

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          474.203, F.S.; authorizing specified persons other  
22          than a veterinarian to immunize or treat an animal for  
23          certain diseases; amending s. 489.514, F.S.; removing  
24          a time limitation for applying for certain contracting  
25          licenses under certain provisions; amending s.

26 | 509.032, F.S.; authorizing the Division of Hotels and  
27 | Restaurants of the department to adopt rules for  
28 | certain electronic submissions and exemptions;  
29 | amending s. 509.091, F.S.; requiring licensees and  
30 | licensed agents to provide the division with e-mail  
31 | addresses for contact with the division; authorizing  
32 | the division to deliver notices and inspection reports  
33 | by e-mail; amending s. 509.101, F.S.; revising the  
34 | maintenance requirements an operator must meet for a  
35 | transient establishment's guest register; creating s.  
36 | 509.105, F.S.; defining "outdoor kitchen equipment";  
37 | authorizing certain uses of outdoor kitchen equipment;  
38 | providing that a local law, ordinance, or regulation  
39 | may not prohibit, or have the effect of prohibiting,  
40 | the use of such equipment; providing construction;  
41 | amending s. 509.241, F.S.; providing for the  
42 | expiration of public lodging establishment and public  
43 | food service establishment licenses; authorizing the  
44 | licenses to be renewed for specified timeframes;  
45 | requiring the division to provide forms for license  
46 | renewals and license applications; amending s.  
47 | 509.251, F.S.; revising the public lodging  
48 | establishment and public food service establishment  
49 | license fees to include an option for 2-year renewals;  
50 | limiting the fees the division may charge for a 2-year

51 license renewal; requiring license fees to be paid in  
52 full at the time of application; amending s. 548.043,  
53 F.S.; deleting a requirement limiting the types of  
54 boxing exhibitions which require a specified maximum  
55 difference in participant weights; amending s.  
56 563.045, F.S.; providing that the annual registration  
57 fee for malt beverages is required only if labels or  
58 brands are sold to a distributor; providing that no  
59 other registration fee is authorized; amending s.  
60 828.30, F.S.; authorizing certain persons to  
61 administer rabies vaccinations under certain  
62 circumstances; defining the term "indirect  
63 supervision"; providing that a supervising  
64 veterinarian assumes responsibility for a person  
65 working under him or her or at his or her direction  
66 and supervision; authorizing a veterinarian who  
67 indirectly supervises the administration of the rabies  
68 vaccination to affix his or her signature stamp in  
69 lieu of an actual signature on the rabies vaccination  
70 certificate; reenacting s. 509.102(2), F.S., relating  
71 to mobile food dispensing vehicles, to incorporate the  
72 amendment made to s. 509.251, F.S., in a reference  
73 thereto; providing an effective date.

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

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

468.8414 Licensure.—

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

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

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

(c) Has held a valid license to practice mold assessment or mold remediation issued by another state or territory of the United States for at least 10 years before the date of application. The application for licensure must be made either when the license in the other state or territory is active or

101 within 2 years after such license was last active.

102 Section 2. Subsection (3) of section 469.004, Florida  
 103 Statutes, is renumbered as subsection (4), subsection (1) is  
 104 amended, and a new subsection (3) is added to that section, to  
 105 read:

106 469.004 License; asbestos consultant; asbestos  
 107 contractor.—

108 (1) All asbestos consultants must be licensed by the  
 109 department. Except for an asbestos consultant's license issued  
 110 by endorsement as provided under subsection (3) or otherwise  
 111 expressly provided by law, an asbestos consultant's license may  
 112 be issued only to an applicant who holds a current, valid,  
 113 active license as an architect issued under chapter 481; holds a  
 114 current, valid, active license as a professional engineer issued  
 115 under chapter 471; holds a current, valid, active license as a  
 116 professional geologist issued under chapter 492; is a diplomat  
 117 of the American Board of Industrial Hygiene; or has been awarded  
 118 designation as a Certified Safety Professional by the Board of  
 119 Certified Safety Professionals.

