

1                                   A bill to be entitled  
2       An act relating to consumer services; amending s.  
3       20.14, F.S.; deleting provisions establishing the  
4       Division of Standards within the Department of  
5       Agriculture and Consumer Services; repealing s.  
6       366.85, F.S., relating to responsibilities of the  
7       department for compliance with certain federal  
8       requirements related to consumer conciliatory  
9       conferences and energy conservation products,  
10      services, and loans; amending s. 472.005, F.S.;  
11      redefining the term "license" and defining the terms  
12      "consumer member" and "licensee" for purposes of  
13      provisions governing surveyors and mappers; amending  
14      s. 472.006, F.S.; directing the Department of  
15      Agriculture and Consumer Services to work  
16      cooperatively with the Department of Revenue to  
17      implement an automated method of disclosing  
18      information related to licensees; authorizing the  
19      Department of Agriculture and Consumer Services to  
20      suspend or deny the license of any licensee found not  
21      to be in compliance with a support order, subpoena,  
22      order to show cause, or written agreement; providing  
23      for reinstatement of a denied or suspended license;  
24      relieving the department of certain liability  
25      associated with the denial or suspension of a license;  
26      amending s. 472.011, F.S.; authorizing the department  
27      to waive license renewal fees for land surveyors and  
28      mappers under certain circumstances; authorizing the

29 | collection of an existing special assessment from  
30 | inactive and delinquent licensees; amending s.  
31 | 472.0131, F.S., relating to examinations; making  
32 | technical changes; amending s. 472.015, F.S.;  
33 | authorizing the department to require land surveyors  
34 | or mappers to submit their social security numbers  
35 | when applying for initial licensure or license  
36 | renewal; providing conditions under which an  
37 | application is deemed received; providing conditions  
38 | under which the department may issue a license by  
39 | endorsement; requiring an applicant to provide his or  
40 | her social security number as required pursuant to  
41 | federal law; specifying how a social security number  
42 | may be used; amending s. 472.018, F.S., relating to  
43 | continuing education; making technical changes;  
44 | requiring that continuing education providers  
45 | electronically provide certain information to the  
46 | department; providing timeframes for reporting;  
47 | requiring that the department establish a system to  
48 | monitor licensee compliance with continuing education  
49 | requirements; defining the term "monitor"; authorizing  
50 | the department to refuse to renew a license until the  
51 | applicant satisfies continuing education requirements;  
52 | authorizing the department or board to impose  
53 | additional penalties against applicants who fail to  
54 | satisfy additional requirements; amending s. 472.0202,  
55 | F.S.; conforming a cross-reference; amending s.  
56 | 472.0203, F.S.; providing for license renewal

57 notification by the department to be sent  
58 electronically to the licensee's last known e-mail  
59 address; amending s. 472.025, F.S.; providing that a  
60 professional surveyor or mapper whose license is  
61 revoked or suspended must return his or her seal to  
62 the executive director of the board, rather than to  
63 the secretary; creating s. 472.0337, F.S.; authorizing  
64 the department to administer oaths, take depositions,  
65 make inspections, issue and serve subpoenas and other  
66 process, and compel the attendance of witnesses and  
67 production of certain documents; providing for  
68 challenges to and enforcement of subpoenas and orders;  
69 amending s. 472.0351, F.S.; revising grounds for  
70 discipline; eliminating certain actions by a licensee  
71 which are grounds for disciplinary action; specifying  
72 what constitutes an action against a license in  
73 another state, territory, or country; specifying that  
74 the board may enter an order against a surveyor or  
75 mapper who committed certain violations before  
76 obtaining a license; authorizing the board to require  
77 corrective action; prohibiting the department from  
78 issuing to or renewing the license of a person or  
79 business entity that has been assessed a fine,  
80 interest, costs, or attorney fees associated with an  
81 investigation or prosecution until the person pays  
82 them in full or complies with or satisfies all terms  
83 and conditions of the final order; amending s.  
84 493.6105, F.S.; authorizing the Department of

85 Agriculture and Consumer Services to waive firearms  
86 training requirements for the initial licensure of  
87 private investigative, private security, or  
88 repossession services under certain circumstances;  
89 amending s. 493.6113, F.S.; authorizing the department  
90 to waive firearms training requirements for license  
91 renewal of private investigative, private security,  
92 and repossession services under certain circumstances;  
93 amending s. 493.6118, F.S.; providing for disciplinary  
94 action to be taken against certain additional license  
95 classes and schools or training facilities for private  
96 investigators and private security and repossession  
97 services; amending s. 493.6120, F.S.; providing for  
98 penalty provisions to apply to certain additional  
99 license classes and schools or training facilities for  
100 private investigators and private security and  
101 repossession services; amending s. 501.015, F.S.,  
102 relating to the regulation of health studios;  
103 substituting the term "local business tax receipt" for  
104 the term "local occupational license"; amending s.  
105 501.017, F.S.; making technical changes; clarifying  
106 that certain notice be provided in a health studio  
107 contract in at least 10-point boldface type; amending  
108 s. 501.059, F.S.; deleting requirement that telephone  
109 subscribers pay an initial listing charge for  
110 including their telephone numbers on the state's no  
111 sales solicitation calls listing; specifying the  
112 period that a subscriber's listing remains active;

113 requiring the department to include certain listings  
114 from a national database on the state's listing;  
115 authorizing the department to impose administrative  
116 fines for violations; specifying that administrative  
117 proceedings are subject to the Administrative  
118 Procedure Act; requiring telecommunications companies  
119 to inform their customers of certain telephone  
120 solicitation requirements; deleting requirement that  
121 the Florida Public Service Commission adopt certain  
122 rules; amending s. 501.605, F.S.; providing that an  
123 applicant for a commercial telephone seller license  
124 may provide other valid forms of identification in  
125 lieu of a valid driver license number; removing the  
126 requirement that the applicant provide his or her  
127 social security number on the application; amending s.  
128 501.607, F.S.; providing that an applicant for a  
129 telemarketing salesperson's license may provide other  
130 valid forms of identification in lieu of a driver  
131 license number; amending s. 501.911, F.S.; revising  
132 provisions for administration of the Antifreeze Act of  
133 1978, to conform; amending s. 501.913, F.S.; requiring  
134 the registrant of a brand of antifreeze to assume full  
135 responsibility for the registration; requiring that a  
136 registrant of a brand of antifreeze not in production  
137 for distribution in this state must submit a notarized  
138 affidavit attesting to specified information;  
139 requiring that a certain sample size of each brand of  
140 antifreeze accompany the application for registration;

141 amending s. 507.04, F.S.; requiring that the  
142 Department of Agriculture and Consumer Services be  
143 notified at least 10 days before any changes are made  
144 in the insurance coverage of a household moving  
145 service; amending s. 525.07, F.S.; revising required  
146 contents of seal clasps applied by meter mechanics  
147 after repair and adjustment of petroleum fuel  
148 measuring devices; amending s. 526.143, F.S.;  
149 authorizing the department to temporarily waive  
150 certain requirements for generators at retail motor  
151 fuel outlets which are used in preparation or response  
152 to an emergency or major disaster in another state;  
153 amending s. 526.50, F.S., relating to the sale of  
154 brake fluid; defining the terms "brand" and "formula";  
155 amending s. 526.51, F.S.; conforming terminology;  
156 providing criteria for reregistering a previously  
157 registered brand and formula combination of brake  
158 fluid; providing for a fine for late submission of the  
159 application for reregistration and required materials;  
160 requiring a registrant to submit a notarized affidavit  
161 attesting that specified conditions have been  
162 satisfied if a registered brand and formula  
163 combination is not in production for distribution in  
164 this state; amending s. 526.52, F.S.; providing  
165 alternative criteria under which a brand of brake  
166 fluid may satisfy branding requirements; amending s.  
167 526.53, F.S.; conforming terminology; requiring that  
168 stop-sale orders be served by the department on the

169 owner of the brand name, the distributor, or other  
170 entity responsible for selling or distributing the  
171 product; providing that the department's  
172 representative, with the consent of the department,  
173 may dispose of certain unregistered brake fluid;  
174 amending s. 526.55, F.S.; replacing criminal sanctions  
175 with administrative and monetary sanctions for  
176 violations of laws regulating the sale of brake fluid;  
177 amending s. 539.001, F.S.; eliminating the requirement  
178 that a pawnshop provide the Department of Agriculture  
179 and Consumer Services notice of a change in its  
180 location by certified or registered mail; amending s.  
181 559.805, F.S.; eliminating a requirement that sellers  
182 of business opportunities provide the department with  
183 the social security numbers of their independent  
184 agents; amending s. 559.904, F.S., relating to the  
185 regulation of motor vehicle repair shops; substituting  
186 the term "business tax receipt" for the term  
187 "occupational license"; repealing s. 559.922, F.S.,  
188 relating to the use of motor vehicle repair shop  
189 registration fees to provide financial assistance to  
190 motor vehicle repair shop employees who undertake  
191 certain technical training or courses; amending s.  
192 559.928, F.S., relating to the regulation of sellers  
193 of travel; substituting the term "business tax  
194 receipt" for the term "occupational license";  
195 eliminating a requirement that an independent travel  
196 agent provide his or her social security number to the

197 department; amending s. 559.9285, F.S.; conforming a  
 198 cross-reference; amending s. 559.935, F.S., relating  
 199 to an exemption from regulation provided for certain  
 200 sellers of travel; substituting the term "business tax  
 201 receipt" for the term "occupational license"; amending  
 202 s. 570.29, F.S., relating to departmental divisions;  
 203 conforming terminology; repealing ss. 570.46 and  
 204 570.47, F.S., relating to the powers and duties of the  
 205 Division of Standards and the qualifications and  
 206 duties of the director of the division; amending s.  
 207 570.544, F.S.; revising the powers and duties of the  
 208 director of the Division of Consumer Services;  
 209 amending s. 616.242, F.S.; removing an obsolete  
 210 reference to the Bureau of Fair Rides Inspection;  
 211 providing an effective date.

