

By the Committee on Regulated Industries; and Senator Hooper

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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

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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 license

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59 by endorsement an applicant who is of good moral character, who
60 has the insurance coverage required under s. 468.8421, and who:

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

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

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

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

83 469.004 License; asbestos consultant; asbestos contractor.—

84 (1) All asbestos consultants must be licensed by the
85 department. Except for an asbestos consultant's license issued
86 by endorsement as provided under subsection (3) or otherwise
87 expressly provided by law, an asbestos consultant's license may

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88 be issued only to an applicant who holds a current, valid,
89 active license as an architect issued under chapter 481; holds a
90 current, valid, active license as a professional engineer issued
91 under chapter 471; holds a current, valid, active license as a
92 professional geologist issued under chapter 492; is a diplomat
93 of the American Board of Industrial Hygiene; or has been awarded
94 designation as a Certified Safety Professional by the Board of
95 Certified Safety Professionals.

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

111 Section 3. Paragraph (c) of subsection (2) of section
112 469.006, Florida Statutes, is amended to read:

113 469.006 Licensure of business organizations; qualifying
114 agents.—

115 (2)

116 (c) As a prerequisite to the issuance of a license under

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117 this section, the applicant shall submit the following:

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

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

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

132 489.514 Certification for registered contractors;
133 grandfathering provisions.—

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

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

138 509.032 Duties.—

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

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146 Section 6. Section 509.091, Florida Statutes, is amended to
147 read:

148 509.091 Notices; form and service.—

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

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

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

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

168 509.101 Establishment rules; posting of notice; food
169 service inspection report; maintenance of guest register; mobile
170 food dispensing vehicle registry.—

171 (2) It is the duty of each operator of a transient
172 establishment to maintain at all times a register of, ~~signed by~~
173 ~~or for~~ guests who occupy rental units within the establishment,
174 showing the dates upon which the rental units were occupied by

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

181 Section 8. Section 509.241, Florida Statutes, is amended to
182 read:

183 509.241 Licenses required; exceptions.—

184 (1) LICENSES; ~~ANNUAL~~ RENEWALS.—Each public lodging
185 establishment and public food service establishment shall obtain
186 a license from the division. Such license may not be transferred
187 from one place or individual to another. It is ~~shall be~~ a
188 misdemeanor of the second degree, punishable as provided in s.
189 775.082 or s. 775.083, for such an establishment to operate
190 without a license. Local law enforcement shall provide immediate
191 assistance in pursuing an illegally operating establishment. The
192 division may refuse a license, or a renewal thereof, to any
193 establishment ~~that is~~ not constructed and maintained in
194 accordance with law and with the rules of the division. The
195 division may refuse to issue a license, or a renewal thereof, to
196 any establishment an operator of which, within the preceding 5
197 years, has been adjudicated guilty of, or has forfeited a bond
198 when charged with, any crime reflecting on professional
199 character, including soliciting for prostitution, pandering,
200 letting premises for prostitution, keeping a disorderly place,
201 or illegally dealing in controlled substances as defined in
202 chapter 893, whether in this state or in any other jurisdiction
203 within the United States, or has had a license denied, revoked,

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204 or suspended pursuant to s. 429.14. Licenses expire if not
205 renewed before the expiration date and may be renewed for 1 or 2
206 years. Licenses must ~~shall~~ be renewed using forms provided by
207 annually, and the division. The division shall adopt a rule
208 establishing procedures ~~a staggered schedule~~ for license
209 issuance and renewals. If any license expires while
210 administrative charges are pending against the license, the
211 proceedings against the license must ~~shall~~ continue to
212 conclusion as if the license were still in effect.

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

222 (3) DISPLAY OF LICENSE.—Any license issued by the division
223 shall be conspicuously displayed in the office or lobby of the
224 licensed establishment. Public food service establishments that
225 which offer catering services shall display their license number
226 on all advertising for catering services.

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

229 509.251 License fees.—

230 (1) The division shall adopt~~r~~ by rule~~r~~ a schedule of fees
231 to be paid by each public lodging establishment as a
232 prerequisite to issuance or renewal of a license. Initial

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233 license ~~Such~~ fees must ~~shall~~ be based on the number of rental
234 units in the establishment. License renewal fees must be based
235 on the number of rental units in the establishment and whether
236 the renewal is for 1 or 2 years. The aggregate fee per
237 establishment charged any public lodging establishment may not
238 exceed \$1,000 for a 1-year license or \$2,000 for a 2-year
239 license; however, the fees described in paragraphs (a) and (b)
240 may not be included as part of the aggregate fee subject to this
241 cap. Vacation rental units or timeshare projects within separate
242 buildings or at separate locations but managed by one licensed
243 agent may be combined in a single license application, and the
244 division must ~~shall~~ charge a license fee as if all units in the
245 application are in a single licensed establishment. ~~The fee~~
246 ~~schedule shall require an establishment which applies for an~~
247 ~~initial license to pay the full license fee if application is~~
248 ~~made during the annual renewal period or more than 6 months~~
249 ~~before the next such renewal period and one half of the fee if~~
250 ~~application is made 6 months or less before such period.~~ The fee
251 schedule must ~~shall~~ include fees collected for the purpose of
252 funding the Hospitality Education Program, pursuant to s.
253 509.302. All fees, ~~which~~ are payable in full for each
254 application at the time ~~regardless of when~~ the application is
255 submitted.

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

261 (b) A license renewal filed with the division after the

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262 expiration date shall be accompanied by a delinquent fee as
263 prescribed by rule, not to exceed \$50, in addition to the
264 renewal fee and any other fees required by law.

265 (2) The division shall adopt~~r~~ by rule~~r~~ a schedule of fees
266 to be paid by each public food service establishment as a
267 prerequisite to issuance or renewal of a license. Initial
268 license fees must be based on the classification of the license.
269 License renewal fees must be based on the classification of the
270 license and whether a renewal is for 1 or 2 years. The fee
271 schedule must ~~shall~~ prescribe a base ~~basic~~ fee and additional
272 fees based on seating capacity and services offered. The
273 aggregate fee per establishment charged any public food service
274 establishment may not exceed \$400 for a 1-year license or \$800
275 for a 2-year license; however, the fees described in paragraphs
276 (a) and (b) may not be included as part of the aggregate fee
277 subject to this cap. ~~The fee schedule shall require an~~
278 ~~establishment which applies for an initial license to pay the~~
279 ~~full license fee if application is made during the annual~~
280 ~~renewal period or more than 6 months before the next such~~
281 ~~renewal period and one-half of the fee if application is made 6~~
282 ~~months or less before such period.~~ The fee schedule must ~~shall~~
283 include fees collected for the purpose of funding the
284 Hospitality Education Program, pursuant to s. 509.302. All fees~~r~~
285 ~~which~~ are payable in full for each application at the time
286 ~~regardless of when~~ the application is submitted.

287 (a) Upon making initial application or an application for
288 change of ownership, the applicant shall pay to the division a
289 fee as prescribed by rule, not to exceed \$50, in addition to any
290 other fees required by law, which shall cover all costs

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291 associated with initiating regulation of the establishment.

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

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

298 548.043 Weights and classes, limitations; gloves.—

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

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

308 509.102 Mobile food dispensing vehicles; preemption.—

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

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320 jurisdiction.

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