

THE FLORIDA SENATE
2024 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/HB 1335 — Department of Business and Professional Regulation

by Commerce Committee; State Administration & Technology Appropriations Subcommittee; and Rep. Maggard and others (CS/CS/SB 1544 by Fiscal Policy Committee; Regulated Industries Committee; and Senator Hooper)

The bill revises the licensing process and other requirements for several licensees and permittees regulated by the Department of Business and Professional Regulation (DBPR). The bill requires persons and entities to create and maintain an online system account for the purpose of processing license, permit, or registration applications, as applicable, and to function as the primary means of contact between the regulating agency and the licensee, permittee, or registrant. Under the bill, the regulating agency may not process an application for the following licenses, permits, or registrations unless it is submitted through the online system:

- Licenses and permits for persons and entities licensed or permitted by the DBPR's Division of Alcoholic Beverages and Tobacco (DABT) under ch. 210, F.S., relating to the taxation of tobacco products;
- Alcoholic beverage licenses issued by the DABT; and
- Retail tobacco products dealer and retail nicotine products dealer permits issued by the DABT.

The bill increases the initial surety bond for an application for a tobacco products distributor's license from \$1,000 to \$25,000. It provides for the DABT to review the amount of the bond and increase it based on established criteria. The DABT may also reduce the bond upon the showing of "good cause" as established by the bill.

The following persons must create and maintain an online account with the agency as a primary means of contact:

- Certified elevator inspectors, certified elevator technicians, or elevator companies registered with the DBPR's Division of Hotels and Restaurants; and
- Certified public accountants licensed by the DBPR's Board of Accountancy.

Regarding the Florida Homeowners' Construction Recovery Fund (recovery fund), the bill doubles the maximum amounts payable to claimants for claims that may be made against contractors from the recovery fund.

Beginning January 1, 2025, for Division I and Division II contracts entered into on, or after, July 1, 2024, payment from the recovery fund is subject to a \$100,000 maximum payment for each Division I claim (\$50,000 maximum currently), and a \$30,000 maximum payment for each Division II claim (\$15,000 maximum currently).

The bill also increases the lifetime aggregate limits for claims made against a single licensee. Beginning January 1, 2025, for Division I and Division II contracts entered into on or after July 1, 2024, payment from the recovery fund is subject only to a total lifetime aggregate cap of

\$2 million for each Division I claim (\$500,000 maximum currently), and a \$600,000 maximum payment for each Division II claim (\$150,000 maximum currently).

The bill:

- Regarding pilots of navigable waters, repeals the requirement for:
 - o Pilots and pilots in port to establish a competency-based mentor program for minority persons as defined in s. 288.703, F.S.;
 - o The DBPR to submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives containing information on the mentor programs; and
 - o The DBPR to give consideration to minority and female state applicants when qualifying deputy pilots for certification.
- Authorizes the DBPR to exercise all the powers and duties of the Board of Employee Leasing if at any time the board lacks a quorum of appointed members under s. 455.207, F.S., which provides that 51 percent or more of the appointed members of the board or any committee, when applicable, shall constitute a quorum.
- Revises the criteria for determining financial responsibility when licensing asbestos abatement consultants and contractors.
- Revises the engineer license exemption to exempt regular full-time employees of a business organization (instead of a corporation) not engaged in the practice of engineering and whose practice of engineering for such business organization (instead of corporation) is limited to the design or fabrication of manufactured products or servicing of such products.
- Regarding barbers and cosmetologists, repeals duplicative provisions allowing licensure by endorsement of persons licensed in another state for at least one year.
- Regarding construction contracting, authorizes local jurisdiction enforcement bodies to recommend to the DBPR's Construction Industry Licensing Board (CILB) a penalty of restitution, in addition to the penalties that a local jurisdiction enforcement body is authorized to recommend to the CILB in current law, and requires the recommended penalty specify which violations of ch. 489, F.S., apply.
- Includes the maintenance of nonelectrical advertising signs (in addition to electrical advertising signs) within the scope of practice of a specialty electrical or alarm system contractor.
- Provides additional types of work experience to qualify for certification as a designated representative of an entity licensed under the Drug and Cosmetic Act in ch. 499, part I, F.S.
- Reduces from 15 years to 10 years the disqualification for an alcoholic beverage license based on a conviction for a felony in Florida, any other state, or the United States.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 29-11; House 102-9