

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

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BILL: CS/SB 782

INTRODUCER: Regulated Industries Committee and Senator Hooper

SUBJECT: Department of Business and Professional Regulation

DATE: April 17, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kraemer</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3.	_____	_____	<u>FP</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 782 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 persons 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.

The bill has a positive fiscal impact on state government revenues. According to the DBPR, the bill may result in an indeterminate, but likely minimal negative fiscal impact to local government.<sup>1</sup> *See* Section V, Fiscal Impact Statement.

The bill takes effect July 1, 2023.

## II. Present Situation:

For ease of reference, the Present Situation for each section of the bill is addressed below in the Effect of Proposed Changes portion of this bill analysis. Background information about the Department of Business and Professional Regulation (DBPR) is provided below.

### Organization of the DBPR

Section 20.165, F.S., establishes the organizational structure of the DBPR, which has the following 11 divisions:

- Administration;
- Alcoholic Beverages and Tobacco;
- Certified Public Accounting;
- Drugs, Devices, and Cosmetics;
- Florida Condominiums, Timeshares, and Mobile Homes;
- Hotels and Restaurants;
- Professions;
- Real Estate;
- Regulation;
- Service Operations; and

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<sup>1</sup> *See* Department of Business and Professional Regulation (DBPR), *2023 Agency Legislative Bill Analysis for SB 782* at 5-6 (Feb. 15, 2023) (on file with the Senate Committee on Regulated Industries).

- Technology.

The Florida Athletic Commission is assigned to the DBPR for administrative and fiscal accountability purposes only.<sup>2</sup> The DBPR also administers the Child Labor Law and Farm Labor Contractor Registration Law.<sup>3</sup>

### **Powers and Duties of the DBPR**

Chapter 455, F.S., applies to the regulation of professions constituting “any activity, occupation, profession, or vocation regulated by the [DBPR] in the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation.”<sup>4</sup> The chapter also provides the procedural and administrative framework for those divisions and the professional boards within the DBPR.<sup>5</sup> The DBPR’s regulation of professions is to be undertaken “only for the preservation of the health, safety, and welfare of the public under the police powers of the state.”<sup>6</sup> Regulation is required when:

- The potential for harming or endangering public health, safety, and welfare is recognizable and outweighs any anticompetitive impact that may result;
- The public is not effectively protected by other state statutes, local ordinances, federal legislation, or other means; and
- Less restrictive means of regulation are not available.<sup>7</sup>

However, “neither the [DBPR] nor any board may create a regulation that has an unreasonable effect on job creation or job retention,” or a regulation that unreasonably restricts the ability of those desiring to engage in a profession or occupation from finding employment.<sup>8</sup>

Chapter 455, F.S., provides the general powers of the DBPR and sets forth the procedural and administrative framework for all of the professional boards housed under the DBPR as well as the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation.<sup>9</sup> When a person is authorized to engage in a profession or occupation in Florida, the DBPR issues a “permit, registration, certificate, or license” to the licensee.<sup>10</sup>

### ***Division of Certified Public Accounting***

In Fiscal Year 2021-2022, there were 38,541 active licensees in the DBPR’s Division of Certified Public Accounting.<sup>11</sup>

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<sup>2</sup> Section 548.003(1), F.S.

<sup>3</sup> See Parts I and III of ch. 450, F.S.

<sup>4</sup> Section 455.01(6), F.S.

<sup>5</sup> See s. 455.203, F.S. The DBPR must also provide legal counsel for boards within the DBPR by contracting with the Department of Legal Affairs, by retaining private counsel, or by staff counsel of the DBPR. See s. 455.221(1), F.S.

<sup>6</sup> Section 455.201(2), F.S.

<sup>7</sup> *Id.*

<sup>8</sup> Section 455.201(4)(b), F.S.

<sup>9</sup> See s. 455.203, F.S. The DBPR must also provide legal counsel for boards within the DBPR by contracting with the Department of Legal Affairs, by retaining private counsel, or by providing DBPR staff counsel. See s. 455.221(1), F.S.

<sup>10</sup> Section 455.01(4) and (5), F.S.

<sup>11</sup> See Department of Business and Professional Regulation, *Annual Report, Fiscal Year 2021-2022*, at 18, at <http://www.myfloridalicense.com/DBPR/os/documents/Division%20Annual%20Report%20FY%2021-22.pdf> (last visited Mar. 21, 2023).

