

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
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
 54 license by endorsement an applicant who is of good moral
 55 character, who has the insurance coverage required under s.
 56 468.8421, and who meets at least one of the following
 57 requirements:

58 (a) Is qualified to take the examination as set forth in
 59 s. 468.8413 and has passed a certification examination offered
 60 by a nationally recognized organization that certifies persons
 61 in the specialty of mold assessment or mold remediation and that
 62 has been approved by the department as substantially equivalent
 63 to the requirements of this part and s. 455.217 ~~.7 or~~

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

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

75 Section 2. Present subsection (3) of section 469.004,

76 Florida Statutes, is redesignated as subsection (4), a new
 77 subsection (3) is added to that section, and subsection (1) of
 78 that section is amended, to read:

79 469.004 License; asbestos consultant; asbestos
 80 contractor.—

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

93 (3) The department shall certify as qualified for
 94 licensure by endorsement any individual applying for licensure
 95 who has passed a written examination that meets the requirements
 96 of the United States Environmental Protection Agency Asbestos
 97 Model Accreditation Plan, has held a valid license to practice
 98 as an asbestos consultant or asbestos contractor issued by
 99 another state or territory of the United States for at least 10
 100 years before the date of application, and is applying for the

101 same or similar license in this state, subject to ss. 469.005(5)
 102 and 469.006. The application for licensure must be made either
 103 when the license in the other state or territory is active or
 104 within 2 years after such license was last active. To qualify
 105 for licensure by endorsement, an asbestos consultant must
 106 complete the courses required by s. 469.005(2) and an asbestos
 107 contractor must complete the courses required by s. 469.005(3).

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

110 489.514 Certification for registered contractors;
 111 grandfathering provisions.-

112 ~~(3) An applicant must make application by November 1,~~
 113 ~~2021, to be licensed pursuant to this section.~~

114 Section 4. Section 509.091, Florida Statutes, is amended
 115 to read:

116 509.091 Notices; form and service.-

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

120 (2) Each notice or inspection report served by the
 121 division pursuant to this chapter must be in writing and must be
 122 delivered personally by an agent of the division, sent by e-
 123 mail, or mailed by registered letter to the operator of the
 124 public lodging establishment or public food service
 125 establishment. If the operator refuses to accept service or

126 | evades service or the agent is otherwise unable to effect
 127 | service after due diligence, the division may post such notice
 128 | or inspection report in a conspicuous place at the
 129 | establishment.

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

134 | Section 5. Subsection (2) of section 509.101, Florida
 135 | Statutes, is amended to read:

136 | 509.101 Establishment rules; posting of notice; food
 137 | service inspection report; maintenance of guest register; mobile
 138 | food dispensing vehicle registry.—

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

149 | Section 6. Section 509.241, Florida Statutes, is amended
 150 | to read:

151 509.241 Licenses required; exceptions.—
 152 (1) LICENSES; ~~ANNUAL~~ RENEWALS.—Each public lodging
 153 establishment and public food service establishment shall obtain
 154 a license from the division. Such license may not be transferred
 155 from one place or individual to another. It is ~~shall be~~ a
 156 misdemeanor of the second degree, punishable as provided in s.
 157 775.082 or s. 775.083, for such an establishment to operate
 158 without a license. Local law enforcement shall provide immediate
 159 assistance in pursuing an illegally operating establishment. The
 160 division may refuse a license, or a renewal thereof, to any
 161 establishment ~~that is~~ not constructed and maintained in
 162 accordance with law and with the rules of the division. The
 163 division may refuse to issue a license, or a renewal thereof, to
 164 any establishment an operator of which, within the preceding 5
 165 years, has been adjudicated guilty of, or has forfeited a bond
 166 when charged with, any crime reflecting on professional
 167 character, including soliciting for prostitution, pandering,
 168 letting premises for prostitution, keeping a disorderly place,
 169 or illegally dealing in controlled substances as defined in
 170 chapter 893, whether in this state or in any other jurisdiction
 171 within the United States, or has had a license denied, revoked,
 172 or suspended pursuant to s. 429.14. Licenses expire if not
 173 renewed before the expiration date and may be renewed for 1 or 2
 174 years. Licenses must ~~shall~~ be renewed using forms provided by
 175 annually, ~~and~~ the division. The division shall adopt a rule

176 establishing procedures ~~a staggered schedule~~ for license
177 issuance and renewals. If any license expires while
178 administrative charges are pending against the license, the
179 proceedings against the license must ~~shall~~ continue to
180 conclusion as if the license were still in effect.

