

By 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; amending s. 469.004,  
8       F.S.; revising requirements for the issuance of an  
9       asbestos consultant's license; requiring the  
10      department to certify for licensure by endorsement  
11      asbestos consultants and asbestos contractors who meet  
12      certain exam and other state licensure requirements;  
13      requiring asbestos consultants and asbestos  
14      contractors to complete certain courses; amending s.  
15      489.514, F.S.; removing a time limitation for applying  
16      for certain contracting licenses under certain  
17      provisions; amending s. 509.091, F.S.; requiring  
18      licensees and licensed agents to provide the  
19      department's Division of Hotels and Restaurants with  
20      e-mail addresses at which they can be contacted;  
21      authorizing the division to deliver notices and  
22      inspection reports by e-mail; amending s. 509.101,  
23      F.S.; revising the guest register maintenance  
24      requirements that an operator of a transient  
25      establishment must meet; amending s. 509.241, F.S.;  
26      providing for the expiration of public lodging  
27      establishment and public food service establishment  
28      licenses; authorizing the licenses to be renewed for  
29      specified timeframes; requiring the division to

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30 provide forms for license renewals and license  
31 applications; requiring licensees and licensed agents  
32 to maintain a division online account and provide the  
33 division with specified information; amending s.  
34 509.251, F.S.; revising the public lodging  
35 establishment and public food service establishment  
36 license fees to include an option for 2-year renewals;  
37 limiting the fees the division may charge for a 2-year  
38 license renewal; requiring license fees to be paid in  
39 full at the time of application; amending s. 548.043,  
40 F.S.; deleting a requirement limiting the types of  
41 boxing exhibitions which require a specified maximum  
42 difference in participant weights; reenacting s.  
43 509.102(2), F.S., relating to mobile food dispensing  
44 vehicles, to incorporate the amendment made to s.  
45 509.251, F.S., in a reference thereto; providing an  
46 effective date.

47  
48 Be It Enacted by the Legislature of the State of Florida:

49  
50 Section 1. Subsection (3) of section 468.8414, Florida  
51 Statutes, is amended to read:

52 468.8414 Licensure.—

53 (3) The department shall certify as qualified for a license  
54 by endorsement an applicant who is of good moral character, who  
55 has the insurance coverage required under s. 468.8421, and who  
56 meets at least one of the following requirements:

57 (a) Is qualified to take the examination as set forth in s.  
58 468.8413 and has passed a certification examination offered by a

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59 nationally recognized organization that certifies persons in the  
60 specialty of mold assessment or mold remediation and that has  
61 been approved by the department as substantially equivalent to  
62 the requirements of this part and s. 455.217. ~~;~~ ~~or~~

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

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

74 Section 2. Present subsection (3) of section 469.004,  
75 Florida Statutes, is redesignated as subsection (4), a new  
76 subsection (3) is added to that section, and subsection (1) of  
77 that section is amended, to read:

78 469.004 License; asbestos consultant; asbestos contractor.-

79 (1) All asbestos consultants must be licensed by the  
80 department. Except for an asbestos consultant's license issued  
81 by endorsement as provided under subsection (3) or otherwise  
82 expressly provided by law, an asbestos consultant's license may  
83 be issued only to an applicant who holds a current, valid,  
84 active license as an architect issued under chapter 481; holds a  
85 current, valid, active license as a professional engineer issued  
86 under chapter 471; holds a current, valid, active license as a  
87 professional geologist issued under chapter 492; is a diplomat

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88 of the American Board of Industrial Hygiene; or has been awarded  
89 designation as a Certified Safety Professional by the Board of  
90 Certified Safety Professionals.

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

106 Section 3. Subsection (3) of section 489.514, Florida  
107 Statutes, is amended to read:

108 489.514 Certification for registered contractors;  
109 grandfathering provisions.—

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

112 Section 4. Section 509.091, Florida Statutes, is amended to  
113 read:

114 509.091 Notices; form and service.—

115 (1) All licensees and licensed agents must provide an e-  
116 mail address to the division to function as the primary method

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117 of contact for all communication with the division.

118 (2) Each notice or inspection report served by the division  
119 pursuant to this chapter must be in writing and must be  
120 delivered personally by an agent of the division, sent by e-  
121 mail, or mailed by registered letter to the operator of the  
122 public lodging establishment or public food service  
123 establishment. If the operator refuses to accept service or  
124 evades service or the agent is otherwise unable to effect  
125 service after due diligence, the division may post such notice  
126 or inspection report in a conspicuous place at the  
127 establishment.

128 ~~(2) Notwithstanding subsection (1), the division may~~  
129 ~~deliver lodging inspection reports and food service inspection~~  
130 ~~reports to the operator of the public lodging establishment or~~  
131 ~~public food service establishment by electronic means.~~

132 Section 5. Subsection (2) of section 509.101, Florida  
133 Statutes, is amended to read:

134 509.101 Establishment rules; posting of notice; food  
135 service inspection report; maintenance of guest register; mobile  
136 food dispensing vehicle registry.-

137 (2) It is the duty of each operator of a transient  
138 establishment to maintain at all times a register of, ~~signed by~~  
139 ~~or for~~ guests who occupy rental units within the establishment,  
140 showing the dates upon which the rental units were occupied by  
141 such guests and the rates charged for their occupancy. Each  
142 operator shall maintain this register ~~shall be maintained~~ in  
143 chronological order, shall make the register ~~and~~ available for  
144 inspection by the division at any time, and may keep the  
145 register in an electronic format. Operators need not make

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146 available registers that ~~which~~ are more than 2 years old.

