

By Senator Hooper

16-00808-22

2022714\_\_

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.; requiring the  
10      department to certify asbestos consultants and  
11      asbestos contractors for licensure who meet certain  
12      exam and other state licensure requirements; requiring  
13      applications to be filed within a specified timeframe  
14      after such licensure; requiring asbestos consultants  
15      and asbestos contractors to complete certain courses;  
16      amending s. 469.006, F.S.; revising the financial  
17      responsibility criteria the department must use when  
18      issuing consulting or contracting licenses; amending  
19      s. 489.514, F.S.; removing a time limitation for  
20      applying for certain contracting licenses under  
21      certain provisions; amending s. 509.032, F.S.;  
22      authorizing the Division of Hotels and Restaurants of  
23      the department to adopt rules for certain electronic  
24      submissions and exemptions; amending s. 509.091, F.S.;  
25      requiring licensees and licensed agents to provide the  
26      division with e-mail addresses for contact with the  
27      division; authorizing the division to deliver notices  
28      and inspection reports by e-mail; amending s. 509.101,  
29      F.S.; revising the maintenance requirements an

16-00808-22

2022714\_\_

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

50  
51 Be It Enacted by the Legislature of the State of Florida:

52  
53 Section 1. Subsection (3) of section 468.8414, Florida  
54 Statutes, is amended to read:

55 468.8414 Licensure.—

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

16-00808-22

2022714\_\_

59 (a) Is qualified to take the examination as set forth in s.  
60 468.8413 and has passed a certification examination offered by a  
61 nationally recognized organization that certifies persons in the  
62 specialty of mold assessment or mold remediation, and the  
63 department that has been approved the certification examination  
64 by the department as being substantially equivalent to the  
65 requirements of this part and s. 455.217; ~~or~~

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

71 (c) Has held a valid license to practice mold assessment or  
72 mold remediation issued by another state or territory of the  
73 United States for at least 10 years before the date of  
74 application. The application for licensure must be made either  
75 when the license in the other state or territory is active or  
76 within 2 years after such license was last active.

77 Section 2. Present subsection (3) of section 469.004,  
78 Florida Statutes, is redesignated as subsection (4), and a new  
79 subsection (3) is added to that section, to read:

80 469.004 License; asbestos consultant; asbestos contractor.-

81 (3) The department shall certify as qualified for licensure  
82 by endorsement any individual applying for licensure who has  
83 passed a written examination that meets the requirements of the  
84 United States Environmental Protection Agency Asbestos Model  
85 Accreditation Plan, has held a valid license to practice as an  
86 asbestos consultant or asbestos contractor issued by another  
87 state or territory of the United States for at least 10 years

16-00808-22

2022714\_\_

88 before the date of application, and is applying for the same or  
89 similar license in this state, subject to ss. 469.005(5) and  
90 469.006. The application for licensure must be made either when  
91 the license in the other state or territory is active or within  
92 2 years after such license was last active. Asbestos consultants  
93 and asbestos contractors must complete courses as required by s.  
94 469.005(2) or (3), respectively, to qualify for licensure by  
95 endorsement.

96 Section 3. Paragraph (c) of subsection (2) of section  
97 469.006, Florida Statutes, is amended to read:

98 469.006 Licensure of business organizations; qualifying  
99 agents.—

100 (2)

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

103 1. An affidavit on a form provided by the department  
104 attesting that the applicant has obtained workers' compensation  
105 insurance as required by chapter 440, public liability  
106 insurance, and property damage insurance, in amounts determined  
107 by department rule. The department shall establish by rule a  
108 procedure to verify the accuracy of such affidavits based upon a  
109 random sample method.

110 2. Evidence of financial responsibility. The department  
111 shall adopt rules to determine financial responsibility which  
112 ~~shall~~ specify grounds on which the department may deny  
113 licensure. Such criteria must ~~shall~~ include, but not be limited  
114 to, credit history and ~~limits of bondability and credit.~~

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

16-00808-22

2022714\_\_

117 489.514 Certification for registered contractors;  
118 grandfathering provisions.—

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

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

123 509.032 Duties.—

124 (6) RULEMAKING AUTHORITY.—The division shall adopt such  
125 rules as are necessary to carry out ~~the provisions of this~~  
126 chapter. The division may adopt rules requiring electronic  
127 submission of any form, document, or fee as required by this  
128 chapter. The division may prescribe by rule requirements and  
129 procedures for an individual to obtain an exemption due to a  
130 technological or financial hardship.