212  
 213 Be It Enacted by the Legislature of the State of Florida:

214  
 215 Section 1. Paragraph (1) of subsection (2) of section  
 216 20.14, Florida Statutes, is amended to read:

217 20.14 Department of Agriculture and Consumer Services.—  
 218 There is created a Department of Agriculture and Consumer  
 219 Services.

220 (2) The following divisions of the Department of  
 221 Agriculture and Consumer Services are established:

222 ~~(1) Standards.~~

223 Section 2. Section 366.85, Florida Statutes, is repealed.

224 Section 3. Subsection (7) of section 472.005, Florida



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225 Statutes, is amended, and subsections (15) and (16) are added to  
 226 that section, to read:

227 472.005 Definitions.—As used in ss. 472.001-472.037:

228 (7) The term "license" means a registration, certificate,  
 229 or license issued by the department pursuant to this chapter ~~the~~  
 230 ~~registration of surveyors and mappers or the certification of~~  
 231 ~~businesses to practice surveying and mapping in this state.~~

232 (15) "Consumer member" means a person appointed to serve  
 233 on the board who is not, and never has been, a professional  
 234 surveyor or mapper in any jurisdiction or a member of any  
 235 closely related profession regulated by the board.

236 (16) "Licensee" means any person or business entity that  
 237 has been issued, pursuant to this chapter, a registration,  
 238 certificate, or license by the department.

239 Section 4. Subsection (12) is added to section 472.006,  
 240 Florida Statutes, to read:

241 472.006 Department; powers and duties.—The department  
 242 shall:

243 (12) Work cooperatively with the Department of Revenue to  
 244 implement an automated method for periodically disclosing  
 245 information relating to current licensees to the Department of  
 246 Revenue in order to further the public policy of reducing the  
 247 state's financial burden as a result of family desertion and  
 248 nonsupport of dependent children as provided in s. 409.2551. The  
 249 department shall, if directed by the court or the Department of  
 250 Revenue, pursuant to s. 409.2598, suspend or deny the license of  
 251 any licensee who is found to not be in compliance with a support  
 252 order, subpoena, order to show cause, or written agreement

253 entered into by the licensee with the Department of Revenue. The  
 254 department shall issue or reinstate the license without  
 255 additional charge to the licensee if notified by the court or  
 256 the Department of Revenue that the licensee has complied with  
 257 the terms of the support order. The department is not liable for  
 258 any license denial or suspension resulting from the discharge of  
 259 its duties under this subsection.

260 Section 5. Subsections (1) and (12) of section 472.011,  
 261 Florida Statutes, are amended to read:

262 472.011 Fees.—

263 (1) The board, by rule, may establish fees to be paid for  
 264 applications, examination, reexamination, licensing and renewal,  
 265 inactive status application and reactivation of inactive  
 266 licenses, recordmaking and recordkeeping, and applications for  
 267 providers of continuing education. The board may also establish  
 268 by rule a delinquency fee. The board shall establish fees that  
 269 are adequate to ensure the continued operation of the board.  
 270 Fees shall be based on department estimates of the revenue  
 271 required to implement ss. 472.001-472.037 and the provisions of  
 272 law with respect to the regulation of surveyors and mappers. If  
 273 the department determines, based on estimates of available  
 274 revenue collected pursuant to this section, that the General  
 275 Inspection Trust Fund contains funds that exceed the amount  
 276 required to cover the necessary functions of the board, the  
 277 department shall, by rule, waive the license renewal fees for  
 278 licensees under this chapter for a period not to exceed 2 years.

279 (12) The board may, by rule, assess and collect a special  
 280 assessment ~~one-time fee~~ from each active, inactive, and

281 delinquent ~~each voluntary inactive~~ licensee in an amount  
 282 necessary to eliminate a cash deficit or, if there is not a cash  
 283 deficit, in an amount sufficient to maintain the financial  
 284 integrity of this profession as required in this subsection.

285 Section 6. Subsection (3) of section 472.0131, Florida  
 286 Statutes, is amended to read:

287 472.0131 Examinations; development; administration.—

288 (3) Except for national examinations approved and  
 289 administered pursuant to paragraph (1)(d), the department shall  
 290 provide procedures for applicants who have taken and failed an  
 291 examination developed by the department or a contracted vendor  
 292 to review their examination questions, answers, papers, grades,  
 293 and grading key for the questions the candidate answered  
 294 incorrectly on his or her last examination or, if not feasible,  
 295 the parts of the examination failed. Applicants shall bear the  
 296 actual cost for the department to provide examination review  
 297 pursuant to this subsection. An applicant may waive in writing  
 298 the confidentiality of his or her examination grades.

299 Section 7. Subsection (1) and paragraph (b) of subsection  
 300 (6) of section 472.015, Florida Statutes, are amended, and  
 301 subsection (15) is added to that section, to read:

302 472.015 Licensure.—

303 (1) Notwithstanding any other law, the department is the  
 304 sole authority for determining the contents of any documents to  
 305 be submitted for initial licensure and licensure renewal. The  
 306 ~~Such~~ documents may contain information including, as  
 307 appropriate: demographics, social security number, education,  
 308 work history, personal background, criminal history, finances,

309 business information, complaints, inspections, investigations,  
 310 discipline, bonding, signature notarization, photographs,  
 311 performance periods, reciprocity, local government approvals,  
 312 supporting documentation, periodic reporting requirements,  
 313 continuing education requirements, and ongoing education  
 314 monitoring. The applicant shall supplement his or her  
 315 application ~~may be supplemented~~ as needed to reflect any  
 316 material change in any circumstance or condition stated in the  
 317 application which takes place between the initial filing of the  
 318 application and the final grant or denial of the license and  
 319 which might affect the decision of the department. An  
 320 application is received for the purposes of s. 120.60 upon  
 321 receipt by the department of the application, submitted in the  
 322 format prescribed by the department, the application fee set by  
 323 the board, and any other documentation or fee required by law or  
 324 rule to be submitted with the application in order for the  
 325 application to be complete.

326 (6)

327 (b) The department may ~~shall~~ not issue a license by  
 328 endorsement to any applicant who is under investigation in this  
 329 state or any other state or any other jurisdiction ~~another state~~  
 330 for any act that would constitute a violation of this ss.  
 331 ~~472.001-472.037 or chapter 455~~ until ~~such time as~~ the  
 332 investigation is complete and disciplinary proceedings have been  
 333 terminated.

334 (15) Pursuant to the federal Personal Responsibility and  
 335 Work Opportunity Reconciliation Act of 1996, each person  
 336 applying for initial licensure or license renewal shall provide

337 his or her social security number. Use of social security  
338 numbers obtained through this requirement is limited to the  
339 purpose of administering the Title IV-D program for child  
340 support enforcement, use by the department, and use as otherwise  
341 provided by law.

342 Section 8. Subsection (1) of section 472.018, Florida  
343 Statutes, is amended, and subsections (13), (14), and (15) are  
344 added to that section, to read:

345 472.018 Continuing education.—The department may not renew  
346 a license until the licensee submits proof satisfactory to the  
347 board that during the 2 years before ~~prior to~~ her or his  
348 application for renewal the licensee has completed at least 24  
349 hours of continuing education.

350 (1) The board shall adopt rules to establish the criteria  
351 and course content for continuing education courses. The rules  
352 may provide that up to a maximum of 25 percent of the required  
353 continuing education hours may ~~can~~ be fulfilled by the  
354 performance of pro bono services to the indigent or to  
355 underserved populations or in areas of critical need within the  
356 state where the licensee practices. The board must require that  
357 any pro bono services be approved in advance in order to receive  
358 credit for continuing education under this section. The board  
359 shall use the standard for determining indigency shall be that  
360 recognized by the Federal Poverty Income Guidelines produced by  
361 the United States Department of Health and Human Services in  
362 determining indigency. The board may adopt rules that may  
363 provide for approval by the board that a part of the continuing  
364 education hours may ~~can~~ be fulfilled by performing research in

365 critical need areas or for training leading to advanced  
 366 professional certification. The board, ~~or the department when~~  
 367 ~~there is no board,~~ may adopt ~~make~~ rules to define underserved  
 368 and critical need areas. The department shall adopt rules for  
 369 the administration of continuing education requirements adopted  
 370 by the board ~~or the department when there is no board.~~

371 (13) Each continuing education provider shall provide to  
 372 the department, in an electronic format determined by the  
 373 department, information regarding the continuing education  
 374 status of licensees which the department determines is necessary  
 375 to carry out its duties under this chapter. After a licensee  
 376 completes a course, the information must be submitted  
 377 electronically by the continuing education provider to the  
 378 department within 30 calendar days after completion. However,  
 379 beginning on the 30th day before the renewal deadline or before  
 380 the renewal date, whichever occurs sooner, the continuing  
 381 education provider shall electronically report such information  
 382 to the department within 10 business days after completion.

