

# **Department of Business and Professional Regulation**

## **2019 Legislative Action Summary**

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# **Section I. Appropriations**

## **Senate Bill 2500**

**Signed Into Law**

### **APPOPRIATIONS**

#### **GENERAL APPROPRIATIONS ACT – FISCAL YEAR (FY) 2019-2020**

- Total Budget - \$90.98 billion
  - General Revenue (GR) Funds \$33.93 billion
  - Trust Funds (TF) \$57.05 billion
  - Full time equivalent positions (FTE): 112,860

#### **Employee Salary/Benefits Issues & Other Statewide Issues impacting the Department of Business and Professional Regulation (Department):**

State Employee Group Health Insurance - Total \$51.4 million [\$31.2 million GR; \$20.2 million TF]

- 4% increase to state-paid premiums
- Premiums paid by employees – no change

Florida Retirement System (State Agencies) - Total \$25.1 million [\$15.9 million GR; \$9.2 million TF]

- Fully funds normal costs and unfunded actuarial liability

#### **Major Issues Funded for the Department of Business and Professional Regulation:**

Budget of \$157.4 million (\$1.4 million General Revenue; \$155.9 million Trust Funds) and 1,634.25 FTE

- Compulsive and Addictive Gambling Prevention – maintained at current level of \$1.25 million TF (\$.3 million added to base budget)
- Staffing Necessary to Meet Statutorily-Required Food And Lodging Inspections - \$1.7 million TF; 20 FTE
  - Includes \$491,096 to implement a plan to increase the retention rate of food and lodging inspectors and the required food establishment and lodging establishment inspection rates.
- **Reductions** - \$753,486 and 2.00 vacant FTE.

#### **Other key matters for DBPR:**

Proviso language:

- Directs that no funds appropriated to the department are to be used for the payment of rent, lease or possession of space for offices or any other purpose or use at Northwood Centre.

- Line Item 2071. Specifies that \$150,000 appropriated in the Florida Business Information Portal (Line Item 1989) be utilized for the operations and maintenance of the Florida Business Information Portal and to expand the portal to include local government information.
- Line Item 2100. Directs how funds totaling \$2.25 million may be expended in the Professional Regulation Program for the purposes of preventing and combating unlicensed activity in Florida.
- Line Item 2105. Specified that funds are provided for the Florida Building Code compliance and mitigation Program as authorized in section 553.841, Florida Statutes.
- Line Item 2116. Specifies funds are provided for the Florida Boxing Commission to be utilized, if needed, in excess of available trust funds to support and maintain operations of the Commission.
- Requires the department to prepare quarterly and annual financial statements of revenues and expenditures including direct and allocated, of the Division of Drugs, Devices and Cosmetics. The financial statements shall reflect each fee and trust fund revenue source collected and indicate how each fee and revenue source was expended in support of the regulatory and administrative expenditures of the division, including departmental overhead expenditures. The financial statements shall also reflect any regulatory functions supported by the General Revenue Fund.
- Line Item 2140. Specifies funds are provided for the Division of Drugs, Devices, and Cosmetics to be utilized, if needed, in excess of available trust funds to support and maintain operations of the division.
- Line Item 2170. Specifies that \$491,096 and Salary rate of 423,687 in the Division of Hotels and Restaurants will be held in reserve. The Department is authorized to submit a budget amendment requesting release of funds contingent upon the submission of a plan to increase both the retention rate of food and lodging inspectors, and the statutorily required food establishment and lodging establishment inspection rates.
- Line Item 2212. Directs the Department to maintain an office in Miami-Dade County to be staffed with compliance investors of the Division of Florida Condominiums, Timeshares and Mobile Homes.