131 Section 6. Section 509.091, Florida Statutes, is amended to  
132 read:

133 509.091 Notices; form and service.—

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

137 (2) Each notice or inspection report served by the division  
138 pursuant to this chapter must be in writing and must be  
139 delivered personally by an agent of the division, be sent by e-  
140 mail, or mailed ~~by registered letter~~ to the operator of the  
141 public lodging establishment or public food service  
142 establishment. If the operator refuses to accept service or  
143 evades service or the agent is otherwise unable to effect  
144 service after due diligence, the division may post such notice  
145 or inspection report in a conspicuous place at the

16-00808-22

2022714\_\_

146 establishment.

147 ~~(2) Notwithstanding subsection (1), the division may~~  
148 ~~deliver lodging inspection reports and food service inspection~~  
149 ~~reports to the operator of the public lodging establishment or~~  
150 ~~public food service establishment by electronic means.~~

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

153 509.101 Establishment rules; posting of notice; food  
154 service inspection report; maintenance of guest register; mobile  
155 food dispensing vehicle registry.-

156 (2) It is the duty of each operator of a transient  
157 establishment to maintain at all times a register of, ~~signed by~~  
158 ~~or for~~ guests who occupy rental units within the establishment,  
159 showing the dates upon which the rental units were occupied by  
160 such guests and the rates charged for their occupancy. Each  
161 operator shall maintain this register ~~shall be maintained~~ in  
162 chronological order, shall make the register ~~and~~ available for  
163 inspection by the division at any time, and may keep the  
164 register in an electronic format. Operators need not make  
165 available registers that ~~which~~ are more than 2 years old.

166 Section 8. Section 509.241, Florida Statutes, is amended to  
167 read:

168 509.241 Licenses required; exceptions.-

169 (1) LICENSES; ~~ANNUAL~~ RENEWALS.-Each public lodging  
170 establishment and public food service establishment shall obtain  
171 a license from the division. Such license may not be transferred  
172 from one place or individual to another. It is ~~shall be~~ a  
173 misdemeanor of the second degree, punishable as provided in s.  
174 775.082 or s. 775.083, for such an establishment to operate

16-00808-22

2022714\_\_

175 without a license. Local law enforcement shall provide immediate  
176 assistance in pursuing an illegally operating establishment. The  
177 division may refuse a license, or a renewal thereof, to any  
178 establishment ~~that is~~ not constructed and maintained in  
179 accordance with law and with the rules of the division. The  
180 division may refuse to issue a license, or a renewal thereof, to  
181 any establishment an operator of which, within the preceding 5  
182 years, has been adjudicated guilty of, or has forfeited a bond  
183 when charged with, any crime reflecting on professional  
184 character, including soliciting for prostitution, pandering,  
185 letting premises for prostitution, keeping a disorderly place,  
186 or illegally dealing in controlled substances as defined in  
187 chapter 893, whether in this state or in any other jurisdiction  
188 within the United States, or has had a license denied, revoked,  
189 or suspended pursuant to s. 429.14. Licenses expire if not  
190 renewed before the expiration date and may be renewed for 1 or 2  
191 years. Licenses must ~~shall~~ be renewed using forms provided by  
192 annually, and the division. The division shall adopt a rule  
193 establishing procedures a staggered schedule for license  
194 issuance and renewals. If any license expires while  
195 administrative charges are pending against the license, the  
196 proceedings against the license must ~~shall~~ continue to  
197 conclusion as if the license were still in effect.

198 (2) APPLICATION FOR LICENSE.—Each person who plans to open  
199 a public lodging establishment or a public food service  
200 establishment must ~~shall~~ apply for and receive a license from  
201 the division using forms provided by the division before  
202 commencing ~~prior to the commencement of~~ operation. A condominium  
203 association, as defined in s. 718.103, which does not own any

16-00808-22

2022714\_\_

204 units classified as vacation rentals or timeshare projects under  
205 s. 509.242(1)(c) or (g) is not required to apply for or receive  
206 a public lodging establishment license.