120 (3) The department shall certify as qualified for  
 121 licensure by endorsement any individual applying for licensure  
 122 who has passed a written examination that meets the requirements  
 123 of the United States Environmental Protection Agency Asbestos  
 124 Model Accreditation Plan, has held a valid license to practice  
 125 as an asbestos consultant or asbestos contractor issued by

126 another state or territory of the United States for at least 10  
127 years before the date of application, and is applying for the  
128 same or similar license in the state, subject to ss. 469.005(5)  
129 and 469.006. The application for licensure must be made either  
130 when the license in the other state or territory is active or  
131 within 2 years after such license was last active. Asbestos  
132 consultants and asbestos contractors must complete courses as  
133 required by s. 469.005(2) or (3), respectively, to qualify for  
134 licensure by endorsement.

135 Section 3. Paragraph (c) of subsection (2) of section  
136 469.006, Florida Statutes, is amended to read:

137 469.006 Licensure of business organizations; qualifying  
138 agents.—

139 (2)

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

142 1. An affidavit on a form provided by the department  
143 attesting that the applicant has obtained workers' compensation  
144 insurance as required by chapter 440, public liability  
145 insurance, and property damage insurance, in amounts determined  
146 by department rule. The department shall establish by rule a  
147 procedure to verify the accuracy of such affidavits based upon a  
148 random sample method.

149 2. Evidence of financial responsibility. The department  
150 shall adopt rules to determine financial responsibility which

151 ~~shall~~ specify grounds on which the department may deny  
 152 licensure. Such criteria must ~~shall~~ include, but not be limited  
 153 to, credit history ~~and limits of bondability and credit.~~

154 Section 4. Paragraph (a) of subsection (5) of section  
 155 474.203, Florida Statutes, is amended to read:

156 474.203 Exemptions.—This chapter does not apply to:

157 (5)(a) Any person, or the person's regular employee,  
 158 administering to the ills or injuries of her or his own animals,  
 159 including, but not limited to, castration, spaying, and  
 160 dehorning of herd animals, unless title is transferred or  
 161 employment provided for the purpose of circumventing this law.  
 162 This exemption does not apply to any person licensed as a  
 163 veterinarian in another state or foreign jurisdiction and  
 164 practicing temporarily in this state. However, except as  
 165 provided in s. 828.30, only a veterinarian may immunize or treat  
 166 an animal for diseases that are communicable to humans and that  
 167 are of public health significance.

168  
 169 For the purposes of chapters 465 and 893, persons exempt  
 170 pursuant to subsection (1), subsection (2), or subsection (4)  
 171 are deemed to be duly licensed practitioners authorized by the  
 172 laws of this state to prescribe drugs or medicinal supplies.

173 Section 5. Subsection (3) of section 489.514, Florida  
 174 Statutes, is amended to read:

175 489.514 Certification for registered contractors;

176 grandfathering provisions.-

177 ~~(3) An applicant must make application by November 1,~~  
 178 ~~2021, to be licensed pursuant to this section.~~

179 Section 6. Subsection (6) of section 509.032, Florida  
 180 Statutes, is amended to read:

181 509.032 Duties.-

182 (6) RULEMAKING AUTHORITY.-The division shall adopt such  
 183 rules as are necessary to carry out ~~the provisions of this~~  
 184 chapter. The division may adopt rules requiring electronic  
 185 submission of any form, document, or fee as required by this  
 186 chapter. The division may prescribe by rule requirements and  
 187 procedures for an individual to obtain an exemption due to a  
 188 technological or financial hardship.

189 Section 7. Section 509.091, Florida Statutes, is amended  
 190 to read:

191 509.091 Notices; form and service.-

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

195 (2) Each notice or inspection report served by the  
 196 division pursuant to this chapter must be in writing and must be  
 197 delivered personally by an agent of the division, be sent by e-  
 198 mail, or mailed by registered letter to the operator of the  
 199 public lodging establishment or public food service  
 200 establishment. If the operator refuses to accept service or



201 evades service or the agent is otherwise unable to effect  
 202 service after due diligence, the division may post such notice  
 203 or inspection report in a conspicuous place at the  
 204 establishment.