### ***Division of Hotels and Restaurants***

The Division of Hotels and Restaurants (DHR) licenses, inspects, and regulates public lodging and food service establishments in Florida. The DHR also licenses and regulates elevators, escalators, and other vertical conveyance devices.<sup>12</sup>

### ***Division of Professions***

In Fiscal Year 2021-2022, in the DBPR's Division of Professions, which regulates all licensees, there were 937,960 active licensees (of which 38,541 were licensed accountants; 66,936 were licensed engineers, and 345,026 were real estate-related licensees), including:<sup>13</sup>

- Accountants (CPAs);
- Architects and interior designers;
- Asbestos consultants and contractors;
- Athlete agents;
- Auctioneers;
- Barbers;
- Building code administrators and inspectors;
- Community association managers;
- Construction industry contractors;
- Cosmetologists;
- Electrical contractors;
- Employee leasing companies;
- Engineers;
- Geologists;
- Home inspectors;
- Harbor pilots (pilot commissioners);
- Landscape architects;
- Mold-related services;
- Real estate appraisers;
- Real estate (brokers/associates)
- Talent agencies; and
- Veterinarians.

### ***Division of Real Estate***

In Fiscal Year 2021-2022, there were 345,026 active licensees in the DBPR's Division of Real Estate.<sup>14</sup>

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<sup>12</sup> See Department of Business and Professional Regulation, *Annual Report, Division of Hotels and Restaurants*, at <http://www.myfloridalicense.com/DBPR/hotels-restaurants/> (last visited Mar. 28, 2023); see page 18 of the Annual Report summarizing the numbers of licenses issued each fiscal year to public lodging and food service establishments.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

### III. Effect of Proposed Changes:

#### Mold-Related Professionals

##### *Present Situation*

The Department of Business and Professional Regulation (DBPR) licenses and regulates mold-related professionals.<sup>15</sup> Specifically, mold assessors and mold remediators are regulated by Part XVI of ch. 468, F.S., and licensed by the Mold-Related Services Licensing Program<sup>16</sup> in the DBPR. In Fiscal Year 2021-2022, there were 5,806 active licensees, and 654 inactive licensees.<sup>17</sup> Of 127 complaints against licensees, 26 met the standard of legal sufficiency in s. 455.225(1), F.S., and the DBPR found probable cause that would reasonably indicate that a violation of the practice act or rules occurred in 16 cases.<sup>18</sup>

“Mold assessment” means a process performed by a mold assessor that includes the physical sampling and detailed evaluation of data obtained from a building history and inspection to formulate an initial hypothesis about the origin, identity, location, and extent of amplification of mold growth of greater than 10 square feet.<sup>19</sup>

“Mold remediation” means the removal, cleaning, sanitizing, demolition, or other treatment, including preventive activities, of mold or mold-contaminated matter of greater than 10 square feet that was not purposely grown at that location; however, it may not include work that requires a contractor license under ch. 489, F.S.<sup>20</sup>

In order to be licensed as a mold assessor or mold remediator, an applicant must:<sup>21</sup>

- Be of good moral character;
- Pass the required DBPR-approved<sup>22</sup> examination offered by a nationally recognized organization that certifies persons in the specialty of mold assessment or mold remediation;
- Have the insurance required under s. 468.8421, F.S.; and
- Complete either:
  - At least a two-year associate of arts degree with certain course requirements and a minimum of one year of experience; or
  - A high school diploma or the equivalent with a minimum of four years of experience.

<sup>15</sup> See part XIV of ch. 468, F.S., Mold-Related Services; and *Annual Report, Fiscal Year 2021-2022, for the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation* (2021-2022 Annual Report) at 10, available at <http://www.myfloridalicense.com/DBPR/os/documents/Division%20Annual%20Report%20FY%2021-22.pdf> (last visited Mar. 28, 2023).

<sup>16</sup> Section 468.84, F.S.

<sup>17</sup> See 2021-2022 Annual Report at 18.

<sup>18</sup> *Id.* at 87.

<sup>19</sup> Section 468.8411(3), F.S.

<sup>20</sup> Section 468.8411(5), F.S.

