

**Business and Consumer Affairs
Subcommittee**

**Reducing and Streamlining
Regulations of Businesses and
Professions**

January 11, 2012

Reducing and Streamlining Regulations of Businesses and Professions

Goal:

Eliminate unnecessary burdensome obstacles for businesses and establish a business climate that inspires entrepreneurs, empowers the private sector to create jobs, and provides greater freedom to citizens, while protecting the public from imminent threat.

Reducing and Streamlining Regulations of Businesses and Professions

Florida's Regulated Industries:

Florida currently regulates nearly 2 million professionals and businesses across more than 200 licensee and registration categories.

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2011 Legislative Actions:

- During the 2011 Legislative Session, the Business and Consumer Affairs Subcommittee noticed two bills.
 - The first bill proposed to repeal licensing and examination requirements and penalties for specified professions, occupations and businesses currently regulated by the state.
 - The second bill proposed to reduce and streamline regulatory requirements for professions and businesses.

Reducing and Streamlining Regulations of Businesses and Professions

2011 Legislative Actions:

- CS/HB 5005 and CS/HB 5007 process development:
 - In January 2011, the House Business and Consumer Affairs Subcommittee began an in depth review and analysis of the state's regulated professions and businesses.
 - The Subcommittee developed specific criteria to guide this effort.
 - Overall, the House held 6 meetings to consider the issues and hear from the public.
- Ultimately, CS/HB 5005 and CS/HB 5007 were the product of a Legislative Conference Committee.

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Review of Regulations-Criteria:

- Whether the regulated practice of the profession or occupation is indispensable to public health or safety?
- Whether there had been significant disciplinary actions taken that were primarily the result of consumer complaints related to health or safety violations?
- Whether the license/registration requires an examination or continuing education courses?
- Whether the regulations are primarily designed to benefit the regulated entity by limiting competition?
- Whether the regulated profession or occupation is regulated by other entities?
- Whether the consumer could be protected by other means such as contractual obligations or federal requirements and penalties for non-compliance?

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CS/ HB 5005 Highlights:

As adopted by the Legislative Conference Committee, the conference report would have deregulated:

- Auctioneer Apprentices
- Sellers of Business Opportunities
- Hair Braiders
- Hair Wrappers
- Body Wrappers
- Interior Designers
- Rooming Houses
- Television Picture Tubes (*passed as CS/ HB 4013*)
- Sales representative Contracts (*passed as HB 4023*)
- Outdoor Theatres (*passed as HB 4009*)

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CS/ HB 5007 Highlights:

As adopted by the Legislative Conference Committee, the conference report would have reduced and streamlined regulations:

- Authorized fee waivers for financial hardship or because of errors caused by DBPR.
- Limited continuing education requirements to reactivate a license to one cycle.
- Decriminalized administrative rule violations.
- Eliminated dual licensure of certain sole proprietors (Asbestos Consultants and Contractors, and Architects).
- Increased reciprocity for out-of-state accountants with 5 years experience.
- Consolidated oversight of the Lemon Law and Price Gouging programs. *(passed as part of CS/ HB 7209)*
- Created the “Cottage Food Act” to provide an exemption for the direct sale of homemade foods, such as bake sale items, to consumers. *(passed as part of CS/ HB 7209)*

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CS/ HB 5005 and CS/ HB 5007 Fiscal/ Economic

Impacts:

Impacts to businesses and professionals:

- CS/ HB 5005 would have reduced fees to over 12,000 businesses and professionals by about \$2.3 million.
- CS/ HB 5007 would have reduced regulatory requirements through its streamlining efforts on about 50,000 licensees.