Back of the Bill:

- Section 99. Unobligated cash balance amounts specified from the following trust funds shall be transferred to the General Revenue Fund for Fiscal Year 2019-20:
  - Division of Florida Condominiums, Timeshares and Mobile Homes TF  
\$5,000,000
  - Hotels and Restaurants TF  
\$3,000,000
  - Professional Regulation TF  
\$8,000,000

*The bill was approved with specific line item(s) vetoes by the Governor on June 21, 2019, Chapter 2019-115, Laws of Florida, and will become effective July 1, 2018, except as otherwise provided.*

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## **Senate Bill 2502**

**Signed Into Law**

### **RELATING TO IMPLEMENTING THE 2019-2020 GENERAL APPROPRIATIONS ACT**

This bill provides the statutory authority necessary to implement and execute the General Appropriations Act for Fiscal Year 2019-20. The statutory changes are effective for only one year and either expire on July 1, 2020, or revert to the language as it existed before the changes made by the bill.

DBPR impacts:

- Section 65. Requires the Department of Management Services (DMS) and agencies to utilize a tenant broker to renegotiate private lease agreements, in excess of 2,000 square feet, expiring between July 1, 2020 and June30,2022. 2021.
- Section 66. Continues the online procurement system transaction fee authorized in ss. 287.042(1)(h)1 and 287.057(22)(c), F.S., at 0.7 percent for the 2019-20 fiscal year only.
- Section 67. Prohibits an agency from transferring funds from a data processing category to any category other than another data processing category.
- Section 68. Authorizes the Executive Office of the Governor (EOG) to transfer funds in the specific appropriation category “Data Processing Assessment - Agency for State Technology” between agencies, in order to align the budget authority granted with the Agency for State Technology estimated billing cycle and methodology.
- Section 69. Authorizes the EOG to transfer funds in the appropriation category “Special Categories-Risk Management Insurance” between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance.
- Section 70. Authorizes the EOG to transfer funds in the appropriation category “Special Categories - Transfer to DMS - Human Resources Services Purchased Per Statewide Contract” of the General Appropriations Act for Fiscal Year 2019-20 between departments, in order to align the budget authority granted with the assessments that must be paid by each agency to the DMS for human resources management services.
- Section 71. Defines the components of the Florida Accounting Information Resource subsystem (FLAIR) and Cash Management System (CMS) included in the Department of Financial Services Planning Accounting and Ledger

Management (PALM) system. This section also provides the executive steering committee (ESC) membership and the process for ESC meetings and decisions.

- Section 72. Directs executive branch state agencies and the judicial branch to collaborate with the EOG and the DMS to implement and utilize the statewide travel management system.
- Section 104. Amends s. 216.292(2)(a), F.S., to grant broader legislative review of any “five percent” budget transfers. For the 2019-2020 fiscal year, the review must ensure the proposed action maximizes the use of available and appropriate trust funds, does not exceed delegated authority and is not contrary to legislative policy and intent.
- Section 106. Provides that no state agency may initiate a competitive solicitation for a product or service if the completion of such competitive solicitation would require a change in law or require a change to the agency's budget other than a transfer authorized in s. 216.292(2) or (3), F.S., unless the initiation of such competitive solicitation is specifically authorized in law or in the GAA or by the Legislative Budget Commission.
- Section 107. Amends s. 112.24, F.S., to provide that the reassignment of an employee of a state agency may be made if recommended by the Governor or Chief Justice, as appropriate, and approved by the chairs of the Senate and House of Representatives budget committees. Such actions shall be deemed approved if neither chair provides written notice of objection within 14 days after receiving notice of the action, pursuant to s. 216.177, F.S. This requirement applies to state employee reassignments regardless of which agency (sending or receiving) is responsible for pay and benefits of the assigned employee.
- Section 111. Provides that funds appropriated for travel by state employees be limited to travel for activities that are critical to each state agency’s mission. The section prohibits funds from being used to travel to foreign countries, other states, conferences, staff-training, or other administrative functions unless the agency head approves in writing. The agency head is required to consider the use of teleconferencing and electronic communication to meet needs of activity before approving travel.
- Section 112. Provides that, notwithstanding s. 112.061, F.S., costs for lodging associated with a meeting, conference, or convention organized or sponsored in whole or in part by a state agency or the judicial branch may not exceed \$150 per day. An employee may expend his or her own funds for any lodging expenses in excess of \$150 per day. Exempts travel for conducting and audit, examination, inspection or investigation or travel activities relating to a litigation or emergency response.
- Section 113. Provides that a state agency may not enter into a contract containing a nondisclosure clause that prohibits a contractor from disclosing to members or staff of the Legislature information relevant to the performance of the contract.

