

1 A bill to be entitled
2 An act relating to the Department of Business and
3 Professional Regulation; amending s. 468.8414, F.S.;
4 requiring the department to certify for licensure
5 qualified individuals who practice mold assessment or
6 mold remediation and hold certain licenses issued by
7 other states or territories; requiring applications to
8 be filed within a specified timeframe after such
9 licensure; amending s. 469.004, F.S.; providing an
10 exception for the issuance of an asbestos consultant's
11 license; requiring the department to certify asbestos
12 consultants and asbestos contractors for licensure who
13 meet certain exam and other state licensure
14 requirements; requiring applications to be filed
15 within a specified timeframe after such licensure;
16 requiring asbestos consultants and asbestos
17 contractors to complete certain courses; amending s.
18 469.006, F.S.; revising the financial responsibility
19 criteria the department must use when issuing
20 consulting or contracting licenses; amending s.
21 489.514, F.S.; removing a time limitation for applying
22 for certain contracting licenses under certain
23 provisions; amending s. 509.032, F.S.; authorizing the
24 Division of Hotels and Restaurants of the department
25 to adopt rules for certain electronic submissions and

26 exemptions; amending s. 509.091, F.S.; requiring
27 licensees and licensed agents to provide the division
28 with e-mail addresses for contact with the division;
29 authorizing the division to deliver notices and
30 inspection reports by e-mail; amending s. 509.101,
31 F.S.; revising the maintenance requirements an
32 operator must meet for a transient establishment's
33 guest register; amending s. 509.241, F.S.; providing
34 for the expiration of public lodging establishment and
35 public food service establishment licenses;
36 authorizing the licenses to be renewed for specified
37 timeframes; requiring the division to provide forms
38 for license renewals and license applications;
39 amending s. 509.251, F.S.; revising the public lodging
40 establishment and public food service establishment
41 license fees to include an option for 2-year renewals;
42 limiting the fees the division may charge for a 2-year
43 license renewal; requiring license fees to be paid in
44 full at the time of application; amending s. 548.043,
45 F.S.; deleting a requirement limiting the types of
46 boxing exhibitions which require a specified maximum
47 difference in participant weights; reenacting s.
48 509.102(2), F.S., relating to mobile food dispensing
49 vehicles, to incorporate the amendment made to s.
50 509.251, F.S., in a reference thereto; providing an

51 effective date.

52

53 Be It Enacted by the Legislature of the State of Florida:

54

55 Section 1. Subsection (3) of section 468.8414, Florida
 56 Statutes, is amended to read:

57 468.8414 Licensure.—

58 (3) The department shall certify as qualified for a
 59 license by endorsement an applicant who is of good moral
 60 character, who has the insurance coverage required under s.
 61 468.8421, and who:

62 (a) Is qualified to take the examination as set forth in
 63 s. 468.8413 and has passed a certification examination offered
 64 by a nationally recognized organization that certifies persons
 65 in the specialty of mold assessment or mold remediation, and the
 66 department that has been approved the certification examination
 67 by the department as being substantially equivalent to the
 68 requirements of this part and s. 455.217; ~~or~~

69 (b) Holds a valid license to practice mold assessment or
 70 mold remediation issued by another state or territory of the
 71 United States if the criteria for issuance of the license were
 72 substantially the same as the licensure criteria ~~that is~~
 73 established by this part as determined by the department; or

74 (c) Has held a valid license to practice mold assessment
 75 or mold remediation issued by another state or territory of the

76 United States for at least 10 years before the date of
 77 application. The application for licensure must be made either
 78 when the license in the other state or territory is active or
 79 within 2 years after such license was last active.

80 Section 2. Subsection (3) of section 469.004, Florida
 81 Statutes, is renumbered as subsection (4), subsection (1) is
 82 amended, and a new subsection (3) is added to that section, to
 83 read:

84 469.004 License; asbestos consultant; asbestos
 85 contractor.-

86 (1) All asbestos consultants must be licensed by the
 87 department. Except for an asbestos consultant's license issued
 88 by endorsement as provided under subsection (3) or otherwise
 89 expressly provided by law, an asbestos consultant's license may
 90 be issued only to an applicant who holds a current, valid,
 91 active license as an architect issued under chapter 481; holds a
 92 current, valid, active license as a professional engineer issued
 93 under chapter 471; holds a current, valid, active license as a
 94 professional geologist issued under chapter 492; is a diplomat
 95 of the American Board of Industrial Hygiene; or has been awarded
 96 designation as a Certified Safety Professional by the Board of
 97 Certified Safety Professionals.