205 ~~(2) Notwithstanding subsection (1), the division may~~  
 206 ~~deliver lodging inspection reports and food service inspection~~  
 207 ~~reports to the operator of the public lodging establishment or~~  
 208 ~~public food service establishment by electronic means.~~

209 Section 8. Subsection (2) of section 509.101, Florida  
 210 Statutes, is amended to read:

211 509.101 Establishment rules; posting of notice; food  
 212 service inspection report; maintenance of guest register; mobile  
 213 food dispensing vehicle registry.—

214 (2) It is the duty of each operator of a transient  
 215 establishment to maintain at all times a register of, ~~signed by~~  
 216 ~~or for~~ guests who occupy rental units within the establishment,  
 217 showing the dates upon which the rental units were occupied by  
 218 such guests and the rates charged for their occupancy. Each  
 219 operator shall maintain this register ~~shall be maintained~~ in  
 220 chronological order, shall make the register ~~and~~ available for  
 221 inspection by the division at any time, and may keep the  
 222 register in an electronic format. Operators need not make  
 223 available registers that ~~which~~ are more than 2 years old.

224 Section 9. Section 509.105, Florida Statutes, is created  
 225 to read:

226 509.105 Outdoor kitchen equipment.-

227 (1) As used in this section, the term "outdoor kitchen  
 228 equipment" means equipment used to prepare, serve, or sell food  
 229 for immediate consumption, including a cooking appliance that is  
 230 owned by, is adjacent to, and operates in conjunction with a  
 231 licensed public food service establishment.

232 (2) Notwithstanding any other provision of law to the  
 233 contrary, outdoor kitchen equipment:

234 (a) Is not required to be separately covered, have  
 235 overhead protection or hoods, or be enclosed. However, outdoor  
 236 kitchen equipment must meet all other applicable laws, codes,  
 237 standards, and rules, including for fire safety and sanitation.

238 (b) May be used to prepare, serve, or sell food for  
 239 immediate consumption as provided in this chapter. Any food that  
 240 is prepared on outdoor kitchen equipment must be kept at  
 241 appropriate temperatures and prepared using sanitation practices  
 242 as required by this chapter. Such food may not be permanently  
 243 stored outdoors, but may be temporarily stored outside the  
 244 licensed food service establishment's enclosure while  
 245 preparation is taking place on such outdoor kitchen equipment.

246 (c) Is subject to all other provisions of this chapter  
 247 that apply to public food service establishments, including, but  
 248 not limited to, sanitation standards, food safety training,  
 249 inspections, enforcement, and disciplinary action.

250 (3) A local law, ordinance, or regulation may not

251 prohibit, or have the effect of prohibiting, the use of outdoor  
 252 kitchen equipment.

253 (4) This section does not prevent the department or a  
 254 local health department from issuing and enforcing an order to  
 255 cease and desist use of outdoor kitchen equipment if the  
 256 equipment is the source of an adulterated food or of an outbreak  
 257 of illness caused by contaminated food.

258 Section 10. Section 509.241, Florida Statutes, is amended  
 259 to read:

260 509.241 Licenses required; exceptions.—

261 (1) LICENSES; ~~ANNUAL~~ RENEWALS.—Each public lodging  
 262 establishment and public food service establishment shall obtain  
 263 a license from the division. Such license may not be transferred  
 264 from one place or individual to another. It is ~~shall be~~ a  
 265 misdemeanor of the second degree, punishable as provided in s.  
 266 775.082 or s. 775.083, for such an establishment to operate  
 267 without a license. Local law enforcement shall provide immediate  
 268 assistance in pursuing an illegally operating establishment. The  
 269 division may refuse a license, or a renewal thereof, to any  
 270 establishment ~~that is~~ not constructed and maintained in  
 271 accordance with law and with the rules of the division. The  
 272 division may refuse to issue a license, or a renewal thereof, to  
 273 any establishment an operator of which, within the preceding 5  
 274 years, has been adjudicated guilty of, or has forfeited a bond  
 275 when charged with, any crime reflecting on professional

276 character, including soliciting for prostitution, pandering,  
277 letting premises for prostitution, keeping a disorderly place,  
278 or illegally dealing in controlled substances as defined in  
279 chapter 893, whether in this state or in any other jurisdiction  
280 within the United States, or has had a license denied, revoked,  
281 or suspended pursuant to s. 429.14. Licenses expire if not  
282 renewed before the expiration date and may be renewed for 1 or 2  
283 years. Licenses must ~~shall~~ be renewed using forms provided by  
284 annually, and the division. The division shall adopt a rule  
285 establishing procedures ~~a staggered schedule~~ for license  
286 issuance and renewals. If any license expires while  
287 administrative charges are pending against the license, the  
288 proceedings against the license must ~~shall~~ continue to  
289 conclusion as if the license were still in effect.