383 (14) The department shall establish a system to monitor  
 384 licensee compliance with continuing education requirements and  
 385 to determine the continuing education status of each licensee.  
 386 As used in this subsection, the term "monitor" means the act of  
 387 determining, for each licensee, whether the licensee is in full  
 388 compliance with applicable continuing education requirements as  
 389 of the date of the licensee's application for license renewal.

390 (15) The department may refuse to renew a license until  
 391 the licensee has satisfied all applicable continuing education  
 392 requirements. This subsection does not preclude the department

393 or board from imposing additional penalties pursuant to this  
 394 chapter or rules adopted pursuant this chapter.

395 Section 9. Subsection (1) of section 472.0202, Florida  
 396 Statutes, is amended to read:

397 472.0202 Inactive and delinquent status.—

398 (1) A licensee may practice a profession only if the  
 399 licensee has an active status license. A licensee who practices  
 400 a profession without an active status license is in violation of  
 401 this section and s. 472.0351 ~~472.033~~, and the board may impose  
 402 discipline on the licensee.

403 Section 10. Subsection (3) is added to section 472.0203,  
 404 Florida Statutes, to read:

405 472.0203 Renewal and cancellation notices.—

406 (3) Notwithstanding any other law, a licensure renewal  
 407 notification required to be sent to the last known address of  
 408 record may be sent by the department to the licensee by  
 409 electronic means if the licensee has provided an e-mail address  
 410 to the department.

411 Section 11. Subsection (2) of section 472.025, Florida  
 412 Statutes, is amended to read:

413 472.025 Seals.—

414 (2) It is unlawful for a ~~any~~ person to stamp, seal, or  
 415 digitally sign a ~~any~~ document with a seal or digital signature  
 416 after his or her certificate of registration has expired or been  
 417 revoked or suspended, unless such certificate of registration  
 418 has been reinstated or reissued. When a ~~the~~ certificate of  
 419 registration ~~of a registrant~~ has been revoked or suspended by  
 420 the board, the registrant shall, within ~~a period of~~ 30 days

421 after the revocation or suspension has become effective,  
 422 surrender his or her seal to the executive director ~~secretary~~ of  
 423 the board and confirm to the executive director ~~secretary~~ the  
 424 cancellation of the registrant's digital signature in accordance  
 425 with ss. 668.001-668.006. ~~If In the event~~ the registrant's  
 426 certificate has been suspended for a period of time, his or her  
 427 seal shall be returned to him or her upon expiration of the  
 428 suspension period.

429 Section 12. Section 472.0337, Florida Statutes, is created  
 430 to read:

431 472.0337 Power to administer oaths, take depositions, and  
 432 issue subpoenas.-For the purpose of an investigation or  
 433 proceeding conducted by the department, the department shall  
 434 administer oaths, take depositions, make inspections, issue  
 435 subpoenas which must be supported by affidavit, serve subpoenas  
 436 and other process, and compel the attendance of witnesses and  
 437 the production of books, papers, documents, and other evidence.  
 438 Challenges to, and enforcement of, the subpoenas and orders  
 439 shall be conducted as provided in s. 120.569.

440 Section 13. Section 472.0351, Florida Statutes, is amended  
 441 to read:

442 472.0351 Grounds for discipline; penalties; enforcement.-

443 (1) The following acts ~~shall~~ constitute grounds for which  
 444 the disciplinary actions specified in subsection (2) may be  
 445 taken:

- 446 (a) Violation of any provision of s. 472.031;
- 447 (b) Attempting to procure a license to practice surveying  
 448 and mapping by bribery or fraudulent misrepresentations;



449 (c) Having a license to practice surveying and mapping  
 450 revoked, suspended, or otherwise acted against, including the  
 451 denial of licensure, by the licensing authority of another  
 452 state, territory, or country, for a violation that constitutes a  
 453 violation under the laws of this state. The acceptance of a  
 454 relinquishment of licensure, stipulation, consent order, or  
 455 other settlement offered in response to or in anticipation of  
 456 the filing of charges against the license by a licensing  
 457 authority is an action against the license;

458 (d) Being convicted or found guilty of, or entering a plea  
 459 of guilty, no contest, or nolo contendere to, regardless of  
 460 adjudication, a crime in any jurisdiction which directly relates  
 461 to the practice of surveying and mapping or the ability to  
 462 practice surveying and mapping;

463 (e) Making or filing a report or record that the licensee  
 464 knows to be false, willfully failing to file a report or record  
 465 required by state or federal law, willfully impeding or  
 466 obstructing such filing, or inducing another person to impede or  
 467 obstruct such filing. Such reports or records ~~shall~~ include only  
 468 those that are signed in the capacity of a registered surveyor  
 469 and mapper;

470 (f) Advertising goods or services in a manner that is  
 471 fraudulent, false, deceptive, or misleading in form or content;

472 (g) Upon proof that the licensee is guilty of fraud or  
 473 deceit, or of negligence, incompetency, or misconduct, in the  
 474 practice of surveying and mapping;

475 (h) Failing to perform a ~~any~~ statutory or legal obligation  
 476 placed upon a licensed surveyor and mapper; violating a ~~any~~

477 provision of this chapter, a rule of the board or department, or  
 478 a lawful order of the board or department ~~previously entered in~~  
 479 ~~a disciplinary hearing~~; or failing to comply with a lawfully  
 480 issued subpoena of the department;

481 (i) Practicing on a revoked, suspended, inactive, or  
 482 delinquent license;

483 ~~(j) Making misleading, deceptive, or fraudulent~~  
 484 ~~representations in or related to the practice of the licensee's~~  
 485 ~~profession;~~

486 ~~(k) Intentionally violating any rule adopted by the board~~  
 487 ~~or the department, as appropriate;~~

488 ~~(l) Having a license or the authority to practice the~~  
 489 ~~regulated profession revoked, suspended, or otherwise acted~~  
 490 ~~against, including the denial of licensure, by the licensing~~  
 491 ~~authority of any jurisdiction, including its agencies or~~  
 492 ~~subdivisions, for a violation that would constitute a violation~~  
 493 ~~under Florida law;~~

494 (j) ~~(m)~~ Having been found liable in a civil proceeding for  
 495 knowingly filing a false report or complaint with the department  
 496 against another licensee;

497 (k) ~~(n)~~ Failing to report to the department any person who  
 498 the licensee knows is in violation of this chapter or the rules  
 499 of the department or the board;

500 (l) ~~(o)~~ Aiding, assisting, procuring, employing, or  
 501 advising any unlicensed person or entity to practice surveying  
 502 and mapping contrary to this chapter or the rules of the  
 503 department or the board;

504 (m) ~~(p)~~ Making deceptive, untrue, or fraudulent

505 | representations in or related to the practice of professional  
506 | surveying or mapping ~~a profession~~ or employing a trick or scheme  
507 | in or related to the practice of professional surveying or  
508 | mapping ~~a profession~~;

509 |       (n) ~~(q)~~ Exercising influence on the client for the purpose  
510 | of financial gain of the licensee or a third party;

511 |       (o) ~~(r)~~ Practicing or offering to practice beyond the scope  
512 | permitted by law or accepting and performing professional  
513 | responsibilities the licensee knows, or has reason to know, the  
514 | licensee is not competent to perform;

515 |       (p) ~~(s)~~ Delegating or contracting for the performance of  
516 | professional responsibilities by a person when the licensee  
517 | delegating or contracting for performance of such  
518 | responsibilities knows, or has reason to know, such person is  
519 | not qualified by training, experience, and authorization when  
520 | required to perform them; or

521 |       ~~(t) Violating this chapter, the applicable professional~~  
522 | ~~practice act, a rule of the department or the board, or a lawful~~  
523 | ~~order of the department or the board, or failing to comply with~~  
524 | ~~a lawfully issued subpoena of the department; or~~

525 |       (q) ~~(u)~~ Improperly interfering with an investigation or  
526 | inspection authorized by statute, or with any disciplinary  
527 | proceeding.

528 |       (2) If ~~When~~ the board finds a ~~any~~ surveyor or mapper  
529 | guilty of any of the grounds set forth in subsection (1) or a  
530 | violation of this chapter which occurred before obtaining a  
531 | license, the board ~~it~~ may enter an order imposing one or more of  
532 | the following penalties:

533 (a) Denial of an application for licensure, or approval of  
 534 an application for licensure with restrictions.

535 (b) Revocation or suspension of a license.

536 (c) Imposition of an administrative fine not to exceed  
 537 \$1,000 for each count or separate offense.

538 (d) Issuance of a reprimand.

539 (e) Placement of the surveyor or mapper on probation for a  
 540 period of time and subject to such conditions as the board may  
 541 specify. Those conditions may include, but are not limited to,  
 542 requiring the licensee to undergo treatment, attend continuing  
 543 education courses, submit to be reexamined, work under the  
 544 supervision of another licensee, or satisfy any terms which are  
 545 reasonably tailored to the violations found.

546 (f) Restriction of the authorized scope of practice by the  
 547 surveyor or mapper.

548 (g) Corrective action.

549 (3) The department shall reissue the license of a  
 550 disciplined surveyor or mapper upon certification by the board  
 551 that he or she has complied with all of the terms and conditions  
 552 set forth in the final order.

553 (4) (a) In addition to any other discipline imposed  
 554 pursuant to this section, the board may assess costs and  
 555 attorney ~~attorneys~~ fees related to the investigation and  
 556 prosecution of the case.