207 (3) DISPLAY OF LICENSE.—Any license issued by the division  
208 shall be conspicuously displayed in the office or lobby of the  
209 licensed establishment. Public food service establishments that  
210 ~~which~~ offer catering services shall display their license number  
211 on all advertising for catering services.

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

214 509.251 License fees.—

215 (1) The division shall adopt~~7~~ by rule~~7~~ a schedule of fees  
216 to be paid by each public lodging establishment as a  
217 prerequisite to issuance or renewal of a license. Initial  
218 license ~~Such~~ fees must ~~shall~~ be based on the number of rental  
219 units in the establishment. License renewal fees must be based  
220 on the number of rental units in the establishment and whether  
221 the renewal is for 1 or 2 years. The aggregate fee per  
222 establishment charged any public lodging establishment may not  
223 exceed \$1,000 for a 1-year license or \$2,000 for a 2-year  
224 license; however, the fees described in paragraphs (a) and (b)  
225 may not be included as part of the aggregate fee subject to this  
226 cap. Vacation rental units or timeshare projects within separate  
227 buildings or at separate locations but managed by one licensed  
228 agent may be combined in a single license application, and the  
229 division must ~~shall~~ charge a license fee as if all units in the  
230 application are in a single licensed establishment. ~~The fee~~  
231 ~~schedule shall require an establishment which applies for an~~  
232 ~~initial license to pay the full license fee if application is~~



16-00808-22

2022714\_\_

233 ~~made during the annual renewal period or more than 6 months~~  
234 ~~before the next such renewal period and one-half of the fee if~~  
235 ~~application is made 6 months or less before such period.~~ The fee  
236 schedule must ~~shall~~ include fees collected for the purpose of  
237 funding the Hospitality Education Program, pursuant to s.  
238 509.302. All fees, ~~which~~ are payable in full for each  
239 application at the time ~~regardless of when~~ the application is  
240 submitted.

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

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

250 (2) The division shall adopt, ~~by rule,~~ a schedule of fees  
251 to be paid by each public food service establishment as a  
252 prerequisite to issuance or renewal of a license. Initial  
253 license fees must be based on the classification of the license.  
254 License renewal fees must be based on the classification of the  
255 license and whether a renewal is for 1 or 2 years. The fee  
256 schedule must ~~shall~~ prescribe a base ~~basic~~ fee and additional  
257 fees based on seating capacity and services offered. The  
258 aggregate fee per establishment charged any public food service  
259 establishment may not exceed \$400 for a 1-year license or \$800  
260 for a 2-year license; however, the fees described in paragraphs  
261 (a) and (b) may not be included as part of the aggregate fee

16-00808-22

2022714\_\_

262 subject to this cap. ~~The fee schedule shall require an~~  
263 ~~establishment which applies for an initial license to pay the~~  
264 ~~full license fee if application is made during the annual~~  
265 ~~renewal period or more than 6 months before the next such~~  
266 ~~renewal period and one-half of the fee if application is made 6~~  
267 ~~months or less before such period.~~ The fee schedule must ~~shall~~  
268 include fees collected for the purpose of funding the  
269 Hospitality Education Program, pursuant to s. 509.302. All fees,  
270 ~~which~~ are payable in full for each application at the time  
271 ~~regardless of when~~ the application is submitted.

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

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

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

283 548.043 Weights and classes, limitations; gloves.—

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

289 Section 11. For the purpose of incorporating the amendment  
290 made by this act to section 509.251, Florida Statutes, in a

16-00808-22

2022714\_\_

291 reference thereto, subsection (2) of section 509.102, Florida  
292 Statutes, is reenacted to read:

293 509.102 Mobile food dispensing vehicles; preemption.—

294 (2) Regulation of mobile food dispensing vehicles involving  
295 licenses, registrations, permits, and fees is preempted to the  
296 state. A municipality, county, or other local governmental  
297 entity may not require a separate license, registration, or  
298 permit other than the license required under s. 509.241, or  
299 require the payment of any license, registration, or permit fee  
300 other than the fee required under s. 509.251, as a condition for  
301 the operation of a mobile food dispensing vehicle within the  
302 entity's jurisdiction. A municipality, county, or other local  
303 governmental entity may not prohibit mobile food dispensing  
304 vehicles from operating within the entirety of the entity's  
305 jurisdiction.

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