<sup>21</sup> Section 468.8413(2), F.S.

<sup>22</sup> Section 455.217, F.S., requires the DBPR’s Division of Professions to “provide, contract, or approve services for the development, preparation, administration, scoring, score reporting, and evaluation of all examinations,” and to seek the advice of the appropriate regulatory board in doing so. The Department of Business and Professional Regulation must act together with the Division of Service Operations, the Division of Professions, and the Division of Real Estate, to “ensure that examinations adequately and reliably measure an applicant’s ability to practice the profession” that is regulated. *Id.*

A person who is licensed in another state is eligible for a license by endorsement in Florida if they:<sup>23</sup>

- Are of good moral character;
- Hold the insurance required under s. 468.8421, F.S.;
- Hold a valid license to practice as a mold assessor or mold remediator in another state or territory of the United States if the criteria for such license is substantially equivalent to the licensure criteria in Florida; and
- Are qualified to take the DBPR-approved examination as set forth in s. 468.8413, F.S., and have passed a national, regional, state, or territorial licensing examination that is DBPR-approved as substantially equivalent to the required Florida examination, as set forth in s. 468.8414, F.S.

Applicants for a mold-related license must also pay initial fees of \$230.<sup>24</sup>

### *Effect of Proposed Changes*

**Section 1** amends s. 468.8414, F.S., to allow licensure by endorsement to practice mold assessment or mold remediation for applicants who have held a valid license to practice mold assessment or mold remediation for at least 10 years in another state or territory before the date of application.

Applicants pursuing this avenue for licensure must apply either while they hold an active license in another state or territory, or within two years after such license was last active.

The bill clarifies the provision relating to licensure certification examination requirements.

## **Asbestos Abatement**

### *Present Situation*

The DBPR also licenses and regulates asbestos consultants and asbestos contractors.<sup>25</sup> Asbestos abatement means the removal, encapsulation, enclosure, or disposal of asbestos.<sup>26</sup>

An asbestos consultant may:

- Conduct an asbestos survey;
- Develop an operation and maintenance plan;
- Monitor and evaluate asbestos abatement; and
- Prepare asbestos abatement specifications.<sup>27</sup>

<sup>23</sup> Section 468.8414(3), (4), F.S.

<sup>24</sup> As set forth in Fla. Admin. Code R. 61-31.101, this figure includes an application fee of \$125, a licensure fee of \$100, and an unlicensed activity fee of \$5.00.

<sup>25</sup> See ch. 469, F.S., Asbestos Abatement; and *Annual Report, Fiscal Year 2021-2022, for the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation (2020-2021 Annual Report)* at 26, available at [http://www.myfloridalicense.com/DBPR/os/documents/DivisionAnnualReport\\_FY2021.pdf](http://www.myfloridalicense.com/DBPR/os/documents/DivisionAnnualReport_FY2021.pdf) (last visited Mar. 28, 2023).

<sup>26</sup> See s. 469.001(1), F.S.

<sup>27</sup> See s 469.003, F.S.

An asbestos contractor may work as an asbestos consultant and also conduct asbestos abatement work.<sup>28</sup>

An asbestos consultant's license may only be issued to an applicant who:

- Holds a current, valid, active license as an architect issued under ch. 481, F.S.;
- Holds a current, valid, active license as a professional engineer issued under ch. 471, F.S.;
- Holds a current, valid, active license as a professional geologist issued under ch. 492, F.S.;
- Is a diplomat of the American Board of Industrial Hygiene; or
- Has been awarded designation as a Certified Safety Professional by the Board of Certified Safety Professionals.<sup>29</sup>

An applicant for licensure as either an asbestos consultant or contractor must also:<sup>30</sup>

- If applying for an asbestos consultant license, complete the DBPR-approved courses in the following topics:
  - Building asbestos surveys and mechanical systems;
  - Asbestos management planning;
  - Respiratory protection; and
  - Project designer.
- If applying for an asbestos contractor license, complete courses in the following topics:
  - Asbestos contractor/supervisor; and
  - Respiratory protection.
- Provide evidence of satisfactory work on ten asbestos projects within the last five years;
- Provide evidence of financial stability; and
- Pass a DBPR-approved examination.