557 (b) In any case where the board or the department imposes  
 558 a fine or assessment and the fine or assessment is not paid  
 559 within a reasonable time, which may ~~such reasonable time~~ to be  
 560 prescribed in the rules of the board or in the order assessing

561 such fines or costs, the department or the Department of Legal  
562 Affairs may contract for the collection of, or bring a civil  
563 action to recover, the fine or assessment.

564 (c) The department may not issue to or renew the license  
565 of any person or business entity against which the board has  
566 assessed a fine, interest, costs, or attorney fees associated  
567 with an investigation and prosecution until the person or  
568 business entity has paid the full amount due or complies with or  
569 satisfies all terms and conditions of the final order.

570 ~~(5) In addition to, or in lieu of, any other remedy or~~  
571 ~~criminal prosecution, the department may file a proceeding in~~  
572 ~~the name of the state seeking issuance of an injunction or a~~  
573 ~~writ of mandamus against any person who violates any of the~~  
574 ~~provisions of this chapter, or any provision of law with respect~~  
575 ~~to professions regulated by the department, or any board~~  
576 ~~therein, or the rules adopted pursuant thereto.~~

577 (5)(6) If the board determines that revocation of a  
578 license is the appropriate penalty, the revocation shall be  
579 permanent. However, the board may establish, by rule,  
580 requirements for reapplication by applicants whose licenses have  
581 been permanently revoked. Such requirements may include, but are  
582 ~~shall~~ not be limited to, satisfying current requirements for an  
583 initial license.

584 Section 14. Subsection (5) of section 493.6105, Florida  
585 Statutes, is amended to read:

586 493.6105 Initial application for license.-

587 (5) In addition to the requirements outlined in subsection  
588 (3), an applicant for a Class "G" license must satisfy minimum

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589 training criteria for firearms established by rule of the  
590 department, which training criteria includes, but is not limited  
591 to, 28 hours of range and classroom training taught and  
592 administered by a Class "K" licensee; however, no more than 8  
593 hours of such training shall consist of range training. The  
594 department may waive the foregoing firearms training requirement  
595 if:

596 (a) The applicant provides proof that he or she is  
597 currently certified as a law enforcement officer or correctional  
598 officer pursuant to the requirements of the Criminal Justice  
599 Standards and Training Commission or has successfully completed  
600 the training required for certification within the last 12  
601 months.

602 (b) The applicant provides proof that he or she is  
603 currently certified as a federal law enforcement officer and has  
604 received law enforcement firearms training administered by a  
605 federal law enforcement agency.

606 (c) The applicant submits a valid firearm certificate  
607 among those specified in paragraph (6) (a). ~~If the applicant~~  
608 ~~submits proof that he or she is an active law enforcement~~  
609 ~~officer currently certified under the Criminal Justice Standards~~  
610 ~~and Training Commission or has completed the training required~~  
611 ~~for that certification within the last 12 months, or if the~~  
612 ~~applicant submits one of the certificates specified in paragraph~~  
613 ~~(6) (a), the department may waive the foregoing firearms training~~  
614 ~~requirement.~~

615 Section 15. Paragraph (b) of subsection (3) of section  
616 493.6113, Florida Statutes, is amended to read:

617 493.6113 Renewal application for licensure.—

618 (3) Each licensee is responsible for renewing his or her  
 619 license on or before its expiration by filing with the  
 620 department an application for renewal accompanied by payment of  
 621 the prescribed license fee.

622 (b) Each Class "G" licensee shall additionally submit  
 623 proof that he or she has received during each year of the  
 624 license period a minimum of 4 hours of firearms recertification  
 625 training taught by a Class "K" licensee and has complied with  
 626 such other health and training requirements which the department  
 627 may adopt by rule. If proof of a minimum of 4 hours of annual  
 628 firearms recertification training cannot be provided, the  
 629 renewal applicant shall complete the minimum number of hours of  
 630 range and classroom training required at the time of initial  
 631 licensure. The department may waive the foregoing firearms  
 632 training requirement if:

633 1. The applicant provides proof that he or she is  
 634 currently certified as a law enforcement officer or correctional  
 635 officer under the Criminal Justice Standards and Training  
 636 Commission and has completed law enforcement firearms  
 637 requalification training annually during the previous 2 years of  
 638 the licensure period.

639 2. The applicant provides proof that he or she is  
 640 currently certified as a federal law enforcement officer and has  
 641 received law enforcement firearms training administered by a  
 642 federal law enforcement agency annually during the previous 2  
 643 years of the licensure period.

644 3. The applicant submits a valid firearm certificate among

645 those specified in s. 493.6105(6) (a) and provides proof of  
 646 having completed requalification training during the previous 2  
 647 years of the licensure period.

648 Section 16. Subsection (6) of section 493.6118, Florida  
 649 Statutes, is amended to read:

650 493.6118 Grounds for disciplinary action.—

651 (6) The agency or Class "DS" or "RS" license and the  
 652 approval or license of each officer, partner, or owner of the  
 653 agency, school, or training facility are automatically suspended  
 654 upon entry of a final order imposing an administrative fine  
 655 against the agency, school, or training facility, until the fine  
 656 is paid, if 30 calendar days have elapsed since the entry of the  
 657 final order. All owners and corporate or agency officers or  
 658 partners are jointly and severally liable for ~~agency~~ fines  
 659 levied against the agency, school, or training facility. ~~Neither~~  
 660 The agency or Class "DS" or "RS" license or the approval or  
 661 license of any officer, partner, or owner of the agency, school,  
 662 or training facility may not be renewed, and ~~nor may~~ an  
 663 application may not be approved, if the owner, licensee, or  
 664 applicant is liable for an outstanding administrative fine  
 665 imposed under this chapter. An individual's approval or license  
 666 becomes automatically suspended if a fine imposed against the  
 667 individual or his or her agency is not paid within 30 days after  
 668 the date of the final order, and remains suspended until the  
 669 fine is paid. Notwithstanding the provisions of this subsection,  
 670 an individual's approval or license may not be suspended and ~~nor~~  
 671 ~~may~~ an application may not be denied if ~~when~~ the licensee or the  
 672 applicant has an appeal from a final order pending in any



673 | appellate court.

674 |       Section 17. Subsection (4) of section 493.6120, Florida  
675 | Statutes, is amended to read:

676 |       493.6120 Violations; penalty.—

677 |       (4) A ~~Any~~ person who was an owner, officer, partner, or  
678 | manager of a licensed agency or a Class "DS" or "RS" school or  
679 | training facility at the time of any activity that is the basis  
680 | for revocation of the agency or branch office license or the  
681 | school or training facility license and who knew or should have  
682 | known of the activity, shall have his or her personal licenses  
683 | or approval suspended for 3 years and may not have any financial  
684 | interest in or be employed in any capacity by a licensed agency  
685 | or a school or training facility during the period of  
686 | suspension.

687 |       Section 18. Subsection (7) of section 501.015, Florida  
688 | Statutes, is amended to read:

689 |       501.015 Health studios; registration requirements and  
690 | fees.—Each health studio shall:

691 |       (7) A ~~Any~~ person applying for or renewing a local business  
692 | tax receipt ~~occupational license~~ to engage in business as a  
693 | health studio must exhibit an active registration certificate  
694 | from the Department of Agriculture and Consumer Services before  
695 | the local business tax receipt ~~occupational license~~ may be  
696 | issued or reissued.

697 |       Section 19. Subsection (1) of section 501.017, Florida  
698 | Statutes, is amended to read:

699 |       501.017 Health studios; contracts.—

700 |       (1) Each ~~Every~~ contract for the sale of future health

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701 studio services which is paid for in advance or which the buyer  
702 agrees to pay for in future installment payments shall be in  
703 writing and shall contain, contractual provisions to the  
704 contrary notwithstanding, in immediate proximity to the space  
705 reserved in the contract for the signature of the buyer, and in  
706 at least 10-point boldfaced type, language substantially  
707 equivalent to the following:

708 (a) A provision for the penalty-free cancellation of the  
709 contract within 3 days, exclusive of holidays and weekends, of  
710 its making, upon the mailing or delivery of written notice to  
711 the health studio, and refund upon such notice of all moneys  
712 paid under the contract, except that the health studio may  
713 retain an amount computed by dividing the number of complete  
714 days in the contract term or, if appropriate, the number of  
715 occasions health studio services are to be rendered into the  
716 total contract price and multiplying the result by the number of  
717 complete days that have passed since the making of the contract  
718 or, if appropriate, by the number of occasions that health  
719 studio services have been rendered. A refund shall be issued  
720 within 30 days after receipt of the notice of cancellation made  
721 within the 3-day provision.

722 (b)1. A provision for the cancellation and refund of the  
723 contract if the contracting business location of the health  
724 studio goes out of business, or moves its facilities more than 5  
725 driving miles from the business location designated in the ~~such~~  
726 contract and fails to provide, within 30 days, a facility of  
727 equal quality located within 5 driving miles of the business  
728 location designated in the ~~such~~ contract at no additional cost

729 to the buyer.

730 2. A provision that notice of intent to cancel by the  
 731 buyer shall be given in writing to the health studio. ~~The Such a~~  
 732 notice of cancellation from the consumer terminates ~~shall also~~  
 733 ~~terminate~~ automatically the consumer's obligation to any entity  
 734 to whom the health studio has subrogated or assigned the  
 735 consumer's contract. If the health studio wishes to enforce the  
 736 ~~such~~ contract after receipt of the notice ~~such showing~~, it may  
 737 request the department to determine the sufficiency of the  
 738 notice ~~showing~~.