98 (3) The department shall certify as qualified for
 99 licensure by endorsement any individual applying for licensure
 100 who has passed a written examination that meets the requirements

101 of the United States Environmental Protection Agency Asbestos
102 Model Accreditation Plan, has held a valid license to practice
103 as an asbestos consultant or asbestos contractor issued by
104 another state or territory of the United States for at least 10
105 years before the date of application, and is applying for the
106 same or similar license in the state, subject to ss. 469.005(5)
107 and 469.006. The application for licensure must be made either
108 when the license in the other state or territory is active or
109 within 2 years after such license was last active. Asbestos
110 consultants and asbestos contractors must complete courses as
111 required by s. 469.005(2) or (3), respectively, to qualify for
112 licensure by endorsement.

113 Section 3. Paragraph (c) of subsection (2) of section
114 469.006, Florida Statutes, is amended to read:

115 469.006 Licensure of business organizations; qualifying
116 agents.—

117 (2)

118 (c) As a prerequisite to the issuance of a license under
119 this section, the applicant shall submit the following:

120 1. An affidavit on a form provided by the department
121 attesting that the applicant has obtained workers' compensation
122 insurance as required by chapter 440, public liability
123 insurance, and property damage insurance, in amounts determined
124 by department rule. The department shall establish by rule a
125 procedure to verify the accuracy of such affidavits based upon a

126 random sample method.

127 2. Evidence of financial responsibility. The department
128 shall adopt rules to determine financial responsibility which
129 ~~shall~~ specify grounds on which the department may deny
130 licensure. Such criteria must ~~shall~~ include, but not be limited
131 to, credit history ~~and limits of bondability and credit.~~

132 Section 4. Subsection (3) of section 489.514, Florida
133 Statutes, is amended to read:

134 489.514 Certification for registered contractors;
135 grandfathering provisions.—

136 ~~(3) An applicant must make application by November 1,~~
137 ~~2021, to be licensed pursuant to this section.~~

138 Section 5. Subsection (6) of section 509.032, Florida
139 Statutes, is amended to read:

140 509.032 Duties.—

141 (6) RULEMAKING AUTHORITY.—The division shall adopt such
142 rules as are necessary to carry out ~~the provisions of this~~
143 chapter. The division may adopt rules requiring electronic
144 submission of any form, document, or fee as required by this
145 chapter. The division may prescribe by rule requirements and
146 procedures for an individual to obtain an exemption due to a
147 technological or financial hardship.

148 Section 6. Section 509.091, Florida Statutes, is amended
149 to read:

150 509.091 Notices; form and service.—

151 (1) All licensees and licensed agents must provide an e-
 152 mail address to the division to function as the primary method
 153 of contact for all communication with the division.

154 (2) Each notice or inspection report served by the
 155 division pursuant to this chapter must be in writing and must be
 156 delivered personally by an agent of the division, be sent by e-
 157 mail, or mailed ~~by registered letter~~ to the operator of the
 158 public lodging establishment or public food service
 159 establishment. If the operator refuses to accept service or
 160 evades service or the agent is otherwise unable to effect
 161 service after due diligence, the division may post such notice
 162 or inspection report in a conspicuous place at the
 163 establishment.

164 ~~(2) Notwithstanding subsection (1), the division may~~
 165 ~~deliver lodging inspection reports and food service inspection~~
 166 ~~reports to the operator of the public lodging establishment or~~
 167 ~~public food service establishment by electronic means.~~

168 Section 7. Subsection (2) of section 509.101, Florida
 169 Statutes, is amended to read:

170 509.101 Establishment rules; posting of notice; food
 171 service inspection report; maintenance of guest register; mobile
 172 food dispensing vehicle registry.—

173 (2) It is the duty of each operator of a transient
 174 establishment to maintain at all times a register of, ~~signed by~~
 175 ~~or for~~ guests who occupy rental units within the establishment,

176 showing the dates upon which the rental units were occupied by
 177 such guests and the rates charged for their occupancy. Each
 178 operator shall maintain this register ~~shall be maintained~~ in
 179 chronological order, shall make the register ~~and~~ available for
 180 inspection by the division at any time, and may keep the
 181 register in an electronic format. Operators need not make
 182 available registers that ~~which~~ are more than 2 years old.