290 (2) APPLICATION FOR LICENSE.—Each person who plans to open  
291 a public lodging establishment or a public food service  
292 establishment must ~~shall~~ apply for and receive a license from  
293 the division using forms provided by the division before  
294 commencing ~~prior to the commencement of~~ operation. A condominium  
295 association, as defined in s. 718.103, which does not own any  
296 units classified as vacation rentals or timeshare projects under  
297 s. 509.242(1)(c) or (g) is not required to apply for or receive  
298 a public lodging establishment license.

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

301 licensed establishment. Public food service establishments that  
 302 ~~which~~ offer catering services shall display their license number  
 303 on all advertising for catering services.

304 Section 11. Subsections (1) and (2) of section 509.251,  
 305 Florida Statutes, are amended to read:

306 509.251 License fees.—

307 (1) The division shall adopt~~r~~ by rule~~r~~ a schedule of fees  
 308 to be paid by each public lodging establishment as a  
 309 prerequisite to issuance or renewal of a license. Initial  
 310 license ~~Such~~ fees must ~~shall~~ be based on the number of rental  
 311 units in the establishment. License renewal fees must be based  
 312 on the number of rental units in the establishment and whether  
 313 the renewal is for 1 or 2 years. The aggregate fee per  
 314 establishment charged any public lodging establishment may not  
 315 exceed \$1,000 for a 1-year license or \$2,000 for a 2-year  
 316 license; however, the fees described in paragraphs (a) and (b)  
 317 may not be included as part of the aggregate fee subject to this  
 318 cap. Vacation rental units or timeshare projects within separate  
 319 buildings or at separate locations but managed by one licensed  
 320 agent may be combined in a single license application, and the  
 321 division must ~~shall~~ charge a license fee as if all units in the  
 322 application are in a single licensed establishment. ~~The fee~~  
 323 ~~schedule shall require an establishment which applies for an~~  
 324 ~~initial license to pay the full license fee if application is~~  
 325 ~~made during the annual renewal period or more than 6 months~~

326 ~~before the next such renewal period and one-half of the fee if~~  
327 ~~application is made 6 months or less before such period.~~ The fee  
328 schedule must ~~shall~~ include fees collected for the purpose of  
329 funding the Hospitality Education Program, pursuant to s.  
330 509.302. All fees, ~~which~~ are payable in full for each  
331 application at the time ~~regardless of when~~ the application is  
332 submitted.

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

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

342 (2) The division shall adopt~~r~~ by rule~~r~~ a schedule of fees  
343 to be paid by each public food service establishment as a  
344 prerequisite to issuance or renewal of a license. Initial  
345 license fees must be based on the classification of the license.  
346 License renewal fees must be based on the classification of the  
347 license and whether a renewal is for 1 or 2 years. The fee  
348 schedule must ~~shall~~ prescribe a base ~~basic~~ fee and additional  
349 fees based on seating capacity and services offered. The  
350 aggregate fee per establishment charged any public food service

351 establishment may not exceed \$400 for a 1-year license or \$800  
352 for a 2-year license; however, the fees described in paragraphs  
353 (a) and (b) may not be included as part of the aggregate fee  
354 subject to this cap. ~~The fee schedule shall require an~~  
355 ~~establishment which applies for an initial license to pay the~~  
356 ~~full license fee if application is made during the annual~~  
357 ~~renewal period or more than 6 months before the next such~~  
358 ~~renewal period and one-half of the fee if application is made 6~~  
359 ~~months or less before such period.~~ The fee schedule must ~~shall~~  
360 include fees collected for the purpose of funding the  
361 Hospitality Education Program, pursuant to s. 509.302. All fees,  
362 ~~which~~ are payable in full for each application at the time  
363 ~~regardless of when~~ the application is submitted.