739 3. A provision that if the department determines that a  
 740 refund is due the buyer, the refund shall be an amount computed  
 741 by dividing the contract price by the number of weeks in the  
 742 contract term and multiplying the result by the number of weeks  
 743 remaining in the contract term. The business location of a  
 744 health studio may ~~shall~~ not be deemed out of business when  
 745 temporarily closed for repair and renovation of the premises:

- 746 a. Upon sale, for not more than 14 consecutive days; or
- 747 b. During ownership, for not more than 7 consecutive days
- 748 and not more than two periods of 7 consecutive days in any
- 749 calendar year.

750  
 751 A refund shall be issued within 30 days after receipt of the  
 752 notice of cancellation made pursuant to this paragraph.

753 (c) A provision in the disclosure statement advising the  
 754 buyer to contact the department for information within 60 days  
 755 should the health studio go out of business.

756 (d) A provision for the cancellation of the contract if

757 the buyer dies or becomes physically unable to avail himself or  
758 herself of a substantial portion of those services which he or  
759 she used from the commencement of the contract until the time of  
760 disability, with refund of funds paid or accepted in payment of  
761 the contract in an amount computed by dividing the contract  
762 price by the number of weeks in the contract term and  
763 multiplying the result by the number of weeks remaining in the  
764 contract term. The contract may require a buyer or the buyer's  
765 estate seeking relief under this paragraph to provide proof of  
766 disability or death. A physical disability sufficient to warrant  
767 cancellation of the contract by the buyer is ~~shall be~~  
768 established if the buyer furnishes to the health studio a  
769 certification of such disability by a physician licensed under  
770 chapter 458, chapter 459, chapter 460, or chapter 461 to the  
771 extent the diagnosis or treatment of the disability is within  
772 the physician's scope of practice. A refund shall be issued  
773 within 30 days after receipt of the notice of cancellation made  
774 pursuant to this paragraph.

775 (e) A provision that the initial contract will not be for  
776 a period in excess of 36 months, and thereafter shall only be  
777 renewable annually. A ~~Such~~ renewal contract ~~contracts~~ may not be  
778 executed and the fee therefor paid until 60 days or less before  
779 the previous ~~preceding~~ contract expires.

780 (f) A provision that if the health studio requires a buyer  
781 to furnish identification upon entry to the facility and as a  
782 condition of using the services of the health studio, the health  
783 studio shall provide the buyer with the means of such  
784 identification.

785 Section 20. Paragraphs (e) through (i) of subsection (1)  
 786 of section 501.059, Florida Statutes, are redesignated as  
 787 paragraphs (d) through (h), respectively, and present paragraph  
 788 (d) of subsection (1) and subsections (3), (8), and (10) of that  
 789 section are amended to read:

790 501.059 Telephone solicitation.-

791 (1) As used in this section:

792 ~~(d) "Commission" means the Florida Public Service~~  
 793 ~~Commission.~~

794 (3) (a) If any residential, mobile, or telephonic paging  
 795 device telephone subscriber notifies the department of his or  
 796 her desire ~~desiring~~ to be placed on a "no sales solicitation  
 797 calls" listing indicating that the subscriber does not wish to  
 798 receive unsolicited telephonic sales calls, ~~may notify~~ the  
 799 department shall place the subscriber ~~and be placed~~ on that  
 800 listing for 5 years ~~upon receipt by the department of a \$10~~  
 801 ~~initial listing charge. This listing shall be renewed by the~~  
 802 ~~department annually for each consumer upon receipt of a renewal~~  
 803 ~~notice and a \$5 assessment.~~

804 (b) The department shall update its "no sales solicitation  
 805 calls" listing upon receipt of initial consumer subscriptions or  
 806 renewals and provide this listing for a fee to telephone  
 807 solicitors upon request.

808 (c) All fees imposed pursuant to this section shall be  
 809 deposited in the General Inspection Trust Fund for the  
 810 administration of this section.

811 (d) If the Federal Trade Commission, pursuant to 15 U.S.C.  
 812 s. 6102(a), establishes a national database that lists the

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813 telephone numbers of subscribers who object to receiving  
814 telephone solicitations, the department shall include those  
815 listings from the national database which relate to Florida in  
816 the listing established under this section.

817 (8) (a) The department shall investigate any complaints  
818 received concerning violations of this section. If, after  
819 investigating any complaint, the department finds that there has  
820 been a violation of this section, the department or the  
821 Department of Legal Affairs may bring an action to impose a  
822 civil penalty and to seek other relief, including injunctive  
823 relief, as the court deems appropriate against the telephone  
824 solicitor. The civil penalty may ~~shall~~ not exceed \$10,000 per  
825 violation and shall be deposited in the General Inspection Trust  
826 Fund if the action or proceeding was brought by the department,  
827 or the Legal Affairs Revolving Trust Fund if the action or  
828 proceeding was brought by the Department of Legal Affairs. This  
829 civil penalty may be recovered in any action brought under this  
830 part by the department, or the department may terminate any  
831 investigation or action upon agreement by the person to pay a  
832 stipulated civil penalty. The department or the court may waive  
833 any civil penalty if the person has previously made full  
834 restitution or reimbursement or has paid actual damages to the  
835 consumers who have been injured by the violation.

836 (b) The department may, as an alternative to the civil  
837 penalties provided in paragraph (a), impose an administrative  
838 fine not to exceed \$1,000 for each act or omission that  
839 constitutes a violation of this section. An administrative  
840 proceeding that could result in the entry of an order imposing

841 an administrative penalty must be conducted in accordance with  
842 chapter 120.

843 (10) ~~The commission shall by rule ensure that~~  
844 Telecommunications companies shall inform their customers of the  
845 provisions of this section. The notification may be made by:

846 (a) Annual inserts in the billing statements mailed to  
847 customers; and

848 (b) Conspicuous publication of the notice in the consumer  
849 information pages of the local telephone directories.

850 Section 21. Paragraphs (a) and (1) of subsection (2) of  
851 section 501.605, Florida Statutes, are amended to read:

852 501.605 Licensure of commercial telephone sellers.—

853 (2) An applicant for a license as a commercial telephone  
854 seller must submit to the department, in such form as it  
855 prescribes, a written application for the license. The  
856 application must set forth the following information:

857 (a) The true name, date of birth, driver ~~driver's~~ license  
858 number or other valid form of identification, ~~social security~~  
859 ~~number~~, and home address of the applicant, including each name  
860 under which he or she intends to do business.

861 (1) The true name, current home address, date of birth,  
862 ~~social security number~~, and all other names by which known, or  
863 previously known, of each:

864 1. Principal officer, director, trustee, shareholder,  
865 owner, or partner of the applicant, and of each other person  
866 responsible for the management of the business of the applicant.

867 2. Office manager or other person principally responsible  
868 for a location from which the applicant will do business.

869 3. Salesperson or other person to be employed by the  
870 applicant.

871  
872 The application shall be accompanied by a copy of any: Script,  
873 outline, or presentation the applicant will require or suggest a  
874 salesperson to use when soliciting, or, if no such document is  
875 used, a statement to that effect; sales information or  
876 literature to be provided by the applicant to a salesperson; and  
877 sales information or literature to be provided by the applicant  
878 to a purchaser in connection with any solicitation.

879 Section 22. Paragraph (a) of subsection (1) of section  
880 501.607, Florida Statutes, is amended to read:

881 501.607 Licensure of salespersons.—

882 (1) An applicant for a license as a salesperson must  
883 submit to the department, in such form as it prescribes, a  
884 written application for a license. The application must set  
885 forth the following information:

886 (a) The true name, date of birth, driver ~~driver's~~ license  
887 number or other valid form of identification, ~~social security~~  
888 ~~number~~, and home address of the applicant.

889 Section 23. Section 501.911, Florida Statutes, is amended  
890 to read:

891 501.911 Administration of act.—Sections 501.91-501.923  
892 shall be administered by ~~the Division of Standards of the~~  
893 Department of Agriculture and Consumer Services.

894 Section 24. Subsections (1) and (2) of section 501.913,  
895 Florida Statutes, are amended to read:

896 501.913 Registration.—



897 (1) Each brand of antifreeze to be distributed in this  
898 state shall be registered with the department before ~~prior to~~  
899 distribution. The person whose name appears on the label, the  
900 manufacturer, or the packager shall make application to the  
901 department on forms provided by the department no later than  
902 July 1 of each year. The registrant assumes, by application to  
903 register the brand, full responsibility for the registration,  
904 quality, and quantity of the product sold, offered, or exposed  
905 for sale in this state. If a registered brand is not in  
906 production for distribution in this state and to ensure any  
907 remaining product that is still available for sale in the state  
908 is properly registered, the registrant must submit a notarized  
909 affidavit on company letterhead to the department certifying  
910 that:

911 (a) The stated brand is no longer in production;

912 (b) The stated brand will not be distributed in this  
913 state; and

914 (c) All existing product of the stated brand will be  
915 removed by the registrant from the state within 30 days after  
916 expiration of the registration or the registrant will reregister  
917 the brand for two subsequent registration periods.

918  
919 If production resumes, the brand must be reregistered before it  
920 is distributed in this state.

921 (2) The completed application shall be accompanied by:

922 (a) Specimens or facsimiles of the label for each brand of  
923 antifreeze;

924 (b) An application fee of \$200 for each brand; and

925 (c) A properly labeled sample of between 1 and 2 gallons  
 926 for each brand of antifreeze.

