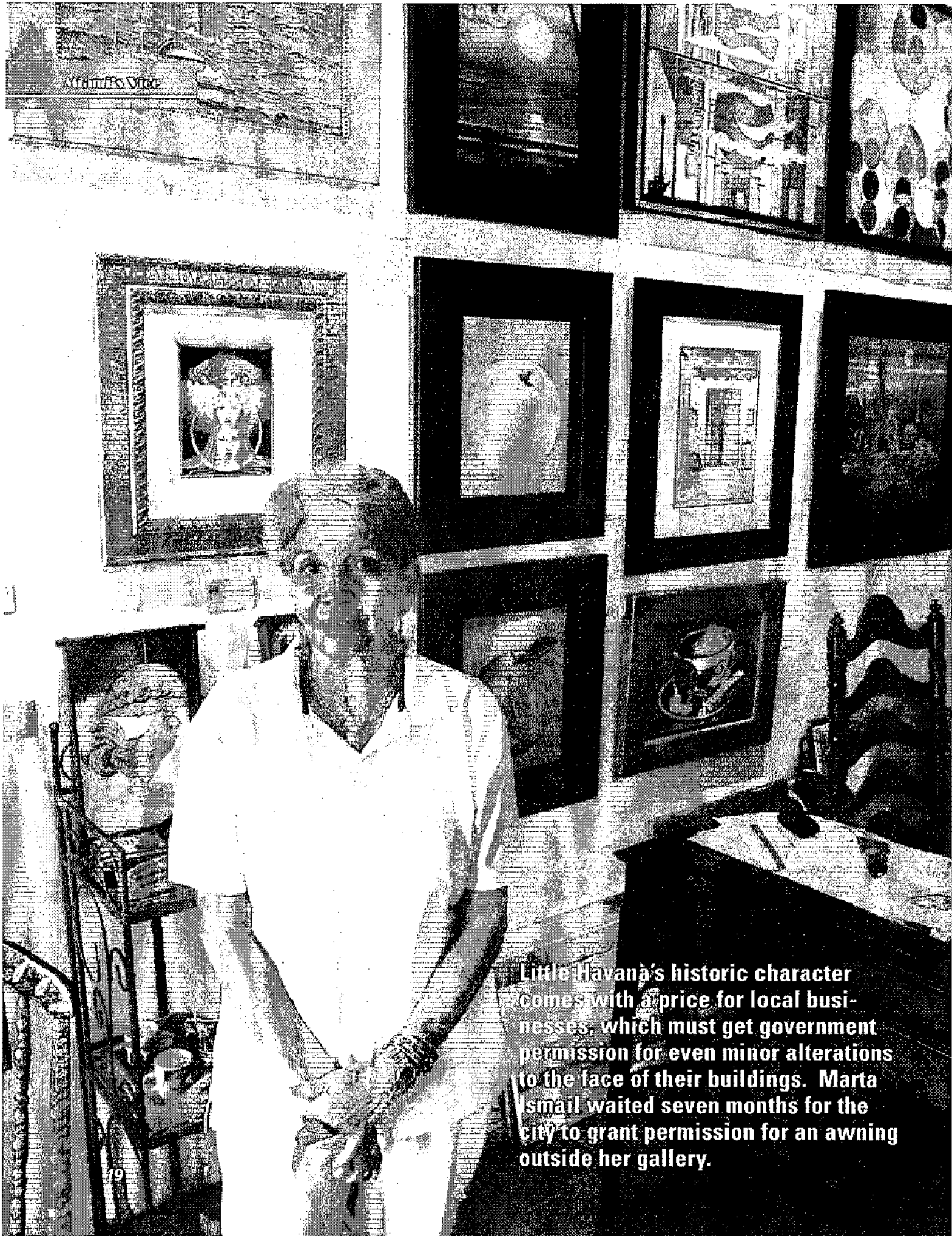
Several entrepreneurs interviewed for this report also complained about the inspections necessary to get the required permits. The wait for inspections was long, and more than one person commented that inspectors make clear that the process can only be speeded up with bribes.

Historical Zoning

Visitors to Miami often make their way to 8th Street, known locally as *Calle Ocho*, which runs through historic Little Havana. But Little Havana's historic character comes with a price for local businesses, which must get government permission for even minor alterations to the face of their buildings.³⁴ And like all permitting in Miami, getting permission takes a long time.