In order to determine financial stability and adopt standards in related rules,<sup>31</sup> the DBPR must use both the applicant's credit history and limits of bondability and credit.<sup>32</sup> There is no provision allowing or addressing licenses by endorsement for asbestos licensees of other states.

In Fiscal Year 2021-2022, there were 442 active licensees, and nine inactive licensees.<sup>33</sup> Of nine complaints against licensees, two met the standard of legal sufficiency in s. 455.225(1), F.S., and the DBPR found probable cause that would reasonably indicate that a violation of the practice act or rules occurred in none of the cases.<sup>34</sup>

If an individual proposes to engage in asbestos consulting or contracting as any legal entity or in a name other than the individual's legal name:

- The legal entity must apply for licensure through a qualifying agent; or
- The applicant must apply for licensure under the fictitious name.<sup>35</sup>

<sup>28</sup> See s. 469.003(3), F.S.

<sup>29</sup> See s. 469.004(1), F.S.

<sup>30</sup> See s. 469.005, F.S.

<sup>31</sup> The standards for determining an applicant's financial stability may be found in Fla. Admin. Code R. 61E1-4.002.

<sup>32</sup> See s. 469.006(2)(c)2., F.S.

<sup>33</sup> See 2021-2022 Annual Report at 18.

<sup>34</sup> *Id.* at 87.

<sup>35</sup> See s. 469.006(2)(a), F.S.

A qualifying agent must be licensed under ch. 469, F.S., in order for a business organization to be licensed in the same category for which the qualifying agent is licensed.<sup>36</sup>

There is no provision which specifically allows or addresses licenses by endorsement for asbestos licensees of other states.

Applicants for an asbestos license pay an initial fee of \$555, and an examination fee of \$316.

### *Effect of Proposed Changes*

**Section 2** amends s. 469.004, F.S., related to licensure of asbestos consultants and asbestos contractors, to allow licensure by endorsement to practice as an asbestos consultant or asbestos contractor for an applicant who has:

- Passed a written examination that meets the requirements of the United States Environmental Protection Agency Asbestos Model Accreditation Plan;
- Held a license as an asbestos consultant or asbestos contractor issued by another state or territory of the United States for at least 10 years before the application date and is applying for the same or similar license in Florida;
- Demonstrated financial stability; and
- Successfully completed all required DBPR-approved courses.<sup>37</sup>

Applicants for licensure by endorsement must apply either while they hold an active license in another state or territory, or within two years after such license was last active.

### **Grandfathering Provision for Registered Electrical and Alarm System Contractors**

#### *Present Situation*

Section 489.514, F.S., authorizes the Electrical Contractors' Licensing Board (ECLB) to grandfather certain applicants for registered contractor status, but only if application was made before November 1, 2021; under this provision, which now appears obsolete, the ECLB must certify an electrical, electrical specialty, or alarm system contractor to engage in the specified trade category throughout the state, upon:

- Receipt of a completed application;
- Payment of the appropriate fee;<sup>38</sup> and
- Evidence that he or she qualifies for the certification in a trade category based on:
  - Having a valid registered local license;
  - Passing an approved written examination;
  - Having a minimum of five years' contracting experience in the applicable trade category (with an active license and excluding probationary periods);

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<sup>36</sup> See s. 469.005(3), F.S.

<sup>37</sup> All applicants must complete a respiratory protection course, with those seeking licenses as asbestos consultants completing courses in building asbestos surveys and mechanical systems, asbestos management planning, and project design, and those seeking licenses as asbestos contractors completing an asbestos contractor/supervisor course. See ss. 469.005(2) and 469.005(3), F.S.

<sup>38</sup> The Electrical Contractors' Licensing Board (ECLB) has established a \$196 fee for applications for registered contractor certification. See s. 489.109, F.S., and Fla. Admin. Code R. ch. 61G6-8.001.



- Never having had a contractor’s license revoked, and during the last five years, not having had a suspended license or been assessed a fine in excess of \$500; and
- Meeting all required insurance and financial responsibility requirements.<sup>39</sup>

The DBPR received 766 applications from local electrical and alarm contractors for a statewide license during the last period of grandfathering, from July 1, 2019, through November 1, 2021.<sup>40</sup>

### *Effect of Proposed Changes*

**Section 3** amends s. 489.514(3), F. S., to remove the deadline for applicants with registered contractor status to seek certified licenses by November 1, 2021, allowing the ECLB to consider an application to certify an electrical, electrical specialty, or alarm system contractor to engage in the specified trade category throughout the state at any time.