927 Section 25. Subsection (3) of section 507.04, Florida  
 928 Statutes, is amended to read:

929 507.04 Required insurance coverages; liability  
 930 limitations; valuation coverage.—

931 (3) INSURANCE COVERAGES.—The insurance coverages required  
 932 under paragraph (1)(a) and subsection (2) must be issued by an  
 933 insurance company or carrier licensed to transact business in  
 934 this state under the Florida Insurance Code as designated in s.  
 935 624.01. The department shall require a mover to present a  
 936 certificate of insurance of the required coverages before  
 937 issuance or renewal of a registration certificate under s.  
 938 507.03. The department shall be named as a certificateholder in  
 939 the certificate and must be notified at least 10 ~~30~~ days before  
 940 cancellation of any changes in insurance coverage.

941 Section 26. Subsection (7) of section 525.07, Florida  
 942 Statutes, is amended to read:

943 525.07 Powers and duties of department; inspections;  
 944 unlawful acts.—

945 (7) It is unlawful for any person to break, cut, or remove  
 946 any seal applied by the department to a petroleum fuel measuring  
 947 device or container. If ~~When~~ it becomes necessary to repair and  
 948 adjust a petroleum fuel measuring device during the absence of  
 949 an inspector of the department, the seal on the meter adjustment  
 950 may be broken by a person who is registered with the department  
 951 as a meter mechanic. After repairs and adjustments have been  
 952 made, the adjusting mechanism must immediately be resealed by

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953 the registered meter mechanic with a seal clasp bearing at least  
954 ~~the name of the company or~~ the name or initials of the  
955 registered mechanic. The registered mechanic shall immediately  
956 notify the department of this action.

957 Section 27. Subsection (5) of section 526.143, Florida  
958 Statutes, is amended to read:

959 526.143 Alternate generated power capacity for motor fuel  
960 dispensing facilities.—

961 (5) (a) Each corporation or other entity that owns 10 or  
962 more motor fuel retail outlets located within a single county  
963 shall maintain at least one portable generator that is capable  
964 of providing an alternate generated power source as required  
965 under subsection (2) for every 10 outlets. If an entity owns  
966 more than 10 outlets or a multiple of 10 outlets plus an  
967 additional 6 outlets, the entity must provide one additional  
968 generator to accommodate such additional outlets. Each portable  
969 generator must be stored within this state, or may be stored in  
970 another state if located within 250 miles of this state, and  
971 must be available for use in an affected location within 24  
972 hours after a disaster.

973 (b) Each corporation or other entity that owns 10 or more  
974 motor fuel retail outlets located within a single domestic  
975 security region, as determined pursuant to s. 943.0312(1), and  
976 that does not own additional outlets located outside the  
977 domestic security region shall maintain a written document of  
978 agreement with one or more similarly equipped entities for the  
979 use of portable generators that may be used to meet the  
980 requirements of paragraph (a) and that are located within this

981 state but outside the affected domestic security region. The  
 982 agreement may be reciprocal, may allow for payment for services  
 983 rendered by the providing entity, and must guarantee the  
 984 availability of the portable generators to an affected location  
 985 within 24 hours after a disaster.

986 (c) Upon written request, the department may temporarily  
 987 waive the requirements in paragraphs (a) and (b) if the  
 988 generators are used in preparation for or response to an  
 989 emergency or major disaster in another state. The waiver shall  
 990 be in writing and include a beginning and ending date. The  
 991 waiver may provide additional conditions as deemed necessary by  
 992 the department. The waiver may be modified or terminated by the  
 993 department if the Governor declares an emergency.

994 (d) ~~(e)~~ For purposes of this section, ownership of a motor  
 995 fuel retail outlet is ~~shall be~~ the owner of record of the fuel  
 996 storage systems operating at the location, as identified in the  
 997 Department of Environmental Protection underground storage  
 998 facilities registry pursuant to s. 376.303(1).

999 Section 28. Subsections (8) and (9) are added to section  
 1000 526.50, Florida Statutes, to read:

1001 526.50 Definition of terms.—As used in this part:

1002 (8) "Brand" means the product name appearing on the label  
 1003 of a container of brake fluid.

1004 (9) "Formula" means the name of the chemical mixture or  
 1005 composition of the brake fluid product.

1006 Section 29. Subsections (1) and (3) of section 526.51,  
 1007 Florida Statutes, are amended to read:

1008 526.51 Registration; renewal and fees; departmental

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1009 expenses; cancellation or refusal to issue or renew.-

1010 (1) (a) Application for registration of each brand of brake  
1011 fluid shall be made on forms ~~to be~~ supplied by the department.  
1012 The applicant shall give his or her name and address and the  
1013 brand name of the brake fluid, state that he or she owns the  
1014 brand name and has complete control over the product sold  
1015 thereunder in this state Florida, and provide the name and  
1016 address of the resident agent in this state Florida. If the  
1017 applicant does not own the brand name but wishes to register the  
1018 product with the department, a notarized affidavit that gives  
1019 the applicant full authorization to register the brand name and  
1020 that is signed by the owner of the brand name must accompany the  
1021 application for registration. The affidavit must include all  
1022 affected brand names, the owner's company or corporate name and  
1023 address, the applicant's company or corporate name and address,  
1024 and a statement from the owner authorizing the applicant to  
1025 register the product with the department. The owner of the brand  
1026 name shall maintain complete control over each product sold  
1027 under that brand name in this state. All first-time ~~new product~~  
1028 applications for a brand and formula combination must be  
1029 accompanied by a certified report from an independent testing  
1030 laboratory, setting forth the analysis of the brake fluid which  
1031 shows ~~shall show~~ its quality to be not less than the  
1032 specifications established by the department for brake fluids. A  
1033 sample of not less than 24 fluid ounces of brake fluid shall be  
1034 submitted, in a container or containers, with labels  
1035 representing exactly how the containers of brake fluid will be  
1036 labeled when sold, and the sample and container shall be

1037 analyzed and inspected by the department ~~Division of Standards~~  
1038 in order that compliance with the department's specifications  
1039 and labeling requirements may be verified. Upon approval of the  
1040 application, the department shall register the brand name of the  
1041 brake fluid and issue to the applicant a permit authorizing the  
1042 registrant to sell the brake fluid in this state during the  
1043 permit year specified in the permit.

1044 (b) Each applicant shall pay a fee of \$100 with each  
1045 application. A permit may be renewed by application to the  
1046 department, accompanied by a renewal fee of \$50 on or before the  
1047 last day of the permit year immediately preceding the permit  
1048 year for which application is made for renewal of registration.  
1049 To reregister a previously registered brand and formula  
1050 combination, an applicant must submit a completed application  
1051 and all materials as required in this section to the department  
1052 before the first day of the permit year. A brand and formula  
1053 combination for which a completed application and all materials  
1054 required in this section are not received before the first day  
1055 of the permit year may not be registered with the department  
1056 until a completed application and all materials required in this  
1057 section have been received and approved. If the brand and  
1058 formula combination was previously registered with the  
1059 department and a fee, application, or materials required in this  
1060 section are received after the first day of the permit year, ~~To~~  
1061 any fee not paid when due, there shall accrue a penalty of \$25  
1062 accrues, which shall be added to the ~~renewal~~ fee. Renewals shall  
1063 will be accepted only on brake fluids that have no change in  
1064 formula, composition, or brand name. Any change in formula,

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1065 composition, or brand name of any brake fluid constitutes a new  
1066 product that must be registered in accordance with this part.

1067 (c) In order to ensure that any remaining product still  
1068 available for sale in this state is properly registered, if a  
1069 registered brand and formula combination is no longer in  
1070 production for distribution in this state, the registrant must  
1071 submit a notarized affidavit on company letterhead to the  
1072 department certifying that:

1073 1. The stated brand and formula combination is no longer  
1074 in production;

1075 2. The stated brand and formula combination will not be  
1076 distributed in this state; and

1077 3. All existing product of the stated brand and formula  
1078 combination will be removed by the registrant from the state  
1079 within 30 days after the expiration of the registration or that  
1080 the registrant will reregister the brand and formula combination  
1081 for two subsequent registration periods.

1082  
1083 If production resumes, the brand and formula combination must be  
1084 reregistered before it is again distributed in this state.

1085 (3) The department may cancel or ~~refuse to issue or~~  
1086 ~~refuse to renew~~ any registration and permit after due notice and  
1087 opportunity to be heard if it finds that the brake fluid is  
1088 adulterated or misbranded or that the registrant has failed to  
1089 comply with the provisions of this part or the rules adopted  
1090 pursuant to this section and regulations promulgated thereunder.

1091 Section 30. Paragraph (a) of subsection (3) of section  
1092 526.52, Florida Statutes, is amended to read:

1093 526.52 Specifications; adulteration and misbranding.—

1094 (3) Brake fluid is deemed to be misbranded:

1095 (a) If its container does not bear on its side or top a  
 1096 label on which is printed the name and place of business of the  
 1097 registrant of the product, the words "brake fluid," and a  
 1098 statement that the product therein equals or exceeds the minimum  
 1099 specification of the Society of Automotive Engineers for brake  
 1100 fluid, heavy-duty-type, the United States Department of  
 1101 Transportation Motor Vehicle Safety Standard No. 116, or other  
 1102 specified standard identified in department rule. ~~By regulation~~  
 1103 The department may require by rule that the duty-type  
 1104 classification appear on the label.