Marta Ismail, an artist who runs her own gallery on *Calle Ocho*, learned just how long it can take when she wanted to install an awning over her front door to better display her gallery's name and to provide some welcome shade from the brutal Miami sun. So Marta got her paperwork in order and then waited. And waited. And waited. It was not until seven months later that Marta finally got permission to add the awning to her building. Other business owners along *Calle Ocho* described similar delays for minor cosmetic changes. Noted one frustrated business owner, "You want to change the paint, you need a license for that. You want to change the window, you need a license for that."

The problem with these delays is not just that they interfere with the rights of business owners to maintain their property. Even more troubling is that giving bureaucrats unfettered discretion to grant or deny permits



Little Havana's historic character comes with a price for local businesses, which must get government permission for even minor alterations to the face of their buildings. Marta Ismail waited seven months for the city to grant permission for an awning outside her gallery.



breeds a culture of corruption. Several of those interviewed for this report stated that permits could be obtained substantially faster, but only for the right price. "Things move quicker if you pay," noted one.

Going-Out-of-Business Sales

Starting a small business is a risky endeavor. About 30 percent of small businesses fail within the first two years, and nearly 50 percent fail within the first four years.⁸⁵ But in Florida, entrepreneurs who roll the dice on starting a small business and lose are subject to a final layer of unnecessary bureaucracy—under state law, no business may conduct a "going out of business" sale without first getting permission from the government.⁸⁶ To get permission, the business owner must file an application with the tax collector and pay a nonrefundable \$50 fee.⁸⁷ As part of the application process, the business owner must provide an itemized list of *all* of the goods to be sold. If the application is granted, the business owner may advertise the sale, but must be careful to include a precisely worded disclaimer.⁸⁸ The business owner must also maintain a list of all remaining stock, updated daily and available for inspection by the sheriff during business hours.⁸⁹

It is not clear what benefits Florida's "going-out-of-business" law is supposed to produce. If the state is concerned that business owners are deceptively advertising going-out-of-business sales when they are, in fact, not going out of business, that activity is already illegal under Florida's misleading-advertising law.⁹⁰ Nor is it clear that even a falsely advertised "going out of business" sale harms anyone—if a customer is satisfied that he's found a good deal, it shouldn't really matter whether the business is actually going out of business. But while the law's benefits are questionable, its burdens are

quite clear—violating any portion of law, even by truthfully advertising a going-out-of-business sale without first getting permission, is a class two misdemeanor punishable by up to 60 days in jail or a \$500 fine.⁹¹

Florida's "going out of business law" is an unfair trap for unwary business owners who would not imagine they have to get the state's permission before selling off their stock and closing up shop—a final, unnecessary insult on top of the injury of losing a cherished business.

Bright Spots

Despite the burdens that affect so many entrepreneurs in the Miami area, there are a few bright spots. In a small number of areas, Florida has taken important steps toward making it easier to enter the job market. Florida has also experimented with innovative ways of reducing the regulatory burdens on entrepreneurs.

Hair Braiding, Hair Wrapping & Body Wrapping

Beginning in the mid-1990s, Florida began exempting a handful of aesthetic practices from the state's burdensome cosmetology regime.

The state started with hair braiding in 1994, and then expanded the exemption to include hair wrapping in 1998 and body wrapping in 1999.⁹² Under the revised laws, hair braiders are only required to register with the state, pay a \$25 fee, and take a 16-hour, two-day course covering “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.”⁹³ Hair wrappers—who decorate hair by wrapping it with colored thread or material—must also register and pay a \$25 fee, and need only take a one-

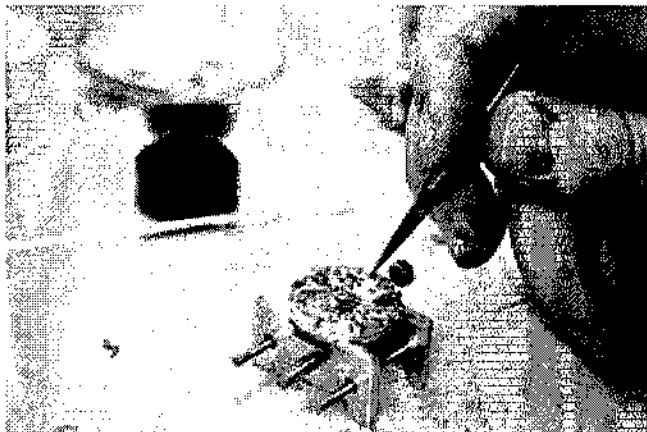
day, six-hour course.⁹⁴ Finally, body wrappers—who apply “herbal wraps for the purposes of cleansing and beautifying the skin”⁹⁵—must register, pay a \$25 fee, and take a similar two-day, 12-hour course.⁹⁶