*The bill was approved by the Governor on June 21, 2019, Chapter 2019-116, Laws of Florida, and will become effective July 1, 2019.*

## **Section II. Bills Impacting the Department**

### **House Bill 19**

**Signed Into Law**

#### **Relating to Prescription Drug Importation Programs**

The bill creates programs for purpose of safely importing cost-effective prescription drugs into state from Canada and other foreign nations under specified conditions; provides eligibility criteria for prescription drugs and program participants; provides distribution requirements; provides annual reporting requirements; provides application and permitting requirements for certain participating entities; provides that implementation of International Prescription Drug Importation Program is contingent on federal arrangement or obtaining federal guidance.

*Chapter 2019-99, Laws of Florida  
Effective July 1, 2019*

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### **House Bill 447**

**Signed Into Law**

#### **Relating to Construction**

The bill prohibits local governments from charging certain fees related to enforcing their building code, prohibits local governments from carrying forward certain amounts of building code enforcement fees, authorizes local governments to send notice of expiring permits to certain parties, authorizes local governments to charge only one permit search fee per parcel, and creates new processes for local governments and property owners to use when closing out permits. Additionally, the bill expands the owner-builder exemptions, in ch. 489, parts I and II, F.S., to allow property owners to act as an owner-builder in order to resolve issues with closing out a permit. Furthermore, the bill amends s. 553.79(7), F.S., to allow the Florida Building Commission (Commission) to approve updates to the Florida Building Code without a finding that the change is needed to accommodate a specific need of this state. The bill also states that a notice of claim for a construction defect does not toll any statute of repose period under ch. 95, F.S.

*Chapter 2019-75, Laws of Florida  
Effective July 1, 2019*

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### **House Bill 595**

**Signed Into Law**

#### **Relating to Alcohol or Drug Overdose Prosecutions**



The bill prohibits the arrest, charging, prosecution, or other penalties, pursuant to s. 562.11, F.S., for a person giving, selling, serving, or permitting a person under the age of 21 to possess or consume alcoholic beverages and who, acting in good faith, seeks medical assistance for the individual experiencing, or who is believed to be experiencing, an alcohol-related overdose. Similarly, the bill prohibits the arrest, charging, prosecution, or other penalties, pursuant to s. 562.111, F.S., for a person who experiences, or has a good faith belief that he or she is experiencing, an alcohol-related overdose, if the evidence of the offense was obtained as a result of the person's seeking medical assistance. This is consistent with s. 893.21, F.S., relating to drug-related overdoses; medical assistance; and immunity from prosecution.

*Chapter 2019-81, Laws of Florida  
Effective July 1, 2019*

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### **House Bill 745**

**Signed Into Law**

### **Relating to Alachua County**

The bill authorizes businesses located within Celebration Pointe that are licensed to sell alcoholic beverages to patrons for consumption on the licensed premises to sell such beverages to patrons for consumption off the licensed premises but still within Celebration Pointe.

*Chapter 2019-173, Laws of Florida  
Effective upon becoming a law*

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### **House Bill 763**

**Signed Into Law**

### **Relating to Registered Contractor Licensing**

The bill amends s. 489.514, F.S., to reopen the provision for certification of registered contractors (grandfathering), and allow applications to be submitted until November 1, 2021.