### **Public Lodging Establishments/Public Food Service Establishments**

#### *Present Situation*

The Division of Hotels and Restaurants (DHR) licenses, inspects, and regulates public lodging and food service establishments in Florida.<sup>41</sup> A public lodging establishment includes establishments that are transient or nontransient.<sup>42</sup> A “transient public lodging establishment” means:

any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.<sup>43</sup>

A “nontransient public lodging establishment” means:

any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for periods of at

<sup>39</sup> See s. 489.515(1)(b), F.S., which provides that an applicant must submit satisfactory evidence of workers’ compensation insurance or an acceptable exemption issued by the DBPR, public liability and property damage insurance in amounts determined by the ECLB, and evidence of financial responsibility, credit, and business reputation of either the contractor or the business sought to be qualified for certification.

<sup>40</sup> See DBPR, *2023 Agency Legislative Bill Analysis for SB 782* at 8 (Feb. 15, 2023) (on file with the Senate Regulated Industries Committee).

<sup>41</sup> The Division of Hotels and Restaurants (DHR) also licenses and regulates elevators, escalators, and other vertical conveyance devices. See DBPR, *Division of Hotels and Restaurants*, <http://www.myfloridalicense.com/DBPR/hotels-restaurants/> (last visited Mar. 28, 2023).

<sup>42</sup> See s. 509.013(4)(a), F.S., which provides “license classifications of public lodging establishments, and the definitions therefor,” are set out in s. 509.242, F.S. For the purpose of licensure, the term does not include condominium common elements, as defined in s. 718.103, F.S.

<sup>43</sup> *Id.* Section 509.013(11), F.S., further provides that the term “transient establishment” means any public lodging establishment “that is rented or leased to guests by an operator whose intention is that such guests’ occupancy will be temporary.” Section 509.013(14), F.S., further provides the term “nontransient establishment” means any public lodging establishment “that is rented or leased to guests by an operator whose intention is that the dwelling unit occupied will be the sole resident of the guest.”

least 30 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days or one calendar month.<sup>44</sup>

A “public food service establishment” means:

any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption. The term includes a culinary education program, as defined in s. 381.0072(2), which offers, prepares, serves, or sells food to the general public, regardless of whether it is inspected by another state agency for compliance with sanitation standards.<sup>45</sup>

Numerous places providing food service are exempted from the definition of public food service establishment, such as certain schools and universities operated for students and faculty, and places maintained by certain religious, fraternal, and civic organizations.<sup>46</sup>

Establishments regulated under ch. 509, F.S., must be licensed and inspected by the DHR, and are subject to sanitary standards, staff training and test requirements, administrative rules, and immediate closure upon a finding that continued operation presents a severe and immediate threat to the public health.<sup>47</sup>

Notices from the DHR pursuant to ch. 509, F.S., must be written and delivered personally by an agent of the DHR or by registered letter to the operator of the establishment, except lodging inspection reports and food service inspection reports, which may be delivered by electronic means.<sup>48</sup>

Operators of a public lodging establishment or public food service establishment may establish rules for guests and employees which must be printed in English and posted prominently within the establishment.<sup>49</sup> Operators of public food service establishments must also maintain a copy of the latest food service inspection report and make it available to the DHR at the time of any inspection and to the public upon request.<sup>50</sup>

In addition, operators of transient establishments<sup>51</sup> must maintain a register in chronological order, signed by or for guests who occupy rental units in the establishment, indicating the dates

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<sup>44</sup> *Id.*

<sup>45</sup> *See* s. 509.013(5), F.S.

<sup>46</sup> *Id.*

<sup>47</sup> *See* ss. 509.032 and 509.035, F.S.

<sup>48</sup> *See* s. 509.091, F.S.

<sup>49</sup> *See* s. 509.101, F.S.

<sup>50</sup> *Id.*

<sup>51</sup> *See supra* n. 36.

of occupancy and the rates charged.<sup>52</sup> Registers must be available for inspection by the DHR at any time, but need not be made available if they are more than two years old.<sup>53</sup>

### *Effect of Proposed Changes*

**Sections 4, 5, and 6** address requirements imposed upon public lodging establishments and public food service establishments.