These commonsense exemptions make entry into these safe fields much less expensive. According to the Florida Department of Business and Professional Regulation, in Miami there are 191 active, currently licensed hair braiders, 152 hair wrappers and a remarkable 843 body wrappers.⁹⁷ And the benefits of easy entry into these fields do not merely accrue to individual entrepreneurs, but also to the individuals they employ and the community more generally.⁹⁸ Florida should use its experience with deregulating these practices as a model for future legislative changes. Within any licensed occupation, there are undoubtedly practices that may be performed safely without requiring full-blown licensure. Where that is the case, those practices should be exempted and subject to only minimal regulation.

Traffic Schools

In the mid-1990s, Florida deregulated its traffic schools. Although schools are required to teach from an approved curriculum, they are not subject to inspection or other regulation by the state. As a result, the industry has flourished. According to a report in the *St. Petersburg Times*, “In the early 1980s, there was only one traffic school available in Florida, run by the National Safety Council.”⁹⁹ But between

Florida should use its experience with deregulating these practices as a model for future legislative changes. Within any licensed occupation, there are undoubtedly practices that may be performed safely without requiring full-blown licensure.



Florida's Sunset Commission eliminated licensing for watchmakers and clockmakers, shorthand reporters, sanitarians, and yacht and ship brokers.

1994—the year the industry was deregulated—and 2003, the number jumped to 215. Today, the Yellow Pages lists 48 traffic schools in Miami alone. This explosion of new schools is attributable in part to the low start-up cost. As one St. Petersburg-area entrepreneur described it, “You can operate these things with very low overhead: Just rent a room in a motel and hold the class there Especially if you don't have your own classroom. You could even operate out of your house.”¹⁰⁰

Along with this increase in the number of schools has come innovation in methods of teaching, with schools now offering online and video courses, and even comedy traffic courses. Competition has also driven down prices. In short, by deregulating the traffic-school business, Florida has created new opportunities for entrepreneurs to offer more, better and cheaper services to Florida consumers.

Sunset Review

In response to growing concerns about government bureaucracy, the Florida Legislature in 1976 enacted a “Sunset Law” that required that all legislation regulating entry into professions and occupations be subject to periodic review and reauthorization.¹⁰¹ Such legislation was also required to contain an expiration date so that agencies that were not reauthorized would automatically expire after no more than six years.¹⁰² Florida's Sunset Law was initially successful—within two years of its creation, Florida's sunset commission eliminated licensing for watchmakers and clockmakers,

shorthand reporters, sanitarians, and yacht and ship brokers.¹⁰³

Unfortunately, in 1991 the Florida Legislature passed legislation that repealed the Sunset Law effective April 5, 1993.¹⁰⁴ But in 2006, the Florida Legislature restored sunset review with the passage of the Florida Government Accountability Act.¹⁰⁵ Under the new law, the Department of Business and Professional Regulations, which oversees all occupational licensing in Florida, is set for review by July 1, 2016, and every ten years thereafter.¹⁰⁶ The Joint Sunset Committee that oversees this review process should closely scrutinize Florida's occupational licensing and recommend the elimination of licensure for safe, common occupations like barbering, cosmetology, interior design and massage.



Recommendations

Miamians have a strong spirit of entrepreneurship. Many of them came to this country specifically to fulfill their dreams of a better, more self-sufficient life. One recent survey of the 15 largest metropolitan centers in the United States ranked Miami fifth in terms of entrepreneurial activity.¹⁰⁷ This entrepreneurial drive is a tremendous natural resource that is waiting to be unleashed. But to unleash this potential and improve the lot of Miami's entrepreneurs, significant changes need to occur at the city, county and state level:

City Level

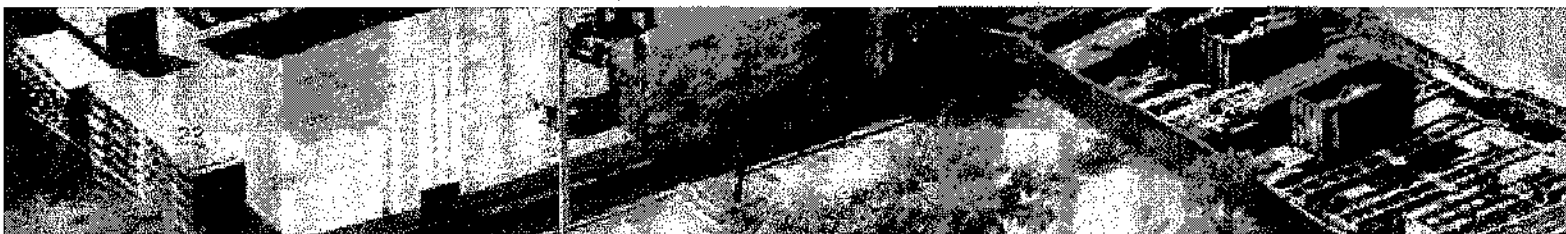
- The city should lower its prohibitively high taxes for street vendors and eliminate artificial vending caps in downtown Miami. At a minimum, the city should issue vending licenses up to the legal maximum, rather than restricting vending more than the law requires.
- Miami must dramatically reduce the red tape associated with opening and operating a business. Time-consuming and expensive zoning and permitting requirements are not in anyone's interest.
- The city should eliminate corruption from the permitting process by setting clear standards for granting or denying permits, making the process more transparent, and imposing time limits on bureaucratic decisions. Without the power to arbitrarily delay or deny permits,

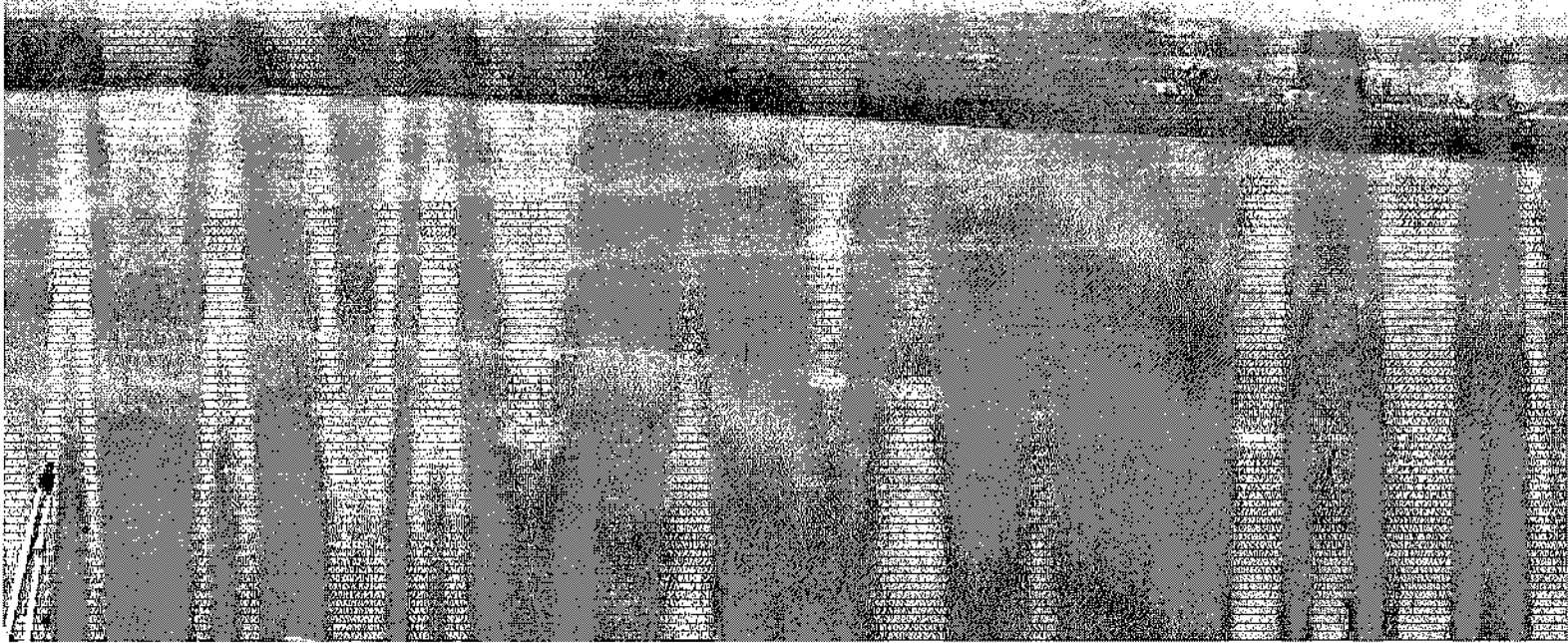
the opportunity for bureaucrats to extract bribes from business owners will be greatly reduced.