183 Section 8. Section 509.241, Florida Statutes, is amended
 184 to read:

185 509.241 Licenses required; exceptions.—

186 (1) LICENSES; ~~ANNUAL~~ RENEWALS.—Each public lodging
 187 establishment and public food service establishment shall obtain
 188 a license from the division. Such license may not be transferred
 189 from one place or individual to another. It is ~~shall be~~ a
 190 misdemeanor of the second degree, punishable as provided in s.
 191 775.082 or s. 775.083, for such an establishment to operate
 192 without a license. Local law enforcement shall provide immediate
 193 assistance in pursuing an illegally operating establishment. The
 194 division may refuse a license, or a renewal thereof, to any
 195 establishment ~~that is~~ not constructed and maintained in
 196 accordance with law and with the rules of the division. The
 197 division may refuse to issue a license, or a renewal thereof, to
 198 any establishment an operator of which, within the preceding 5
 199 years, has been adjudicated guilty of, or has forfeited a bond
 200 when charged with, any crime reflecting on professional

201 character, including soliciting for prostitution, pandering,
 202 letting premises for prostitution, keeping a disorderly place,
 203 or illegally dealing in controlled substances as defined in
 204 chapter 893, whether in this state or in any other jurisdiction
 205 within the United States, or has had a license denied, revoked,
 206 or suspended pursuant to s. 429.14. Licenses expire if not
 207 renewed before the expiration date and may be renewed for 1 or 2
 208 years. Licenses must ~~shall~~ be renewed using forms provided by
 209 annually, ~~and the division.~~ The division shall adopt a rule
 210 establishing procedures ~~a staggered schedule~~ for license
 211 issuance and renewals. If any license expires while
 212 administrative charges are pending against the license, the
 213 proceedings against the license must ~~shall~~ continue to
 214 conclusion as if the license were still in effect.

215 (2) APPLICATION FOR LICENSE.—Each person who plans to open
 216 a public lodging establishment or a public food service
 217 establishment must ~~shall~~ apply for and receive a license from
 218 the division using forms provided by the division before
 219 commencing ~~prior to the commencement of~~ operation. A condominium
 220 association, as defined in s. 718.103, which does not own any
 221 units classified as vacation rentals or timeshare projects under
 222 s. 509.242(1)(c) or (g) is not required to apply for or receive
 223 a public lodging establishment license.

224 (3) DISPLAY OF LICENSE.—Any license issued by the division
 225 shall be conspicuously displayed in the office or lobby of the

226 licensed establishment. Public food service establishments that
 227 ~~which~~ offer catering services shall display their license number
 228 on all advertising for catering services.

229 Section 9. Subsections (1) and (2) of section 509.251,
 230 Florida Statutes, are amended to read:

231 509.251 License fees.—

232 (1) The division shall adopt~~r~~ by rule~~r~~ a schedule of fees
 233 to be paid by each public lodging establishment as a
 234 prerequisite to issuance or renewal of a license. Initial
 235 license ~~Such~~ fees must ~~shall~~ be based on the number of rental
 236 units in the establishment. License renewal fees must be based
 237 on the number of rental units in the establishment and whether
 238 the renewal is for 1 or 2 years. The aggregate fee per
 239 establishment charged any public lodging establishment may not
 240 exceed \$1,000 for a 1-year license or \$2,000 for a 2-year
 241 license; however, the fees described in paragraphs (a) and (b)
 242 may not be included as part of the aggregate fee subject to this
 243 cap. Vacation rental units or timeshare projects within separate
 244 buildings or at separate locations but managed by one licensed
 245 agent may be combined in a single license application, and the
 246 division must ~~shall~~ charge a license fee as if all units in the
 247 application are in a single licensed establishment. ~~The fee~~
 248 ~~schedule shall require an establishment which applies for an~~
 249 ~~initial license to pay the full license fee if application is~~
 250 ~~made during the annual renewal period or more than 6 months~~

251 ~~before the next such renewal period and one-half of the fee if~~
 252 ~~application is made 6 months or less before such period.~~ The fee
 253 schedule must ~~shall~~ include fees collected for the purpose of
 254 funding the Hospitality Education Program, pursuant to s.
 255 509.302. All fees, ~~which~~ are payable in full for each
 256 application at the time ~~regardless of when~~ the application is
 257 submitted.