*Chapter 2019-84, Laws of Florida  
Effective July 1, 2019*

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### **House Bill 851**

**Signed Into Law**

### **Relating to Human Trafficking**

The bill, as it relates to the Department of Business and Professional Regulation (department), requires that public lodging establishments take action related to human trafficking by training certain employees and by putting in place policies by a certain date. The Division of Hotels and Restaurants (division) within the department is permitted to take disciplinary action against lodging establishments that fail to comply with those requirements. The division must also review and approve any human trafficking awareness training to be used by public lodging establishments.

*Chapter 2019-152, Laws of Florida  
Effective July 1, 2019*

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### **House Bill 977** **Relating to Public Accountancy**

**Signed Into Law**

The bill makes the following changes to ch. 473, F.S.:

- Amends the definition of the term practice of public accounting to include the updated, comprehensive definition of attest.
- Reduces the percentage of continuing professional education (CPE) hours that must be completed in accounting-related and auditing-related subject matters.
- Revises the number of CPE hours required to reactivate a license.
- Amends s. 473.322, F.S.; prohibiting a person from performing or offering to perform certain services without a license.

*Chapter 2019-89, Laws of Florida  
Effective July 1, 2019*

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### **House Bill 1099** **Relating to City of Kissimmee, Osceola County**

**Signed Into Law**

The bill creates an overlay district in the City of Kissimmee known as the Downtown Community Redevelopment District. Restaurants in the special zone will need less square footage and be able to seat fewer persons at one time than required by General Law in order to obtain a special alcoholic beverage license.

*Chapter 2019-178, Laws of Florida  
Effective upon becoming a law*

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### **House Bill 1351** **Relating to City of St. Cloud, Osceola County**

**Signed Into Law**

The bill creates a special zone in the City of St. Cloud to be known as the Downtown Restaurant Area. Restaurants in the special zone will need less square footage and be able to seat fewer persons at one time than required by General Law in order to obtain a special alcoholic beverage license.

*Chapter 2019-182, Laws of Florida  
Effective upon becoming a law*

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### **House Bill 7073**

**Vetoed**

### **Relating to Permit and Inspection Fees**

The bill authorizes applicable permitting fees and inspection fees under ch. 499, Part I, F.S., for the newly proposed international prescription drug wholesale distributor and international export pharmacy permit categories created under House Bill 19 (2019): International Prescription Drug Importation Program.

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### **House Bill 7125**

**Signed Into Law**

### **Relating to Administration of Justice**

The bill, as amended, requires certain department and boards to use a specified process for reviewing an applicant's criminal record to determine eligibility for licensure and prohibits convictions for certain crimes more than five years prior to an application date as grounds for denial. The bill requires the department and boards to compile and update annually lists of crimes that do not relate to the practice of the profession and do not constitute grounds for license denial, as well as lists of crimes that have, and have not, disqualified applicants from licensure. The bill authorizes a veterinarian to report suspected criminal violations to certain officers and agents without notice to or authorization from a client. The bill modifies elements of, and defenses to, contractor criminal offenses and disciplinary violations, and revises criminal penalties for such criminal offenses.

*Chapter 2019-167, Laws of Florida  
Effective October 1, 2019*

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### **Senate Bill 168**

**Signed Into Law**

### **Relating to Federal Immigration Enforcement**

The bill prohibits sanctuary policies by local government entities, law enforcement agencies, or state entities. It requires cooperation with federal immigration authorities and support of federal immigration laws.

*Chapter 2019-102, Laws of Florida*  
*Effective July 1, 2019*

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**Senate Bill 7012**  
**Relating to Vaping**

**Signed Into Law**

The bill renames part II of ch. 386, F.S., from "Indoor Air: Tobacco Smoke" to "Indoor Air: Smoking and Vaping" and includes vaping in all current prohibitions that apply to smoking in indoor work spaces. Similar to current law relating to retail tobacco shops, the bill includes retail vape shops in the list of places where smoking and vaping are allowed. The bill amends language preempting the regulation of smoking to the state, authorizing the adoption of municipal or county ordinances that impose more restrictive regulation on the use of vapor-generating devices.

*Chapter 2019-14, Laws of Florida*  
*Effective July 1, 2019*

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