- Home-based occupations that do not cause neighborhood disruption should be totally deregulated, even in neighborhood conservation districts.
- The city's absurdly low two-person cap on workers in home-based businesses should be raised or eliminated. If a home can safely accommodate more than two residents, it can accommodate more than two workers.
- Miami should adopt commonsense reforms to its photography-licensing ordinance by eliminating the license requirement for photo shoots that do not use city services or interfere with traffic or pedestrians.

County Level

- Miami-Dade County should reform its abysmal transportation industry by eliminating artificial barriers to entry.
- The taxicab medallion system should be scrapped. Entrepreneurial drivers and their customers—not government officials—should determine how many cabs should be on Miami's streets. At a minimum, the number of medallions should be greatly increased, with new medallions issued annually, not at the whim of existing medallion-holders.

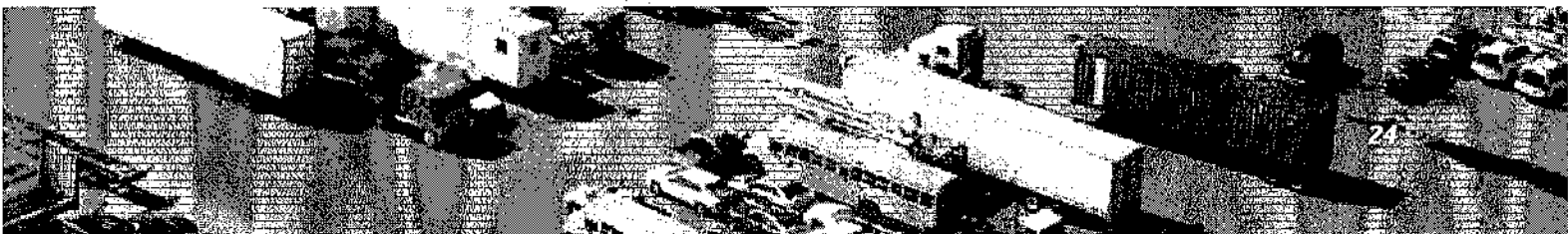




- The county should allow free entry into the jitney market (requiring only those regulations specifically designed to protect the public's health and safety, such as requiring a valid driver's license, insurance, etc.) and remove restrictions designed to protect incumbents from competition. Jitneys put people to work and take people to work. History shows that Miami's jitney market will flourish if it is left free to do so.

State Level

- Florida's legislature should eliminate licensing for safe, common occupations like interior design, barbering, cosmetology and massage, which does nothing but insulate established businesses from competition and provide a steady but ill-gotten income stream for politically influential schools that train individuals in these trades.
- Florida should follow the Ohio State Dental Board's lead and allow non-dentists to offer teeth-whitening services.
- The legislature should limit occupational regulations to the protection of public health and safety, and allow customer satisfaction to determine success or failure in the market. Most comprehensive licensing regimes—like barbering, cosmetology and massage—could be replaced with limited requirements for insurance coverage and training in sanitation and safety.
- Where deregulation of a licensed profession is not feasible, the legislature should create alternative means of qualifying for entry into the occupation, so that entrepreneurs like Jonathan Mena, who are already proficient, can bypass redundant educational requirements.
- State officials should remain tolerant of innovation in the market. If there is no evidence that an emerging business has caused harm elsewhere—as is the case with fish pedicures—then that business should be left alone until there is reason to believe that it raises genuine health or safety concerns.
- The state should eliminate the permit requirement for going-out-of-business sales. When an entrepreneur's business is failing, the last thing he or she needs to deal with is more red tape. Concerns about false advertising are adequately addressed by other provisions of Florida law.
- The Joint Sunset Committee should aggressively apply sunset review to eliminate unnecessary occupational licensing.