**Section 4** amends s. 509.091, F.S., to require licensees and licensed agents to provide an email address to the DHR to serve as the primary method of contact for all communications. The bill authorizes service of the DHR's notices and inspection reports by email or regular mail, in addition to personal delivery, and removes a requirement for the use of registered mail. The bill also authorizes the DHR to post an inspection report in a conspicuous place at the establishment, when the operator refuses to accept or evades service, or the agent is unable to serve the report after due diligence.

**Section 5** amends s. 509.101, F.S., to clarify the duty for operators of transient establishments to maintain a guest register in chronological order of guests that occupy rental units in the establishment. Operators must make the register available for inspection by the DHR at any time, and the requirement for guests to sign the register is removed. The bill authorizes operators to keep the register in an electronic format.

**Section 6** amends s. 509.241, F.S., related to licenses held by public lodging and public food service establishments. Under the bill, persons who plan to open a public lodging establishment or a public food service establishment, and each licensee or licensed agent, must create and maintain a DHR online account, and provide an e-mail address to function as the primary contact for all communication from the DHR.

The bill provides licensees and licensed agents are responsible for maintaining accurate contact information on file with the DHR. A licensee or licensed agent managing a license classified as a vacation rental or timeshare project (as those terms are defined in s. 509.242(1)(c) and (g), F.S., respectively), must submit any change in the street or unit address or number of houses or units included under the license within 30 days of the change. All changes must be filed with the DHR through the mandatory online account. The DHR must adopt rules to implement the online account requirements, including a provision specifying the circumstances for opting out of the requirement to have an online account.

The bill makes technical and conforming changes.

## **Florida Athletic Commission (formerly State Boxing Commission)**

### *Present Situation*

Chapter 548, F.S., provides for the regulation of professional and amateur boxing, kickboxing,<sup>54</sup>

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<sup>52</sup> See s. 509.101, F.S.

<sup>53</sup> *Id.*

<sup>54</sup> The term "kickboxing" means the unarmed combat sport of fighting by striking with the fists, hands, feet, legs, or any combination, but does not include ground fighting techniques. See s. 548.002(12), F.S.

and mixed martial arts<sup>55</sup> by the Florida Athletic Commission (commission), which is assigned to the DBPR for administrative and fiscal purposes.<sup>56</sup>

The commission has exclusive jurisdiction over every boxing, kickboxing, and mixed martial arts match held in Florida,<sup>57</sup> which involves a professional.<sup>58</sup> Professional matches held in Florida must meet the requirements set forth in ch. 548, F.S., and the rules adopted by the commission.<sup>59</sup> Chapter 548, F.S., does not apply to certain professional or amateur “martial arts,” such as karate, aikido, judo, and kung fu; the term “martial arts” is distinct from and does not include “mixed martial arts.”<sup>60</sup>

However, as to amateur matches, the commission’s jurisdiction is limited to the approval, disapproval, suspension of approval, and revocation of approval of all amateur sanctioning organizations for amateur boxing, kickboxing, and mixed martial arts matches held in Florida.<sup>61</sup> Amateur sanctioning organizations are business entities organized for sanctioning and supervising matches involving amateurs.<sup>62</sup>

Under current law, certain persons providing certain services for a match involving a professional competing in a boxing, kickboxing, or mixed martial arts match must be licensed by the commission before directly or indirectly performing those services. Section 548.017, F.S., requires licensing for a participant,<sup>63</sup> manager, trainer, second, referee, judge, physician, matchmaker, or promoter.<sup>64</sup>

The commission must establish, by rule, the appropriate weight of gloves used in each boxing match. All participants in boxing matches must wear gloves weighing not less than eight ounces each, and participants in mixed martial arts matches must wear gloves weighing between four to eight ounces each. Participants must also wear any protective devices the commission deems necessary.<sup>65</sup>

### *Effect of Proposed Changes*

**Section 7** amends s. 548.043, F.S., to remove a restriction requiring that the weight differential between participants in a boxing match held solely for training purposes not exceed 12 pounds.