1105 Section 31. Subsections (1) and (2) of section 526.53,  
 1106 Florida Statutes, are amended to read:

1107 526.53 Enforcement; inspection and analysis, stop-sale and  
 1108 disposition, regulations.—

1109 (1) The department shall enforce the provisions of this  
 1110 part through the department ~~Division of Standards~~, and may  
 1111 sample, inspect, analyze, and test any brake fluid manufactured,  
 1112 packed, or sold within this state. The department shall have  
 1113 free access during business hours to all premises, buildings,  
 1114 vehicles, cars, or vessels used in the manufacture, packing,  
 1115 storage, sale, or transportation of brake fluid, and may open  
 1116 any box, carton, parcel, or container of brake fluid and take  
 1117 samples for inspection and analysis or for evidence.

1118 (2) (a) If ~~When~~ any brake fluid is sold in violation of any  
 1119 of the provisions of this part, all such brake fluid of the same  
 1120 brand name ~~on the same premises on which the violation occurred~~



1121 shall be placed under a stop-sale order by the department by  
 1122 servicing the owner of the brand name, the distributor, or other  
 1123 entity responsible for selling or distributing the product in  
 1124 this state with the stop-sale order. The department shall  
 1125 withdraw its stop-sale order upon the removal of the violation  
 1126 or upon voluntary destruction of the product, or other disposal  
 1127 approved by the department, under the supervision of the  
 1128 department.

1129 (b) In addition to being subject to the stop-sale  
 1130 procedures ~~above~~, unregistered brake fluid shall be held by the  
 1131 department or its representative, at a place to be designated in  
 1132 the stop-sale order, until properly registered and released in  
 1133 writing by the department or its representative. If application  
 1134 has not been made for registration of such product within 30  
 1135 days after issue of the stop-sale order, the department or, with  
 1136 the consent of the department, the representative may give the  
 1137 product that meets legal specifications ~~such product shall be~~  
 1138 ~~disposed of by the department~~ to any tax-supported institution  
 1139 or agency of the state. If application has not been made for  
 1140 registration of the product within 30 days after issuance of the  
 1141 stop-order sale and the product fails to meet legal  
 1142 specifications, the product may be disposed of as if the brake  
 1143 ~~fluid meets legal specifications or by other disposal~~ authorized  
 1144 by rule of the department ~~if it fails to meet legal~~  
 1145 specifications.

1146 Section 32. Section 526.55, Florida Statutes, is amended  
 1147 to read:

1148 526.55 Violation and penalties.—

1149        (1) It is unlawful:

1150        (a)~~(1)~~ To sell any brake fluid that is adulterated or

1151 misbranded, not registered or on which a permit has not been

1152 issued.

1153        (b)~~(2)~~ For anyone to remove any stop-sale order placed on

1154 a product by the department, or any product upon which a stop-

1155 sale order has been placed.

1156        (2) If the department finds that a person has violated or

1157 is operating in violation of ss. 526.50-526.56 or the rules or

1158 orders adopted thereunder, the department may, by order:

1159        (a) Issue a notice of noncompliance pursuant to s.

1160 120.695;

1161        (b) Impose an administrative fine not to exceed \$5,000 for

1162 each violation;

1163        (c) Direct that the person cease and desist specified

1164 activities;

1165        (d) Revoke or suspend a registration, or refuse to

1166 register a product; or

1167        (e) Place the registrant on probation for a period of

1168 time, subject to conditions as the department may specify.

1169        (3) The administrative proceedings seeking entry of an

1170 order imposing any of the penalties specified in subsection (2)

1171 are governed by chapter 120.

1172        (4) If a registrant is found to be in violation of ss.

1173 526.50-526.56 and fails to pay a fine within 30 days after

1174 imposition of the fine, the department may suspend all

1175 registrations issued to the registrant by the department until

1176 the fine is paid.

1177           (5) All fines collected by the department under this  
 1178 section shall be deposited into the General Inspection Trust  
 1179 Fund.

1180           ~~(3) Any person who violates any of the provisions of this~~  
 1181 ~~part or any rule or regulation promulgated thereunder shall, for~~  
 1182 ~~the first offense, be guilty of a misdemeanor of the second~~  
 1183 ~~degree, punishable as provided in s. 775.082 or s. 775.083, and,~~  
 1184 ~~for a second or subsequent offense, shall be guilty of a~~  
 1185 ~~misdemeanor of the first degree, punishable as provided in s.~~  
 1186 ~~775.082 or s. 775.083.~~

1187           Section 33. Paragraph (b) of subsection (3) of section  
 1188 539.001, Florida Statutes, is amended to read:

1189           539.001 The Florida Pawnbroking Act.—

1190           (3) LICENSE REQUIRED.—

1191           (b) A licensee who seeks to move a pawnshop to another  
 1192 location must give written notice 30 days' ~~prior written notice~~  
 1193 to the agency at least 30 days before the move ~~by certified or~~  
 1194 ~~registered mail, return receipt requested,~~ and the agency must  
 1195 ~~then~~ amend the license to indicate the new location. The  
 1196 licensee must also give such written notice to the appropriate  
 1197 law enforcement official.

1198           Section 34. Subsection (1) of section 559.805, Florida  
 1199 Statutes, is amended to read:

1200           559.805 Filings with the department; disclosure of  
 1201 advertisement identification number.—

1202           (1) Every seller of a business opportunity shall annually  
 1203 file with the department a copy of the disclosure statement  
 1204 required by s. 559.803 before ~~prior to~~ placing an advertisement

1205 or making any other representation designed to offer to, sell  
 1206 to, or solicit an offer to buy a business opportunity from a  
 1207 prospective purchaser in this state and shall update this filing  
 1208 by reporting any material change in the required information  
 1209 within 30 days after the material change occurs. An  
 1210 advertisement is not placed in the state merely because the  
 1211 publisher circulates, or there is circulated on his or her  
 1212 behalf in the state, any bona fide newspaper or other  
 1213 publication of general, regular, and paid circulation which has  
 1214 had more than two-thirds of its circulation during the past 12  
 1215 months outside the state or because a radio or television  
 1216 program originating outside the state is received in the state.  
 1217 If the seller is required by s. 559.807 to provide a bond or  
 1218 establish a trust account or guaranteed letter of credit, he or  
 1219 she shall contemporaneously file with the department a copy of  
 1220 the bond, a copy of the formal notification by the depository  
 1221 that the trust account is established, or a copy of the  
 1222 guaranteed letter of credit. Every seller of a business  
 1223 opportunity shall file with the department a list of independent  
 1224 agents who will engage in the offer or sale of business  
 1225 opportunities on behalf of the seller in this state. This list  
 1226 must be kept current and shall include the following  
 1227 information: name, home and business address, telephone number,  
 1228 present employer, ~~social security number~~, and birth date. A ~~No~~  
 1229 person may not ~~shall be allowed to~~ offer or sell business  
 1230 opportunities unless the required information has been provided  
 1231 to the department.

1232 Section 35. Subsection (7) of section 559.904, Florida

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1233 Statutes, is amended to read:

1234 559.904 Motor vehicle repair shop registration;  
 1235 application; exemption.—

1236 (7) Any person applying for or renewing a local business  
 1237 tax receipt ~~occupational license on or after October 1, 1993,~~ to  
 1238 engage in business as a motor vehicle repair shop must exhibit  
 1239 an active registration certificate from the department before  
 1240 the local business tax receipt ~~occupational license~~ may be  
 1241 issued or renewed.

1242 Section 36. Section 559.922, Florida Statutes, is  
 1243 repealed.

1244 Section 37. Subsections (1), (3), and (4) of section  
 1245 559.928, Florida Statutes, are amended to read:

1246 559.928 Registration.—

1247 (1) Each seller of travel shall annually register with the  
 1248 department, providing: its legal business or trade name, mailing  
 1249 address, and business locations; the full names, addresses, and  
 1250 telephone numbers of its owners or corporate officers and  
 1251 directors and the Florida agent of the corporation; a statement  
 1252 whether it is a domestic or foreign corporation, its state and  
 1253 date of incorporation, its charter number, and, if a foreign  
 1254 corporation, the date it registered with this state ~~the State of~~  
 1255 ~~Florida,~~ and business tax receipt ~~occupational license~~ where  
 1256 applicable; the date on which a seller of travel registered its  
 1257 fictitious name if the seller of travel is operating under a  
 1258 fictitious or trade name; the name of all other corporations,  
 1259 business entities, and trade names through which each owner of  
 1260 the seller of travel operated, was known, or did business as a

1261 seller of travel within the preceding 5 years; a list of all  
 1262 authorized independent agents, including the agent's trade name,  
 1263 full name, mailing address, business address, and telephone  
 1264 numbers; the business location and address of each branch office  
 1265 and full name and address of the manager or supervisor; the  
 1266 certification required under s. 559.9285; and proof of purchase  
 1267 of adequate bond as required in this part. A certificate  
 1268 evidencing proof of registration shall be issued by the  
 1269 department and must be prominently displayed in the seller of  
 1270 travel's primary place of business.