147 Section 6. Section 509.241, Florida Statutes, is amended to  
148 read:

149 509.241 Licenses required; exceptions.—

150 (1) LICENSES; ~~ANNUAL~~ RENEWALS.—Each public lodging  
151 establishment and public food service establishment shall obtain  
152 a license from the division. Such license may not be transferred  
153 from one place or individual to another. It is ~~shall be~~ a  
154 misdemeanor of the second degree, punishable as provided in s.  
155 775.082 or s. 775.083, for such an establishment to operate  
156 without a license. Local law enforcement shall provide immediate  
157 assistance in pursuing an illegally operating establishment. The  
158 division may refuse a license, or a renewal thereof, to any  
159 establishment ~~that is~~ not constructed and maintained in  
160 accordance with law and with the rules of the division. The  
161 division may refuse to issue a license, or a renewal thereof, to  
162 any establishment an operator of which, within the preceding 5  
163 years, has been adjudicated guilty of, or has forfeited a bond  
164 when charged with, any crime reflecting on professional  
165 character, including soliciting for prostitution, pandering,  
166 letting premises for prostitution, keeping a disorderly place,  
167 or illegally dealing in controlled substances as defined in  
168 chapter 893, whether in this state or in any other jurisdiction  
169 within the United States, or has had a license denied, revoked,  
170 or suspended pursuant to s. 429.14. Licenses expire if not  
171 renewed before the expiration date and may be renewed for 1 or 2  
172 years. Licenses must ~~shall~~ be renewed using forms provided by  
173 annually, ~~and~~ the division. The division shall adopt a rule  
174 establishing procedures ~~a staggered schedule~~ for license

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175 issuance and renewals. If any license expires while  
176 administrative charges are pending against the license, the  
177 proceedings against the license must ~~shall~~ continue to  
178 conclusion as if the license were still in effect.

179 (2) APPLICATION FOR LICENSE.—Each person who plans to open  
180 a public lodging establishment or a public food service  
181 establishment must ~~shall~~ apply for and receive a license from  
182 the division using forms provided by the division before  
183 commencing ~~prior to the commencement of~~ operation. A condominium  
184 association, as defined in s. 718.103, which does not own any  
185 units classified as vacation rentals or timeshare projects under  
186 s. 509.242(1)(c) or (g) is not required to apply for or receive  
187 a public lodging establishment license.

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

193 (4) ONLINE ACCOUNT AND TRANSACTIONS.—Each person who plans  
194 to open a public lodging establishment or a public food service  
195 establishment and each licensee or licensed agent must create  
196 and maintain a division online account and provide an e-mail  
197 address to the division to function as the primary contact for  
198 all communication from the division.

199 (a) Licensees and licensed agents are responsible for  
200 maintaining accurate contact information on file with the  
201 division.

202 (b) Each licensee issued a license or licensed agent  
203 managing a license classified as a vacation rental or timeshare

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204 project, as those terms are defined in s. 509.242(1)(c) and (g),  
205 respectively, must submit any change in the street or unit  
206 address or number of houses or units included under the license  
207 within 30 days of the change. All changes must be filed with the  
208 division through the division's online system.

209 Section 7. Subsections (1) and (2) of section 509.251,  
210 Florida Statutes, are amended to read:

211 509.251 License fees.—

212 (1) The division shall adopt~~7~~ by rule~~7~~ a schedule of fees  
213 to be paid by each public lodging establishment as a  
214 prerequisite to issuance or renewal of a license. Initial  
215 license ~~Such~~ fees must ~~shall~~ be based on the number of rental  
216 units in the establishment. License renewal fees must be based  
217 on the number of rental units in the establishment and whether  
218 the renewal is for 1 or 2 years. The aggregate fee per  
219 establishment charged any public lodging establishment may not  
220 exceed \$1,000 for a 1-year license or \$2,000 for a 2-year  
221 license; however, the fees described in paragraphs (a) and (b)  
222 may not be included as part of the aggregate fee subject to this  
223 cap. Vacation rental units or timeshare projects within separate  
224 buildings or at separate locations but managed by one licensed  
225 agent may be combined in a single license application, and the  
226 division must ~~shall~~ charge a license fee as if all units in the  
227 application are in a single licensed establishment. ~~The fee~~  
228 ~~schedule shall require an establishment which applies for an~~  
229 ~~initial license to pay the full license fee if application is~~  
230 ~~made during the annual renewal period or more than 6 months~~  
231 ~~before the next such renewal period and one-half of the fee if~~  
232 ~~application is made 6 months or less before such period.~~ The fee

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233 schedule must ~~shall~~ include fees collected for the purpose of  
234 funding the Hospitality Education Program, pursuant to s.  
235 509.302. All fees, ~~which~~ are payable in full for each  
236 application at the time ~~regardless of when~~ the application is  
237 submitted.

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

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

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

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

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

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

278 Section 8. Subsection (2) of section 548.043, Florida  
279 Statutes, is amended to read:

280 548.043 Weights and classes, limitations; gloves.—

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

286 Section 9. For the purpose of incorporating the amendment  
287 made by this act to section 509.251, Florida Statutes, in a  
288 reference thereto, subsection (2) of section 509.102, Florida  
289 Statutes, is reenacted to read:

290 509.102 Mobile food dispensing vehicles; preemption.—

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

303 Section 10. This act shall take effect July 1, 2023.