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<sup>55</sup> The term “mixed martial arts” means the unarmed combat sport involving the use of a combination of techniques, including, but not limited to, grappling, kicking, striking, and using techniques from martial arts disciplines, including, but not limited to, boxing, kickboxing, Muay Thai, jujitsu, and wrestling. *See* s. 548.002(16), F.S.

<sup>56</sup> Section 548.003(1), F.S.

<sup>57</sup> Section 548.006(1), F.S.

<sup>58</sup> The term “professional” means a person who has received or competed for a purse or other article of a value greater than \$50, either for the expenses of training or for participating in a match. *See* s. 548.002(19), F.S.

<sup>59</sup> Section 548.006(4), F.S.

<sup>60</sup> Section 548.007(6), F.S., and *supra* n. 41 for the definition of “mixed martial arts.”

<sup>61</sup> Section 548.006(3), F.S.

<sup>62</sup> Section 548.002(2), F.S.

<sup>63</sup> Section 548.002(17), F.S., defines “participant” as a professional competing in a boxing, kickboxing, or mixed martial arts match.

<sup>64</sup> *See* s. 548.002, F.S., for the definitions of “manager,” “second,” “judge,” “physician,” “matchmaker,” and “promoter.” The terms “trainer” and “referee,” are not defined in ch. 548, F.S.

<sup>65</sup> Section 548.043(3), F.S.

According to the DBPR, this change will provide greater flexibility to promoters and participants who wish to promote and participate in exhibition matches.<sup>66</sup>

### **Effective Date**

The bill takes effect July 1, 2023.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

### **B. Public Records/Open Meetings Issues:**

None.

### **C. Trust Funds Restrictions:**

None.

### **D. State Tax or Fee Increases:**

None.

### **E. Other Constitutional Issues:**

None.

## **V. Fiscal Impact Statement:**

### **A. Tax/Fee Issues:**

None.

### **B. Private Sector Impact:**

There may be a positive impact on the private sector by expanding the geographical scope of practice for those registered electrical contractors that choose to take advantage of the grandfathering provision. The Department of Business and Professional Regulation (DBPR) noted that there will be reduced costs to licensees who will no longer have to maintain registrations in multiple jurisdictions.<sup>67</sup>

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<sup>66</sup> See DBPR, *2023 Agency Legislative Bill Analysis for SB 782* at 4 (Feb. 15, 2023) (on file with the Senate Regulated Industries Committee).

<sup>67</sup> See DBPR, *2023 Agency Legislative Bill Analysis for SB 782* at 7 (Feb. 14, 2023) (on file with the Senate Regulated Industries Committee).

**C. Government Sector Impact:**

As to electrical and alarm system license revenue, the Division of Professions of the DBPR indicates revenue from license fees for licensees using the grandfathering provision to seek statewide licensing is indeterminate as it is unknown how many eligible licensees will apply. The total fee (application fee, initial licensing fee, and unlicensed activity fee) during the end of the previous grandfathering period was \$196. The Division of Professions notes there are 2,036 registered licensees with current or inactive licenses who may be able to take advantage of the grandfathering provision. However, the [DBPR] received only 766 applications during the last grandfathering period of July 1, 2019, to November 1, 2021.<sup>68</sup>

Assuming total applications/license fees of \$196, the grandfathering fees received by the [DBPR] over the next three fiscal years could range from \$150,136 (if the [DBPR] receives the same number of applications as the last grandfathering period) to a maximum of \$399,056 if all 2,036 registered licensees apply over the next three fiscal years.<sup>69</sup>

Local governments could experience a decrease in fees from registered electrical and alarm system contractors who seek statewide licensing using the grandfathering provision, but the impact is indeterminate.<sup>70</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 468.8414, 469.004, 489.514, 509.091, 509.101, 509.241, and 548.043.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Regulated Industries Committee on March 29, 2023:**

The CS:

- Removes provisions allowing public lodging establishments and public food service establishments to obtain renewal licenses for two years rather than one year.

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<sup>68</sup> *Id.* at 8.

<sup>69</sup> *Id.*

<sup>70</sup> *Id.* at 5.

- Retains the requirement for public lodging establishments, public food service establishments, licensees, and licensed agents to maintain a division online account for communications with the DBPR; and
- Provides rulemaking authority for the DBPR to specify circumstances allowing an opt-out of the online account requirement.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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