258 (a) Upon making initial application or an application for
 259 change of ownership, the applicant shall pay to the division a
 260 fee as prescribed by rule, not to exceed \$50, in addition to any
 261 other fees required by law, which shall cover all costs
 262 associated with initiating regulation of the establishment.

263 (b) A license renewal filed with the division after the
 264 expiration date shall be accompanied by a delinquent fee as
 265 prescribed by rule, not to exceed \$50, in addition to the
 266 renewal fee and any other fees required by law.

267 (2) The division shall adopt~~7~~ by rule~~7~~ a schedule of fees
 268 to be paid by each public food service establishment as a
 269 prerequisite to issuance or renewal of a license. Initial
 270 license fees must be based on the classification of the license.
 271 License renewal fees must be based on the classification of the
 272 license and whether a renewal is for 1 or 2 years. The fee
 273 schedule must ~~shall~~ prescribe a base ~~basic~~ fee and additional
 274 fees based on seating capacity and services offered. The
 275 aggregate fee per establishment charged any public food service

276 establishment may not exceed \$400 for a 1-year license or \$800
 277 for a 2-year license; however, the fees described in paragraphs
 278 (a) and (b) may not be included as part of the aggregate fee
 279 subject to this cap. ~~The fee schedule shall require an~~
 280 ~~establishment which applies for an initial license to pay the~~
 281 ~~full license fee if application is made during the annual~~
 282 ~~renewal period or more than 6 months before the next such~~
 283 ~~renewal period and one-half of the fee if application is made 6~~
 284 ~~months or less before such period.~~ The fee schedule must ~~shall~~
 285 include fees collected for the purpose of funding the
 286 Hospitality Education Program, pursuant to s. 509.302. All fees,
 287 ~~which~~ are payable in full for each application at the time
 288 ~~regardless of when~~ the application is submitted.

289 (a) Upon making initial application or an application for
 290 change of ownership, the applicant shall pay to the division a
 291 fee as prescribed by rule, not to exceed \$50, in addition to any
 292 other fees required by law, which shall cover all costs
 293 associated with initiating regulation of the establishment.

294 (b) A license renewal filed with the division after the
 295 expiration date shall be accompanied by a delinquent fee as
 296 prescribed by rule, not to exceed \$50, in addition to the
 297 renewal fee and any other fees required by law.

298 Section 10. Subsection (2) of section 548.043, Florida
 299 Statutes, is amended to read:

300 548.043 Weights and classes, limitations; gloves.—

301 (2) The commission shall establish by rule the acceptable
 302 difference in weight between participants; however, the maximum
 303 difference in weight in boxing matches may ~~shall~~ not exceed 12
 304 pounds, except matches in the cruiserweight and heavyweight
 305 classes and exhibitions ~~held solely for training purposes.~~

306 Section 11. For the purpose of incorporating the amendment
 307 made by this act to section 509.251, Florida Statutes, in a
 308 reference thereto, subsection (2) of section 509.102, Florida
 309 Statutes, is reenacted to read:

310 509.102 Mobile food dispensing vehicles; preemption.—

311 (2) Regulation of mobile food dispensing vehicles
 312 involving licenses, registrations, permits, and fees is
 313 preempted to the state. A municipality, county, or other local
 314 governmental entity may not require a separate license,
 315 registration, or permit other than the license required under s.
 316 509.241, or require the payment of any license, registration, or
 317 permit fee other than the fee required under s. 509.251, as a
 318 condition for the operation of a mobile food dispensing vehicle
 319 within the entity's jurisdiction. A municipality, county, or
 320 other local governmental entity may not prohibit mobile food
 321 dispensing vehicles from operating within the entirety of the
 322 entity's jurisdiction.

323 Section 12. This act shall take effect July 1, 2022.