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

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

373 Section 12. Subsection (2) of section 548.043, Florida  
374 Statutes, is amended to read:

375 548.043 Weights and classes, limitations; gloves.—

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

381 Section 13. Subsection (2) of section 563.045, Florida  
 382 Statutes, is amended to read:

383 563.045 Brands or labels to be registered; qualification  
 384 to do business; fee; revocation.—

385 (2) The ~~Each registrant shall pay an~~ annual registration  
 386 fee for a brand or label sold to a distributor is of \$30 for a  
 387 brand or label. No other annual registration fee for a brand or  
 388 label is authorized under this section. Any registration may be  
 389 suspended or revoked in the same manner as a beverage license  
 390 for any violation of the Beverage Law.

391 Section 14. Subsections (1) and (3) of section 828.30,  
 392 Florida Statutes, are amended to read:

393 828.30 Rabies vaccination of dogs, cats, and ferrets.—

394 (1) (a) Except as provided in paragraph (b), all dogs,  
 395 cats, and ferrets 4 months of age or older must be vaccinated by  
 396 a licensed veterinarian against rabies with a vaccine that is  
 397 licensed by the United States Department of Agriculture for use  
 398 in those species.

399 (b) An employee, an agent, or a contractor of an animal  
 400 control authority who is acting under the indirect supervision



401 of a veterinarian may vaccinate impounded animals that will be  
402 transferred, rescued, fostered, adopted, or reclaimed by the  
403 owner. The supervising veterinarian assumes responsibility for  
404 the veterinary care provided to the animal by any person working  
405 under him or her or at his or her direction and supervision. As  
406 used in this paragraph, the term "indirect supervision" means  
407 the supervising veterinarian must be available for consultation  
408 through telecommunications, but is not required to be on the  
409 premises during such consultation.

410 (c) The owner of every dog, cat, and ferret shall have the  
411 animal revaccinated 12 months after the initial vaccination.  
412 Thereafter, the interval between vaccinations shall conform to  
413 the vaccine manufacturer's directions. The cost of vaccination  
414 must be borne by the animal's owner. Evidence of circulating  
415 rabies virus neutralizing antibodies may ~~shall~~ not be used as a  
416 substitute for current vaccination in managing rabies exposure  
417 or determining the need for booster vaccinations.

418 (3) Upon vaccination against rabies, the licensed  
419 veterinarian shall provide the animal's owner and the animal  
420 control authority with a rabies vaccination certificate. Each  
421 animal control authority and veterinarian shall use the "Rabies  
422 Vaccination Certificate" of the National Association of State  
423 Public Health Veterinarians (NASPHV) or an equivalent form  
424 approved by the local government that contains all the  
425 information required by the NASPHV Rabies Vaccination

426 Certificate. The veterinarian who administers the rabies  
 427 vaccination or who indirectly supervises an employee, an agent,  
 428 or a contractor of an animal control authority who administers  
 429 the rabies vaccination ~~vaccine~~ to an animal as required under  
 430 this section may affix his or her signature stamp in lieu of an  
 431 actual signature on the rabies vaccination certificate.

432 Section 15. For the purpose of incorporating the amendment  
 433 made by this act to section 509.251, Florida Statutes, in a  
 434 reference thereto, subsection (2) of section 509.102, Florida  
 435 Statutes, is reenacted to read:

436 509.102 Mobile food dispensing vehicles; preemption.—

437 (2) Regulation of mobile food dispensing vehicles  
 438 involving licenses, registrations, permits, and fees is  
 439 preempted to the state. A municipality, county, or other local  
 440 governmental entity may not require a separate license,  
 441 registration, or permit other than the license required under s.  
 442 509.241, or require the payment of any license, registration, or  
 443 permit fee other than the fee required under s. 509.251, as a  
 444 condition for the operation of a mobile food dispensing vehicle  
 445 within the entity's jurisdiction. A municipality, county, or  
 446 other local governmental entity may not prohibit mobile food  
 447 dispensing vehicles from operating within the entirety of the  
 448 entity's jurisdiction.

449 Section 16. This act shall take effect July 1, 2022.