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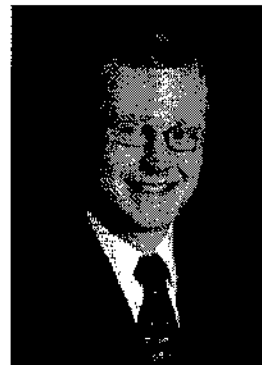
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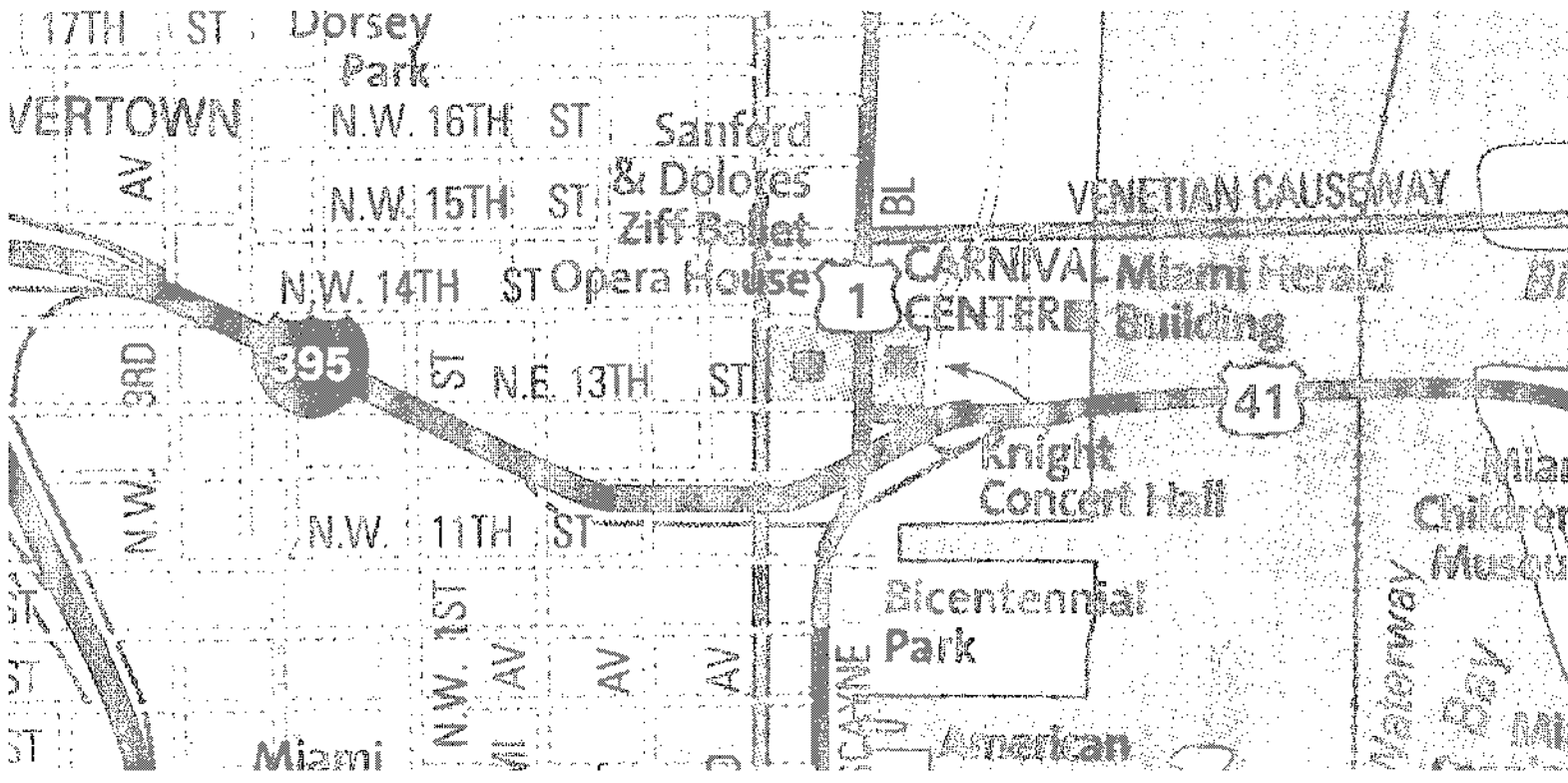
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