1271 (3) Each independent agent shall annually file an  
 1272 affidavit with the department prior to engaging in business in  
 1273 this state. This affidavit must include the independent agent's  
 1274 full name, legal business or trade name, mailing address,  
 1275 business address, telephone number, ~~social security number,~~ and  
 1276 the name ~~or names~~ and address ~~addresses~~ of each seller of travel  
 1277 represented by the independent agent. A letter evidencing proof  
 1278 of filing must be issued by the department and must be  
 1279 prominently displayed in the independent agent's primary place  
 1280 of business. Each independent agent must also submit an annual  
 1281 registration fee of \$50. All moneys collected pursuant to the  
 1282 imposition of the fee shall be deposited by the Chief Financial  
 1283 Officer into the General Inspection Trust Fund of the Department  
 1284 of Agriculture and Consumer Services for the sole purpose of  
 1285 administrating this part. As used in this subsection, the term  
 1286 "independent agent" means a person who represents a seller of  
 1287 travel by soliciting persons on its behalf; who has a written  
 1288 contract with a seller of travel which is operating in

1289 compliance with this part and any rules adopted thereunder; who  
 1290 does not receive a fee, commission, or other valuable  
 1291 consideration directly from the purchaser for the seller of  
 1292 travel; who does not at any time have any unissued ticket stock  
 1293 or travel documents in his or her possession; and who does not  
 1294 have the ability to issue tickets, vacation certificates, or any  
 1295 other travel document. The term "independent agent" does not  
 1296 include an affiliate of the seller of travel, as that term is  
 1297 used in s. 559.935(3), or the employees of the seller of travel  
 1298 or of such affiliates.

1299 (4) Any person applying for or renewing a local business  
 1300 tax receipt ~~occupational license~~ to engage in business as a  
 1301 seller of travel must exhibit a current registration certificate  
 1302 from the department before the local business tax receipt  
 1303 ~~occupational license~~ may be issued or reissued.

1304 Section 38. Paragraph (c) of subsection (3) of section  
 1305 559.9285, Florida Statutes, is amended to read:

1306 559.9285 Certification of business activities.—

1307 (3) The department shall specify by rule the form of each  
 1308 certification under this section which shall include the  
 1309 following information:

1310 (c) The legal name, any trade names or fictitious names,  
 1311 mailing address, physical address, telephone number or numbers,  
 1312 facsimile number or numbers, and all Internet and electronic  
 1313 contact information of every other commercial entity with which  
 1314 the certifying party engages in business or commerce that is  
 1315 related in any way to the certifying party's business or  
 1316 commerce with any terrorist state. The information disclosed

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1317 pursuant to this paragraph does not constitute customer lists,  
 1318 customer names, or trade secrets protected under s. 570.544(8)  
 1319 ~~570.544(7)~~.

1320 Section 39. Subsection (6) of section 559.935, Florida  
 1321 Statutes, is amended to read:

1322 559.935 Exemptions.—

1323 (6) The department shall request from the Airlines  
 1324 Reporting Corporation any information necessary to implement the  
 1325 provisions of subsection (2). Persons claiming an exemption  
 1326 under subsection (2) or subsection (3) must show a letter of  
 1327 exemption from the department before a local business tax  
 1328 receipt ~~occupational license~~ to engage in business as a seller  
 1329 of travel may be issued or reissued. If the department fails to  
 1330 issue a letter of exemption on a timely basis, the seller of  
 1331 travel shall submit to the department, through certified mail,  
 1332 an affidavit containing her or his name and address and an  
 1333 explanation of the exemption sought. Such affidavit may be used  
 1334 in lieu of a letter of exemption for the purpose of obtaining a  
 1335 business tax receipt ~~an occupational license~~. In any civil or  
 1336 criminal proceeding, the burden of proving an exemption under  
 1337 this section is ~~shall be~~ on the person claiming such exemption.  
 1338 A letter of exemption issued by the department may ~~shall~~ not be  
 1339 used in, and has ~~shall have~~ no bearing on, such proceedings.

1340 Section 40. Subsection (12) of section 570.29, Florida  
 1341 Statutes, is amended to read:

1342 570.29 Departmental divisions.—The department shall  
 1343 include the following divisions:

1344 ~~(12) Standards.~~



1345           Section 41. Sections 570.46 and 570.47, Florida Statutes,  
 1346 are repealed.

1347           Section 42. Section 570.544, Florida Statutes, is amended  
 1348 to read:

1349           570.544 Division of Consumer Services; director; powers;  
 1350 processing of complaints; records.—

1351           (1) The director of the Division of Consumer Services  
 1352 shall be appointed by and serve at the pleasure of the  
 1353 commissioner.

1354           (2) The director shall supervise, direct, and coordinate  
 1355 the activities of the division and shall, under the direction of  
 1356 the department, enforce the provisions of chapters 472, 496,  
 1357 501, 507, 525, 526, 527, 531, 539, 559, 616, and 849.

1358           ~~(3)~~(2) The Division of Consumer Services may:

1359           (a) Conduct studies and make analyses of matters affecting  
 1360 the interests of consumers.

1361           (b) Study the operation of laws for consumer protection.

1362           (c) Advise and make recommendations to the various state  
 1363 agencies concerned with matters affecting consumers.

1364           (d) Assist, advise, and cooperate with local, state, or  
 1365 federal agencies and officials in order to promote the interests  
 1366 of consumers.

1367           (e) Make use of the testing and laboratory facilities of  
 1368 the department for the detection of consumer fraud.

1369           (f) Report to the appropriate law enforcement officers any  
 1370 information concerning violation of consumer protection laws.

1371           (g) Assist, develop, and conduct programs of consumer  
 1372 education and consumer information through publications and

1373 other informational and educational material prepared for  
 1374 dissemination to the public, in order to increase the competence  
 1375 of consumers.

1376 (h) Organize and hold conferences on problems affecting  
 1377 consumers.

1378 (i) Recommend programs to encourage business and industry  
 1379 to maintain high standards of honesty, fair business practices,  
 1380 and public responsibility in the production, promotion, and sale  
 1381 of consumer goods and services.

1382 (4)~~(3)~~ In addition to the powers, duties, and  
 1383 responsibilities authorized by this or any other chapter, the  
 1384 Division of Consumer Services shall serve as a clearinghouse for  
 1385 matters relating to consumer protection, consumer information,  
 1386 and consumer services generally. It shall receive complaints and  
 1387 grievances from consumers and promptly transmit them to the ~~that~~  
 1388 agency most directly concerned in order that the complaint or  
 1389 grievance may be expeditiously handled in the best interests of  
 1390 the complaining consumer. If no agency exists, the Division of  
 1391 Consumer Services shall seek a settlement of the complaint using  
 1392 formal or informal methods of mediation and conciliation and may  
 1393 seek any other resolution of the matter in accordance with its  
 1394 jurisdiction.

1395 (5)~~(4)~~ If any complaint received by the Division of  
 1396 Consumer Services concerns matters that ~~which~~ involve concurrent  
 1397 jurisdiction in more than one agency, duplicate copies of the  
 1398 complaint shall be referred to those offices deemed to have  
 1399 concurrent jurisdiction.

1400 (6)~~(5)~~(a) Any agency, office, bureau, division, or board

1401 of state government receiving a complaint that ~~which~~ deals with  
 1402 consumer fraud or consumer protection and that ~~which~~ is not  
 1403 within the jurisdiction of the receiving agency, office, bureau,  
 1404 division, or board originally receiving it, shall immediately  
 1405 refer the complaint to the Division of Consumer Services.

1406 (b) Upon receipt of such a complaint, the Division of  
 1407 Consumer Services shall make a determination of the proper  
 1408 jurisdiction to which the complaint relates and shall  
 1409 immediately refer the complaint to the agency, office, bureau,  
 1410 division, or board that ~~which~~ does have the proper regulatory or  
 1411 enforcement authority to deal with it.

1412 (7)~~(6)~~ The office or agency to which a complaint has been  
 1413 referred shall within 30 days acknowledge receipt of the  
 1414 complaint. If an office or agency receiving a complaint  
 1415 determines that the matter presents a prima facie case for  
 1416 criminal prosecution or if the complaint cannot be settled at  
 1417 the administrative level, the complaint together with all  
 1418 supporting evidence shall be transmitted to the Department of  
 1419 Legal Affairs or other appropriate enforcement agency with a  
 1420 recommendation for civil or criminal action warranted by the  
 1421 evidence.

1422 (8)~~(7)~~ The records of the Division of Consumer Services  
 1423 are public records. However, customer lists, customer names, and  
 1424 trade secrets are confidential and exempt from the provisions of  
 1425 s. 119.07(1). Disclosure necessary to enforcement procedures  
 1426 does shall not violate ~~be construed as violative of~~ this  
 1427 prohibition.

1428 (9)~~(8)~~ ~~It shall be the duty of~~ The Division of Consumer

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1429 Services shall ~~to~~ maintain records and compile summaries and  
1430 analyses of consumer complaints and their eventual disposition,  
1431 which data may serve as a basis for recommendations to the  
1432 Legislature and to state regulatory agencies.

1433 Section 43. Paragraph (a) of subsection (8) of section  
1434 616.242, Florida Statutes, is amended to read:

1435 616.242 Safety standards for amusement rides.—

1436 (8) FEES.—

1437 (a) The department shall by rule establish fees to cover  
1438 the costs and expenditures associated with the fair rides  
1439 inspection program ~~Bureau of Fair Rides Inspection~~, including  
1440 all direct and indirect costs. If there is not sufficient  
1441 general revenue appropriated by the Legislature, the industry  
1442 shall pay for the remaining cost of the program. The fees must  
1443 be deposited in the General Inspection Trust Fund.

1444 Section 44. This act shall take effect July 1, 2012.