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

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

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

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

204 (b) Each licensee issued a license or licensed agent
 205 managing a license classified as a vacation rental or timeshare
 206 project, as those terms are defined in s. 509.242(1)(c) and (g),
 207 respectively, must submit any change in the street or unit
 208 address or number of houses or units included under the license
 209 within 30 days of the change. All changes must be filed with the
 210 division through the division's online system.

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

213 509.251 License fees.—

214 (1) The division shall adopt~~7~~ by rule~~7~~ a schedule of fees
 215 to be paid by each public lodging establishment as a
 216 prerequisite to issuance or renewal of a license. Initial
 217 license ~~Such~~ fees must ~~shall~~ be based on the number of rental
 218 units in the establishment. License renewal fees must be based
 219 on the number of rental units in the establishment and whether
 220 the renewal is for 1 or 2 years. The aggregate fee per
 221 establishment charged any public lodging establishment may not
 222 exceed \$1,000 for a 1-year license or \$2,000 for a 2-year
 223 license; however, the fees described in paragraphs (a) and (b)
 224 may not be included as part of the aggregate fee subject to this
 225 cap. Vacation rental units or timeshare projects within separate

226 buildings or at separate locations but managed by one licensed
 227 agent may be combined in a single license application, and the
 228 division must ~~shall~~ charge a license fee as if all units in the
 229 application are in a single licensed establishment. ~~The fee~~
 230 ~~schedule shall require an establishment which applies for an~~
 231 ~~initial license to pay the full license fee if application is~~
 232 ~~made during the annual renewal period or more than 6 months~~
 233 ~~before the next such renewal period and one-half of the fee if~~
 234 ~~application is made 6 months or less before such period.~~ The fee
 235 schedule must ~~shall~~ include fees collected for the purpose of
 236 funding the Hospitality Education Program, pursuant to s.
 237 509.302. All fees, ~~which~~ are payable in full for each
 238 application at the time ~~regardless of when~~ the application is
 239 submitted.

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

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

249 (2) The division shall adopt, by rule, a schedule of fees
 250 to be paid by each public food service establishment as a

251 prerequisite to issuance or renewal of a license. Initial
252 license fees must be based on the classification of the license.
253 License renewal fees must be based on the classification of the
254 license and whether a renewal is for 1 or 2 years. The fee
255 schedule must ~~shall~~ prescribe a base ~~basic~~ fee and additional
256 fees based on seating capacity and services offered. The
257 aggregate fee per establishment charged any public food service
258 establishment may not exceed \$400 for a 1-year license or \$800
259 for a 2-year license; however, the fees described in paragraphs
260 (a) and (b) may not be included as part of the aggregate fee
261 subject to this cap. ~~The fee schedule shall require an~~
262 ~~establishment which applies for an initial license to pay the~~
263 ~~full license fee if application is made during the annual~~
264 ~~renewal period or more than 6 months before the next such~~
265 ~~renewal period and one-half of the fee if application is made 6~~
266 ~~months or less before such period.~~ The fee schedule must ~~shall~~
267 include fees collected for the purpose of funding the
268 Hospitality Education Program, pursuant to s. 509.302. All fees,
269 ~~which~~ are payable in full for each application at the time
270 ~~regardless of when~~ the application is submitted.

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

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

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

282 548.043 Weights and classes, limitations; gloves.—

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

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

292 509.102 Mobile food dispensing vehicles; preemption.—

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

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301 | within the entity's jurisdiction. A municipality, county, or
302 | other local governmental entity may not prohibit mobile food
303 | dispensing vehicles from operating within the entirety of the
304 | entity's jurisdiction.

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