

Committee on Regulated Industries

CS/CS/HB 869 — Department of Business and Professional Regulation

by Commerce Committee; State Administration and Technology Appropriations Subcommittee; and Rep. McClain (CS/CS/SB 782 by Fiscal Policy Committee; Regulated Industries Committee; and Senator Hooper)

The bill revises licensing and regulatory requirements for businesses and professions administered by the Department of Business and Professional Regulation (DBPR), including mold-related professionals, asbestos abatement professionals, electrical and alarm system contractors, certain public lodging establishments, and certain public food service establishments.

Relating to mold-related professional licensing regulations, the bill authorizes a method for persons who have held a license in another state or territory for at least 10 years to obtain a Florida license.

Relating to asbestos professional licensing regulations, the bill:

- Authorizes a method for asbestos consultants who have held a license in another state for at least 10 years and meet examination and education requirements to obtain a Florida license; and
- Removes limits of bondability and credit as required criteria for determining the financial stability of an applicant for licensure.

Relating to electrical and alarm system contractors licensing, the bill removes an existing deadline for registered electrical and alarm systems contractors to seek authorization to engage in their trades throughout the state at any time.

Relating to the licensing, inspection, and regulation of public lodging establishments and public food service establishments by the Division of Hotels and Restaurants (DHR) in the DBPR which are not otherwise exempt, the bill:

- Requires licensees to establish and accurately maintain an online account with the DHR and provide an email address to the DHR as a primary contact method; the DHR must implement the online account requirements and provide a method to opt-out of online accounts, by rule.
- Requires licensees and licensed agents managing a license classified as a vacation rental or timeshare project to timely submit address changes and changes in the number of houses or units covered by the license within 30 days of the change;
- Allows the DHR to serve inspection reports and other notices to operators of such establishments by email, in-person delivery, or mail; and
- Allows a transient public lodging establishment guest register to be kept in an electronic format and removes the requirement for guests to sign the register.

Relating to boxing matches held solely for training purposes, the bill removes a restriction on the maximum difference in weight of participants, eliminating the 12 pound weight differential for such matches in current law.

Relating to the Florida Building Code (building code), the bill authorizes the Florida Building Commission to delay the energy provisions of the building code for an additional three months, if energy code compliance software is not approved at least three months before the updated building code's effective date.

Regarding package stores licensed to sell beer, wine, and distilled spirits (liquor) for consumption off the premises which may only sell certain types of products including tobacco products, the bill authorizes such licensees to sell nicotine products such as electronic cigarettes.

Relating to timeshare plans, the bill:

- Eliminates certain requirements for the offering of incidental benefits in the sale of a timeshare plan, including repealing the 15 percent of the purchase price limitation on the aggregate represented value of all incidental benefits offered by the developer, the requirement that an acknowledgement and disclosure statement indicate the source of the services, points, or other products that constitute the incidental benefit, and the requirement that the developer promptly notify the Division of Florida Condominiums, Timeshares, and Mobile Homes of the DBPR upon learning of the unavailability of any incidental benefit;
- Extends from one year to five years the period to void a contract when a closing unlawfully occurred before the cancellation period's expiration, and retains the one-year right for a purchaser to void a contract if he or she knowingly or unknowingly waived the right to cancel the contract within the 10-day cancellation period;
- Revises public offering statement requirements to allow the developer's description of each component site for a multisite timeshare plan to be provided to the purchaser electronically, and to provide that a developer is not required to file a separate public offering statement for any component site located within or outside Florida, in order to include the component site in the multistate timeshare plan.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 37-1; House 106-0